

SECTION 35—FOREST GUARDS REGULATIONS

TABLE OF PROVISIONS

PART I—PRELIMINARY

REGULATION

1. Short title
2. Interpretation

PART II— ENLISTMENT AND RE-ENGAGEMENT

3. Enlistment of forest guards
4. Bar on enlistment

PART III—LEAVE

5. Annual leave
6. Vacation leave
7. Long service leave
8. Leave allowance
9. Leave and allowances earned deemed part of officer's estate
10. Early resumption of duty
11. Extension of leave
12. Leave outside Fiji
13. Compassionate leave
14. Sick leave
15. Study leave

PART IV—DISCHARGE

16. Power to terminate service
17. Termination of service
18. Certificate of discharge
19. Equipment, etc., remains property of Government

PART V—DISCIPLINE

20. Disciplinary offences
21. Penalty
22. Rewards and Fines Fund

PART VI—GENERAL

23. Regulations not to apply to certain forest guards

*Regulations 12 April 1955, 20 December 1965, Legal Notices Nos. 71 of 1970,
112 of 1970, 112 of 1972, 103 of 1975*

PART I—PRELIMINARY

Short title

1. These Regulations may be cited as the Forest Guards Regulations.

Interpretation

2. In these Regulations, unless the context otherwise requires—
“Assistant Conservator” means an Assistant Conservator of Forests and includes a Senior Assistant Conservator of Forests;
“Conservator” means the Conservator of Forests, and includes the Deputy Conservator of Forests;
“period of service” means any period for which a forest guard engages to serve whether on first enlistment or on re-engagement.
(Substituted by Regulations 20 December 1965; amended by Legal Notice 71 of 1970.)

PART II—ENLISTMENT AND RE-ENGAGEMENT

Enlistment of forest guards

- 3.—(1) Any person applying for service as a forest guard shall submit himself to such medical examination as the Conservator may direct.
(2) Subject to any directions by the Public Service Commission, the Conservator or any Assistant Conservator may if he thinks fit enlist as a forest guard any person found to be medically fit for service on such medical examination.
(3) Every forest guard shall be enlisted to serve for such period of years as may be fixed by the Minister, and this period of service shall in all cases be reckoned from the day on which such forest guard was enrolled.

(4) Subject to his being found to be medically fit for service, and to the provisions of this regulation, any forest guard enlisted under the provisions of these Regulations may, on the termination of any period of service, be re-engaged at the discretion of the Conservator for such period as may be fixed by the Minister.

(Amended by Regulations 20 December 1965; Legal Notices 71 of 1970; 112 of 1970.)

Bar on enlistment

4. No forest guard shall be enlisted or re-engaged for further service after he has attained the age of 55 years.

(Inserted by Regulations 20 December 1965.)

PART III—LEAVE

(Substituted by Legal Notice 112 of 1972.)

Annual leave

5.—(1) Forest guards shall be entitled to 20 working days' leave in each tour of not less than 3 years' service, but so that, except as provided in regulation 14, not more than 5 days may be taken during the first year of service and not less than 5 days in each of the 2 succeeding years of service. Annual leave may not be accumulated.

(2) Annual leave may be granted by the Conservator and shall be subject to the exigencies of the service.

(Substituted by Legal Notice 112 of 1972.)

Vacation leave

6. Forest guards shall be granted 30 consecutive days' leave on full pay on completion of each tour of 3 years' service:

Provided that the Conservator may in his discretion in respect of any forest guard who—

- (a) retires with a pension;
- (b) retires with a gratuity after 10 years' or longer service;
- (c) retires on medical grounds;
- (d) resigns with the approval of the Conservator before the completion of his prescribed period of service; or
- (e) is dismissed or discharged,

grant such forest guard a period of vacation leave proportionate to the period served since his last preceding vacation leave.

(Substituted by Legal Notice 112 of 1972.)

Long service leave

7. After completion of each period of 12 years' continuous service, a forest guard shall be entitled to 60 consecutive days' long service leave on full pay:

Provided that—

- (a) such leave shall be taken at the end of a tour of service;
- (b) such leave shall be taken instead of and not in addition to leave granted under regulation 6;
- (c) any long service leave to which a forest guard may have become entitled as a result of service in the unestablished cadre prior to his

appointment as a forest guard shall be regarded as foregone once he is so appointed, but the total period of reckonable service for long service leave purposes in the unestablished cadre will be reckonable for long service leave purposes in the established cadre.

(Substituted by Legal Notice 112 of 1972; amended by Legal Notice 103 of 1975.)

Leave allowance

8.—(1) A leave allowance of \$50 shall be paid to every forest guard at the end of each tour after he has completed 12 years' service unless he is taking long service leave.

(2) A leave allowance of \$150 shall be paid to every forest guard who is taking long service leave.

(3) Leave allowance shall be payable at least 7 days prior to a forest guard proceeding on leave.

(4) If a forest guard is discharged or retires, at his own request or at the instigation of the Government, he shall be granted leave allowance proportionate to the period served since his last preceding vacation leave;

Provided that if he has completed 20 years' service and not less than half of his present tour, he shall be granted the full amount of leave allowance.

(Substituted by Legal Notice 112 of 1972.)

Leave and allowances earned deemed part of officer's estate

9. In the event of any forest guard dying in the service he shall be deemed to have taken his discharge at the date of his death and any leave pay or leave allowance due shall be deemed to form part of his estate.

(Inserted by Legal Notice 112 of 1972.)

Early resumption of duty

10. A forest guard who is requested to resume duty before the expiry of his leave shall carry forward that portion of his leave which he has been prevented from taking to his next tour. Such leave carried forward shall be taken at the end of the next tour.

(Inserted by Legal Notice 112 of 1972.)

Extension of leave

11. A forest guard whilst on leave may be granted by the Conservator an extension of leave—

(a) on full or reduced salary on the grounds of ill-health in accordance with regulation 14 of these Regulations;

(b) on the grounds of public interest which, unless otherwise stated, shall be on full salary; or

(c) on other grounds, which shall normally be without salary.

(Inserted by Legal Notice 112 of 1972.)

Leave outside Fiji

12. Leave may be spent outside Fiji provided that the forest guard informs the Conservator of his intention to do so prior to leaving Fiji.

(Inserted by Legal Notice 112 of 1972.)

Compassionate leave

13.—(1) The Conservator may grant compassionate leave to any forest guard for any period not exceeding 10 days on any one occasion, and an Assistant Conservator may grant such leave to any forest guard for any period not exceeding 48 hours on any one occasion.

(2) Any period or periods of compassionate leave granted under the provisions of this regulation shall be deducted from the forest guard's next subsequent period of annual leave or vacation leave as soon as such leave becomes due. (*Inserted by Legal Notice 112 of 1972.*)

Sick leave

14.—(1) The Conservator may, on the recommendation of a medical officer at any time grant up to 42 days' sick leave in any one period of 12 months to any forest guard. Such sick leave shall be on full pay, unless necessitated by the forest guard's own indiscretion or negligence in which case such leave shall be without pay or on such reduced pay as may be decided by the Conservator.

(2) If at the expiration of 42 days' sick leave any forest guard is still unfit for service, the Conservator may grant such forest guard a further period of up to 42 days sick leave on the recommendation of a Government Medical Consultant or a Medical Board.

(3) If at the expiration of 84 days' sick leave any forest guard is still unfit for service, the Conservator may grant such forest guard any annual or vacation leave he has earned and, if at the expiration of such leave, the forest guard is still unfit for service, the Conservator may grant a further extension of sick leave up to a maximum period of 180 days, inclusive of sick leave and other leave already granted, on the recommendation of a Medical Board.

(4) If at the expiration of 180 days' leave granted under paragraph (3) there is reason to believe that the forest guard will ultimately be fit for further service the Conservator may grant leave on half-salary for a further period not exceeding 180 days. (*Inserted by Legal Notice 112 of 1972.*)

Study leave

15. Study leave may be granted by the Conservator to a forest guard in accordance with Government leave regulations.

(*Inserted by Legal Notice 112 of 1972.*)

PART IV—DISCHARGE

Power to terminate service

16. Subject to the provisions of regulation 17, the Conservator may at any time terminate the period of service of any forest guard—

- (a) who is declared by a medical officer to be unfit for further service;
- (b) who is convicted of any criminal offence;
- (c) who is shown to the satisfaction of the Conservator to be generally incompetent, to have been guilty of misconduct or of negligence in carrying out his duties or to be unlikely to become an efficient forest guard; or
- (d) for the purpose of reduction of establishment.

(*Amended by Legal Notice 71 of 1970.*)

Termination of service

17. Where it is considered that the service of any forest guard should be terminated under the provisions of regulation 16, he shall be so informed and told that—

- (a) any representations made in writing by him within 14 days, will be forwarded to the Chairman of the Public Service Commission, accompanied by all relevant papers and records for a decision to be made by the Commission; and that
- (b) if he makes no representations within 14 days, his service shall be terminated.

(Substituted by Legal Notice 71 of 1970.)

Certificate of discharge

18. On the termination of his period of service a forest guard shall, unless re-engaged for a further period of service, be given a certificate of discharge by the Conservator.

Equipment, etc., remains property of Government

19. Any clothing, tools or other equipment of any kind whatsoever, supplied to a forest guard by the Government for use by him in the execution of his duty shall remain the property of the Government.

PART V—DISCIPLINE

Disciplinary offences

20. Any forest guard who—

- (a) absents himself without leave;
- (b) fails to report any forest offence;
- (c) aids or abets anyone to commit a forest offence;
- (d) fails to report a forest fire;
- (e) fails to attempt to extinguish a forest fire;
- (f) fails to carry out orders;
- (g) is guilty of insubordination;
- (h) is intoxicated on duty;
- (i) is ignorant of the paths and tracks in his beat after 6 months in that beat;
- (j) loses his uniform or any Government property;
- (k) accepts any gratuity; or
- (l) malingers or feigns illness,

shall be guilty of an offence against discipline.

Penalty

21.—(1) If after due inquiry the Conservator or any Assistant Conservator finds a forest guard guilty of any offence specified in regulation 20 he may impose on him—

- (a) a fine not exceeding one-third of a month's pay; or
- (b) in the case of an aggravated offence or where the accused has previously been convicted of a similar offence, a fine not exceeding half a month's pay.

(2) A fine imposed by an Assistant Conservator shall not be carried into effect until approved by the Conservator.

(3) Any fine imposed on any forest guard under the provisions of this regulation may be recovered by deducting as determined by the Conservator the amount either in full or by monthly instalments from any salary payable to the forest guard:

Provided that in any 1 month the total amount of any deduction or deductions made under this regulation shall not exceed one-half of the amount of salary payable for that month to the forest guard.

Rewards and Fines Fund

22.—(1) All fines imposed under these Regulations shall be paid over to the Chief Accountant to be placed to the credit of a fund to be styled the Forest Guards Rewards and Fines Fund.

(2) No payment shall be made from the Forest Guards Rewards and Fines Fund except upon the authority of the Conservator.

(3) The Conservator may, in his discretion, sanction payment from the Forest Guards Rewards and Fines Fund for any of the following purposes:—

(a) payments to forest guards to whom these Regulations apply as rewards for special service;

(b) assistance to forest guards to whom these Regulations apply who may be discharged as medically unfit or to the wives and families of such deceased forest guards who may be in immediate want;

(c) expenditure for the benefit and advancement of authorised recreation and sport and other branches of departmental activity organized within the Forest Department;

(d) contributions towards prizes or entertainment to be given at athletic meetings or similar events organized by or for the benefit of the Forest Department.

PART VI—GENERAL

Regulations not to apply to certain forest guards

23.—(1) Subject to the other provisions of this regulation, these Regulations shall not apply to any forest guard employed in the service of Fiji as a forest guard immediately prior to 9 September 1955.

(2) Any forest guard to whom these Regulations do not apply may at any time by notice in writing to the Conservator elect to be subject to these Regulations and thereupon such forest guard shall be enlisted under these Regulations and these Regulations shall apply to him. Such election shall be irrevocable.

(3) Nothing in these Regulations shall be deemed to apply to the services of a forest guard prior to election under this regulation or to affect any rights or privileges under General Orders of a forest guard in respect of such prior service.