

# ROLE OF THE PRESIDENT

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## The President's Constitutional Functions

<b>Chapter 2</b> Section 45(2)	<i>Bill of Rights – Human Rights and Anti-Discrimination Commission.</i>  The Commission consists of— (a) a chairperson, who must be a person who is or is qualified to be appointed as a judge; and (b) 4 other members, appointed by the President on the advice of the Constitutional Offices Commission.
Section 45(3)	In advising the President as to the person to be appointed as chairperson or other members of the Commission, the Constitutional Offices Commission must have regard not only to their personal attributes but also to their knowledge or experience of the various aspects of matters likely to come before the Commission.
<b>Chapter 3</b> Section 46(1)	<i>Parliament. Part A: Legislative Authority.</i> <i>Legislative Authority and Power of Parliament.</i>  The authority and power to make laws for the State is vested in Parliament consisting of the members of Parliament and the President, and is exercised through the enactment of Bills passed by Parliament and assented to by the President.
Section 48(1)	<i>Presidential Assent.</i>  When a Bill has been passed by Parliament, the Speaker must present it to the President for assent.
Section 48(2)	Within 7 days after receipt of a Bill, the President must provide his or her assent.
Section 48(3)	If the President does not assent to a Bill within the period set out in subsection (2), the Bill will be taken to have been assented to on the expiry of that period.
Section 58(2)	<i>Part B: Composition. Term of Parliament.</i>  The President may, acting on the advice of the Prime Minister, from time to time in the like manner prorogue Parliament by proclamation.

Section 58(3)	The President may, acting on the advice of the Prime Minister, dissolve Parliament by proclamation, but only after a lapse of 3 years and 6 months from the date of its first meeting after a general election of the members of Parliament.
Section 59(1)	<i>Writ for Election.</i> The writ for the election of members of Parliament shall be issued by the President on the advice of the Prime Minister.
Section 59(2)	The writ for a general election must be issued within 7 days from the expiry of Parliament or from the proclamation of its dissolution by the President
Section 62(1)	<i>Early Dissolution of Parliament.</i> Notwithstanding section 58(3), the President must declare Parliament dissolved early if Parliament has adopted a resolution to dissolve early, supported by at least two-thirds of the members of Parliament.
Section 67(1)	<i>Sessions of Parliament.</i> After a general election of members of Parliament, the Parliament shall be summoned to meet by the President no later than 14 days after the announcement of the results of the general election.
Section 67(3)	Other sessions of Parliament commence on a date appointed by the President on the advice of the Prime Minister but no longer than 6 months must elapse between the end of one session and the start of another.
Section 67(4)	If— (a) Parliament is not in session; and (b) the President receives a request in writing from not less than one-third of the members of Parliament requesting that Parliament be summoned to meet to consider without delay a matter of public importance, the President shall summon Parliament to meet.
Section 75(4)	<i>Part C: Institutions and Offices.</i> <i>Electoral Commission.</i>  The Commission must make an annual report to the President concerning the operations of the Commission and must submit a copy of its annual report to Parliament.
Section 75(5)	The Commission may at other times make such reports to the President and Parliament as it thinks fit.
Section 75(7)	The chairperson and the members of the Commission shall be appointed by the President, on the advice of the Constitutional Offices Commission.

Section 76(4)	<p><i>Supervisor of Elections.</i></p> <p>The Supervisor of Elections is appointed by the President on the advice of the Constitutional Offices Commission following consultation by the Constitutional Offices Commission with the Electoral Commission.</p>
Section 77(7)	<p><i>Speaker and Deputy Speaker of Parliament.</i></p> <p>The office of the Speaker becomes vacant—</p> <p>(a) on the day immediately before the first meeting of Parliament after a general election; or</p> <p>(b) if, before that day, the Speaker—</p> <p>(i) resigns by giving to the President a written notice of resignation;</p>
Section 79(2)	<p><i>Secretary-General to Parliament.</i></p> <p>The Secretary-General to Parliament shall be appointed by the President on the advice of the Constitutional Offices Commission.</p>
Section 80	<p><i>Remunerations.</i></p> <p>The remuneration, including salaries and allowances and benefits, payable to, the President, the Prime Minister, other Ministers, the Leader of the Opposition, the Speaker and the Deputy Speaker of Parliament and a member of Parliament shall</p>
Section 80 [cont...]	<p>be prescribed by a written law, and must not be varied to their disadvantage, except as part of an overall austerity reduction similarly applicable to all officers of the State.</p>
<b>Chapter 4</b> Section 81(1)	<p><i>The Executive. Part A: The President.</i></p> <p><i>The President of Fiji.</i></p> <p>This section establishes the office of the President.</p>
Section 81(2)	<p>The President is the Head of State, and the executive authority of the State is vested in the President.</p>
Section 81(3)	<p>The President shall perform the ceremonial functions and responsibilities as the Commander-in-Chief of the Republic of Fiji Military Forces.</p>
Section 81(4)	<p>The President shall open each annual session of Parliament with an address outlining the policies and programmes of the Government.</p>

Section 82	<p><i>President Acts on Advice.</i></p> <p>In the exercise of his or her powers and executive authority, the President acts only on the advice of Cabinet or a Minister or of some other body or authority prescribed by this Constitution for a particular purpose as the body or authority on whose advice the President acts in that case.</p>
Section 83(1)	<p><i>Qualification for Appointment.</i></p> <p>A person shall not be qualified to be nominated for the office of the President unless he or she—</p> <p>(a) has had a distinguished career in any aspect of national or international life, whether in the public or private sector;</p> <p>(b) holds only a Fijian citizenship;</p> <p>(c) is not a member of, or holds any office in, any political party;</p> <p>(d) is not a candidate for election to any other office in the State; and</p> <p>(e) has not, at any time during the 6 years immediately before being nominated, been convicted of any offence under any law.</p>
Section 83(2)	<p>A person holding a public office is not required to resign from that office before accepting nomination for President, but the appointment of the person as the President has the effect of terminating his or her service in that office.</p>
Section 83(3)	<p>Nothing in this section prevents the President from holding a public office, by virtue of his or her appointment as the President, under any written law.</p>
Section 84(1)	<p><i>Appointment of President.</i></p> <p>The President shall be appointed by Parliament in accordance with this section.</p>
Section 84(2)	<p>Whenever a vacancy arises in the office of the President, the Prime Minister and the Leader of the Opposition shall nominate one name each to the Speaker who shall put both the names to the floor of Parliament for voting by the members of Parliament.</p>
Section 84(3)	<p>The person who receives the support of the majority of the members of Parliament present shall be appointed as the President, and the Speaker shall publicly announce the name of the President.</p>
Section 84(4)	<p>In the event that both persons nominated receive the same number of votes, the Speaker shall conduct the voting again after 24 hours, and voting shall continue until such time a person nominated as the President receives the support of the majority of the members of Parliament, provided however that if after 3 rounds of voting, no person receives the support of the majority of the members of Parliament, then the person nominated by the Prime Minister shall be announced by the Speaker as being appointed as the President by Parliament.</p>

Section 84(5)	If the Prime Minister and the Leader of the Opposition nominate the same person, then no voting shall take place and the Speaker shall publicly announce that person as being appointed as the President by Parliament.
Section 85(1)	<i>Term of Office and Remuneration.</i> The President holds office for 3 years, and is eligible for re-appointment for one further term of 3 years, but is not eligible for re-appointment after that.
Section 85(3)	The President shall receive such remuneration, allowances and other benefits, as prescribed by a written law made under section 80.
Section 86	<i>Oath of Office.</i> Before taking office, the President must take before the Chief Justice the oath or affirmation of allegiance and office as set out in the Schedule in a public ceremony.
Section 87	<i>Resignation.</i> The President may resign from office by delivering a written notice of resignation to the Prime Minister who shall table the notice in Parliament.
Section 88	<i>Chief Justice to Perform Functions in Absence of President.</i> If the President is absent from duty or from Fiji or is, for any other reason, unable to perform the functions of the President or if the office of the President becomes vacant for any reason, then the functions of the office of the President shall be performed by the Chief Justice.
Section 89(1)	<i>Removal from Office.</i> The President may be removed from office for inability to perform the functions of office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour, and may not otherwise be removed.
Section 89(2)	Removal of the President from office must only be done pursuant to this section.

Section 89(3)	<p>If the Prime Minister considers that the question of removing the President from office ought to be investigated, then—</p> <p>(a) the Prime Minister shall request the Chief Justice to establish—</p> <p>(i) in the case of alleged misbehaviour—a tribunal, consisting of a chairperson and 2 other members each of whom is, or is eligible to be, a Judge; or</p> <p>(ii) in the case of alleged inability to perform the functions of office—a medical board, consisting of a chairperson and 2 other members, each of whom is a qualified medical practitioner, and the Prime Minister shall notify the President of the request;</p> <p>(b) the Chief Justice, who must act on the request, shall establish the tribunal or medical board, as the case may be; and</p> <p>(c) the tribunal or medical board shall enquire into the matter and furnish a written report, including its advice on whether the President should be removed from office, to the Chief Justice, who shall refer the report to the Prime Minister for tabling in Parliament.</p>
Section 89(4)	<p>In deciding whether to remove the President from office, Parliament must act in accordance with the advice given by the tribunal or the medical board, as the case may be.</p>
Section 89(5)	<p>The President is taken to be unable to perform the functions of his or her office during the period starting on the day on which the President receives notification under subsection (3)(a) and ending on the day a decision is made under subsection (4).</p>
Section 92(2)	<p><i>Part B: Cabinet. Appointment of Prime Minister.</i></p> <p>The Prime Minister shall keep the President generally informed about the issues relating to the governance of Fiji.</p>
Section 93(2)	<p><i>Motion of No Confidence.</i></p> <p>After a general election, the member elected to Parliament who is the leader of one political party which has won more than 50% of the total number of seats in Parliament assumes office as the Prime Minister by taking before the President the oath or affirmation of allegiance and office (which the President must administer) as set out in the Schedule.</p>

Section 93(3)	<p>After a general election, if no one political party has won more than 50% of the total number of seats in Parliament, then, at the first sitting of Parliament, the Speaker must call for nominations from members of Parliament and, if only one person is nominated and seconded, then that person assumes office as the Prime Minister by taking before the President the oath or affirmation of allegiance and office (which the President must administer) as set out in the Schedule; but if more than one person is nominated and seconded, the Speaker must conduct a vote, as follows—</p> <p>(a) if after the first vote, a person who is nominated has the support of more than 50% of the members of Parliament, then that person assumes office as the Prime Minister by taking before the President the oath or affirmation of allegiance and office (which the President must administer) as set out in the Schedule;</p> <p>(b) if after the first vote, no person who is nominated receives the support of more than 50% of the members of Parliament, a second vote must be held within 24 hours of the first vote and, if after the second vote, a person who is nominated has the support of more than 50% of the members of Parliament, then that person assumes office as the Prime Minister by taking before the President the oath or affirmation of allegiance and office (which the President must administer) as set out in the Schedule;</p> <p>(c) if after the second vote, no person who is nominated receives the support of more than 50% of the members of Parliament, a third vote must be held within 24 hours of the second vote and, if after the third vote, a person who is nominated has the support of more than 50% of the members of Parliament, then that person assumes office as the Prime Minister by taking before the President the oath or affirmation of allegiance and office (which the President must administer) as set out in the Schedule; and</p> <p>(d) if after the third vote, no person receives the support of more than 50% of the members of Parliament, the Speaker shall notify the President in writing of the inability of Parliament to appoint a Prime Minister, and the President shall, within 24 hours of the notification, dissolve Parliament and issue the writ for a general election to take place in accordance with this Constitution.</p>
Section 93 (4)	<p>A vacancy arises if the Prime Minister—</p> <p>(a) resigns, by written notice to the President;</p>
Section 93 (5)	<p>If a vacancy arises in the office of the Prime Minister under subsection (4), then the Speaker shall immediately convene Parliament and call for nominations from members of Parliament for the office of the Prime Minister and, if only one person is nominated and seconded, then that person assumes office as the Prime Minister by taking before the President the oath or affirmation of allegiance and office (which the President must administer) as set out in the Schedule, but if more than one person is nominated and seconded, the Speaker must conduct a vote, as follows—</p> <p>(a) if after the first vote, a person who is nominated has the support of more than 50% of the members of Parliament, then that person assumes office as the Prime Minister by taking before the President the oath or affirmation of allegiance and office (which the President must administer) as set out in the Schedule;</p> <p>(b) if after the first vote, no person who is nominated receives the support of more than 50% of the members of Parliament, a second vote must be held within 24 hours of the first vote and, if after the second vote, a person who is nominated has the support of more than 50% of the members of Parliament, then that person assumes office as the Prime Minister by taking before the President the oath or affirmation of allegiance and office (which the President must administer) as set out in the Schedule;</p> <p>(c) if after the second vote, no person who is nominated receives the support of more than 50% of the members of Parliament, a third vote must be held within 24 hours of the second vote and, if after the third vote, a person who is nominated has the support of more than 50% of the members of Parliament, then that person assumes office as the Prime Minister by taking before the President the oath or affirmation of allegiance and office (which the President must administer) as set out in the Schedule; and</p> <p>(d) if after the third vote, no person receives the support of more than 50% of the members of Parliament, the Speaker shall notify the President in writing of the inability of Parliament to appoint a Prime Minister, and the President shall, within 24 hours of the notification, dissolve Parliament and issue the writ for a general election to take place in accordance with this Constitution.</p>

Section 94(4)	<p><i>Speaker and Deputy Speaker of Parliament.</i></p> <p>If a motion of no confidence passes—</p> <p>(a) the incumbent Prime Minister immediately ceases to hold office;</p> <p>(b) every other member of Cabinet is deemed to have resigned; and</p> <p>(c) the person proposed to be the Prime Minister, in the motion, assumes that office immediately upon being sworn in by the President.</p>
Section 95(2)	<p><i>Appointment of Ministers.</i></p> <p>Each member of Cabinet assumes office by taking the oath or affirmation of allegiance and office set out in the Schedule, as administered by the President.</p>
<b>Chapter 5</b> Section 104(1)	<p><i>Judiciary. Part A: Courts and Judicial Officers. Judicial Services Commission.</i></p> <p>The Judicial Services Commission established under the Administration of Justice Decree 2009 continues in existence, and shall consist of—</p> <p>e) a person, not being a legal practitioner, appointed by the President on the advice of the Chief Justice following consultation by the Chief Justice with the Attorney-General</p>
Section 104(12)	<p>The members of the Commission referred to in subsection (1)(d) and (e) shall be entitled to such remuneration as determined by the President acting on the advice of the Chief Justice following consultation by the Chief Justice with the Attorney-General, and any such remuneration must not be varied to their disadvantage, except as part of an overall austerity reduction similarly applicable to all officers of the State.</p>
Section 104(15)	<p>If the Chief Justice, following consultation with the Attorney-General, considers that the question of removal of the member of the Commission referred to in subsection (1)(d) or (e) from office ought to be investigated, then—</p> <p>b) the tribunal or medical board enquires into the matter and furnishes a written report of the facts to the President and advises the President of its recommendation whether or not the member of the Commission referred to in subsection (1)(d) or (e) should be removed from office; and</p> <p>(c) in deciding whether or not to remove the member of the Commission referred to in subsection (1)(d) or (e) from office, the President must act in accordance with the advice of the tribunal or medical board, as the case may be.</p>



Section 104(16)	The President on the advice of the Chief Justice following consultation by the Chief Justice with the Attorney-General may, on such terms and conditions as he or she deems fit, suspend the member of the Commission referred to in subsection (1)(d) or (e) from office pending investigation and pending referral to and appointment of a tribunal or a medical board under subsection (15), and may at any time, revoke the suspension.
Section 104(17)	The suspension of the member of the Commission referred to in subsection (1)(d) or (e) from office under subsection (16) ceases to have effect if the President determines that the person should not be removed from office.
Section 106(1)	<i>Appointment of Judges.</i> The Chief Justice and the President of the Court of Appeal are appointed by the President on the advice of the Prime Minister following consultation by the Prime Minister with the Attorney-General.
Section 106(2)	The Judges of the Supreme Court, the Justices of Appeal and the Judges of the High Court are appointed by the President on the recommendation of the Judicial Services Commission following consultation by it with the Attorney-General.
Section 106(3)	The President may, on the advice of the Prime Minister following consultation by the Prime Minister with the Attorney-General, appoint a Judge or a person who is qualified for appointment as a Judge to act as the Chief Justice during any period, or during all periods when the office of the Chief Justice is vacant or when the Chief Justice is absent
[cont...]	from duty or from Fiji or is, for any reason, unable to perform the functions of office.
Section 106(4)	The President may, on the recommendation of the Judicial Services Commission following consultation by it with the Attorney-General, appoint a person to act as a Judge of the High Court during any period or during all periods, when an office of a Judge of the High Court is vacant or when a Judge is absent from duty or from Fiji or is, for any reason, unable to perform the functions of office.
Section 109	<i>Oath of Office.</i> Before taking office, a Judge or Magistrate must take before the President, the oath or affirmation of allegiance and office set out in the Schedule.

Section 111(2)	<p><i>Removal of Chief Justice and President of the Court of Appeal for Cause.</i></p> <p>Removal of the Chief Justice or the President of the Court of Appeal from office must be by the President pursuant to this section.</p>
Section 111(3)	<p>If the President, acting on the advice of the Prime Minister considers that the question of removing the Chief Justice or the President of the Court of Appeal from office ought to be investigated, then—</p> <p>(a) the President, acting on the advice of the Prime Minister, shall appoint—</p> <p>(i) in the case of alleged misbehaviour—a tribunal, consisting of a chairperson and not less than 2 other members, selected from amongst persons who hold or have held high judicial office in Fiji or in another country; and</p> <p>(ii) in the case of alleged inability to perform the functions of office—a medical board, consisting of a chairperson and 2 other members, each of whom is a qualified medical practitioner;</p>
Section 111(3) cont...	<p>(b) the tribunal or medical board enquires into the matter and furnishes a written report of the facts to the President and advises the President of its recommendation whether or not the Chief Justice or the President of the Court of Appeal should be removed from office; and</p> <p>(c) in deciding whether or not to remove the Chief Justice or the President of the Court of Appeal, the President must act on the advice of the tribunal or medical board, as the case may be.</p>
Section 111(4)	<p>The President may, on the advice of the Prime Minister, suspend the Chief Justice or the President of the Court of Appeal from office pending investigation and pending referral to and appointment of a tribunal or a medical board under subsection (3), and may at any time, revoke the suspension.</p>
Section 112(2)	<p><i>Removal of Judicial Officers for Cause.</i></p> <p>Removal of a Judge, Magistrate, Master of the High Court, the Chief Registrar or any other judicial officer appointed by the Judicial Services Commission from office must be by the President pursuant to this section</p>
Section 112(3)	<p>If the President, acting on the advice of the Judicial Services Commission, considers that the question of removing a Judge, Magistrate, Master of the High Court, the Chief Registrar or any other judicial officer appointed by the Judicial Services Commission from office ought to be investigated, then—</p> <p>(a) the President, acting on the advice of the Judicial Services Commission, shall appoint—</p> <p>(i) in the case of alleged misbehaviour—a tribunal, consisting of a chairperson and not less than 2 other members, selected from amongst persons who hold or have held high judicial office in Fiji or in another country; and</p>

	<p>(ii) in the case of alleged inability to perform the functions of office—a medical board, consisting of a chairperson and 2 other members, each of whom is a qualified medical practitioner;</p> <p>(b) the tribunal or medical board enquires into the matter and furnishes a written report of the facts to the President and advises the President of its recommendation whether or not the Judge, Magistrate, Master of the High Court, the Chief Registrar or any other judicial officer appointed by the Judicial Services Commission should be removed from office; and</p> <p>(c) in deciding whether or not to remove a Judge, the President must act on the advice of the tribunal or medical board, as the case may be.</p>
Section 112(4)	The President may, acting on the advice of the Judicial Services Commission, suspend the Judge, Magistrate, Master of the High Court, the Chief Registrar or any other judicial officer appointed by the Judicial Services Commission from office pending investigation and pending referral to and appointment of a tribunal or a medical board under subsection (3), and may at any time, revoke the suspension.
Section 112(5)	The suspension of the Judge, Magistrate, Master of the High Court, the Chief Registrar or any other judicial officer appointed by the Judicial Services Commission from office under subsection (4) ceases to have effect if the President determines that the Judge, Magistrate, Master of the High Court, the Chief Registrar or any other judicial officer appointed by the Judicial Services Commission should not be removed from office.
Section 113(2)	<p><i>Remuneration of Judicial Officer.</i></p> <p>The salaries and benefits payable to the Chief Justice and the President of the Court of Appeal shall be determined by the President on the advice of the Prime Minister following consultation by the Prime Minister with the Attorney-General</p>
Section 114(3)	<p><i>Part B: Independent Judicial and Legal Institutions.</i></p> <p><i>Independent Legal Services Commission.</i></p> <p>The Commissioner shall be appointed by the President, on the advice of the Judicial Services Commission following consultation by the Judicial Services Commission with the Attorney-General.</p>
Section 114(5)	The President may, on the recommendation of the Judicial Services Commission following consultation by it with the Attorney-General, appoint a person to act as the Commissioner during any period or during all periods, when the office of the Commissioner is vacant or when the Commissioner is absent from duty or from Fiji or is, for any reason, unable to perform the functions of office.

Section 114(10)	The Commissioner shall be entitled to such remuneration as determined by the President acting on the advice of the Judicial Services Commission following consultation by the Judicial Services Commission with the Attorney-General, and any such remuneration must not be varied to their disadvantage, except as part of an overall austerity reduction similarly applicable to all officers of the State.
Section 115(12)	<i>Fiji Independent Commission Against Corruption.</i> The Commissioner and the Deputy Commissioner shall be entitled to such remuneration as determined by the President acting on the advice of the Judicial Services Commission following consultation by the Judicial Services Commission with the Attorney-General, and any such remuneration must not be varied to their disadvantage, except as part of an overall austerity reduction similarly applicable to all officers of the State.
Section 116(5)	<i>Solicitor-General.</i> The Solicitor-General shall be appointed by the President on the recommendation of the Judicial Services Commission following consultation by the Judicial Services Commission with the Attorney-General.
Section 116(6)	The President may, on the recommendation of the Judicial Services Commission following consultation by it with the Attorney-General, appoint a person to act as the Solicitor-General during any period or during all periods, when the office of the Solicitor-General is vacant or when the Solicitor-General is absent from duty or from Fiji or is, for any reason, unable to perform the functions of office.
Section 117(3)	<i>Director of Public Prosecutions.</i> The Director of Public Prosecutions shall be appointed by the President on the recommendation of the Judicial Services Commission following consultation by the Judicial Services Commission with the Attorney-General.
Section 117(4)	The President may, on the recommendation of the Judicial Services Commission following consultation by it with the Attorney-General, appoint a person to act as the Director of Public Prosecutions during any period or during all periods, when the office of the Director of Public Prosecutions is vacant or when the Director of Public Prosecutions is absent from duty or from Fiji or is, for any reason, unable to perform the functions of office.
Section 119(2)	<i>Mercy Commission.</i> The Commission consists of— (a) the Attorney-General who is to be its chairperson; and (b) 4 other members appointed by the President, acting on the advice of the Judicial Services Commission, following consultation by it with the Attorney-General.

Section 119(3)	<p>On the petition of any convicted person, the Commission may recommend that the President exercise a power of mercy by—</p> <p>(a) granting a free or conditional pardon to a person convicted of an offence;</p> <p>(b) postponing the carrying out of a punishment, either for a specific or indeterminate period; or</p> <p>(c) remitting all or a part of a punishment.</p>
Section 119(5)	The President must act in accordance with the recommendations of the Commission.
Section 119(7)	The President may, on the recommendation of the Judicial Services Commission following consultation by it with the Attorney-General, appoint a person to act as a member of the Commission during any period or during all periods, when there is a vacancy in the membership of the Commission or when a member is absent from duty or from Fiji or is, for any reason, unable to perform the functions of office.
Section 119(11)	<p>The members of the Commission referred to in subsection (2)(b) shall be entitled to such remuneration as determined by the President acting on the advice of the Judicial Services Commission following consultation by the Judicial Services Commission with the Attorney-General and any such remuneration must not be varied to their disadvantage, except as part of an overall austerity reduction similarly applicable to all officers of the State.</p>
Section 120(2)	<p><i>Public Service Disciplinary Tribunal.</i></p> <p>The Public Service Tribunal shall consist of a chairperson and 2 other members, appointed by the President, on the advice of the Judicial Services Commission following consultation by it with the Attorney-General.</p>
Section 120(5)	The President may, on the recommendation of the Judicial Services Commission following consultation by it with the Attorney-General, appoint a person to act as a member of the Tribunal during any period or during all periods, when there is a vacancy in the membership of the Tribunal or when a member is absent from duty or from Fiji or is, for any reason, unable to perform the functions of office.
Section 120(13)	The members of the Tribunal shall be entitled to such remuneration as determined by the President acting on the advice of the Judicial Services Commission following consultation by the Judicial Services Commission with the Attorney-General, and any such remuneration must not be varied to their disadvantage, except as part of an overall austerity reduction similarly applicable to all officers of the State.

Section 121(2)	<p><i>Accountability and Transparency Commission.</i></p> <p>The Accountability and Transparency Commission shall consist of a chairperson and 2 other members appointed by the President, on the advice of the Judicial Services Commission following consultation by it with the Attorney-General.</p>
Section 121(5)	<p>The President may, on the recommendation of the Judicial Services Commission following consultation by it with the Attorney-General, appoint a person to act as a member of the Commission during any period or during all periods, when there is a vacancy in the membership of the Commission or when a member is absent from duty or from Fiji or is, for any reason, unable to perform the functions of office.</p>
Section 121(11)	<p>The members of the Commission shall be entitled to such remuneration as determined by the President acting on the advice of the Judicial Services Commission following consultation by the Judicial Services Commission with the Attorney-General, and any such remuneration must not be varied to their disadvantage, except as part of an overall austerity reduction similarly applicable to all officers of the State.</p>
<b>Chapter 6</b> Section 125(2)	<p><i>State Services. Part A: Public Service. Public Service Commission.</i></p> <p>The Public Service Commission consists of—</p> <p>(a) a chairperson; and</p> <p>(b) not less than 3 and not more than 5 other members, appointed by the President on the advice of the Constitutional Offices Commission.</p>
Section 125(3)	<p>If the position of the chairperson of the Public Service Commission is vacant or the chairperson is absent from duty or from Fiji or is, for any other reason, unable to perform the functions of office, the President may, on the advice of the Constitutional Offices Commission, appoint a person to act as the chairperson of the Public Service Commission.</p>

Section 125(4)	The President may, on the advice of the Constitutional Offices Commission, appoint a person to act as a member of the Public Service Commission during any period, or during all periods, when the member is absent from duty or from Fiji or is, for any other reason, unable to perform the functions of office.
Section 129(4)	<p><i>Part B: Disciplined Force. Fiji Police Force.</i></p> <p>The Commissioner of Police is appointed by the President, on the advice of the Constitutional Offices Commission following consultation with the Minister responsible for the Fiji Police Force.</p>
Section 130(4)	<p><i>Fiji Corrections Service.</i></p> <p>The Commissioner of the Fiji Corrections Service is appointed by the President, on the advice of the Constitutional Offices Commission, following consultation with the Minister responsible for the Fiji Corrections Service.</p>
Section 131(4)	<p><i>Republic of Fiji Military Force.</i></p> <p>The Commander of the Republic of Fiji Military Forces is appointed by the President, on the advice of the Constitutional Offices Commission, following consultation with the Minister responsible for the Republic of Fiji Military Forces.</p>
Section 132(2)	<p>The Constitutional Offices Commission shall consist of—</p> <ul style="list-style-type: none"> <li>(a) the Prime Minister, who shall be the chairperson;</li> <li>(b) the Leader of the Opposition;</li> <li>(c) the Attorney-General;</li> <li>(d) 2 persons appointed by the President on the advice of the Prime Minister; and</li> <li>(e) 1 person appointed by the President on the advice of the Leader of the Opposition.</li> </ul>
Section 132(9)	The members of the Commission referred to in subsection (2)(d) and (e) are entitled to such remuneration and allowances as determined by the President, and the remuneration and allowances must not be varied to their disadvantage during their term in office, except as part of an overall austerity reduction similarly applicable to all officers of the State.

Section 132(12) [cont...]	(c) in deciding whether or not to remove the member of the Commission referred to in subsection (2)(d) or (e) from office, the President must act in accordance with the advice of the tribunal or medical board, as the case may be.
Section 132(13)	The President on the advice of the Chief Justice following consultation by the Chief Justice with the Attorney-General may, on such terms and conditions as he or she deems fit, suspend the member of the Commission referred to in subsection (2)(d) or (e) from office pending investigation and pending referral to and appointment of a tribunal or a medical board under subsection (12), and may at any time, revoke the suspension.
Section 132(14)	The suspension of the member of the Commission referred to in subsection (2)(d) or (e) from office under subsection (13) ceases to have effect if the President determines that the person should not be removed from office.
Section 133	<p><i>Functions of the Constitutional Offices Commission.</i></p> <p>The Constitutional Offices Commission has such functions and responsibilities as prescribed in this Constitution or by any other written law, and shall be responsible for providing advice to the President for the appointment of the following offices—</p> <ul style="list-style-type: none"> <li>(a) the chairperson and the members of the Human Rights and Anti-Discrimination Commission;</li> <li>(b) the chairperson and the members of the Electoral Commission;</li> <li>(c) Supervisor of Elections;</li> <li>(d) Secretary-General to Parliament;</li> <li>(e) the chairperson and the members of the Public Service Commission;</li> <li>(f) Commissioner of Police;</li> <li>(g) Commissioner of the Fiji Corrections Service;</li> <li>(h) Commander of the Republic of Fiji Military Forces;</li> <li>(i) Auditor-General; and</li> <li>(j) Governor of the Reserve Bank of Fiji.</li> </ul>
Section 136(1)	<p><i>Part D: General Provisions Related to Public Services.</i></p> <p><i>Remuneration and Allowances.</i></p> <p>A person to whom this Part applies is entitled to such remuneration and allowances as determined by the President on the advice of the Constitutional Offices Commission, and the remuneration and allowances must not be varied to their disadvantage during his or her term in office, except as part of an overall austerity reduction similarly applicable to all officers of the State.</p>



Section 136(2)	In advising the President on the remuneration and allowances payable to a person to whom this Part applies, the Constitutional Offices Commission must establish an independent committee (not comprising any holder of a public office) which shall advise the Constitutional Offices Commission on the appropriate remuneration and allowances that should be payable to a person to whom this Part applies.
Section 137(3)	<p><i>Removal from Office for Cause.</i></p> <p>If the Constitutional Offices Commission considers that the question of removal from office ought to be investigated, then—</p> <p>(b) the tribunal or medical board enquires into the matter and furnishes a written report of the facts to the President and advises the President of its recommendation whether or not the person concerned should be removed from office; and</p> <p>(c) in deciding whether or not to remove the person concerned from office, the President must act in accordance with the advice of the tribunal or medical board, as the case may be.</p>
Section 137(4)	The President on the advice of the Constitutional Offices Commission may, on such terms and conditions as he or she deems fit, suspend the person concerned from office pending investigation and pending referral to and appointment of a tribunal or a medical board under subsection (3), and may at any time, revoke the suspension.
Section 137(5)	The suspension of the person concerned from office under subsection (4) ceases to have effect if the President determines that the person should not be removed from office.
<b>Chapter 7</b> Section 147(1)	<p><i>Revenue and Expenditure.</i></p> <p><i>Standing Appropriation of Consolidated Fund for Payment of Certain Salaries and Allowances.</i></p> <p>This section applies to—</p> <p>(a) the President;...</p>

<p><b>Chapter 8</b> Section 149</p>	<p><i>Part A: Code of conduct</i></p> <p>A written law shall—</p> <p>(a) establish a code of conduct which shall be applicable to the President, Speaker, Deputy Speaker, Prime Minister, Ministers, members of Parliament, holders of offices established by or continued in existence under this Constitution or under any written law, members of commissions, permanent secretaries, ambassadors or other principal representatives of the State, and persons who or executive positions in statutory authorities, and to such other offices (including public offices) as may be prescribed by written law;</p>
<p>Section 151(2)</p>	<p><i>Part C: Auditor-General.</i></p> <p>The Auditor-General is appointed by the President on the advice of the Constitutional Offices Commission, following consultation with the Minister responsible for finance.</p>
<p>Section 151(3)</p>	<p>The President may, on the advice of the Constitutional Offices Commission, appoint a person to act as the Auditor-General during any period, or during all periods, when the office of the Auditor-General is vacant or when the Auditor-General is absent from duty or from Fiji or is, for any reason, unable to perform the functions of office.</p>
<p>Section 153(4)</p>	<p><i>Part D: Reserve Bank of Fiji.</i></p> <p>The Governor of the Reserve Bank of Fiji shall be appointed by the President on the advice of the Constitutional Offices Commission, following consultation with the Minister responsible for finance.</p>
<p><b>Chapter 11</b> Section 160(3)</p>	<p><i>Amendment of Constitution.</i> <i>Procedure for Amendment.</i></p> <p>If a Bill for the amendment of this Constitution is passed by Parliament in accordance with subsection (2), then the Speaker shall notify the President accordingly, who shall then refer the Bill to the Electoral Commission, for the Electoral Commission to conduct a referendum for all registered voters in Fiji to vote on the Bill.</p>
<p>Section 160(6)</p>	<p>If the outcome of the referendum is that three-quarters of the total number of the registered voters have voted in favour of the Bill, then the President must assent to the Bill, which shall come into force on the date of the Presidential assent or on such other date as prescribed in the Bill.</p>

Section 161(1)	<p><i>Amendments before 31 December 2013.</i></p> <p>Notwithstanding anything contained in this Chapter, on or before 31 December 2013, the President acting on the advice of Cabinet may, by Decree published in the <i>Gazette</i>, make such amendments to this Constitution, as are necessary to give full effect to the provisions of this Constitution or to rectify any inconsistency or errors in any provision of this Constitution</p>
Section 161(2)	Cabinet can only advise the President for an amendment to this Constitution under subsection (1) if Cabinet obtains certification of the Supreme Court for the amendment.
<b>Chapter 12</b>	<i>Commencement, Interpretation, Repeals and Transitional. Part D: Transitional.</i>
Section 165(1)	<p><i>Office of the President.</i></p> <p>Notwithstanding the repeal of the Executive Authority of Fiji Decree 2009, the President appointed under the Executive Authority of Fiji Decree 2009 shall continue to hold office for the term of his or her appointment made under the Executive Authority of Fiji Decree 2009, and</p>
<b>cont..</b>	any re-appointment to the office of the President must be done in accordance with the provisions of this Constitution.
Section 165(2)	The President appointed under the Executive Authority of Fiji Decree 2009 shall continue to exercise executive authority of Fiji and exercise all the powers (including making laws by Decree on the advice of Cabinet) vested in him or her under the Executive Authority of Fiji Decree 2009, until the first sitting of the first Parliament under this Constitution.
Section 165(3)	If any vacancy arises in the office of the President before the first sitting of the first Parliament under this Constitution, then another person shall be appointed to the office of the President in accordance with the Executive Authority of Fiji Decree 2009.
Section 165(4)	Notwithstanding the repeal of the Office of the Vice-President and Succession Decree 2009, until the first sitting of the first Parliament under this Constitution, if the office of the President is vacant or if the President is absent from duty or from Fiji or is, for any reason, unable to perform the functions of the office of the President, then the functions of the office of the President shall be performed by the Chief Justice.

**The President's Functions within the College of Honour (COH) as per the 1995 Honours and Awards Act**

<p>Part II Section 4 (2-3)</p>	<p><i>Establishment of Honours and Awards</i> The President shall be the fount of all honours and awards for Fiji. The President shall establish the Order of Fiji and such other orders, decorations as he thinks fit.</p>
<p>Section 5</p>	<p><i>Chancellor of the Order of Fiji</i> There shall be a Chancellor of the Order who shall be the President. The Chancellor shall be the Principal Companion in the General Division. The President, upon ceasing to hold office as President, shall continue to be a member of the Order in the General division in the Companion class. The Chancellor shall be responsible for the administration of the Order of Fiji.</p>
<p>Section 6</p>	<p><i>Functions of the Chancellor</i></p> <p><b>The functions of the Chancellor shall be-</b></p> <p>(a) <b>with the advice of the College of Honour, to-</b></p> <ol style="list-style-type: none"> <li>i. <b>appoint members of the Order in the General Division;</b></li> <li>ii. <b>approve any award of the Medal of the Order in the General Division;</b></li> <li>iii. <b>approve any award for civilian bravery;</b></li> <li>iv. <b>approve any other honour or medal for decoration that may be referred to the College under this Act;</b></li> </ol> <p>(b) <b>upon recommendation by the relevant Minister, to-</b></p> <ol style="list-style-type: none"> <li>i. <b>appoint members of the Order in the Military Division;</b></li> <li>ii. <b>approve the grant of all awards of the Medal of the Order in the Military Division;</b></li> <li>iii. <b>approve the grant of all awards for the uniformed disciplined services;</b></li> <li>iv. <b>approve the grant of all awards for the Civil Service Medal;</b></li> <li>v. <b>approve the grant of any other award established under this Act requiring the recommendation of a relevant Minister.</b></li> </ol>
<p>Section 7 (1)</p>	<p>There shall be a Secretary of the Order who shall be appointed by the Public Service Commission after consultation with the President.</p>

<p>Section 9 (1,2,4,5)</p>	<p><i>College of Honour</i></p> <p><b>There shall be a College to be known as the College of Honour consisting of a Chairperson and 4 other members to be appointed by the President for a term of 2 years.</b></p>
<p>Section 9 (1,2,4,5) (cont..)</p>	<p><b>Subject to the provisions of this Act, the College shall assist and advise the President in the administration of this Act.</b></p> <p><b>If any of the members, by reason of any temporary incapacity, is unable at any time to perform the duties of his or her office, the President may appoint a temporary substitute member, upon such terms and conditions as the President may prescribe.</b></p>
<p>Section 10</p>	<p><i>Functions and duties of the College of Honour</i></p> <p>The functions and duties of the College shall be to-</p> <p>recommend to the President-</p> <ul style="list-style-type: none"> <li>i. the appointment of a member of the Order in the General Division; or</li> <li>ii. an award of the Medal of the Order in the General Division; or</li> <li>iii. an award for civilian bravery; or</li> <li>iv. any other award that may be established under this Act;</li> </ul> <p>advise the President on such other matters concerning this Act as the President may, from time to time, refer to the College; perform all such other duties as the President may, from time to time, direct.</p>
<p>Section 11</p>	<p><i>Recommendation for other awards</i></p> <p>The relevant Minister shall recommend directly to the President the following-</p> <ul style="list-style-type: none"> <li>(a) The appointment of a member of the Order or for the grant of the Medal of the Order in the Military Division;</li> <li>(b) an award for Military operational gallantry or leadership;</li> <li>(c) Other awards for the uniformed disciplined services including awards for overseas services;</li> <li>(d) an award for the Civil Service Medal;</li> </ul> <p>Any other award or decoration that may be established under this Act under the control of a relevant Minister</p>

<p><i>Part III</i> Section 12 (2)</p>	<p><i>Announcement and Investiture</i></p> <p>The investiture of honours and awards shall be made on the Fiji Day holiday in each year and notwithstanding subsection (1) of this section, the President may announce the grant of an honour or award and conduct its investiture whenever necessary.</p>
<p>Section 13</p>	<p><i>Decision to be final</i></p> <p>Any decision made by the President for the grant of an honour or award shall be final and shall not be challenged or quashed in any court of law.</p>