

# BILL NO. 4 OF 2022

## A BILL

FOR AN ACT TO AMEND THE COMMISSIONS OF INQUIRY ACT 1946

ENACTED by the Parliament of the Republic of Fiji—

*Short title and commencement*

- 1.—(1) This Act may be cited as the Commissions of Inquiry (Amendment) Act 2022.
- (2) This Act comes into force on a date or dates appointed by the Minister by notice in the Gazette.
- (3) In this Act, the Commissions of Inquiry Act 1946 is referred to as the “Principal Act”.

*Section 12 amended*

2. Section 12 of the Principal Act is amended by deleting “of \$200 or to imprisonment for a term of 6 months” and substituting “not exceeding \$1,000 or imprisonment for a term not exceeding 2 years”.

*Section 13 amended*

3. Section 13 of the Principal Act is amended by deleting “of \$200 or to imprisonment for a term of 6 months” and substituting “not exceeding \$1,000 or imprisonment for a term not exceeding 2 years”.

*Section 14 amended*

**4.** Section 14 of the Principal Act is amended by deleting “of \$100 or to imprisonment for a term of 3 months” and substituting “not exceeding \$500 or imprisonment for a term not exceeding one year”.

*Section 16 amended*

**5.** Section 16 of the Principal Act is amended by—

- (a) deleting “\$200 or to” and substituting “\$1,000 or”; and
- (b) deleting “6 months” and substituting “2 years”.

February 2022

## COMMISSIONS OF INQUIRY (AMENDMENT) BILL 2022

### EXPLANATORY NOTE

*(This note is not part of the Bill and is intended only to indicate its general effect)*

#### **1.0 BACKGROUND**

- 1.1 The Commissions of Inquiry Act 1946 (**‘Act’**) provides for the holding of commissions of inquiry into matters of a public nature.
- 1.2 Under section 2 of the Act, the President appoints and authorises a Commissioner or Commissioners to inquire into any matter, which in the opinion of the President would be for the public welfare.
- 1.3 Accordingly, every Commission of Inquiry (**‘Commission’**) appointed must specify the subject, nature and extent of inquiry given the seriousness of the matter that any Commission is tasked to conduct an inquiry into.
- 1.4 The last Commission appointed was in 2007 by the then President, His Excellency Ratu Josefa Iloilovatu Uluvuda, to inquire into and report on the appointment, conduct and performance of Magistrates, the operation and performance of the Magistrates Courts, including the registries and to make recommendations on, *inter alia*, the elimination and prevention of any corrupt, improper or inefficient practices within the Magistrates Courts in Fiji.
- 1.5 The Act however had been amended on three occasions some 40 to 60 years ago, i.e. in 1961, 1970 and 1982, which *inter alia* dealt with provisions relating to the appointment of fresh commissioners and oaths of Commissioners.
- 1.6 The offence provisions however were last amended in 1961. These provisions currently prescribe penalties that do not achieve the aim of deterring the commission of offences under the Act and as such, it is imperative that these provisions be reviewed accordingly.

- 1.7 The Bill therefore seeks to amend the Act to increase the penalties under sections 12, 13, 14 and 16 of the Act which relate to offences on threats made to witnesses of the Commission, false interpretation, refusal to give evidence and insulting a Commissioner or secretary of a Commission.

## **2.0 CLAUSES**

- 2.1 Clause 1 of the Bill provides for the short title and commencement. If passed by Parliament, the amending legislation will come into force on a date or dates appointed by the Minister by notice in the Gazette.
- 2.2 Clause 2 of the Bill amends section 12 of the Act by increasing the penalties for threats and insults made, and injuries given, to witnesses who give evidence to the Commissioners. The existing fine of \$200 increases to a fine not exceeding \$1,000 and the existing term of imprisonment of 6 months increases to a term not exceeding 2 years.
- 2.3 Clause 3 of the Bill amends section 13 of the Act by increasing the penalties for interpreters who wilfully give false interpretation of evidence or who make untrue translation of documents. The existing fine of \$200 increases to a fine not exceeding \$1,000 and the existing term of imprisonment of 6 months increases to a term not exceeding 2 years.
- 2.4 Clause 4 of the Bill amends section 14 of the Act by increasing the penalties for those who fail without reasonable cause to attend as a witness or to produce a document or other thing after being summoned to do so, or for those who refuse without reasonable cause to answer, or to answer fully and satisfactorily, to the best of their knowledge and belief any questions put to them. The existing fine of \$100 increases to a fine not exceeding \$500 and the existing term of imprisonment of 3 months increases to a term not exceeding one year.
- 2.5 Clause 5 of the Bill amends section 16 of the Act by increasing the penalties for using threatening or insulting language to the Commission or to a Commissioner or to the secretary. The existing fine of \$200 increases to a fine not exceeding \$1,000 and the existing maximum term of imprisonment of 6 months increases to 2 years.

## **3.0 MINISTERIAL RESPONSIBILITY**

- 3.1 The Act comes under the responsibility of the Prime Minister.

A. SAYED-KHAIYUM  
Attorney-General