



FIJI PUBLIC SERVICE

EXAMINATION "E"; PAPER A

6th DECEMBER 2007

THE MACHINERY OF GOVERNMENT

**Time: 2.5 Hours {9am-11.40am}
(10 min. reading time)**

Total Marks: 100

Instructions to Candidates

1. Ensure that your **index number is written on** the top right hand corner of every sheet of paper you use. Your name **must not** appear anywhere on the answer script.
2. You may use blue or black ink or ballpoint pen. You **must not** use a red pen or pencil and answers written in either of this, the answer script will not be marked.
3. Access to reference material during the exam is forbidden.
4. Read each question & instruction very carefully. Note the allocation of marks to each question and distribute your time accordingly.
5. **Ten (10) minutes** is allocated to read the questions. **Do not** start writing until you are told to do so.
6. Use of Mobile phone in the class/ hall is not permitted. It should be switched off before the commencement of the exam.
7. Please note that a candidate will be disqualified from sitting or to continue with the examination if one does not comply with the above and other instructions announced by the invigilator.

Question 22

- (a) Which three entities do the power to make laws for the State vest in? (3 marks)
- (b) Describe the procedure on the passage of Urgent Bills. (7 marks)

Question 23

- (a) List 5 exceptions to this legislative provision.
“The hearings of courts (other than military courts) and tribunals established by law must be open to the public.” (5 marks)
- (b) Explain the right of access. (3 marks)
- (c) Explain the right of access for disabled persons. (2 marks)

Question 24

- (a) What are two functions of the Human Rights Commission? (6 marks)
- (b) What is the importance of the Sector Standing Committee of the House of Representatives responsible for matters concerning human rights in relation to the appointment of the members of the Human Rights Commission? (4 marks)

Question 25

- (a) When do the writs for a general election issue and who issues them? (2 marks)
- (b) Jo Black intends to contest the elections as a candidate of the House of Representatives. How long after the issuing of the writs does he have to enter a nomination? (2 marks)
- (c) Jo Black has won his seat and has become a member of the House of Representatives. However, 4 years into his term he falls ill and dies. What happens to his seat? (4 marks)
- (d) What happens if Jo Black’s death occurred after 4 years and 9 months of his taking office? (2 marks)

Question 26

Jo Black has been nominated as a candidate to the House of Representatives, and will deliver his signed nomination as a candidate to the returning officer tomorrow.

- (a) What are the issues Jo Black should be aware of in relation to his employment if he is the Director of the Human Rights Commission? (4 marks)
- (b) What are the issues Jo Black should be aware of if he is a member of the Constitutional Offices Commission? (3 marks)

- (c) What are the issues Jo Black should be aware of if he is currently the Minister for Home Affairs? (3 marks)

Question 27

A cyclone has struck Fiji and there is widespread destruction and disruption of services.

- (a) Parliament is not in session. What are the powers of the House of Representatives and the President? (5 marks)
- (b) Parliament is in session but the House of Representatives last sitting was 3 months ago. What are the powers of the House of Representatives and the Speaker? (5 marks)

Question 28

Jo Black won his seat in the elections as a candidate for the National Federation Party. Two years into his term he has an argument with the Party leader.

- (a) If he resigns from the National Federation Party what happens to Jo Black's place as member of the House of Representatives? (3 marks)
- (b) If the National Federation Party expels him, what can Jo Black do to challenge his expulsion? (7 marks)

Question 29

At the first meeting after a general election

- (a) What should the members of the House of Representatives do? (3 marks)
- (b) What should the members of Senate do? (3 marks)
- (c) The Leader of Opposition, due to his abrasive leadership style, is no longer acceptable to the majority of the members in the House of the opposition parties. Upon finding that the Leader of Opposition is no longer acceptable what are the options available to the President? (4 marks)

Question 30

In this question answer any two from (a) to (c). This is a 10-mark question; each of the two options answered is worth 5 marks each.

The President is unable to perform the functions of office.

- (a) What is the role of the Prime Minister? (5 marks)
- (b) What is the role of the Chief Justice? (5 marks)
- (c) What is the role of the Bose Levu Vakaturaga? (5 marks)

THE END

Question 17

Which of these is false? The Senate consists of members of whom:

- A. 14 are appointed by the President on the advice of the Bose Levu Vakaturaga
- B. 9 are appointed by the President on the advice of the Prime Minister
- C. 7 are appointed by the President on the advice of the Leader of Opposition
- D. 1 is appointed by the President on the advice of the Council of Rotuma

Question 18

Which person has the right to be registered as a voter?

- A. a person of unsound mind
- B. a person who is serving a sentence of imprisonment of 6 months
- C. a person who is serving a period of disqualification from registering as a voter for electoral offences
- D. none of the above

Question 19

All Bills originate in:

- A. The House of Representatives
- B. Senate
- C. Prime Minister's Office
- D. Law Reform Commission

Question 20

Which court does not have the power to punish person for contempt of court?

- A. Magistrates Court
- B. High Court
- C. Supreme Court
- D. Court of Appeal

SECTION B SHORT ANSWER QUESTIONS (80 MARKS)

From this Section, Answer any eight (8) questions out of the ten.

Each question is worth 10 marks each.

Question 21

- (a) Why is the Constitution said to be the 'supreme law of the State'? (3 marks)
- (b) Explain what a 'purposive' interpretation of the Constitution is. (3 marks)
- (c) What is the status of an infant found abandoned in Fiji? (2 marks)
- (d) What is 'collective responsibility' and 'individual responsibility'? (2 marks)

SECTION A: MULTIPLE CHOICE (20 MARKS)

Question 1

If the Office of President becomes vacant, the longest period the Vice President can perform the functions of President is:

- A. 1 month
- B. 2 months
- C. 3 months
- D. 6 months

Question 2

A child may not become a citizen by registration if:

- A. a child was born outside Fiji and if at the date of the child's birth only one parent was a citizen.
- B. The child was born in Fiji and a parent of the child was an ambassador or foreign envoy to Fiji.
- C. A foreign child aged 17 is adopted by a citizen.
- D. A child is aged 18 when a parent becomes a citizen.

Question 3

A general election has concluded. How long after the last day of polling does the President have to summon Parliament to meet?

- A. 15 days
- B. 30 days
- C. 45 days
- D. 50 days

Question 4

Which of these cannot dispute the validity of an election by petition?

- A. The Auditor General
- B. The Attorney General
- C. A voter in the election
- D. A candidate in the election

Question 5

How many sector standing committees must be established by the House of Representatives?

- A. not less than 15
- B. not less than 12
- C. not less than 10
- D. not less than 5

Question 6

Who does the executive authority of the State vest in?

- A. The Prime Minister
- B. The President
- C. Parliament
- D. Bose Levu Vakaturaga

Question 7

Who is the Chief Legal Advisor to the Government?

- A. The Chief Justice
- B. The Attorney General
- C. The Solicitor General
- D. The Director of Public Prosecution

Question 8

The Solicitor General is appointed by the

- A. Attorney General
- B. Constitutional Offices Commission
- C. Judicial Services Commission
- D. None of the above

Question 9

The President when exercising the Prerogative of Mercy may not

- A. Grant a pardon to a person convicted of an offence.
- B. Substitute a less severe sentence for the sentence imposed.
- C. Remit the penalty otherwise due to the State in respect of the offence.
- D. Grant immunity from prosecution of the offence.

Question 10

Which is the final appellate court?

- A. High Court
- B. Supreme Court
- C. Court of Appeal
- D. Privy Council

Question 11

Which of these is not a member of the Judicial Service Commission?

- A. President of the Fiji Law Society
- B. The Chief Justice

- C. The most senior substantive judge of the High Court
- D. Chairperson Public Service Commission.

Question 12

Which of these appointments are not made by the Constitutional Offices Commission?

- A. Secretary General to Parliament
- B. Director Human Rights Commission
- C. Ombudsman
- D. Auditor General

Question 13

Before the appointment of a person to be Secretary to the Cabinet the Public Service Commission must

- A. Get the agreement of the President
- B. Get the agreement of the House of Representatives
- C. Get the agreement of the Prime Minister
- D. Consult the Prime Minister and the Leader of the Opposition.

Question 14

Which of these is not a function of the Disciplined Services Commission?

- A. Remove officers from the Fiji Prisons Service.
- B. To take disciplinary action against officers of the Fiji Police Force.
- C. To make appointments to the Fiji Police Force
- D. To make appointments to the Fiji Military Forces

Question 15

Which of these is the Ombudsman authorised to investigate?

- A. action taken by a judge
- B. action taken by a Minister
- C. action taken to appoint a person to public office
- D. action taken by a department relating to a matter of administration

Question 16

Who appoints the Chief Justice?

- A. the President
- B. the Prime Minister
- C. the Fiji Law Society
- D. the Constitutional Offices Commission