

EXTRAORDINARY



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GOVERNMENT OF FIJI

STATE PROCEEDINGS (AMENDMENT) DECREE 2012
 (DECREE NO. 14 OF 2012)

IN exercise of the powers vested in me as 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 State Proceedings (Amendment) Decree 2012, and shall come into force on the date of its publication in the *Gazette*.

New section inserted

2. The State Proceedings Act [Cap. 24] is amended by inserting the following new section after section 18—

“Defamation and related proceedings

18A.—(1) Notwithstanding anything contained in this Act or any other written law, the Prime Minister of the Republic of Fiji, any Minister of the Government of the Republic of Fiji or the State shall not be liable, in any proceeding of any nature whatsoever, for any statements, whether verbal or written, made by the Prime Minister of the Republic of Fiji, or any Minister of the Government of the Republic of Fiji, whether in their official or personal capacity.

(2) Notwithstanding anything contained in this Act or any other written law, no media organisation shall be liable in any proceedings of any nature whatsoever for broadcasting or publishing any statements, whether verbal or written, made by the Prime Minister of the Republic of Fiji, or any Minister of the Government of the Republic of Fiji, whether in their official or personal capacity.

(3) No court, tribunal, commission or any other adjudicating body shall have the jurisdiction to accept, hear, determine or in any way entertain any challenge at law, in equity or otherwise by any person or body, or to award any compensation or damages or to grant any other remedy to any person or body in relation to—

- (a) any statements (whether verbal or written) made by the Prime Minister of the Republic of Fiji or any Minister of the Government of the Republic of Fiji, whether in their official or personal capacity; and
- (b) the broadcast or publication by any media organisation of any statement made by the Prime Minister of the Republic of Fiji or any Minister of the Government of the Republic of Fiji, whether in their official or personal capacity.

(4) Where any proceeding, claim, challenge, application or dispute or any form whatsoever is brought before any court, tribunal, commission or any other adjudicating body, in respect of the subject matters in subsection (3), then the presiding judicial officer, without hearing or in any way determining the proceeding or the application, shall immediately transfer the proceeding or the application to the Chief Registrar for termination of the proceeding or the application and a certificate to that effect shall be issued by the Chief Registrar.

(5) A certificate under subsection (4) is, for the purposes of any proceeding in a court, tribunal, commission or before any other person exercising a judicial function, conclusive of the matters stated in the certificate.

(6) A decision by the Chief Registrar to issue a certificate under subsection (4) is not subject to challenge in any court, tribunal, commission or any other adjudicating body.

(7) This section shall expire on the date when the Parliament is convened by the President of the Republic of Fiji under a new Constitution of the Republic of Fiji.”

Given under my hand this 19th day of January 2012.

EPELI NAILATIKAU
President of the Republic of Fiji