

EXTRAORDINARY



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GOVERNMENT OF FIJI

FIJI CONSTITUTIONAL PROCESS (CONSTITUENT ASSEMBLY
AND ADOPTION OF CONSTITUTION) (AMENDMENT) DECREE 2013
(DECREE NO. 1 OF 2013)

IN exercise of the powers vested in me as President of the Republic of Fiji and the Commander in Chief of the Republic of Fiji Military Forces by virtue of the Executive Authority of Fiji Decree 2009, I hereby make the following Decree—

TO AMEND THE FIJI CONSTITUTIONAL PROCESS
(CONSTITUENT ASSEMBLY AND ADOPTION OF CONSTITUTION) DECREE 2012

Short title and commencement

1.—(1) This Decree may be cited as the Fiji Constitutional Process (Constituent Assembly and Adoption of Constitution) (Amendment) Decree 2013 and shall come into force on the date of its publication in the *Gazette*.

(2) In this Decree, the Fiji Constitutional Process (Constituent Assembly and Adoption of Constitution) Decree 2012 shall be referred to as the “Principal Decree”.

Section 4 amended

2. Section 4 of the Principal Decree is amended by deleting paragraph (c) and substituting the following—

“(c) base their decisions upon the purpose of this Decree and the guiding constitutional principles.”

Section 5 amended

3. Section 5 of the Principal Decree is deleted and replaced with the following—

“5. Notwithstanding anything contained in the Fiji Constitutional Process (Constitution Commission) Decree 2012, the constitutional process shall follow the timeline set out in schedule 1, unless otherwise determined by the Prime Minister.”

Section 6 amended

4. Section 6 of the Principal Decree is deleted and replaced with the following—

“6. Upon receipt of the draft Constitution and the Explanatory Report from the Commission, the President shall, after considering the draft Constitution and after making such changes to the draft Constitution in consultation with the Prime Minister as the President considers necessary, refer the draft Constitution to the Assembly for debate and adoption.”

Section 8 amended

5. Section 8 of the Principal Decree is amended by deleting paragraph (c) in subsection (1) and substituting the following—

“(c) debate the draft Constitution referred to the Assembly by the President under section 6.”

Section 15 amended

6. Section 15 of the Principal Decree is amended by deleting subsection (1) and substituting the following —

“(1) The draft Constitution referred to the Assembly by the President under section 6 shall form the basis of the deliberations of the Assembly, and any change to that draft, and addition to or deletion from the draft, shall be made in accordance with the decision making rules in this section.”

Section 21 amended

7. Section 21 of the Principal Decree is deleted and replaced with the following—

“21.—(1) No later than seven days after the adoption of the draft Constitution by the Assembly, the Assembly shall present the draft Constitution to the President for assent.

(2) Upon receipt of the draft Constitution from the Assembly, the President shall provide his assent to the draft Constitution, and a public ceremony shall take place at which the President shall display the new Constitution to the persons present and to the nation by means of television and other media.

(3) The new Constitution shall come into effect on the day following the date of assent by the President, subject to any provision in the new Constitution that postpones the coming into effect of any aspect of the new Constitution until a certain specified date or until the happening of a specified event.”

GIVEN under my hand this 10th day of January 2013.

EPELI NAILATIKAU
President of the Republic of Fiji