



## **FIJI TRADES UNION CONGRESS**

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### **FTUC Press Release No.17-04/12**

#### **STATE PROCEEDINGS (AMENDMENT) DECREE 2012**

The free and democratic world is once again shocked to know about the new State Proceedings (Amendment) Decree 2012 promulgated by the regime. It came into force on 7<sup>th</sup> Feb, 2012.

The provision of the Decree gives immunity to the Prime Minister and his Ministers from being sued for defamation, libel or slander for any comments they make against anyone, either in their official or personal capacity. It provides that no media organization can be held liable for publication of statements whether written or verbal from the PM and his Cabinet Ministers.

The regime's spin on the Decree is that it is intended to facilitate open and frank discussion between Government, the public and other stakeholders in the lead up to Fiji's Parliamentary elections. The decree will expire upon the date when a new Parliament is convened which will have its usual privileges for statements made by Parliamentarians.

The question that begs an answer is that there is no Parliament and no Opposition party so where does this privileged decree fit in with Parliamentary privilege providing immunity to unelected government ministers. Parliamentary privilege only applies to members of Parliament in Parliament and nowhere else.

The ordinary citizens have to be mindful of Media Decree and the Public Order Amendment Decree when they make any opposing Statement against

government. The Decree basically allows the media to print the criticism from the regime and gives a wholesale license to make personal and defamatory remarks against their opponents in the lead up to the general elections in 2014. The decree also raises questions on the intent of the Regime and why it should only protect itself when they have no ulterior motives. Surely, if they spoke the truth and had evidence, they do not need any such decree. The media equally need not fear if it reported facts and exercised fairness. We ask, Why isn't the general public also given the same privileges so that open and frank public discussion is held on the future of the Country and her people? This would surely ensure a "level playing field" that the AG is attempting to get the world to believe as his real intention.

Professor Bill Hodge from Auckland University's Law Faculty describes the Decree as totally beserk, bananas and bizarre. He said the decree purports to change fundamental rights which can only be done by Statute. We agree.

The State Proceedings (Amendment) Decree contradicts the Public Order (Amendment) Decree which grants safeguards against defamation, libel and slander. This contradiction surely points to the fact that the current sets of Decrees are churned out by the regime in desperation for impending Constitution Consultations and elections in 2014, if it happens.

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