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GOVERNMENT OF THE SOVEREIGN DEMOCRATIC REPUBLIC OF FIJI  
DECREE NO. 16 OF 1992DISSOLUTION OF THE RABI ISLAND  
COUNCIL OF LEADERS DECREE 1992

WHEREAS the Council of Leaders of Rabi Island is established under the Banaban Settlement Act, to be a body corporate with permanent succession and a common seal with powers enumerated under the Banaban Settlement Act and the Banaban Lands Act;

AND WHEREAS such powers vested in the Council of Leaders are to be exercised for the general welfare and benefit of the Banaban community;

AND WHEREAS the members of the Council of Leaders are elected to hold office for a term of three years;

AND WHEREAS the present Council has been prevented from exercising its functions and powers through administrative difficulties as well as amidst allegations of abuse of office;

AND WHEREAS under the Constitution the Banaban Settlement Act can only be altered if it is supported by a majority of votes of all members of both the House of Representatives and the Senate including the votes of not less than eighteen of the twenty-four nominees of the Bose Levu Vakaturaga in the Senate;

AND WHEREAS it is deemed expedient to move quickly to resolve the present crisis of the Council: to avoid lawlessness and illegal activities on the island of Rabi, and thereby ensure that normalcy, orderliness and good government return to the Banaban community;

NOW THEREFORE, in exercise of the powers vested in me as president of the Sovereign Democratic Republic of Fiji and Commander-in-Chief of the Armed Forces and pursuant to the executive authority of Fiji vested in me by Section 5 of the Constitution of the Sovereign Democratic Republic of Fiji (Promulgation) Decree 1990 and acting in accordance with the advice of the Prime Minister and Cabinet, I hereby Decree as follows—

*Short title*

1. This Decree may be cited as the Dissolution of the Rabi Island Council of Leaders Decree, 1992.

*Interpretation*

2. In this Decree unless the context otherwise requires:

"the Act" means the Banaban Settlement Act;

"Minister" means the Minister responsible for the Act;

"Council" means the Council of Leaders established under Section 3 of the Act;

"Committee" means the committee of Inquiry appointed under Section 4 of this Decree.

*Council dissolved*

3. The Council of Leaders established under Section 3 of the Act is hereby dissolved and the offices of the members vacated.

*Fresh elections*

4. Elections of new members of the Council shall be held at a date to be decided by the Minister.

*Appointment of a Committee of Inquiry*

5.—(1) A committee of inquiry to investigate the affairs of the Council shall be appointed by the Minister.

(2) The committee shall consist of not less than two but not more than three members one of whom shall be nominated by the Minister as chairman.

(3) For the purpose of carrying out its functions under this Section, the committee shall have the same powers and authority to summon witnesses and to admit and receive evidence as are conferred

upon the commissioners of a Commission of Inquiry by Section 9 of the Commissions of Inquiry Act and the provisions of Sections 14 and 17 of that Act shall apply mutatis mutandis in relations to the powers and authority vested in the committee of inquiry under this subsection.

(4) At the conclusion of the inquiry the committee shall submit a written report of its findings to the Minister.

*Interim administration*

6.—(1) The Minister shall until a new Council is elected under Section 4, appoint two or more persons to be administrators of the Banaban affairs under the Act, for such period as the Minister may consider necessary.

(2) The persons appointed as administrators under subsection (1) shall be deemed to be the council under the Act and shall, subject to any general or special directions issued by the Minister have, perform and discharge all the rights, privileges, powers, duties and functions vested in or conferred or imposed on the Council, the Chairman and any officer of the Council by the Act or any written law.

*Protection from liability*

7. No act or thing done by the administrators or by any officer acting under their authority shall, if the act was done bona fide for the purposes of carrying out the provisions of this Decree, subject them personally to any liability, claim or demand whatsoever.

Made this 26th day of February 1992.

PENAIK K. GANILAU  
President of the Sovereign Democratic Republic  
of Fiji and Commander-in-Chief of the Armed Forces