



STANDING COMMITTEE ON FOREIGN AFFAIRS AND DEFENCE

Consolidated Review Report of the Office of the Attorney General 2014-2022 Annual Reports



PARLIAMENT OF THE REPUBLIC OF FIJI
Parliamentary Paper No. 177 of 2024

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Acronyms

BLE	-	Board of Legal Education
OAG	-	Office of the Attorney General
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 Office of the Attorney General 2014-2022 Annual Reports.

The Office of the Attorney General (OAG) is responsible for providing independent legal advice to the Fijian Government and the holder of a public office, on request; preparing draft laws on the request of Cabinet; maintaining a publicly accessible register of all written law; representing the State in court in any legal proceedings to which the State is a party, other than criminal proceedings; and performing any other functions assigned by the Constitution, any written law, Cabinet, or the Attorney-General.

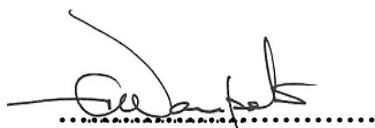
This report covers the eight-year period after the first election (under the 2013 Constitution) in 2014.

The report captures the trends in the various activities reported in the eight (8) Annual Reports from 2014 to 2022. This report contains seven (7) recommendations for consideration by OAG. The Committee had requested information from the OAG to clarify some of the issues raised in the reports however, no response was received up to the date of finalization of this Review Report.

I wish to thank the Office of the Attorney General for compiling and submitting its Annual Reports from 2006 to 2023. This Review Report is the second of the three reports that the Committee is submitting to Parliament that covers this seventeen-year period.

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 continuous rigorous measures be put in place to avoid or reduce the occurrence of government vehicle accidents amongst relevant ministries and agencies given the high number of litigations undertaken by OAG during the reporting periods (*refer to paragraph 3.3.1.1*).
- 2.0 The Committee noted that for several years the Mercy Commission did not meet due to the non-appointment of committee members. The Committee recommends that committee members on the Mercy Commission be appointed promptly (*refer to paragraph 3.3.1.4.1*).
- 3.0 The Committee noted that there were no statistics nor information provided on the number of approved or renewed liquor licenses for the years 2014 to 2022 and recommends that such matters be reported in all its future reports (*refer to paragraph 3.3.1.4.2.4*).
- 4.0 That OAG ensures the continuous revision of our laws to respond to the constantly changing needs of our Fijian society (*refer to paragraph 3.3.2.1*).
- 5.0 The Committee noted that during these reporting periods, the Fiji Law Reform Commission has been operating in the absence of the Chairperson and recommends that due consideration be made on the timely appointment of such an important position (*refer to paragraph 3.3.2.2*).
- 6.0 The Committee noted that there was no reporting on staff gender segregation nor provision of a total number of vacant positions with OAG and recommends that this information be provided in its future reporting to Parliament (*refer to paragraph 3.3.3.2*).
- 7.0 That the report is to be written in a language that is understandable to the general public rather than legal practitioners only.

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
- 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 Office of the Attorney General 2014-2022 Annual Reports on 02 September 2024. The referral of the Annual Reports was done following 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

Written Evidence Received

In accordance with Standing Order 112(1)(c), the Committee exercised its powers and requested further information from the OAG to clarify some of the issues raised in the reports; however, no response was received on the date of finalizing this report.

3.0 Committee Deliberation and Analysis

3.1 Introduction

This Report covers the activities of the Office of the Attorney-General for the years 2014 to 2022. The Office is responsible for –

- providing independent legal advice to the Fijian Government and the holder of a public office, on request;
- preparing draft laws on the request of the Cabinet;
- maintaining a publicly accessible register of all written law;
- representing the State in court in any legal proceedings to which the State is a party, other than criminal proceedings; and
- performing any other functions assigned by the Constitution, any written law, Cabinet, or the Attorney-General.

3.2 Summary of the 2014 to 2022 Annual Reports

The Office of the Attorney-General (Office) is established as a separate Office in the Fijian Government. The Attorney-General is the Chief Legal Adviser to the Fijian Government. The Attorney-General is assisted by the Solicitor-General, who is the Permanent Secretary for the Office of the Attorney-General.

The stakeholders include:

- the Parliament of the Republic of Fiji
- Cabinet
- Public Service Disciplinary Tribunal
- All Ministries and Departments
- the Private Sector
- Diplomatic Missions
- International Organisations
- Statutory Bodies
- the public at large

The Office provides a range of legal services to Government Ministries and Departments. The work of the Office comprises the following:

- 1) Litigation Services
- 2) Legal Advice Services
- 3) Legislative Drafting Section
- 4) Boards, Committees & Commissions

3.3 Committee Findings

3.3.1 Part 1: Office Output Performance Report

The Committee reviewed the reports 2014 to 2022 Annual reports and noted the following trends:

3.3.1.1 Litigation

The litigation and advocacy division of the Office represents the State in all proceedings in all tiers of the Court and other judicial and quasi-judicial bodies. Concerns echo the current trends in litigation with the highest cases recorded under Government Vehicle Accidents and General Miscellaneous Actions respectively. The Committee noted government vehicle accidents continued to top the number of litigation cases that OAG took to Court. Table 1 shows the number of litigation cases registered from 2014 to 2022:

	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019	2019-2020	2020-2021	2021-2022
Government Vehicle Accidents	199	216	197	216	320	268	283	296
General Misc. Action	142	103	136	192	208	231	89	207
Constitutional redress	1	6	0	23	19	17	19	12
Workmen's Compensation	15	28	21	5	0	4	3	4
Medical Negligence	9	6	8	3	3	3	9	4
Personal Injury	2	4	7	3	4	1	2	0
Judicial Review	16	18	11	10	17	15	14	19

Table 1: Summary of Litigation Cases for the years 2014-2022

The Committee recommends that continuous rigorous measures be put in place to avoid or reduce the occurrence of government vehicle accidents among relevant ministries and agencies.

3.3.1.2 Legal Advice Services

The OAG is responsible for providing legal advice to Government Ministries and Departments. The Committee notes that due to huge demand amongst Government Ministries and Departments, action on said requests tends to be prolonged due to staff shortage. The Committee recommends that OAG be adequately resourced to sufficiently meet the ever-increasing demands of its clients. Table 2 shows the number of legal opinions and vetting of legal documents for the years 2014 to 2022:

	Legal Opinions	Independent Assessments	Vetting – Agreements, MOUs MOAs & Cabinet Papers
2014	Unreported	Unreported	Unreported
2015	Unreported	Unreported	Unreported
2016	Unreported	Unreported	Unreported
2017	329	26	1,854
2018	428	19	1,781
2019	414	11	1,376
2020	569	15	1,238
2021	502	17	1,568

Table 2: Summary of trends in the number of Legal Opinions and Vetting of Legal Documents provided during the years 2014 to 2022

3.3.1.3 **Legislative Drafting Section**

The OAG’s core responsibility is to draft written laws including subsidiary laws to give effect to the Fijian Government’s policy intention for legislative change. The Committee is of the view that to assess the performance of OAG, the breakdown of targeted outputs and achievements be provided in all its future reports. This will enable the Committee to critically analyze its performance. Table 3 shows a summary of Decrees and Legal Notices that were drafted and published in the Gazette for the years 2014 to 2022:

	Decrees	Bills	Legal Notices (Laws)	Acts (Laws)
2014-2015	29	28	113	16
2015-2016	Unreported	38	121	32
2016-2017	Unreported	53	117	32
2017-2018	Unreported	41	111	48
2019-2020	Unreported	34	112	33
2020-2021	Unreported	52	110	44
2021-2022	Unreported	38	137	47

Table 3: Trends showing the number of Drafted and Gazetted Bills and Laws for the years 2014 to 2022

3.3.1.4 **Boards, Committees, and Commissions**

3.3.1.4.1 **Mercy Commission**

The Commission on the Prerogative of Mercy is responsible for the timely processing of applications for the grant of mercy to convicted prisoners and ensuring timely advice to the President of the Republic of Fiji. The Committee noted that for several years, no meetings were held because committee members were not appointed. Table 4 shows a summary of the Grant of Mercy applications received and presidential pardons approved for the years 2014 to 2022:

	No. of Applications Received	No. of Pardons
2014-2015	Unreported	
2015-2016	No meetings were held due to no appointment of its members.	
2016-2017	No meetings were held due to no appointment of its members.	
2017-2018	No meetings were held due to no appointment of its members.	
2018-2019	13	9
2019-2020	18	4
2020-2021	No meetings were held.	
2021-2022	No meetings were held.	

Table 4: Summary of the Grant of Mercy applications received and Presidential Pardons for the Years 2014 to 2022

3.3.1.4.2 Fiji Intellectual Property Office

3.3.1.4.2.1 Trade-Marks

The OAG is responsible for facilitating the registration of trade-marks under the Trade-Marks Act 1933. Table 5 shows a list of registered trade-marks for the years 2014 to 2022:

	New Trade-Marks	Endorsements
2014-2015	732	1390
2015-2016	1053	666
2016-2017	1253	1311
2017-2018	788	1499
2018-2019	896	1059
2019-2020	691	1139
2020-2021	826	1293
2021-2022	893	1575

Table 5: List of Registered Trade-Marks for the years 2014 to 2022

3.3.1.4.2.2 Patent

Under the Patents Act 1879, the Office is also responsible for the issuance and facilitation of the registration of Patents. The Committee notes that the Patents Act is archaic and there is a need to review it and ensure that the Act is relevant. Table 6 shows the breakdown of the total number of patents facilitated for the years 2014 to 2022:

	New	Endorsements	Local	Overseas
2014-2015	18	3	1	17
2015-2016	15	5	1	14
2016-2017	47	12	8	39
2017-2018	17	4	4	13
2018-2019	12	7	0	13
2019-2020	16	5	0	16

2020-2021	15	3	0	15
2021-2022	15	6	0	15

Table 6: Total No. of Trade-Marks for the years 2014 to 2022

3.3.1.4.2.3 Hotels Licensing Board

The Hotels Licensing Board is established under the Hotels and Guest Houses Act 1973 and is responsible for regulating and issuing licenses to hotels. Table 7 shows the number of hotel licenses renewed from 2014 to 2022:

Group/Location	2014	2015	2016	2017	2018	2019	2020	2021
1 – Levuka & Islands off Levuka	12	13	14	12	13	14	12	11
2-Taveuni & Islands off Taveuni	36	41	40	40	37	39	40	35
3-Savusavu & Islands off Savusavu	41	43	42	39	35	37	36	35
4-Labasa & Islands off Labasa	10	11	11	11	12	13	13	13
5-Sigatoka/ Nadroga & Islands off Sigatoka	41	43	46	50	53	59	61	46
6-Nadi & Islands off Nadi	66	66	66	70	71	69	75	64
7-Mamanuca & Islands off Mamanuca	72	72	70	71	73	64	69	60
8-Ba/ Tavua/ Rakiraki & Islands off Rakiraki	19	20	19	18	16	17	18	12
9-Deuba/ Pacific Harbour/ Beqa/ Lau/ Suva/ Nausori/ Tailevu	79	80	76	76	76	70	76	66
10-Kadavu Islands	10	9	9	11	12	9	11	8
TOTAL	386	398	393	394	398	391	411	397

Table 7: List of Hotel Licenses granted for the years 2014 to 2022

OAG also reported on the number of new hotel license applications considered and approved for 2014 to 2022. The breakdown of the licensing process is as shown below:

	Received	Granted	Pending	Withdrawn	Rejected
2014	27	24	3	0	0
2015	24	23	1	0	0
2016	20	15	5	0	0
2017	18	16	2	0	0
2018	18	15	3	0	0
2019	16	11	5	0	0
2020	3	1	2	0	0
2021	29	22	7	0	0

Table 8: List of New Hotel applications and licenses for the years 2014 to 2022

3.3.1.4.2.4 Central Liquor Board

The Central Liquor Board is established under the Liquor Act 2006 with the principal function of advising the Minister responsible for policy matters related to liquor licensing. The Committee noted that there were no statistics nor information provided on the number of approved liquor licenses for the years 2014 to 2022 and recommends that such matters be reported in all its future reports.

3.3.1.4.2.5 Film Control Board

The Film Control Board (FCB) is primarily responsible for the appointment of a censor and assistant censor. The FCB is also responsible for hearing and determining appeals made against the decisions of the Censors. Table 9 shows the number of films examined in each class or category from 2014 to 2022:

	2014	2015	2016	2017	2018	2019	2020	2021
G-General Exhibition 10 Films	61	46	15	32	21	60	74	72
Y or R13 – Restriction to 13 years and over	114	123	24	41	55	63	80	59
A or R18 – Restriction to 18 years and over	3	59	5	2	5	22	22	22
R16 – Restriction to 16 Years and over	34	6	12	39	29	3	0	1
R21 – Restriction to 21 years and over	0	4	0	2	0	0	0	0
PG – General Exhibition and parental guidance	246	189	48	98	102	0	0	0
Rejected	1	0	0	0	0		0	0
TOTAL	459	427	104	214	212	148	176	154

Table 9: Total No. of films censored by ratings for the years 2014 to 2022

3.3.1.4.2.6 Board of Legal Education

The Board of Legal Education (BLE) is responsible for ensuring that the educational qualifications, both academic and practical, of persons wishing to be admitted to practice as legal practitioners in Fiji are of high quality and sufficient to meet the needs of consumers of legal services in Fiji.

Table 10 shows the number of applications considered by the BLE from 2014 to 2022:

	Overseas			University of Fiji			USP			Fiji National University		
	No. of Applications Received	Granted	Pending	No. of Applications Received	Granted	Pending	No. of Applications Received	Granted	Pending	No. of Applications Received	Granted	Pending
2014	23	18	5	12	12	0	38	38	0	0	0	0
2015	24	12	12	24	24	0	24	12	12	0	0	0
2016	67	0	0	19	0	0	25	0	0	0	0	0
2017	12	10	2	51	51	0	60	60	0	0	0	0
2018	0	6	0	0	48	0	0	95	0	0	0	0
2019	9	6	0	12	12	0	77	77	0	6	6	0
2020	3	0	3	29	29	0	29	29	0	8	8	0
2021	16	5	11	29	29	0	80	80	0	7	7	0

Table 10: Total BLE applications considered for the years 2014 to 2022

3.3.2 Part 2: Office of the Attorney-General Services Delivery Report

3.3.2.1 Law Revision

The Committee noted that the Law Revision Commissioner's responsibility is to consolidate, revise, and update all these laws by the powers given under the Revised Edition of the Laws Act (Cap 6). The Committee is aware that the last revision of the laws of Fiji was conducted in 1985. The Committee recommends continuous revision of our laws to respond to the constantly changing needs of our Fijian society.

3.3.2.2 Law Reform

Law Reform involves the research of laws and provision of advice to the government on its policies and the preparation of draft laws for the ministries and departments before submission to Cabinet. The Committee notes that during these reporting periods, the Fiji Law Reform Commission has been operating in the absence of the Chairperson of the Commission and recommend that the appointment of the Chairperson be carried out promptly.

3.3.2.3 Attorney-General's Conference

The Attorney-General's Conference is comprised of a two-day event. It is earmarked for legal professionals and policymakers throughout Fiji to engage in conversations on legal reforms and also to further enhance their knowledge and skills about their work. The Committee noted that the Conference was held in all the years under review

3.3.2.4 Law Library

The OAG has three law libraries based in Suva, Lautoka, and Labasa offices.

3.3.3 Part 3: Corporate Services Performance Report

3.3.3.1 Policy and Administration Unit

This particular unit assists management in policy-making, administration, and the optimum utilization of resources.

3.3.3.2 Staffing

Table 11 shows the staff establishment for the years 2014 to 2022:

	2014	2015	2016	2017	2018	2019	2020	2021
Office of the Attorney General	81	88	83	89	93	97	113	107
Law Reform Commission	15	15		15	15	15		
Department of Civil Aviation	6	6		6	6	6		
Wage Earning Staff	11	10		10	17	17	10	13
TOTAL	113	119	83	120	125	135	123	120

Table 11: Total Staff Establishment for the years 2014 to 2022

The Committee noted that there was no reporting on staff gender segregation nor provision of a total number of vacant positions with OAG and recommends that this information be provided in its future reporting to Parliament.

3.3.3.3 Training and Development

Training needs for professional officers were mainly met through attendance at seminars, workshops, symposiums, and conferences, locally and overseas.

4.0 Sustainable Development Goals

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

The Committee notes that specific core outputs of the OAG relate to SDG 16 on Peace, Justice, and Strong Institutions.

The core roles of OAG impact the following SDG targets:

- SDG target 5.1 - repealing of discriminatory laws against women and girls
- SDG target 8.7 - prosecute human and child trafficking
- SDG target 16.2 - end all forms of violence against children
- SDG target 8.8 - protect labor rights
- SDG target 16.5 - prosecute bribery and corruption
- SDG target 16.10 - ensure freedom of information

OAG's law reform role will ensure that we have proper legal frameworks to support the overall implementation of SDG16+.


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 to ensure all matters are considered about the impact and benefit on both men and women. The OAG during these reporting periods did not indicate gender segregation in any of its reports. The Committee suggests that in future reports, gender segregation data is to be included and also an indication of the level of posts held by women.


5.0 Conclusion

The Standing Committee on Foreign Affairs and Defence has conducted a thorough review of the Office of the Attorney General 2014-2022 Annual Reports. These reports were during the first two terms of Parliament after the elections of 2014 and 2018. The Committee report is bi-partisan and has seven recommendations that OAG might find useful when compiling its future annual reports. The Committee is grateful to OAG for compiling these outstanding annual reports.

6.0 Committee Members' Signatures



Hon. Viliame Naupoto
Chairperson



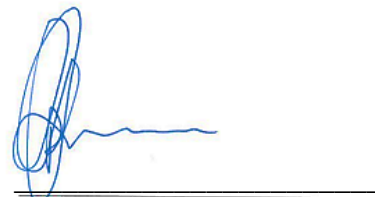
Hon. Lenora Qereqeretabua
Deputy Chairperson



Hon. Jovesa Vocea
Member



Hon. Ratu Isikeli Tuiwailevu
Member



Hon. Rinesh Sharma
Member