

EXTRAORDINARY



REPUBLIC OF FIJI ISLANDS GOVERNMENT GAZETTE
PUBLISHED BY AUTHORITY OF THE FIJI GOVERNMENT

Vol: 12

TUESDAY, 21st JUNE 2011

No. 61

[852]

GOVERNMENT OF FIJI

HIGHER SALARIES COMMISSION (REVOCATION) DECREE 2011
(DECREE NO. 27 OF 2011)

IN exercise of the powers vested in me pursuant to section 4 of the Office of the Vice-President and Succession Decree 2009 (Decree No. 8 of 2009), I hereby make the following Decree—

Short title & commencement

1. This Decree may be cited as the Higher Salaries Commission (Revocation) Decree 2011, and shall come into force on the 17th day of June, 2011.

Higher Salaries Commission Act repealed

2.—(1) Subject to this Decree, the Higher Salaries Commission Act [Cap. 2A] (“the Act”), together with any subsidiary legislation made thereto, is hereby wholly repealed.

(2) For the avoidance of doubt, the Higher Salaries Commission established pursuant to the Act, is abolished, and the appointment of any person as a member of the Higher Salaries Commission is revoked.

Exercise of the functions of the Higher Salaries Commission

3.—(1) The functions performed by the Higher Salaries Commission prior to the commencement of this Decree, with respect to considering and determining salaries of any person employed in any corporation, body or office specified in the Schedules to the Act, shall, upon the commencement of this Decree, be performed in the following manner—

- (a) the salaries of the chief executive officer of any board, corporation, authority or body, and the salaries of the holders of such other offices in those boards, corporations, authorities or bodies as prescribed (either by name or class) in Schedule 1 of the Act, shall be determined by the members or directors of the board, corporation, authority or body appointed under any written law establishing any such board, corporation, authority or body, following approval of the Minister responsible for Public Enterprises and the Prime Minister;
- (b) the salaries of the chief executive officer of every Government controlled company, and the salaries of the holders of such other offices in those companies as prescribed in Schedule 2 of the Act, shall be determined by the board of directors of any such company, following approval of the Minister responsible for Public Enterprises and the Prime Minister;
- (c) the salaries of every permanent secretary or other officer who manages a ministry or department for which a Minister has responsibility and such other persons prescribed in Schedule 3 of the Act, shall be determined by the Public Service Commission, following approval of the Prime Minister; and
- (d) the salaries of the chief executive officer of every city, town and district council constituted under the Local Government Act and the salaries of the holders of such other offices in those councils, as prescribed in Schedule 4 of the Act, shall be determined by the Minister responsible for Local Government, following approval of the Prime Minister.

(2) The members or directors of any board, corporation, authority or body prescribed in Schedule 1 of the Act, and the board of directors of any Government controlled company prescribed in Schedule 2 of the Act, shall ensure that, before seeking any approval under subsection (1) (a) or (b) as the case may be, an independent assessment of the review of any salary that is required to be determined under subsection (1) (a) or (b) is conducted.

(3) Any independent assessment that is required to be conducted under subsection (2) must be approved by the Minister responsible for Public Enterprises, and any such independent assessment must be carried out in the manner determined, and by a person or body authorised, by the Minister responsible for Public Enterprises.

(4) The Public Service Commission and the Minister responsible for Local Government, shall ensure that, before seeking any approval under subsection (1)(c) or (d) as the case may be, an independent assessment of the review of any salary that is required to be determined under subsection (1)(c) or (d) is conducted.

(5) Any independent assessment that is required to be conducted under subsection (4) must be approved by the Prime Minister, and any such independent assessment must be carried out in the manner determined, or by a person or body authorised, by the Prime Minister.

(6) This Decree shall prevail over any other written law authorising any person or body to fix any salary which may be fixed or determined pursuant to subsection (1).

(7) Every determination pursuant to subsection (1) shall prevail over any contract of service to the extent that there is any conflict between the determination and the contract, and the contract shall thereafter be construed and have effect as if it had been modified so far as necessary in order to conform to the determination.

Transitional

4.—(1) All determinations made by the Higher Salaries Commission prior to the commencement of this Decree shall remain valid, until such times as they are revised pursuant to section 3 of this Decree.

(2) Any application for determination of any salary pursuant to the Act which is pending before the Higher Salaries Commission upon the commencement of this Decree shall be determined in accordance with this Decree.

(3) Notwithstanding the repeal of the Act, the Schedules to the Act shall remain valid for the purposes of section 3; provided however, that the Prime Minister may, upon the commencement of this Decree, make such amendments to the Schedules as he may deem fit by way of a notice published in the *Gazette*.

(4) Any public servant assigned by the Public Service Commission to provide administrative or secretarial services to the Higher Salaries Commission shall be redeployed or otherwise dealt with by the Public Service Commission, in such manner as the Public Service Commission may determine.

Given my hand under this 16th day of June 2011.

A. H. C. T. GATES
Chief Justice