



Constitutional Matters

Monthly Legal News Bulletin

14 January 2010

Introduction

The purpose of this periodical newsletter is to improve access to justice and enhance the rule of law by keeping people informed of changes under new Decrees, judicial news and other significant legal developments in Fiji.

For further information on any of the issues covered in this newsletter, please contact CCF at ccf@connect.com.fj.

New Decrees

The following new decrees have been promulgated or published since our last issue:-

- Trust Accounts (Amendment) (No.2) Decree*;
- Tax Administration Decree*;
- National Fire Service (Amendment) Decree (No. 51, 27 November 2009);
- 2010 Appropriation Decree (No. 52 of 2009, 27 November 2009);
- Commerce (Amendment) Decree (No. 53 of 2009, 8 December 2009);
- Establishment of National Employment Centre Decree*;
- Shop (Regulation of Hours and Employment) (Amendment) Decree*;
- Marine (Amendment) Decree*;
- Marine Safety Authority of Fiji Decree*;
- Medical and Dental Practitioners Decree*.

The 2010 Appropriation Decree 2009 sets out the estimated government expenditure of various government departments for the year ending 31 December 2010, totalling \$1,460,021,281. Government borrowing for 2010 shall not exceed \$496,889,382 (approximately 30% of total expenditure).

Schedule 3 itemises the 2009 revised budget for various departments and ministries.

The *Commerce (Amendment) Decree 2009* removes jurisdiction for judicial review of any decision by the Minister or the Commerce Commission in making a Price Control Order.

The *National Fire Service (Amendment) Decree 2009* enlarges the powers and functions of the National Fire Authority and clarifies the role and functions of its officers.

*These Decrees have not been officially published or distributed and are therefore not yet publicly available.

Judicial News

On Tuesday 5 January 2010, the Attorney-General's Department confirmed that 3 resident magistrates had been dismissed. The dismissed Magistrates were Eparama Rokoika, Elsie Hudson, and Mary Muir (as reported in the Fiji Times on 5 Jan 2010). No reasons have been given by the President's office for terminating employment of these magistrates.

Ms Irani Ganga Wakishta Arachchi from Sri Lanka was sworn in as a resident magistrate on 8 January 2010.

On 2 December 2009, Chief Registrar Ana Rokomokoti was sworn in as Acting Chief Magistrate. Ms Rokomokoti continues to hold her position as Chief Registrar.

Aca Rayawa (former FICAC lawyer, and military officer) was appointed as Acting Director of Public Prosecutions on around 1 January 2010. Five other DPP lawyers, including former Acting Director John Rabuku were reportedly dismissed or terminated employment on the same day.