

EXTRAORDINARY



# GOVERNMENT OF FIJI GAZETTE

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GOVERNMENT OF FIJI

FIJI CONSTITUTIONAL PROCESS (CONSTITUENT ASSEMBLY AND ADOPTION OF CONSTITUTION)  
(AMENDMENT) DECREE 2012  
(DECREE NO. 80 OF 2012)

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 2012 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 9 amended*

2. Section 9 of the Principal Decree is amended—

(a) by deleting subsection (3) and substituting the following—

“(3) The Assembly shall be presided by a Chair appointed by the Prime Minister, and the Prime Minister may also appoint a Co-Chair of the Assembly.”; and

(b) by deleting subsection (4) and substituting the following—

“(4) If the person appointed as the Chair of the Assembly is, for any reason, unable to perform the functions as the chairperson, then the Co-Chair may act as the Chair of the Assembly.”

*Section 11 amended*

3. Section 11 of the Principal Decree is amended in subsection (1) by deleting paragraph (c) and substituting the following—

“(c) be guided by a concern for the interests of the nation as a whole.”

*Section 12 replaced*

4. Section 12 of the Principal Decree is deleted and replaced with the following—

“12. Unless the Chair of the Assembly determines otherwise, the Secretariat of the Commission shall also serve as the Secretariat of the Assembly and any asset, including any equipment, owned by the Commission or provided for the use of the Commission shall be made available for the use of the Assembly and shall vest in the Assembly.”

*New Part 4 inserted*

5. The Principal Decree is amended by inserting the following new Part 4 after section 21—

“PART 4 – SUSPENSION OF THE PUBLIC ORDER ACT (CAP. 20)

*Suspension of section 8 of the Public Order Act [Cap. 20]*

22.—(1) Notwithstanding anything contained in the Public Order Act (as amended), until such time when the President provides his assent to the draft Constitution under section 21(8) of this Decree, any person or group may, without having to obtain a permit under section 8 of the Public Order Act (as amended), hold or organise a meeting in a public place; provided

however that, in holding or organising any such meeting, no person or group shall engage in any act that constitutes an offence under sections 14, 15, 16 and 17 of the Public Order Act.

(2) Where any person or group who organises a meeting in a public place is found to be engaging in any act that constitutes an offence under sections 14, 15, 16 and 17 of the Public Order Act (as amended), then any such person or group shall not be eligible to hold or organise any further meeting without having to obtain a permit under section 8 of the Public Order Act (as amended).

(3) For the purposes of subsection (1), a public place shall not include any—

- (a) any public road;
- (b) any public park or garden; and
- (c) any sporting arena.

(4) This section shall not apply to any public processions, for which section 8 of the Public Order Act (as amended) shall continue to apply.”

Given under my hand this 24th day of December 2012.

E. NAILATIKAU  
President of the Republic of Fiji