



I assent.

[L.S.]

T. U. TUIVAGA

Acting Governor-General

9th August 1985

AN ACT

TO AMEND THE FIJI LAW REFORM COMMISSION ACT, 1979;
AND FOR RELATED PURPOSES

ENACTED by the Parliament of Fiji—

Short title and Commencement

1.—(1) This Act may be cited as the Fiji Law Reform Commission (Amendment) Act, 1985.

(2) This Act shall come into force on a date to be notified by the Minister in the *Gazette*, and different dates may be so notified for the purpose of different provisions of this Act.

Interpretation

2. The Fiji Law Reform Commission Act, 1979 is in this Act referred to as the principal Act.

Amendment of section 3

3. Subsections (2) to (8) of section 3 of the principal Act are repealed and replaced by the following subsections—

“(2) The Commission shall consist of—

(a) a Chairman appointed by the Governor-General, acting in accordance with the advice of the Prime Minister given after he has consulted the Leader of the Opposition; and

(b) not less than 3 other Commissioners who shall be appointed by the Attorney-General for a period not exceeding 3 years on such terms, subject to subsection (7), as may be specified in their instruments of appointment, and be eligible for re-

appointment

- (3) The Chairman of the Commission shall be—
- (a) a person qualified to be appointed as a Judge of the Supreme Court;
 - (b) appointed for a term not exceeding 4 years on such terms, subject to subsection (5), as may be specified in his instrument of appointment; and
 - (c) eligible for re-appointment:

Provided that a person who has reached the retiring age for Judges shall not be precluded from appointment by reason of age.

(4) Neither the Chairman, any Commissioner nor any person appointed under subsection (6) shall by virtue of such appointment be deemed to be a public officer.

(5) The Judges' Remuneration and Emoluments Act shall apply to a full-time Chairman of the Commission as if he were a puisne judge, and in the event of the Chairman of the Commission being other than a full-time Chairman he shall be paid such remuneration or allowances, or both, as may be determined by the Public Service Commission in consultation with the Attorney-General.

(6) For the purposes of the examination by the Commission of any particular branch of the law, the Attorney-General may appoint on a temporary basis a committee, or a person otherwise than as a member of a committee—

- (a) to consider any matter which should, in the opinion of the Commission, be referred to such committee or person and to report thereon to the Commission; or
- (b) to advise the Commission.

(7) The members of the Commission other than the Chairman, and any person appointed under subsection (6), shall be paid such remuneration or allowances, or both, as may be determined by the Public Service Commission in consultation with the Attorney-General.

- (8) There shall be—
- (a) a Director of the Commission who shall be legally qualified and who shall be appointed by the Judicial and Legal Services Commission;
 - (b) such other legally qualified officers appointed by the Judicial and Legal Services Commission as may be required for the proper conduct of the business of the Commission and for the purposes of this Act; and
 - (c) such other officers appointed by the Public Service Commission as may be so required."

Repeal and replacement of section 4

4. Section 4 of the principal Act is repealed and replaced by the following section—

"Protection of Commission, powers and procedures 4.—(1) Neither the Commission, any Commissioner, nor any person appointed under subsection (6) of section 3 shall be liable to any action or suit for any matter or thing done by it or him in carrying out its or his functions under this Act.

(2) The power of the Commission to perform its functions is not impaired by reason of the absence or inability to act of any Commissioner, or the Director.

(3) Subject to this Act, the Commission shall determine its own procedure."

Repeal and replacement of section 5

5. Section 5 of the principal Act is repealed and replaced by the following section—

"Functions of the Commission 5.—(1) The functions of the Commission shall be to take and keep under review all the law applicable to Fiji with a view to its systematic development and reform including in particular—

- (a) the codification of such law;
- (b) the elimination of anomalies;
- (c) the repeal of obsolete and unnecessary enactments;
- (d) the reduction of separate enactments;
- (e) the making of new laws;
- (f) the adoption of new or more effective and economical methods for the administration of the law and the dispensation of justice; and
- (g) generally the simplification, improvement and modernisation of the law,

and, subject to section 6, the Commission may in these respects act of its own volition.

(2) For the purposes of carrying out its functions, the Commission shall, subject to section 6—

- (a) consider any subject referred to it by the Attorney-General;
- (b) receive and consider any proposal for the reform of the law which may be made or referred to it;
- (c) at the request of the Attorney-General, provide assistance to any Ministry or Department of Government by undertaking the examination of any particular branch of the law and making recommendations for the reform of that branch to bring it into accord with current conditions; and

(d) consider the impact on the statute law of any judicial decision.

(3) The Commission shall, as soon as practicable after 31 December in every year, submit to the Attorney-General a report on the activities and proceedings of the Commission during the year ended on that 31 December, and any such report shall be laid before Parliament.

(4) In addition to the report mentioned in subsection (3) the Commission shall furnish to the Attorney-General in accordance with his directions such reports as the Attorney-General may require in relation to particular matters."

6. The principal Act is amended by the addition of the following section immediately after section 5—

"6. The Commission shall, before setting a work programme for any year, seek the approval of such programme by the Cabinet through the Attorney-General, and the implementation of such programme is subject to that approval and the degree of priority (if any) decided on by the Cabinet and notified by the Attorney-General to the Commission."

Approval
of work
programme

Saving

7. All appointments, acts and things made, done and being in effect under any provision of the principal Act repealed or amended by this Act continue good and valid as if they were made or done under this Act.

Passed by the House of Representatives this twenty-third day of July, in the year of our Lord one thousand, nine hundred and eighty-five.

Passed by the Senate this eighth day of August, in the year of our Lord one thousand, nine hundred and eighty-five.