



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

## **Review Report of the Office of the Attorney General 2022-2023 Annual Report**



**PARLIAMENT OF THE REPUBLIC OF FIJI**  
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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 Review Report of the Office of the Attorney General 2022-2023 Annual Report.

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 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 report 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 third of the three reports that the Committee is submitting to Parliament that covers this seventeen-year period. The Committee had decided to consider this report separately because the period under review is under a new Government after the Elections of 2022. The Committee commends the OAG 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 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 there were no statistics nor information provided on the number of approved or renewed liquor licenses for the year 2022-2023 and recommends that such matters be included in all its future reports (*refer to paragraph 3.3.1.4.2.4*).
- 3.0 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*).
- 4.0 That data on gender segregation and the total number of vacant positions be included in future reports (*refer to paragraph 3.3.3.2*).
- 5.0 That the Patents Act 1879 be reviewed to ensure that the Act is relevant (*refer to paragraph 3.3.1.4.2.2*).
- 6.0 The Committee commends the OAG for the re-establishment of the Fiji Law Reform Commission and the operational budgetary provision allocated in the 2023-2024 Budget. The Committee further recommends that the Chairman of the Commission be appointed (*refer to paragraph 3.3.3.2*).
- 7.0 That the report is to be written in a language understandable to the general public rather than only legal practitioners.
- 8.0 The Committee commends the OAG for having the Mercy Commission fully functional during this reporting period.

## 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 i-Taukei 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 2022-2023 Annual Report on 02 September 2024. The referral of the Annual Report 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 report 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 year 2022 to 2023. 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 2022-2023 Annual Report**

- 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 2022 to 2023 Annual Report 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 Accident and General Miscellaneous Actions respectively. The Committee noted that government vehicle accidents continued to top the number of litigation cases. The table below shows the number of litigation cases registered in 2022-2023:

	2022-2023
Government Vehicle Accident	237
General Misc. Action	160
Constitutional redress	9
Workmen’s Compensation	1
Medical Negligence	3
Personal Injury	1
Judicial Review	14

*Table 1: Litigation Cases for the year 2022-2023*

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

##### 3.3.1.2 Legal Advice Services

OAG is responsible for providing legal advice to Government Ministries and Departments. According to OAG, the scope of legal advice was extensive during the year under review. Most of the legal advice included public law, public and international law, Immigration, Intellectual Property, Company, Commercial Transactions, Industrial Relations, International Trade, Torts, Contracts, Marine Equity and Trusts, Constitutional, Transport, and so forth. The table below shows

the total number of legal opinions and vetting of legal documents for the year 2022 to 2023:

	<b>Legal Opinions</b>	<b>Independent Assessments</b>	<b>Vetting – Agreements, MOUs MOAs &amp; Cabinet Papers</b>
2022-2023	365	16	1231

Table 2: Total number of Legal Opinions and Vetting of Legal Documents provided during the year 2022-2023

### 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. Tabulated below shows a summary of Decrees and Legal Notices that were drafted and published in the Gazette for 2022 to 2023:

	<b>Bills</b>	<b>Legal Notices (Laws)</b>	<b>Acts (Laws)</b>
<b>2022-2023</b>	29	91	28

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 the Commission was fully functional with four members. The Commission is chaired by the Attorney-General and Minister for Justice. For the year under review, the Committee noted the following grant of mercy:

	<b>No. of Applications Received</b>	<b>No. of Pardons</b>
<b>2022-2023</b>	17	3

Table 4: Grant of Mercy applications received and Presidential Pardons for the year 2022-2023

#### 3.3.1.4.2 **Fiji Intellectual Property Office**

##### 3.3.1.4.2.1 **Copyright and Related Statutory Obligations**

The Office is responsible for assisting the public in providing legal advice concerning copyright. The Copyright Tribunal is established under the

Copyright Act 1999 as a quasi-judicial body with the power to determine matters pursuant to that Act, including the determination of any dispute in relation to a licensing scheme under the Copyright Act 1999.

### 3.3.1.4.2.2 Trade-Marks

The OAG is responsible for facilitating the registration of trade-marks under the Trade-Marks Act 1933. The total number of new trade-marks and endorsement applications that were processed during the year under review is shown below:

	<b>New Trade-Marks</b>	<b>Endorsements</b>
<b>2014-2015</b>	756	1097

*Table 5: Number of Registered Trade-Marks for the year 2022-2023*

### 3.3.1.4.2.3 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. The breakdown of the total number of patents facilitated is provided below:

	<b>New</b>	<b>Endorsements</b>	<b>Local</b>	<b>Overseas</b>
<b>2022-2023</b>	6	22		6

*Table 6: Total No. of Trade-Marks for the years 2022-2023*

### 3.3.1.4.2.4 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. The table below shows the number of hotel licenses renewed from 2022 to 2023:

<b>Group/Location</b>	<b>2014</b>
1 – Levuka & Islands off Levuka	12
2-Taveuni & Islands off Taveuni	39
3-Savusavu & Islands off Savusavu	37
4-Labasa & Islands off Labasa	14
5-Sigatoka/ Nadroga & Islands off Sigatoka	56
6-Nadi & Islands off Nadi	77
7-Mamanuca & Islands off Mamanuca	65
8-Ba/ Tavua/ Rakiraki & Islands off Rakiraki	14
9-Deuba/ Pacific Harbour/ Beqa/ Lau/ Suva/ Nausori/ Tailevu	74
10-Kadavu Islands	9
<b>TOTAL</b>	<b>397</b>

*Table 7: List of Hotel Licenses granted for the years 2022 to 2023*

OAG also reported on the number of new hotel license applications considered and approved during 2022 to 2023. The breakdown of the licenses processed is as shown below:

	<b>Received</b>	<b>Granted</b>	<b>Pending</b>	<b>Withdrawn</b>	<b>Rejected</b>
<b>2022-2023</b>	23	18	5	0	0

*Table 8: List of New Hotel applications and licenses for 2022-2023*

### **3.3.1.4.2.5 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 year 2022-2023 and recommends that such matters be reported in all its future reports.

### **3.3.1.4.2.6 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 or Assistant Censors. The table below shows the number of films examined in each class or category from 2022-2023:

	<b>2022-2023</b>
G-General Exhibition 10 Films	129
Y or R13 – Restriction to 13 years and over	52
A or R18 – Restriction to 18 years and over	0
R16 – Restriction to 16 Years and over	31
R21 – Restriction to 21 years and over	0
PG – General Exhibition and parental guidance	0
Rejected	0
<b>TOTAL</b>	<b>212</b>

*Table 9: Total No. of films censored by ratings for the year 2022-2023*

### 3.3.1.4.2.7 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.

The table below shows the number of applications considered by the BLE from 2022-2023:

	<b>No. of Applications Received</b>	<b>Granted</b>	<b>Pending</b>
<b>Overseas</b>	11	7	4
<b>University of Fiji</b>	49	49	0
<b>Fiji National University</b>	8	8	0
<b>USP</b>	105	105	0
<b>TOTAL</b>	173	169	4

*Table 10: Total BLE applications considered for 2022-2023*

## **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 laws by the powers given under the Revised Edition of the Laws Act (Cap 6). The Committee commends OAG for taking the initiative to consolidate and revise the laws of Fiji in 2016 and this is a work in progress to date. An important achievement was the launch of the Laws of Fiji website in 2019, and this makes the law digitally accessible to the public.

### **3.3.2.2 Law Reform**

Law Reform involves 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 Fiji Law Reform Commission has no chairman, and the function is currently performed by the Solicitor-General. The Committee noted that Cabinet has approved the re-establishment of the Fiji Law Reform Commission in a decision of 11 April 2023 and agreed that funding requirements for it be considered in the 2023-2024 budgetary process. The Committee noted that an allocation of \$400,000 has been provided for in the 2023-2024 Budget for the Fiji Law Reform Commission.

### **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 on the 8-9 December 2023 at the Sheraton Fiji Golf and Beach Resort.

### **3.3.2.4 Law Library**

The OAG has three law libraries based in Suva, Lautoka, and Labasa offices. The main focus for OAG was to further strengthen its online services to users.

### **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**

An analysis of staff establishment for 2022-2023 is tabulated below:

	<b>2022-2023</b>
Office of the Attorney General	81
Law Reform Commission	15
Department of Civil Aviation	6
Wage Earning Staff	11
<b>TOTAL</b>	<b>113</b>

*Table 11: Total Staff Establishment for 2022-2023*

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 internationally.

## **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**

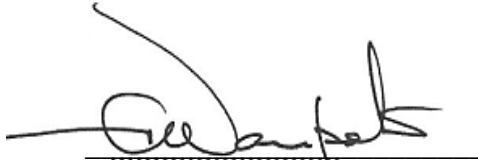
The Parliament of Fiji Standing Orders 110 (2) requires the Committee to give full consideration to the principle of gender equality so as to ensure all matters are considered with regard to the impact and benefit on both men and women equally. The OAG during this reporting period did not indicate gender 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 2022-2023 Annual Report. The Committee report is bi-partisan and has six recommendations for consideration by the OAG. The Committee is grateful and commends OAG for being up to date with its Annual Report.

## 6.0 Committee Members' Signatures



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Hon. Viliame Naupoto  
**Chairperson**



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Hon. Lenora Qereqeretabua  
**Deputy Chairperson**




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Hon. Jovesa Vocea  
**Member**



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Hon. Ratu Isikeli Tuiwailevu  
**Member**



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Hon. Rinesh Sharma  
**Member**

