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GOVERNMENT OF FIJI

ADMINISTRATION OF JUSTICE (AMENDMENT) (NO. 3) DECREE 2010
 (DECREE NO. 14 OF 2010)



A DECREE TO AMEND THE ADMINISTRATION OF JUSTICE DECREE 2009

IN exercise of the powers vested in me as the President of the Republic of Fiji and the Commander in Chief of the Republic of Fiji Military Forces by virtue of the Executive Authority of Fiji Decree 2009, I hereby make the following Decree—

Short title and commencement

1.—(1) This Decree may be cited as the Administration of Justice (Amendment) (No. 3) Decree 2010.

New Section added

2. The Administration of Justice Decree 2009 (No. 9 of 2009) is amended by adding the following new sections commencing immediately after section 23A—

“Certain decisions of the State not to be challenged

23B—(1) No court, tribunal, commission or any other adjudicating body shall have the jurisdiction to accept, hear, determine or in any other way entertain, any challenges at law, in equity or otherwise (including any application for judicial review) by any person or body, or to entertain or grant any remedy to any person or body, in relation to the validity, legality or propriety of any action, decision or order of the Government of the Republic of Fiji, any Minister, the Public Service Commission or any statutory authority or Government entity to:

- (i) restructure or reform any Government public office or public service, including corporatizing or privatizing any Government department, ministry, statutory authority or Government entity; or
- (ii) alter or amend the terms and conditions of employment of any person in any public office or public service, including any changes effected through directions issued by the Public Service Commission by any memorandum or circular or through any other directive issued by the Government of the Republic of Fiji, any Minister, the Public Service Commission or any statutory authority or Government entity; or
- (iii) any changes to terms of services including the remuneration of any person in public office or public service, statutory authority or Government entity;

(2) Any action proceeding, claim, dispute or grievance of any form whatsoever in any court, tribunal, commission or any other person or body exercising a judicial function which purports to or purported to challenge any action, decision or order of the Government of the Republic of Fiji, any Minister, the Public Service Commission or any statutory authority or Government entity as it relates to actions, decisions, or orders as referred to in subsection (1) shall wholly terminate upon the commencement of this Decree and all orders whether preliminary or substantive made therein shall wholly terminate upon the commencement of this Decree, and a certificate to that effect shall be issued by the Chief Registrar, Tribunal, Commission or any other person or body exercising a judicial function.

(3) A certificate issued under the subsection (2), is for the purposes of any proceedings in a court, tribunal, commission or any other person or body exercising a judicial function, conclusive of the matters stated in the certificate.

(4) A decision of the Chief Registrar, Tribunal, Commission or any other person or body exercising a judicial function to issue a certificate under subsection (2) is not subject to challenge in any court, tribunal, commission, or any other adjudicating body.

Savings of individual rights

23C This Decree shall not affect any subsisting employment benefits such as salary, leave and like benefits of any individual in relation to their employment by Government, any Ministry, the Public Service Commission, or any statutory authority or Government entity.

Retrospective application

23D The amendment made by section 23B has effect as from the commencement of the Administration of Justice Decree 2009.

GIVEN under my hand this 17th day February 2010.

EPELI NAILATIKAU
President of the Republic of Fiji