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GOVERNMENT OF FIJI

REGULATION OF PENSIONS AND RETIREMENT ALLOWANCES DECREE 2009 (DECREE NO. 56 OF 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. This Decree may be cited as the Regulation of Pensions and Retirement Allowances Decree 2010, and shall come into force on 1st January, 2010.

Cessation of parliamentary retirement allowances, prime minister's pensions and other pensions

2.—(1) Notwithstanding anything contained in the Parliamentary Retirement Allowances Decree 1989, the Prime Minister's Pensions Act 1994, the Judges' Remuneration and Emoluments Act (Cap. 16), the Pensions Act 1983 or any other related law on pensions, the Prime Minister may, by notice in writing, order the cessation of any allowance, salary, pension, gratuity, or any other benefit or entitlement under the Parliamentary Retirement Allowances Decree 1989, the Prime Minister's Pensions Act 1994, the Judges' Remuneration and Emoluments Act (Cap. 16), the Pensions Act 1983 or any other related law on pensions, in relation to any person entitled or eligible under the Parliamentary Retirement Allowances Decree 1989, the Prime Minister's Pensions Act 1994, the Judges' Remuneration and Emoluments Act (Cap. 16), the Pensions Act 1983 or any other related law on pensions, if the Prime Minister is satisfied that the person has, in any way, whether in Fiji or abroad and whether before or after the commencement of this Decree, acted or attempted to—

- (a) bring hatred or contempt or disaffection against the Government of the Republic of Fiji, or any institution or authority of the Government; or
- (b) undermine the Government of the Republic of Fiji, or any institution or authority of the Government, or, in any way, to prejudice the orderly functioning or operation of the Government or any institution or authority of the Government; or
- (c) promote or incite feelings of ill-will and hostility amongst the different classes of population in Fiji; or
- (d) bring hatred or contempt or disaffection against the administration of justice or the judiciary; or
- (e) undermine the administration of justice or the judiciary, or, in any way, to prejudice the orderly functioning or operation of the judiciary; or
- (f) incite communal antagonism or racial discontent or disaffection amongst the inhabitants of Fiji or against the Government of the Republic of Fiji, or any institution or authority of the Government.

(2) This section shall not apply to any allowance, pension, gratuity, or any other benefit or entitlement payable under the Fiji National Provident Fund Act (Cap. 219).

Persons to be invited to show cause before cessation

3.—(1) Before making any order under section 2, the Prime Minister shall write to the person to whom section 2 applies, and invite that person to show cause as to why any allowance, salary, pension, gratuity, or any other benefit or entitlement under the Parliamentary Retirement Allowances Decree 1989, the Prime Minister's Pensions Act 1994, the Judges' Remuneration and Emoluments Act (Cap. 16), the Pensions Act 1983 or any other related law on pensions, in relation to that person should not be ceased.

(2) Upon receipt of the invitation under subsection (1), the person may, within the time prescribed and in accordance with such other conditions as may be prescribed by the Prime Minister, provide a written response and show cause as to why any allowance, salary, pension, gratuity, or any other benefit or entitlement under the Parliamentary Retirement Allowances Decree 1989, the Prime Minister's Pensions Act 1994, the Judges' Remuneration and Emoluments Act (Cap. 16), the Pensions Act 1983 or any other related law on pensions, in relation to that person should not be ceased.

(3) Notwithstanding anything contained in this section, the Prime Minister may suspend the grant of any allowance, salary, pension, gratuity, or any other benefit or entitlement under the Parliamentary Retirement Allowances Decree 1989, the Prime Minister's Pensions Act 1994, the Judges' Remuneration and Emoluments Act (Cap. 16), the Pensions Act 1983 or any other related law on pensions, to any person, pending compliance by that person with this section, and the making of a decision under section 2 in relation to that person.

Prime Minister's decision not to be challenged

4. 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 whatsoever (including any application for judicial review) by any person or body, or to grant any remedy to any person or body, in relation to the validity, legality or propriety of any action, decision or order of the Prime Minister under this Decree.

GIVEN under my hand this 31st day of December 2009.

EPELI NAILATIKAU
President of the Republic of Fiji