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ADMINISTRATION OF JUSTICE (AMENDMENT) DECREE 2009

GOVERNMENT OF FIJI  
 (DECREE NO. 10)

IN exercise of the powers vested in me as the President and Commander in Chief of the Republic of the Fiji Military Forces, I hereby make the following Decree:

*Short title*

1. This Decree may be cited as the Administration of Justice (Amendment) Decree 2009, and shall be deemed to come into force on 10th April 2009.

*Section 5 Amended*

2. Section 5 of the Administration of Justice Decree 2009 is amended by inserting the following new subsections after subsection (4):

“(5) Any proceeding of any form whatsoever, as well as any application of any form whatsoever in a proceeding, seeking to challenge the validity or legality of the Fiji Constitution Amendment Act 1997 Revocation Decree 2009 (Decree No. 1) or any other Decrees made by the President from 10 April 2009 or as may be made by the President, shall wholly terminate immediately upon the commencement of this Decree, and a Certificate to that effect shall be issued by the Chief Registrar to all parties to the proceeding.

(6) Where any proceeding of any form whatsoever, as well as any application of any form whatsoever in a proceeding, seeking to challenge the validity or legality of the Fiji Constitution Amendment Act 1997 Revocation Decree 2009 (Decree No. 1) or any other Decrees made by the President from 10 April 2009 or as may be made by the President, is brought or made before a judicial officer or a Tribunal, then the judicial officer or the Tribunal, without hearing or in any way determining the proceeding or the application as the case may be, shall immediately transfer the proceeding or the application to the Chief Registrar, for termination of the proceeding or the application and issuance of Certificate under subsection (5).

(7) In this section, ‘judicial officer’ includes Judge, Master of the High Court, Chief Magistrate and resident magistrate.”

*Section 23 Amended*

3. Section 23 of the Administration of Justice Decree 2009 is amended by inserting the following new subsection after subsection (4):

“(5) Any proceeding, claim, dispute or grievance, of any form whatsoever, in the Courts established by the Constitution Amendment Act 1997 (or any previous Constitutions or written law) or in any tribunal established by written law, which purports to or purported to challenge any decision made by the Government or the Public Service Commission between 5 December 2006 and 9 April 2009 in relation to the terms and conditions of employment of public officers, including any changes to the remuneration of public officers, shall wholly terminate immediately upon the commencement of this Decree and all orders made therein shall wholly terminate upon the commencement of this Decree, and a Certificate to that effect shall be issued by the Chief Registrar or the Tribunal, as the case may be.

DATED this 12th day of May 2009.

RATU J. I. ULUIVUDA  
 President and Commander in Chief  
 of the Republic of the Fiji Military Forces