



# **STANDING COMMITTEE ON FOREIGN AFFAIRS AND DEFENCE**

## **Consolidated Review Report of the Legal Aid Commission 2018 to 2023 Annual Reports**



**PARLIAMENT OF THE REPUBLIC OF FIJI**  
Parliamentary Paper No. 179 of 2024

*December 2024*

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## **Acronyms**

DPP's Office	-	Office of the Director of Public Prosecutions
FICAC	-	Fiji Independent Commission against Corruption
SCFAD	-	Standing Committee on Foreign Affairs and Defence
SDG	-	Sustainable Development Goal
SO	-	Standing Order

## Chairperson's Foreword

The Standing Committee on Foreign Affairs and Defence (SCFAD) hereby submits to Parliament the Consolidated Review Report of the Legal Aid Commission 2018 to 2023 Annual Reports.

The Legal Aid Commission (Commission) is a Statutory Body established under the Legal Aid Act 1996 and the Legal Aid Amendment Decree 2009. The primary purpose of the Commission is to assist eligible individuals who may not be able to afford the services of a private law practitioner to be able to still gain access to quality legal services, and ultimately, access to justice.

The Commission provides free legal services to members of the public by giving advice, providing legal representation in court, and providing services in all areas of Family and Criminal law. Assistance is also provided in Civil law matters but is restricted to certain areas of practice. Some of the services require fulfilment of eligibility criteria, which is often waived if there are extenuating circumstances, especially for vulnerable clients.

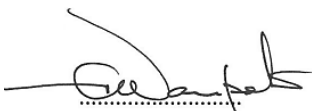
The report captures the trends in the various activities reported in the reporting period. This report contains six (6) recommendations for consideration.

The Committee had called for an oral public submission from the Legal Aid Commission on 5 November 2024. During this consultation, there was a technical fault with the audio on the broadcasting system which did not allow the hearing to be aired publicly however, the members of the media attended the meeting in person.

I wish to thank the Commission for compiling and submitting its Annual Reports from 2018 to 2023. The Committee commends the Commission for now being up to date with their Annual Reports.

I thank the members of the Standing Committee on Foreign Affairs and Defence for compiling this bipartisan report and also thank the Secretariat for their invaluable support.

On behalf of the Standing Committee on Foreign Affairs and Defence, I submit this report to Parliament.



**Hon. Viliame Naupoto**  
**Chairperson**

## Recommendations

The Committee recommends the following:

- 1.0 That the Commission be provided with adequate budgetary allocation to allow for more outreach programs and recruitment of more lawyers (*refer to paragraphs 3.3.1 and 3.3.2*).
- 2.0 That the disparity in the pay between government lawyers at the Commission and government lawyers that serve in other jurisdictions be looked at to ensure compatibility (*refer to paragraph 3.3.3*).
- 3.0 That lawyers employed at the Commission be provided equal opportunity to attend training and capacity building programs (*refer to paragraph 3.3.4*).
- 4.0 That the Commission be allowed to acquire the services of interpreters and sign language interpreters (*refer to paragraph 3.3.5*).
- 5.0 That the Commission have a dedicated toll-free line for easy access to the general public (*refer to paragraph 3.3.6*).
- 6.0 That the Commission offices be modified to allow easy access to people with disabilities (*refer to paragraph 3.3.7*).

## 1.0 Committee Remit and Composition

Under Standing Order 109(2)(e) the Standing Committee on Foreign Affairs and Defence is mandated to look into matters related to Fiji's relations with other countries, development aid, foreign direct investment, oversight of the military, and relations with multi-lateral organizations. The members of the Standing Committee on Foreign Affairs and Defence are as follows:



**Hon. Viliame Naupoto**  
**Chairperson of the Standing Committee on Foreign Affairs and Defence**



**Hon. Lenora Qereqeretabua**  
**Deputy Chairperson**  
*Deputy Speaker of Parliament*  
*Assistant Minister for Foreign Affairs*



**Hon. Jovesa Vocea**  
**Member**  
*Assistant Minister for Rural, Maritime Development*  
*and Disaster Management*



**Hon. Ratu Isikeli Tuiwailevu**  
**Member**  
*Assistant Minister for iTaukei Affairs, Heritage and Arts*



**Hon. Rinesh Sharma**  
**Member**

## 1.1 Committee Secretariat Team

Supporting the Committee in its work is a group of dedicated Parliament Officers serving as the Committee Secretariat. These officers are appointed and delegated by the Secretary-General to Parliament by Standing Order 15(3)(i). The Secretariat officers are as follows:

- Mrs. Susana Korovou – Senior Committee Clerk
- Mrs. Elesi Tabuyaqona – Deputy Committee Clerk
- Ms. Kinisimere Vuibua – Graduate Intern
- Ms. Kushbu Chand – Graduate Intern

## 2.0 Background and Terms of Reference

The Standing Committee on Foreign Affairs and Defence (the Committee), was referred to the Legal Aid Commission 2018-2021 and 2021-2023 Annual Reports on 02 September 2024. The referral of the Annual Reports was done in accordance with SO 38(2), whereby the Committee was assigned to investigate the contents of the report and provide a report to Parliament at a future Sitting. This report is outside the usual mandate of the Committee, but the referral was made to help ease the workload of the other Standing Committees.

### 2.1 Procedure and Program

#### **Public Submission (written submission and oral submission)**

In relation to Standing Order 111 (1), the Committee is committed to upholding public trust in Parliament, by ensuring that there is public participation and that all such participation is given due consideration. The Committee had called for an oral public submission from the Legal Aid Commission on 5 November 2024. During this consultation, there was a technical fault with the audio on the broadcasting system which did not allow the hearing to be aired publicly. Members of the media attended the meeting in person.

A summary of the submission is provided in a later part of this report, under the heading ‘Committee’s Deliberation and Analysis’. Copies of the written submission and the verbatim from the meeting can be obtained from the online Appendices of this report, which can be accessed from the Parliament website: [www.parliament.gov.fj](http://www.parliament.gov.fj).

## **3.0 Committee Deliberation and Analysis**

### **3.1 Introduction**

The Legal Aid Commission (Commission) is a Statutory Body established under the Legal Aid Act 1996 and the Legal Aid Amendment Decree 2009. The primary purpose of the Commission is to assist eligible individuals who may not be able to afford the services of a private law practitioner to be able to still gain access to quality legal services, and ultimately, access to justice.

The Commission over the years has focused on expanding its national footprint growing from just 3 offices in Suva, Lautoka and Labasa in 2005 to 24 offices located in different parts of the country.

The Commission provides free legal services to members of the public by giving advice, providing legal representation in court, and providing services in all areas of Family and Criminal law. Assistance is also provided in Civil law matters but is restricted to certain areas of practice. Some of the services require fulfilment of eligibility criteria, which is often waived if there are extenuating circumstances, especially for vulnerable clients.

Special consideration is given on delivery of all services to vulnerable groups such as women, juveniles, those with socio-economic challenges and geographical restrictions, persons with special needs, and other circumstances that may cause accessibility issues beyond reasonable doubt.

Legal representation in court is offered to those who qualify under the means test which is currently set at a threshold of \$15,000 net disposable income per annum. This is regularly reviewed and is flexible for juveniles, remand and convicted prisoners. A person's assets are also considered when determining eligibility.

The Commission provides the following services:

- 1.0 Legal Representation:** This includes Family, Criminal, selected Civil cases and Child Representation.
- 2.0 Legal Advice & Education:** This is provided through free advisory services, community outreach programs, and workshops.
- 3.0 First Hour Procedure & Duty Solicitor Scheme:** This is the immediate legal support provided to detainees during the first hour of their arrest.



## 3.2 Summary of the 2018-2021 and 2021-2023 Annual Reports

### 3.2.1 Total Applications Received from 2018-2023

For the years under review, the Committee noted a downward trend of applications received as a result of the COVID-19 pandemic and other contributing factors. Table 1 shows the total number of applications received throughout the years:

	2018-2019	2019-2020	2020-2021	2021-2022	2022-2023
<b>Applications Received</b>	20,573	19,577	15,921	14,063	13,399

*Table 1: Number of Applications received from 2018-2023*

### 3.2.2 Breakdown of Applications Received

During the years under review, the Commission processed a number of applications specifically seeking assistance in family matters highlighting the pivotal role in addressing the diverse legal needs of individuals and families within the community. Other matters involve criminal applications reflecting the substantial demand in navigating the complexities of the criminal justice system. Whilst the rest of the applications relate to civil matters. Table 2 shows the breakdown of applications received relating to Family, Criminal and Civil Applications:

	2018-2019	2019-2020	2020-2021	2021-2022	2022-2023
<b>Family Applications</b>	6,112	5,756	4,811	4,586	4,341
<b>Criminal Applications</b>	9,564	8,899	6,760	5,601	5,624
<b>Civil Applications</b>	4,897	4,922	4,350	3,876	3,434
<b>Total Applications Received</b>	<b>20,573</b>	<b>19,577</b>	<b>15,921</b>	<b>14,063</b>	<b>13,399</b>

*Table 2: Breakdown of the total number of family applications, criminal applications and civil applications received from 2018-2023*

### 3.2.3 Provision of Advice and Attestation

The provision of advice is carried out in-office, at prison or other institutions, and on the telephone. Table 3 shows the breakdown of the number of advice and number of attestations provided during the years under review:

	2018-2019	2019-2020	2020-2021	2021-2022	2022-2023
<b>No. of Advice</b>	19,840	16,269	12,139	11,137	7,324
<b>No. of Attestation</b>	4,123	4,129	5,294	5,321	2,712

*Table 3: Total Number of Advice and Attestation provided during 2018-2023*

### 3.2.4 First Hour Procedure

The First Hour Procedure refers to the representation of lawyers during the first hour of arrest. Table 4 shows the number of First Hour sessions delivered from 2018-2023:

	Adult			Juvenile			Total
	Adult Male	Adult Female	Adult Total	Juvenile Male	Juvenile Female	Juvenile Total	
2018	1534	268	1802	34	6	40	1842
2019	1390	232	1622	24	6	30	1652
2020	894	138	1032	29	9	38	1070
2021	1087	154	1241	32	5	37	1278
2022	1797	279	2076	92	8	100	2176
2023	1880	269	2149	108	15	123	2272
<b>Grand Total</b>	<b>8,582</b>	<b>1,340</b>	<b>9,922</b>	<b>319</b>	<b>49</b>	<b>368</b>	<b>10,292</b>

*Table 4: Total Number of First Hour Sessions delivered during 2018-2023*

### 3.2.5 Corporate and Human Resources Unit

The Legal Aid Commission has a total of 24 branches across Fiji, ensuring accessibility to legal services throughout the nation. As per date of this report, the Committee was informed that the Commission has a total of 215 employees (92 male and 123 females). Table 5 shows a breakdown of the number of employees during the reporting periods with gender segregation and the number of women in leadership:

Year	Total Employees	Male	% Male	Female	% Female	# Women In Leadership Role	% Women in Leadership Role
2018-2019	188	72	38%	116	62%	15	13%
2019-2020	189	76	40%	112	59%	18	16%
2020-2021	188	74	39%	114	61%	14	12%
2021-2022	176	68	39%	108	61%	17	16%
2022-2023	212	88	42%	124	58%	19	15%
<b>YTD</b>	<b>215</b>	<b>92</b>	<b>43%</b>	<b>123</b>	<b>57%</b>	<b>21</b>	<b>17%</b>

*Table 5: Total Number of Employees with gender segregation and number of women in leadership*

Table 6 shows the number of staff resignations during the reporting periods:

	<b>2018-2019</b>	<b>2019-2020</b>	<b>2020-2021</b>	<b>2021-2022</b>	<b>2022-2023</b>
<b>No. of Resignations</b>	22	16	13	24	44

*Table 6: Total Number of Resignations from 2018 to 2023*

The Committee noted that there is a vast difference in salary scale between the Commission and other organisations that employ government lawyers such as FICAC and Office of the DPP. The Committee feels that this is a major contributing factor to the number of resignations, in particular, of lawyers. The Committee recommends that due consideration be given to the fair remuneration of government lawyers at the Commission in order to retain experienced lawyers and reduce the high turnover.

### **3.3 Committee Findings**

The Committee's findings are outlined below:

#### **3.3.1 Lack of Staffing**

The current workload in the Commission is approximately 121 cases per lawyer as of October 2024. The Commission reported a shortage of staff in all its offices that has resulted in the heavy workload of lawyers as indicated by the case per lawyer ratio shown above. Given the number of applications and the complexity of cases it deals with on a daily basis, the Committee recommends that the Ministry of Finance consider increasing the budgetary allocation to the Commission to allow for the recruitment of more lawyers.

#### **3.3.2 Awareness Outreach to Remote and Maritime Areas in Fiji**

The Commission in its submission highlighted that there is lack of funding to administer awareness in the remote and maritime areas of Fiji. The Committee is of the view that the Commission be provided with appropriate funding to allow for this important aspect of the Commission's work.

#### **3.3.3 High Staff Turnover – Lower Salary Range**

The Committee was informed that the Commission is grappling with a significant staff turnover. The Commission highlighted that the salary range at the Legal Aid Commission is notably lower than that of the Office of the Director of Public Prosecutions (DPP's Office) and the Fiji Independent Commission against Corruption (FICAC). The Committee recommends that the disparity in the pay between government lawyers at the Commission and government lawyers that serve in other jurisdictions be looked at to ensure compatibility.

#### **3.3.4 Lack of Proper Training – Current Development in the Law**

The Committee was informed that the Commission lawyers are often not included in important training and capacity building events including workshops on Cybercrime, Child Representation, White Collar Crimes and Money Laundering. The Committee recommends that Commission lawyers be provided equal opportunity to enhance their knowledge and skills when training and capacity building arise.

#### **3.3.5 Language Barrier**

The Committee was informed that a major challenge for the Commission is the language barrier given non-English speaking clients are also attended to by the Commission lawyers. The Commission does not have the necessary resources to engage the services of interpreters and sign language interpreters. The Committee recommends that the Commission be allowed to acquire the services of interpreters.

### **3.3.6 Dedicated Toll-Free Line**

The Committee notes that the Commission does not have a dedicated toll-free line that is operational 24 hours and 7 days a week. The Committee feels that this service is important and recommends that it be provided to the general public.

### **3.3.7 Most of the Offices are not Disability Friendly in Terms of Accessibility**

The Committee was informed that most of their offices are not disability friendly in terms of accessibility. It is recommended that efforts be made to improve this accessibility issue.

## **4.0 Sustainable Development Goals**

### **4.1 Relevance to SDG 16 – Peace, Justice, and Strong Institutions**

SDG 16 states that there must be access to justice for all and should be accessible at all stages of the criminal justice process in all matters involving vulnerable groups such as women, children and rural people. It must be non-discriminatory, and that it is available to anyone in need, regardless of background. The Commission’s role targets these aspects of SDG 16.

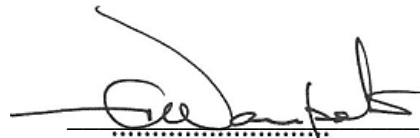
### **4.2 Gender Equality in Parliamentary Scrutiny**

The Parliament of Fiji Standing Orders 110 (2) requires the Committee to give full consideration to the principle of gender equality so as to ensure all matters are considered with regard to the impact and benefit on both men and women equally. The Committee commends the Commission for the provision of gender segregation data and the percentage of women in leadership roles during the public submission. During the reporting periods, an average of 59 percent of the Commission’s employees are women.

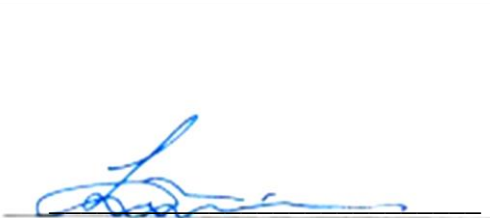
## **5.0 Conclusion**

The Standing Committee on Foreign Affairs and Defence has conducted a thorough review of the Legal Aid Commission 2018-2021 and 2021-2023 Annual Reports. The Committee report is bi-partisan and has six (6) recommendations for consideration. The Committee is grateful and commends the Commission for being up to date with its Annual Reports.

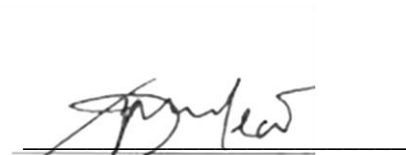
## 6.0 Committee Members' Signatures



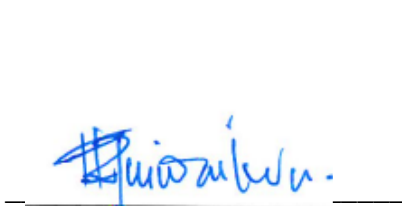
Hon. Viliame Naupoto  
**Chairperson**



Hon. Lenora Qereqeretabua  
**Deputy Chairperson**



Hon. Jovesa Vocea  
**Member**



Hon. Ratu Isikeli Tuiwailevu  
**Member**



Hon. Rinesh Sharma  
**Member**



## **7.0 Annexure**

### **Published evidence**

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Written evidence, transcripts, and supporting documents can be viewed on the Parliament website at the following link:  
<https://www.parliament.gov.fj/committees/standing-committee-on-foreign-affairs-and-defence/>