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INTERIM CIVILIAN GOVERNMENT (TRANSFER OF EXECUTIVE AUTHORITY) DECREE 2000

(INTERIM CIVILIAN GOVERNMENT DECREE NO. 19 OF 2000)

In exercise of the powers vested in the Military appointed Interim Civilian Government by section 9 of the Interim Civilian Government (Establishment) Decree No. 10, I, Commodore Josaia Voreqe Bainimarama, Commander and Head of Government acting on the advice of the Cabinet, hereby make this Decree for the purposes of handing over the executive authority legislative power of the State to an Interim Civilian Government—

Short title and commencement

1. This Decree may be cited as the Interim Civilian Government (Transfer of Executive Authority) Decree and commence on the 13th day of July 2000.

Interim President and Head of State

2.—(1) There shall be an Interim President who shall be the Head of State and the Commander-in-Chief of the Republic of Fiji Military Forces.

(2) The President shall be appointed by the *Bose Levu Vakaturaga*.

Vice President

3. There shall be an Interim Vice President who shall be appointed by the *Bose Levu Vakaturaga*.

Power to make laws

4.—(1) The Government shall have the power to make laws for peace, order and good governance of the State.

(2) The power to make laws under subsection (1) shall be exercised by means of Decrees promulgated by the President on the advice of Cabinet.

Executive authority

5.—(1) The executive authority of the State shall be vested in the President.

(2) In the exercise of the executive authority or any power under this Decree or any other written law, the President shall act only on the advice of the Cabinet, the Prime Minister, a Minister or such other person or other body prescribed by this Decree or any other written law.

(3) A written law may prescribe the circumstances in which the President may act in his or her own judgment.

Cabinet

6.—(1) There shall be a Cabinet consisting of a Prime Minister, the Attorney-General and such other Ministers appointed by the President in his or her own judgment.

(2) The President may appoint a Minister to act in the office of another Minister (including the Prime Minister) during any period when the other Minister is absent from duty or from Fiji or is for any other reason unable to perform the functions of such office.

(3) If no Minister is qualified to act as the Attorney-General, the Solicitor General may act as the Attorney-General or if the Solicitor General is unable to act, such other person may be appointed.

(4) The President may appoint Assistant Ministers.

(5) A Minister is appointed on the terms and conditions specified in the instrument of appointment.

(6) A Minister is entitled to remuneration and allowances fixed by the Public Service Commission.

(7) Before taking office, the President, the Vice President, the Prime Minister and other Ministers (including Assistant Ministers) shall take the Oath of Allegiance and Oath of Office set out in the Schedule.

Attorney-General

7. The Attorney-General, who shall be a person qualified to practise as a legal practitioner in Fiji, is the chief legal adviser to the Government.

Functions and responsibilities

8.—(1) Ministers (including the Prime Minister) shall have such titles, portfolios and responsibilities as the Prime Minister determines from time to time.

(2) The President may, on the advice of the Prime Minister, assign to the Prime Minister and to each Minister responsibilities for the conduct of a specified part of the business of the Government, including responsibility for general direction and control over a branch or branches of the public service or over a disciplined force.

(3) The Prime Minister shall have the responsibility for any part of the business of the Government that is not specifically assigned under subsection (2).

President to be kept informed

9. The Prime Minister shall keep the President generally informed about the matters relating to the governance of the State and shall supply the President with such information as the President requests concerning matters relating to the governance of the State.

Vacation of office

10. The office of a Minister is vacated if such Minister resigns or is dismissed for cause by the President.

Repeal and saving

11.—(1) The Interim Civilian Government (Establishment) Decree No. 10 of 2000 is repealed.

(2) Decrees made by the Interim Military Government continue in force as if they were made under this Decree and if there is any inconsistency between this Decree and those Decrees, this Decree shall prevail.

(3) At the commencement of this Decree, Ministers (including the Prime Minister) appointed under the Interim Civilian Government (Establishment) Decree No. 10 of 2000 are deemed to have resigned.

(4) Any function conferred in any written law on the Parliament, the House of Representatives or the Senate shall be performed by the Cabinet.

Constitutional Review Commission

12. The President shall appoint a Constitutional Review Commission consisting of—

(a) nominees from the *Bose Levu Vakaturaga*; and

(b) representatives of other communities,

and with a Terms of Reference setting out its work to be endorsed by the *Bose Levu Vakaturaga*.

Interpretation

13.—In this Decree, unless the context otherwise requires—

“*Bose Levu Vakaturaga*” means the Bose Levu Vakaturaga appointed under the Fijian Affairs Act;

“Government” means the Interim Civilian Government established by this Decree;

“Minister” includes the Prime Minister or the Attorney-General;

“President” means the Interim President and Head of State appointed under section 2.

SCHEDULE
(Section 6(7))

OATHS AND AFFIRMATIONS

A. OATH OR AFFIRMATION OF ALLEGIANCE

Oath

I, A.B., do swear that I will be faithful and bear true allegiance to the Republic of the Fiji, according to law. So help me God!

Affirmation

I, A.B., do solemnly, sincerely and truly declare and affirm that I will be faithful and bear true allegiance to the Republic of Fiji, according to law.

B. OATH OR AFFIRMATION FOR DUE EXECUTION OF OFFICE OF PRESIDENT OR VICE-PRESIDENT

Oath

I, A.B., do swear that I will well and truly serve the Republic of the Fiji, in the office of []. So help me God!

Affirmation

I, A.B., do solemnly, sincerely and truly declare and affirm that I will well and truly serve the Republic of the Fiji, in the office of [].

C. OATH/AFFIRMATION OF ALLEGIANCE

I, , being appointed Prime Minister/Attorney-General/Minister/Assistant Minister, do (swear/solemnly affirm) that I will be faithful and bear true allegiance to the Republic of Fiji, according to law. So help me God*.

D. OATH/AFFIRMATION FOR THE DUE EXECUTION OF THE OFFICE

I, , being appointed (Prime Minister/Attorney-General/Minister/Assistant Minister), do (swear/solemnly affirm) that I will to the best of my judgment, at all times when so required, freely give my counsel and advice to the Head of Government (or any other person for the time being lawfully performing the functions of that office) for the good management of the public affairs of Fiji, and I do further (swear/solemnly affirm) that I will not on any account, at any time whatsoever, disclose the counsel, advice, opinion or vote of any particular Minister and that I will not, except with the authority of the Cabinet and to such extent as may be required for the good management of the affairs of Fiji, directly or indirectly reveal the business or proceedings of the Cabinet or the nature or contents of any document communicated to me as the Prime Minister/Attorney-General/Minister/Assistant Minister or any matter coming to my knowledge in my capacity as such and that in all things I will be a true and faithful Prime Minister/Attorney-General/Minister/Assistant Minister. So help me God*.
(*To be omitted in affirmation.)

Made at Suva this 9th day of July, 2000.

COMMODORE J. V. BAINIMARAMA
Commander and Head of Government