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EXECUTIVE AUTHORITY OF FIJI DECREE 2009

OFFICE OF THE PRESIDENT AND COMMANDER IN CHIEF
OF THE REPUBLIC OF THE FIJI MILITARY FORCES
(DECREE NO. 2)

In exercise of the powers vested in me as President and Commander in Chief of the Republic of the Fiji Military Forces, I hereby make the following Decree:

1. This Decree may be cited as the Executive Authority of Fiji Decree 2009.
2. I, Ratu Joseva Iloilovatu Uluivuda, Commander in Chief of the Republic of the Fiji Military Forces hereby appoint myself President of the Republic of the Fiji Islands.
3. The President shall be the Head of the State, Commander in Chief of the Republic of Fiji Military Forces and Head of any Government appointed under this Decree, as may be amended from time to time.
4. Until such time as a Parliament is elected in accordance with a Constitution yet to be adopted, the President of the Republic of the Fiji Islands shall have the following powers:
 - (a) to appoint a Prime Minister by Decree;
 - (b) to appoint other Ministers on the advice of the Prime Minister;
 - (c) to make laws for the peace, order and good government of Fiji by Decree acting in accordance with the advice of the Prime Minister and Cabinet;
 - (d) to exercise the executive authority of Fiji which is hereby vested in the President.
5. No question as to the validity of this Decree or any other Decree shall be entertained by any Court of Law in Fiji.
6. The Prime Minister shall keep the President fully informed concerning general conduct of the government of Fiji and shall furnish the President with such information as he may request with respect to any particular matter relating to the government of Fiji.
- 7.—(1) There shall be a Cabinet for Fiji consisting of the Prime Minister, the Attorney-General, and all other Ministers.
 - (2) The Minister appointed as Attorney-General is the chief legal advisor to Government.
 - (3) A person is not qualified to be appointed as Attorney-General unless he or she is qualified to practise as a barrister and solicitor in the Fiji Islands.
- 8.—(1) Ministers (including the Prime Minister) have such titles, portfolios and responsibilities as the Prime Minister determines from time to time.

(2) On the advice of the Prime Minister, the President, by direction in writing, assigns to the Prime Minister and to each other Minister responsibility 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, as the case may be.

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

(4) Nothing in this section limits provisions in this Decree conferring on specified persons or bodies freedom from direction or control by any person or authority in relation to the performance of specified functions.

9. A Minister is entitled to remuneration and allowances that were applicable before the 10th day of April 2009 provided that the President may by Decree amend, vary, or replace the remuneration or allowances payable to a Minister.

10. Before taking office, the Prime Minister, the Attorney-General, and other Ministers shall take the Oath of Allegiance and Oath of Office set out in the Schedule.

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

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

(2) Notification of the appointment of an Acting Minister shall be published in the *Gazette*.

13. Any function conferred by any written law on the House of Representatives or the Senate or any Committee of the Parliament shall be performed by the Cabinet.

14. In this Decree:

“Constitution yet to be adopted” means the full written Constitution to be drawn up to replace the Fiji Constitution Amendment Act 1997, to be adopted by the people of Fiji in such manner as the Government of Fiji may in the future determine.

SCHEDULE

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 *

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 judgement, at all times when so required, freely give my counsel and advice to the President (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 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 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.)

Dated this 10th day of April 2009

RATU J. I. ULUIVUDA
President and Commander in Chief
of the Republic of the Fiji Military Forces