

# Parliament of Fiji

## Handbook





*Empowered lives.  
Resilient nations.*

## Message from the Speaker

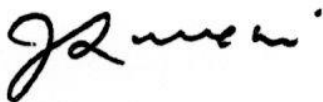
The Fijian Parliament resumed its work in October 2014 following an election held in September 2014. The Constitution of the Republic of Fiji outlines the role and functions of the Parliament in Fiji's system of governance. At one of its first sittings, the Parliament of Fiji adopted the Parliament's Standing Orders that outline in detail the way that the Parliament operates.

This Handbook is not designed to be an exhaustive, technical compendium of parliamentary procedure as we already have this in the Parliament of Fiji Standing Orders. The purpose of this Handbook is to provide a brief overview of the Parliament and it is designed for the use of all citizens.

The Handbook aims to provide an introductory and straightforward description of the Parliament as an institution, the parliamentary context and the main jobs of Parliament and parliamentarians.

This is a first edition, and the Handbook will be updated periodically, not least because it should be the intention of every Parliament to undergo a process of continual improvement.

In developing this handbook, I am thankful to the senior Parliament staff who have provided expert technical input and the UNDP Fiji Parliament Support Project for their support in developing this important publication.



Hon. Dr Jiko Luveni  
October 2016

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# A. Roles & Responsibilities

## i) Rights & Responsibilities of MPs

Members of Parliament (MPs) play a critical role in a democratic system of governance. They are the 50 people elected by the citizens of Fiji to speak on their behalf, to represent their interests and to express their opinions with regard to the actions, policies and laws of the Government. To put it succinctly, an MP is the people's representative as decisions are made as to what choices the Government will make with regard to all manner of issues.

An MP has certain legal rights and responsibilities in carrying out the duties of the office. In addition, an MP has less well-defined, yet still critical, political and moral obligations. An MP who understands all of these factors will be successful in carrying out his or her functions.

### Rights

Legally, there are a number of rights that are entrenched with regard to the role of an MP. Some of these are noted in the Constitution, while others are found in legislation and the Standing Orders of the Parliament of Fiji.

First and foremost, an MP has the right to Freedom of Speech. This entails the ability to speak freely during debates in Parliament or its committees without fear of being prosecuted or facing a civil law suit (s. 73 of the Constitution). This is a right that has been passed down for centuries through the Westminster system of parliamentary democracy. The intent is to ensure government authorities or private citizens who may be able to use the courts to prevent certain issues from arising, do not silence MPs.

MPs also have the right to access the premises of Parliament. This right is recognized in the Parliamentary Powers and Privileges Act, which states in section 4 that an MP cannot be arrested in Parliament

or while going to or returning from a sitting of Parliament. This applies for both criminal and civil matters, meaning that an MP cannot be obstructed from attending sittings and sessions of Parliament.

In addition to these specific legal rights of an MP, the Standing Orders note certain privileges of an MP (with certain exceptions, as noted in the Standing Orders), including the right to:

- **Ask questions** of the Government (SO. 41);
- **Obtain information** from the Government (SO. 41);
- **Introduce draft legislation** for debate (SO. 83);
- **Speak on any matter** before Parliament (SO. 64);
- **Propose amendments** to draft legislation and motions (SOs. 105 & 107); and
- **Sit as a member of a party caucus.**

### **Responsibilities**

Members also have certain obligations or responsibilities that they must adhere to as public officials and key actors in the political system of Fiji.

Related to the right to freedom of speech, there are limits on this right that must be observed by an MP. An MP cannot incite hatred amongst different communities or ethnic groups. Language used in Parliament cannot be disrespectful, cause disharmony or otherwise be “unparliamentary”. If such words are used they can result in the member losing speaking privileges, being disciplined and can even result in suspension from Parliament.

Members have a legal obligation to declare financial interests and assets. Financial interests are defined in the Standing Orders 5 as:

- (1) A financial interest is a direct financial benefit that might accrue to a member personally, or to any trust, company, or other business entity in which the member holds an appreciable interest, as a result of the outcome of Parliament’s consideration of a particular item of business.*

*(2) A financial interest—*

*(a) includes a financial interest held by a member's spouse or de facto partner or by any child of the member who is wholly or mainly dependent on the member for support; but*

*does not include any interest held by a member or any other person as one of a class of persons who belong to a profession, vocation, or other calling, or who hold public offices or an interest held in common with the public.*

If a Member has a financial interest in a matter before the Parliament, the Member must declare such an interest (SO.59 of the Standing Orders).

In addition, under the Electoral Decree and the Political Parties Decree a candidate for Parliament must make declarations with regard to his or her assets and from whom donations are obtained.

The Constitution states that all MPs who are members of a political party are elected on behalf of that party and must maintain their membership in the political party (s. 63(1)(g) & (i)) and cannot vote contrary to the position of the party caucus (or abstain) (s. 63(1)(h)).

Beyond legal obligations, an MP has certain political and moral obligations. For example, there is no law stating an MP must maintain a dialogue or contact with the citizens of Fiji, but there is an implied social contract between an elected representative and the citizens who have elected the representative that results in a need to maintain an on-going interaction with citizens. The means by which such a dialogue is maintained is discussed later in this handbook.

MPs also have a political and moral obligation to promote peace and to resolve disputes without resorting to violence. As candidates for election, this is recognised in the Political Parties Decree through the Code of Conduct (Schedule 1). But once elected as an MP, a



Member must continue to seek solutions within the institution of Parliament and should always be pursuing consensus, wherever possible, between the various party caucuses and all MPs. Where this is not possible, an MP must respect the right of the Government to govern and for all MPs to have the right to put their position on the record.

## ii) Key Actors in Parliament

A Parliament as a key institution of government has and must maintain certain key posts that ensure the work of the Parliament is done efficiently and in accordance with the law. To that end, the following is a brief description of the key actors that operate within the Parliament of Fiji:

**Speaker:** The non-MP who is elected by the MPs to preside over the affairs of Parliament. The role includes both procedural and administrative authority, thus allowing the Speaker to maintain order in the chamber and to manage the affairs of the institution. Key to this post is that the Speaker is independent and perceived as such by all MPs. Maintaining this status is critical to the effective functioning of a Parliament.

**Deputy Speaker:** An MP elected by the other MPs to act as Speaker when the Speaker is unable to fulfil her duties. The Deputy Speaker is also the Chairperson of the Privileges Select Committee and a member of the House Select Committee.

**Secretary-General:** The constitutionally mandated officer who manages the administrative affairs of the Parliament on a day-to-day basis and provides procedural advice to the Speaker. The post is very similar to that of Permanent Secretary to a Government Ministry. The Secretary-General (SG) is the head of the administrative section of Parliament and has the absolute authority to hire all staff in the Parliament.

**Leader of the Government in Parliament:** The Minister and MP who is the focal point for ensuring Government Business is managed and delivered through the Parliament. The post includes the role of maintaining dialogue with Whips from all caucuses to ensure disputes are resolved quickly and procedural and substantive matters are reviewed in a routine manner.

**Whip:** The focal point for each caucus with regard to the management of all business in the Parliament. The Whips have two key functions – (i) maintaining dialogue amongst themselves and with the Leader of the Government and the Speaker to resolve all disputes amongst caucuses as they arise; and (ii) ensuring their caucus maintains a level of harmony and consistency in the matters before the Parliament for debate and voting.

**Prime Minister:** The Leader of the Government and an MP who, among other obligations, must reply to questions addressed to him in accordance with the Standing Orders.

**Leader of the Opposition:** The MP who is not a member of the Government Caucus and who is elected by fellow opposition MPs to be their leader on matters related to parliamentary business. In most cases the leader of the largest opposition caucus fills the post.

**Ministers:** MPs who have been appointed as members of the Government Cabinet and are responsible for certain ministries and agencies of the Government. They manage, along with the Leader of the Government in Parliament, the government business related to their areas of responsibilities and are responsible for replying to questions addressed to them in accordance with the Standing Orders.

**Deputy Secretary-General and Table Officers:** Senior staff of the Parliamentary Secretariat who manage the procedural affairs of the Parliament. They will sit at the table in the centre of the chamber during all proceedings and are accountable to the Secretary-General (and through her to the Speaker) for ensuring the daily business of the Parliament is well organised.

## B. Passing a Law

### Relevant Standing Orders:

SOs 46-47 & 52-56 (Motions & Voting)

SOs 83-97 (Legislative Procedure)

SOs 109-122 & 129 (Committees)

SOs 57 – 69 (Rules of Debate)

SOs 104 & 107 (Amendments)

### i) Development of a Bill

#### Bill Originating from the Government

The Constitution specifically states that only Parliament may authorise laws and it recognizes that any MP has the right to submit a draft law (Bill). The one exception is that a Minister on behalf of the Government must introduce a “Money Bill”.

What is a Money Bill?

Section 44(4) of the Constitution of Fiji defines a Money Bill:

In this section, a Money Bill is any Bill that –

- (a) imposes, increases, alters, remits, grants exemptions from, reduces or abolishes taxes;
- (b) imposes charges on a public fund or varies or repeals any of those charges;
- (c) appropriates public money or otherwise relates to public moneys;
- (d) raises or guarantees any loan, or its repayment;
- (e) deals with the receipt, custody, investment, issue or audit of money; or
- (f) deals with anything incidental to those matters.

The majority of all Bills introduced in Parliament and the vast majority of those adopted will come from the Government. Legislation initiated by the Government should usually go through the following steps:

- **Step 1:** The legislative process usually starts with a review of national government priorities and policies to identify which of these priorities needs to be implemented through legislation.
- **Step 2:** Once the Government's legislative priorities are identified, each relevant Ministry will need to identify the policy priorities within their sector that will require legislation. The Ministry will then need to develop a Legislative Proposal that will be brought before the Cabinet for endorsement.
- **Step 3:** The Legislative Proposal will then be submitted to the Cabinet for consideration.
- **Step 4:** If the Legislative Proposal is endorsed by Cabinet, it will then most often be forwarded to the Office of the Attorney General to start drafting a Bill.
- **Step 5:** Once the draft Bill has been completed, the responsible Ministry will submit the Bill to Cabinet for endorsement.
- **Step 6:** Once the final Bill is endorsed by Cabinet, the Government will notify the Speaker of the intention to introduce the Bill.

### **Bills Originating from MPs**

If an MP wishes to introduce the Bill in Parliament, the following steps should be considered:

**Step 1:** In order to identify legislative priorities, Members should consult with a range of people to identify what issues are most important and what problems need to be solved.

- *Members should meet regularly with citizens, who share information about the problems they are facing. Members may also discuss key issues within their political party or parliamentary group and agree that legal action needs to be taken. Members may also identify issues through the media, for example, through newspaper reports.*

- *Members need to ask themselves: “is a law required to solve the problem?” Alternatively, could something else be done, for example, can the relevant Ministry help? Can the Members work with local level government officials to address the problem?*

**Step 2:** If the Member decides that legislative reform is necessary to solve a particular problem, the next step is to work with other experts and stakeholders to develop the idea. Bringing in a broader range of stakeholders at this early stage will be important in building support for the Bill:

- *The Member can discuss the idea with his/her political party or caucus. It is important to agree to a consistent party position on what needs to be done.*
- *The Member can also discuss the idea with Members from other political parties. Cross-party support makes it more likely that the Bill will eventually be enacted.*
- *The Member can start discussing the idea with local and international experts and civil society groups, to gather ideas on international good practice and find out what people think is the best solution to the problem.*

**Step 3:** Once the Member is clear on exactly what the Bill need to do and what content should be included, the Members need to develop Drafting Instructions which clarify clearly: (i) why the legislation is needed; (ii) what the legislation should cover; and (iii) the costs and benefits of enacting the legislation, including financial implications.

**Step 4:** Once the Drafting Instructions are finalised, Members who do not have legal experience themselves can then work with a legislative drafter to develop the Bill.

**Step 5:** Once the Bill is drafted, it will be useful to again go through a consultation process with international and national experts, CSOs and other interested stakeholders to get their feedback on the contents of the Bill.

**Step 6:** Once the Member is satisfied with the content of the Bill, they should notify the Speaker of the intention to introduce the Bill.

### **i) Stages of a Bill in Parliament**

Once the Government or an MP has developed the content and had a Bill legally drafted, it is then ready for introduction and debate in the Parliament.

#### **Introduction**

Prior to a Bill being introduced in Parliament, the intention to introduce the Bill must be publicly announced through the *Fiji Gazette*. The Government or an MP must provide a notice to the Secretary-General of the Parliament that they wish to introduce a Bill. There is no set format for such a notice, but a simple, one page letter to the Secretary-General should suffice, stating the title of the Bill to be introduced.

The *Gazette* is normally published each Friday; therefore, in order to ensure the Secretary-General has time to submit the notice for publication in the *Gazette*, notice should be provided to the Secretary-General at least three (3) days before the publication date. This would mean ensuring notice is provided to the Secretary-General by the end of the business day on a Monday, at the latest, for publication in the next edition of the *Gazette*.

Two days after the notice of a Bill is published in the *Gazette*, it can be introduced in the Parliament. Standing Order 3(2) makes reference to section 163 of the Constitution with regard to the calculation of time. The relevant subsections of section 163 states that Sundays and public holidays are not calculated when counting days. Therefore, if the *Gazette* is published on a Friday, a Bill can be introduced on the following Monday.

Once notice is published in the *Gazette* a Bill is automatically placed on the Order Paper for the Parliament after two days has elapsed. At the designated time on the day in question, the relevant Minister

(on behalf of the Government) or MP will stand and introduce the Bill. This is known as the 1<sup>st</sup> Reading of the Bill. There is no debate and no vote on the Bill at this stage. Once introduced the Bill is placed on the Order Paper for 2<sup>nd</sup> Reading on a future day (i.e. – Debate at 2<sup>nd</sup> Reading cannot commence the same day as it was introduced).

## **2<sup>nd</sup> Reading**

A Bill that has been introduced is placed on the Order Paper for 2<sup>nd</sup> Reading. It will remain on the Order Paper until it is called for debate. There are two options for when it may be called for debate:

Government Business – On sitting days from Monday to Thursday the Government decides what Bills will be called for debate. At the appointed time under the Order Paper the Leader of the Government in Parliament will be called upon to announce what matters will be called for debate. All such matters must be on the Order Paper having been introduced on a previous day. The Government will call its Bills during Government Business (the Business Select Committee will have been consulted and will be aware of what matters will be called for debate.).

Members' Business – Each Friday on which there is a sitting day, members who are not Government Ministers direct the business of Parliament. On these days, business by the Opposition take precedence and this can include motions and private Bills introduced by Opposition MPs. The topics and timing of debates on these days will be determined by the Business Committee.

The MP (Minister or otherwise) who introduced the Bill will rise to move the 2<sup>nd</sup> Reading of the Bill that is called for debate. At this time the MP will provide some explanation for the Bill to start the debate. The next person to speak must second the Bill in order to start the debate.

All MPs who wish to speak on the Bill, either for or against, can speak once for up to 20 minutes. Amendments to Bills at the 2<sup>nd</sup> Reading are limited, not substantive and unusual. All speeches at the 2<sup>nd</sup> Reading must focus on the concept and principle of the Bill and should not delve into the details of the content. Once all MPs who wish to speak have spoken, the original mover of the Bill will rise to close debate.

Once the debate has been completed and closed, the Parliament will vote on the Bill. If the majority of the MPs present vote in favour of the Bill, it must be referred to a standing committee for consideration. If a majority of the MPs present voted against the Bill, it dies and is removed from the Order Paper.

### **Standing Committee**

The Speaker will determine to which standing committee a Bill will be referred. A Bill can only be referred to one committee. Once referred, the relevant standing committee will examine the Bill in detail. The committee has certain obligations and rights when examining a Bill:

#### **Obligations:**

- A maximum of **30 days to report** back to the Parliament (unless the Parliament directs otherwise)
- Must **seek public input** – this will vary depending on the nature of the Bill (See Part D for some examples), but the committee must provide sufficient and reasonable opportunity for those interested in the Bill to provide feedback and comments on the content of the Bill
- Conduct its **review in public** – with limited exceptions, the committee must ensure the public, including the media, have full access to its meetings as it considers evidence related to a Bill
- Review the Bill **clause-by-clause** – No matter the amount of input from the public, the committee must consider the Bill in detail, voting on each clause and considering any proposed amendments



### **Rights:**

- **Access to documents** – the committee can request documents and written information from the Government or any other source and such requests must be complied with
- **Request oral testimony** – A committee can request, and, if need be, subpoena, any person in Fiji, including a Minister or senior staff of the Government, to attend, give evidence and answer questions from the committee
- **Can amend the Bill** – any member of the committee can make a proposal to amend the Bill during the clause-by-clause review of the Bill. The committee will vote on each amendment and any amendments adopted by the committee are made to the Bill and the Bill, going forward, is considered as amended by the committee

Once the committee has completed its work on the Bill it will report back to the Parliament with or without amendments. This is done by the chairperson of the committee (or a designate from the committee) standing at the appointed time on the Order Paper and tabling the Bill.

The Bill is then to be considered for Committee of the Whole Parliament on Bills on a future day.

### **Committee of the Whole Parliament on Bills**

After the standing committee has reviewed a Bill it is then referred to the entire Parliament for review, which it does as the Committee of the Parliament on Bills (CoWP). The Committee will sit as it would if it were in session; however, the mace will be placed under the table in the centre of the Chamber and the Speaker will sit at the table as Chair of the Committee. Procedure is slightly less formal, as MPs can speak more than once on any given matter that is up for debate.

The intent of the CoWP on Bills is to review, clause-by-clause, the content of the Bill. To some extent this is a repeat of the work of

the standing committee, but is a necessary step to ensure the Parliament, as a whole, endorses the review conducted by the standing committee.

The Secretary-General will call each clause in order, for debate. As each clause is called any MP can speak on the content of the clause or propose an amendment to the clause. Under certain circumstances that are outlined in Standing Order 87(1), clauses can be grouped together.

If an MP wishes to make certain amendments to a clause, notice has to be provided at least one day in advance. The amendments that require notice are those that intend to (i) replace an existing clause; (ii) add a new clause; or (iii) add a new schedule. Notice of an amendment involves a written notice of the wording of the amendment being delivered to the Secretary-General and the Whips of the other caucuses at least 24 hours before the clause is called for debate.

All other amendments (i.e. – adjustments to the words in a clause; adding words to a clause) do not require prior notice.

Once the Chairperson has called a clause for debate there is no need for a mover or seconder to the motion to adopt the clause. Once all MPs who wish to speak have spoken there is a vote on the clause. However, if an MP suggests an amendment, it must be moved by one MP and seconded by another MP. It will then be debated and voted upon. Once the amendment has been addressed the debate and vote on the original clause (with or without amendment) will be concluded.

Any amendments to a Bill must be in writing and in compliance with Standing Order 107. Any amendment proposed by a Minister must be called for debate before an amendment proposed by another MP.

Once all the clauses and schedules of a Bill have been debated and voted upon, the Bill is reported back to the Parliament for 3<sup>rd</sup> Reading.

### **3<sup>rd</sup> Reading**

Once reported back to Parliament from CoWP, a Bill can be called for debate the same or a future day for final debate and vote. At 3<sup>rd</sup> Reading the Bill cannot be substantively amended. The debate at this stage is to discuss whether or not the Bill, as the standing committee and the CoWP now present it after consideration, will be approved. The debate process is the same as with 2<sup>nd</sup> reading, including the need for a mover and seconder. Once all MPs who wish to speak have spoken, the MP who moved the Bill at 3<sup>rd</sup> Reading will close debate. There will then be a final vote on whether or not to adopt the Bill as law.

#### **Expediting a Bill**

Section 47 (3) of the Constitution allows for an expedited process for adopting a Bill. The Standing Orders reflect this option in Standing Order 51 which states that a motion may be presented to Parliament without prior notice for the Bill to move more quickly than would normally be allowed. Such a motion must clarify if the proposed process will include:

- more than one stage of the Bill being considered on the same sitting day;
- any time limits placed on debate for each stage of the process; and
- not having the Bill proceed to a standing committee for review

Such a motion must be passed by an absolute majority of the MPs in the Parliament (i.e. - at least 26 votes in favour) and can only be moved by the MP moving the Bill at the beginning of each stage of the Bill's review.

### **Coming into Force**

If Parliament adopts a Bill at 3<sup>rd</sup> Reading, the Bill is sent to the President of Fiji for assent. In accordance with the Constitution, the President has seven (7) days to assent to the Bill. Once the President assents to the Bill, or seven days have elapsed without the President's assent, the Bill becomes an Act.

No later than seven (7) days after a Bill has been assented to, the Attorney-General must publish the full content of the new Act in the *Gazette*.

An Act comes into force (i.e. – is enforceable as a law) when one of the following is triggered:

- The Act provides a specific date on which it will come into force; or
- Where the Act is silent as to a date on which it comes into force, it will come into force seven (7) days after it is published in the *Gazette*.

## C. Monitoring Government Activity

### Relevant Provisions of the Standing Orders:

SOs 35 & 36 (Adjournment Motions)

SOs 41- 45 (Questions to Ministers)

SOs 83(3) (No notice for Money Bill)

SOs 104 -108 (Amendments)

SOs 130 (Approval of Treaties)

SOs 132 (Emergency Powers)

SOs 37 & 38 (Petitions & Presenting Papers)

SOs 49 & 50 (No Confidence & Dissolution)

SOs 98 -103 (Budget Approval)

SOs 109 -122 & 129 (Committees)

SOs 131 (Government Loans)

Oversight is the process by which the Government of Fiji is held accountable directly to Parliament and indirectly to the citizens of the country. In addition to the passage of laws, oversight and holding the Government accountable for its actions is a primary function of the Parliament.

Oversight entails the monitoring of the Government to ensure it is implementing the laws and annual budget as it has been passed by Parliament. Therefore, the role of Parliament is not only to pass laws

and an annual budget but to equally ensure that what it has passed is actually being properly implemented.

There are two types of oversight that will be reviewed in this handbook:

### **Policy Oversight**

The Parliament reviews and adopts legislation and the Government implements those laws. The decisions made by the Government on a day-to-day basis in interpreting the legislation and applying it to real life scenarios will include the need to identify subordinate rules and policies and the application of these on a case-by-case basis. These policy decisions of the Government are open to scrutiny by the Parliament.

There are number of tools that can be used to monitor the implementation of the laws passed by Parliament:

### **Question Time**

Unique to the Westminster system of parliaments, Ministers must attend Parliament to answer questions presented by MPs who are not Ministers. There are clear rules about the content of such questions (see Standing Order 44 for detailed list). There are also specific steps that must be followed to have a question placed on the Order Paper for a given day:

**Step 1:** An MP must produce a question in writing and submit it to the Secretary-General at least four (4) days before the MP wishes to have the question raised in Parliament. If the question is for an oral answer by a Minister, the MP must tick the box marked "ORAL QUESTION" on the form submitted to the Secretary-General.

**Step 2:** During the four day period between when the question was submitted and the MP wishes to ask the question, the Speaker will review the question to ensure it is not out of order (i.e. – not in compliance with the Standing Orders).

**Step 3:** Assuming the Speaker determines a question is in order,

- (i) the Business Committee will review all questions requested for a specific sitting day; and
- (ii) The question will be forwarded to the relevant Minister to prepare a reply.
- (iii) No MP may ask more than one oral question and no more than two written questions on any given sitting. In addition, no Minister may be asked more than two oral questions in any given sitting. The Business Committee must review all questions submitted and determine which ones will be placed on the Order Paper for that sitting day and in which order.

**Step 4:** Once a question – written or oral – is placed on the Order Paper it will be asked at the appointed time.

- **Oral Questions** – The MP rises and asks the question as written and submitted. The Minister stands to answer the question and then supplementary questions can then be asked by the same MP or others. The number of supplementary questions asked is at the discretion of the Speaker. No notice is required for supplementary questions but they must still be
  - in order;
  - related to the original question's topic; and
  - in compliance with the Standing Orders.
- **Written Questions** – An MP who has been assigned a written question for reply will stand at the appointed time and ask that "*Question Number \_\_\_\_*" be answered. The Minister will rise and table the answer in Parliament. The answer is then included in the Hansard proceedings for that sitting. If the Minister is unable to answer the question at that time, the Minister has up to seven (7) sitting days to reply in writing. If the Minister cannot reply in that timeframe the written question will then be placed on the order paper as a question for oral answer.

## Petitions

Petitions are citizen-initiated written requests for Parliament to investigate a specific cause or issue. A petition is the only means by which the citizens of Fiji can directly influence the agenda of Parliament.

Under the current Standing Orders a petition must have at least one signature from a citizen of Fiji and must be endorsed by one MP who is willing to table the document in Parliament. The only limit to a petition is spelled in section 37(1) which states that a petition must be “...*respectful, does not promote disharmony, and is deserving of presentation.*” A petition will only proceed to be considered in detail by a Standing Committee if 40% of MPs vote in favour of such a motion”.

The following steps are required to initiate and investigate a petition:

**Step 1:** One or more citizens of Fiji produce a written request for action by Parliament and affix their signatures to the written request. This is then submitted to an MP.

**Step 2:** An MP must review the petition as presented and determine if the petition:

- Is respectful
- Does not promote disharmony
- Is deserving of presentation
- Is not on a topic that Parliament has previously investigated during this Term

If the petition meets the above criteria the MP must decide if the MP wants to endorse the request. If so, the MP produces a certificate of endorsement that is signed by the MP and attached to the petition. The certificate states that the MP believes that the petition meets the above criteria.

**Step 3:** The MP submits the petition (with the certificate affixed) to the Secretary-General at least two (2) days before the MP wishes to table the petition in Parliament.

**Step 4:** During the two-day waiting period, the Speaker must review the petition to ensure the petition:

- Is respectful
- Does not promote disharmony
- Is deserving of presentation
- Does not address a topic that has already been addressed and investigated by Parliament during the current Term
- Is seeking action that lies within the jurisdiction of Parliament

**Step 5:** Assuming the Speaker finds the petition in order, it is placed on the Order Paper on the designated sitting day. At the appointed time, the MP will rise and table the petition in Parliament. The MP will then move a motion that the petition be referred to a Standing Committee. There will then be a debate on the motion and MPs will vote. If 40% of all MPs (that is 20 MPs in total) vote in favour of the motion, the Speaker will state to which standing committee the petition will be referred for investigation. The fewer than 40% of MPs vote in favour of the motion then no further action is taken.

**Step 6:** Once referred to a standing committee, it is up to that committee to determine the priority of its work, including how it will investigate the topic of the petition. However, there are key points to note as it considers a petition:

- There is **no time limit for investigation** of a petition;
- **Public input**, in a manner and format determined by the committee, must be sought;
- **Evidence (oral or written) can be accessed** by the committee;
- An **investigation** must be conducted; and
- A **report must be produced** and tabled in Parliament.

The nature of the investigation and the extent of public input will vary depending on many factors, including the political implications of the topic of the petition, the number of citizens who signed the petition, and the workload of the committee.



Even petitions that may be perceived as frivolous or nominal must be investigated, assuming one MP thought it warranted being tabled in Parliament. Such an investigation may be cursory in nature and addressed relatively quickly, but all petitions require some form of investigation.

**Step 7:** The standing committee that has investigated the topic of the petition must produce a report that is tabled in Parliament by the chairperson of the committee (or a delegated member of the committee).

**Step 8:** Once a report has been tabled in Parliament it will be placed on the Order Paper as a motion for possible debate. Debate on the motion to adopt the recommendations of the report will only proceed if the Government calls it for debate during Government Business (Monday-Thursday) or it is called for debate during Members' Business (Fridays) by another MP or caucus.

**Step 9:** if the report of the committee is debated and endorsed by Parliament, the Government of Fiji has up to 60 days to produce a written reply as to how it will address the recommendations related to the petition.

## Motions

Oversight can include the simple action of putting a matter on the record and requesting the Government to reply in Parliament. This can be achieved through a motion for debate. A motion (that is not related to a Bill or a report of a committee) is simply an expression of opinion of Parliament and has no legal authority that requires action. However, it can allow for an issue to be debated and, in some cases, voted upon.

The following is a list of the types of motions that are a form of oversight:

**Motion** – If a motion is on the order paper, the motion can be moved by the Government on Monday – Thursday or by any Member who

is not a Minister on Friday. The motion is debated and then at the end of the debate there is a vote by Parliament to approve the motion or not.

**Urgent Adjournment Motion** – Each Order Paper allows for an urgent adjournment debate. Where an MP believes there is a matter that must be debated that is a “...*recent occurrence that involves the administrative or ministerial responsibility of the Government which requires the immediate attention of Parliament and the Government.*” (SO 36(2) of the Standing Orders), the MP must provide notice of the request for debate on the matter. Such notice must be provided to the Secretary-General and the Whips of the other caucuses before the start of the sitting.

The Speaker will decide if the matter is in order. If the Speaker agrees the matter is a recent occurrence, the MP who wishes to move the motion must ask the Parliament to vote to give permission (seek leave) that the motion now be debated. If the motion to seek leave is defeated if at least ten (10) MPs stand to request the debate be held, it will then take place at the end of the sitting day and last for two hours. There is no vote on the motion at the end of the debate.

**No Confidence Motion** – Though rarely used, a no confidence motion is a tool that can be used to promote accountability. The Constitution and the Standing Orders are clear in stating there are limits on how often such a motion can be initiated. If a motion of no confidence is tabled it must be debated within 24 hours and it must include the name of the alternate Prime Minister to be named if the motion passes. It will be debated and then a vote will be called. If the motion is defeated no other motion of no confidence can be called for debate for at least six (6) months.

**Dissolution of Parliament Motion** – A dissolution motion is a request to dissolve Parliament and call an immediate election. Such a motion cannot be introduced unless the following conditions are met:

- At least one motion of no confidence has been defeated
- The Leader of the Opposition introduces the motion
- The motion clearly states that the reason for dissolution is a lack of confidence in the Government
- At least 18 months since the last election has elapsed
- The date of the next parliamentary election is more than six months hence

### **End of Week Statements**

Each Friday on the last day of a sitting period, MPs can submit a request to make a statement. The first three MPs to submit such a request between 48 and 24 hours before the appointed time for such a statement, will be given 10 minutes each to speak on their statement subject. For each of the three statements, the Government, through the relevant Ministers, can then reply for up to 10 minutes to each statement. There is no debate or vote on these statements and replies.

### **Committees**

The six standing committees of Parliament have a specific mandate to conduct oversight of the work of the Government of Fiji. Standing Order 110(1)(c) states:

*A standing committee must -  
scrutinise the government departments with responsibility within the committee's subject area, including by investigating, inquiring into, and making recommendations relating to any aspect of such a department's administration, legislation or proposed legislative program, budget, rationalisation, restructuring, functioning, organisation, structure and policy formulation*

The Standing Orders provide significant flexibility as to how and when a standing committee will conduct oversight. Each committee will determine its own agenda for its work, which must also include the review of any Bills and petitions that have been assigned to the committee. In addition to the work assigned to the committee, the committee can identify topics its wishes to investigate and report

upon. It is these latter topics that will be the basis for its oversight function.

If a committee has identified a topic for investigation it has significant powers in order to gather the evidence required to make recommendations. These tools include:

- **Seek oral evidence** – this can be from any citizen of Fiji and includes Ministers and senior Government officials. A committee would normally start by writing a letter request for a person to attend. If this is not respected the committee has the authority to issue a subpoena for the person to attend.
- **Obtain written documents** – as with oral evidence, the committee would write a request to receive documents. If the request is not respected the committee can issue a subpoena for the documents.
- **Seek public input** – all work of the committee must include an opportunity for the public to provide their opinions and feedback. The extent and format of such input will vary for each investigation.
- **Access technical expertise** – a committee can seek technical expertise, either by seeking submissions from academics, civil society and other stakeholders. Where warranted and the budget of Parliament allows, a committee can hire an expert as a consultant to advise the committee over an extended period of time during an investigation.
- **Consult Government Ministries** – in order to build a working relationship with the relevant Ministries of the Government, a committee should be holding regular consultations and briefings with the relevant Ministries.
- **Establish sub-committees** – in order to manage its work more effectively and efficiently, a committee can establish one or more sub-committees that can be delegated tasks that will be reported back to the entire committee for decision.

- **Produce a Report** – where the committee determines, based on the evidence gathered, that recommendations to the Government are warranted, it may produce a report with such recommendations and table it in Parliament for possible debate. If the report is noted by Parliament the Government has up to 60 days to respond in writing to the recommendations.

### Special Committees

The Standing Orders allow for the creation of special committees that would be established by a motion of Parliament. These committees have the powers of standing committee but have more powers if Parliament so designates. These types of committees are often established for specific oversight investigations.

See Standing Orders 129.

## Financial Oversight

Each year the Government must produce a state budget that allocates all revenue received and states on which ministries and programmes the funds will be spent. The Parliament scrutinises the budget twice – when the budget is adopted by the Parliament and when it is being implemented.

Parliament may review if sufficient funds were allocated for a given programme, if the funds were spent where the Government stated it would allocate or if the revenue that was anticipated to be collected was actually collected. Unlike with policy oversight, financial oversight is more quantitative – it is about numbers and the funds allocated for spending.

### Budget Approval

It is through the review of the details of the annual budget that Parliament is conducting oversight. The Government presents where it plans to spend its revenue and Parliament and its MPs have the opportunity to scrutinise in detail and to move amendments to the amount of funds allocated. However, Parliament does not

have the full ability to rewrite the budget, as it is the Government's budget and the role of Parliament is to review and make adjustments within the parameters set by the Government and spelled out in the budget.

Each year in November or December (prior to the end of the fiscal year) the Minister of Finance will present to Parliament the annual budget for the Government of Fiji. The Minister will make a speech outlining the highlights of the budget and then table two documents:

- **Appropriations Bill** – This is a Bill that summarises estimates of revenue and capital for the year.
- **Estimates** – This outlines the details of the amount of funds to be raised (i.e. – revenue) and the amount and where the funds will be expended (i.e. – expenditures) for each ministry and government agency, including details and allocated funds for departments and divisions within each ministry (i.e. – headings). The Estimates are a Schedule to the Appropriations Bill.

The delivery of the budget speech and the tabling of the Bill and Estimates constitute **1<sup>st</sup> Reading** of the Appropriations Bill.

Once the Minister of Finance has presented the budget, Parliament adjourns for at least six days. This allows MPs to review the budget documents in detail, seek expert advice, receive briefings on its contents and consult the citizens of Fiji on the impact of the budget.

Upon Parliament sitting again **2<sup>nd</sup> Reading** of the Appropriations Bill commences. All MPs have the right to speak on the Bill at this stage. Unlike other Bills, there is no vote at 2<sup>nd</sup> Reading. Once all MPs that wish to speak have spoken the Bill is passed without a vote. It is then sent to the Committee of the Whole Parliament on Supply. It is possible that once the Bill is read a second time that it can proceed to the Committee on the same day.

The **Committee of the Whole Parliament on Supply** is constituted in the same manner as the Committee of the Whole Parliament on Bills. The Committee sits in the chamber and all MPs are members

of the Committee. The rules are slightly less formal than when the Parliament is sitting. The intent is that the Committee will review the details of the Bill (and Estimates). During the review of the Bill the Speaker is the Chairperson of the Committee.

The detailed review of Estimates is the first task of the Committee. The Chairperson will ask the Secretary-General to call each heading in the Estimates. Debate will then commence with regard to that heading (and all sub-headings under that heading). After the debate has been completed, if there are no amendments proposed to the heading, the Chairperson will call the vote on that heading.

However, amendments are allowed and can be proposed by any MP. No prior notice is required for a motion to amend a heading and no seconder is required for the motion. An amendment is limited to seeking one of the following changes to the heading:

- Increasing the funds allocated to a specific sub-heading under the heading;
- Decreasing the funds allocated to a specific sub-heading of the heading; or
- Deleting an entire sub-heading under the heading

Once the motion to amend the heading has been moved, debate commences on the motion and continues until all MPs who wish to speak have spoken. If there is more than one motion to amend the heading, the motions will be considered in the following order:

- A motion to increase a sub-heading is discussed before a motion to decrease the same sub-heading
- A motion to decrease the funds allocated to a sub-heading will be considered in order from the largest decrease to the smallest

Once all MPs who want to speak have spoken on a motion to amend, the Chairperson calls the vote on the motion. If the motion is adopted the Estimates are amended. After all amendments for a heading have been addressed the Chairperson will call for the vote on the heading (with or without amendments).

Once the entire Estimates have been reviewed and adopted, heading-by-heading, the Committee of the Whole Parliament on Supply considers the Appropriations Bill. The schedules to the Bill are considered before the clauses, but each is considered in detail as the Chairperson asks the Secretary-General to call each schedule and clause for vote. There is no debate on each motion to adopt a schedule or clause.

The only amendments allowed with regard to the Appropriations Bill are:

- As a result of an amendment to the Estimates to ensure the Bill reflects the change; and
- Moved by the Minister of Finance

There is no debate on any motion to amend the Bill, only a vote.

After all the clauses and schedules of the Appropriations Bill have been considered the Bill is reported back to Parliament. It will then be considered for **3<sup>rd</sup> Reading** on that day or a subsequent sitting day. The Minister of Finance must move 3<sup>rd</sup> Reading and no seconder to the motion is required. There is no debate on the Bill and no amendments are allowed at this stage. The Appropriations Bill will then be voted upon for the final time.

Budgets are also often accompanied by 'Consequential Bills' which reflect the changes needed in the law to implement the budget as agreed.

### **Budget Implementation**

Having passed the annual budget (i.e. – Appropriations Bill and Estimates), Parliament continues with its role in financial oversight by monitoring the implementation of the budget. As MPs consult the citizens of Fiji they will receive feedback on the impact of the budget on certain sectors or the general population. This feedback should be used to raise questions and receive information about how the budget is being implemented.



The primary means of such oversight is through standing committees.

## Public Accounts Committee

One of the standing committee of Parliament is established specifically to monitor how public money has been dealt with and accounted for. The mandate of the Public accounts Committee (PAC) is stated in Standing Order 109:

*Standing Committee on Public Accounts – including examining the accounts of the Government of the republic of Fiji in respect of each financial year and reports of the Auditor-General, and for any other matter relating to the expenditures of the Government of the Republic of Fiji or any related body or activity (whether directly or indirectly) that the committee sees fit to review. The Committee must only examine how public money has been dealt with and accounted for in accordance with the written law and must not examine the underlying policy that informs public spending*

The methods by which the PAC can conducts its work are one the following:

- **Initiate an investigation** – Based on evidence received or information obtained the PAC can decide to investigate a specific issue.
- **Review Reports** – Government ministries and agencies produce reports on a regular basis and the PAC should be reviewing these to ensure any financial issues are scrutinised.
- **Scrutinise Estimates** – Once the Estimates have been adopted by Parliament the PAC should be monitoring them throughout the fiscal year.
- **Auditor-General Reports** – The PAC and the Auditor-General should work together closely, allowing each to benefit from the others work. The PAC should use its substantial powers to investigate issues and areas of concern raised in the Auditor-General's reports.

## Other Standing Committees

Though the Public Accounts Committee has the primary mandate with regard to financial oversight, it is constrained at looking only at how public money has been dealt with and not the underlying policy that informs public spending. Therefore, the other standing also have a very important role to play when it comes to financial oversight. The other five standing committees are responsible for oversight of specific sectors and ministries under those sectors. In addition to their review of laws that have been passed by Parliament, each committee should also be active in monitoring the expenditures of the ministries and agencies under its sector, the policies that this expenditure of focussed on, whether the government is receiving value for money and whether funds are being spent effectively and efficiently.

An effective committee will be in constant dialogue with citizens, civil society, technical experts and officials from the relevant ministries. Based on this interaction and the information gathered from it, the committees should be able to identify where there may be concerns with regard to spending. It then has the powers outlined above (i.e. – obtaining oral evidence and documents; seeking testimony from Ministers) to probe for evidence and details as to any concerns raised

## D. Engaging Citizens in the Work of Parliament

The following is a brief description of the various methods and tools that can be used to seek the input of citizens as Parliament (and its standing committees) conducts its work.

**Public Feedback:** Providing opportunities for citizens to provide opinions and

comments on Bills, investigations and petitions. This can be done either online or through requests for written and oral submissions.

**Private Meetings:** Meeting stakeholders and those concerned about a specific Bill or topic of investigation to receive candid comments.

**Surveys:** Either online or through professional polling firms, seeking a scientific and objective set of data with regard to the public's opinion on a given topic.

**Field Visits:** Leaving Parliament and Suva to seek input from citizens in the regions of the country. While in the field many of the other tools noted here can be used.

**Focus Groups:** Gathering a sample of the general public or of those directly impacted by a Bill or issue and asking a series of questions and creating a discussion to gain further insight into their concerns and feedback.

**Public Forums:** A less formal means of meeting citizens or affected groups to hear from them on a given topic or issue. There are a number of types of forums, including:

- **Accountability Sessions** in which a committee or the Parliament provides information on what it has been doing
- **Town Hall** – a committee can hold an open meeting in which any topic related to its work can be raised. These are primarily driven by the agenda of the citizens that attend.
- **Issue Forum** – a committee organises a session in which key stakeholders are invited to provide feedback on a given topic or issue. The agenda is

**Workshops:** The Parliament as a whole or a committee can sponsor a workshop and invite technical experts and stakeholders to attend. Information is presented through various sessions and panels with the goal of creating a dialogue on the topic in question and to ensure the committee has extensive information on a topic to which it is conducting a review.

**Public Hearing:** The most formal type of public input in which the committee calls for evidence from either invited stakeholders or the general public. Submissions are made orally and in writing and each witness will face questions from the members of the committee.

## E. Ensuring Parliament Works

### **Relevant Standing Orders:**

SOs 13 & 14 (Election of Leaders)

SOs 22 (Sitting Programme)

SOs 48 (Inadmissible Motions)

SOs 70-82 (Maintaining Order)

SOs 123-128 (Select Committees)

SOs 18-20 (Speaker's Duties)

SOs 44 (Inadmissible Questions)

SOs 57-69 (Rules of Debate)

SOs 92 (Bills that are Out of Order)

Schedule (Oaths of Office)

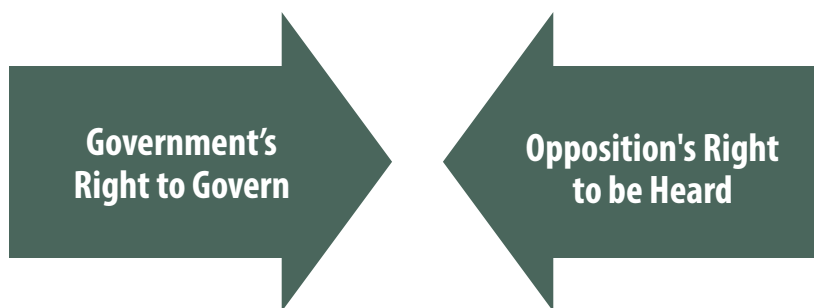
Given the political history of Fiji it is essential that all MPs and caucuses endeavour to ensure Parliament is as effective as possible. MPs are political leaders in their communities and the country and other citizens will look to them as examples of how to move forward with a democratic political system that is functional and addresses the needs of the citizens of Fiji.

Even with such high standards placed on the role of an MP, the day-to-day interaction and functions of a Parliament can result in disputes between MPs and amongst caucuses. Such disputes are normal and the result of an adversarial system. The challenge is to manage such disputes in a manner that allows their resolution, where possible, and, if not possible, providing enough space for all sides to have their positions placed on the record. It is critical to avoid disputes turning into conflict and to the systems of Parliament being usurped or ignored.

There are three key aspects to the work of Parliament that must be considered in some detail to ensure it works effectively – key principles; clear legal framework; and organised work. Each of these is addressed below.

## i) Key Principles: The Role of the Government and the Opposition

There are two key and equal principles upon which an effective Parliament operates:



**Government's Right to Govern:** Parliament's role in the governing of Fiji is to pass legislation and to monitor its implementation. The Government of Fiji must have the ability to implement the laws and funding as approved by Parliament. In order to do this, the Government will need to have some expectation that its laws will be passed in a timely manner and that its annual budget will be adopted before the end of the fiscal year. Given the Government has a majority of the MPs in Parliament, the Opposition cannot generally stop the adoption of the matters presented by the Government.

**Opposition's Right to be Heard:** Of equal importance is that as the Government introduces Bills, submits its annual budget and otherwise implements these matters, the Opposition must have the space to ask questions, suggest amendments, propose alternatives and to monitor how these matters are implemented. These things are accomplished through a full debate of all matters before their adoption.

These two equal principles are critical to an effective Parliament. If both the Government and the Opposition know and respect the role of the other side, the system will function as it should. There

can be regular frustration with the actions of the other side, but if both appreciate the role being played, the “middle ground” created by mutual respect will result in an effective system.

## ii) Legal Framework: Resolving Disputes and Building Consensus

In addition to some basic principles that need to be respected by all MPs there are legal requirements that promote the resolution of disputes and consensus amongst all MPs and caucuses.

First amongst these legal requirements are Standing Order 124 and 125 establishes the **Business Committee**, which will have the Speaker as the Chairperson. The other members of the committee are: the Prime Minister, the Leader of the Opposition and the Leader of any other recognized political party with seats in Parliament. The Business Committee can have up to five other MPs as members as appointed by the Prime Minister and the Leader of the Opposition. The key is that the Committee membership must at all times have an equal number of Government and Opposition MPs.

The mandate of the Business Committee is to manage the daily business of Parliament in a manner that ensures the rights and interests of both the Government and the Opposition are considered in determining what matters will be called for debate and presentation in Parliament.

Standing Order 125 goes further in requiring that the Business Committee must operate on the basis of achieving unanimous agreement amongst all members, where this is possible. It is the role of the Speaker, as Chairperson, to strive for this objective. However, if the Speaker determines that unanimous consent is not achievable, the Speaker must ensure that – (i) the decision of the Committee is based on “near unanimity” (which means the members of the Committee reflecting the vast majority of the MPs in Parliament have agreed); and (ii) that the rights of all caucuses are respected and not oppressed.

Given the need for unanimity or near-unanimity, the Business Committee cannot operate without the Government having the agreement of the Opposition. This will mean that the Committee must be the place where compromises are made in order for the business of Parliament to continue and to be effective.

In particular, the following are the specific actions that shall or can be taken by the Business Committee in order to ensure the business of Parliament is achieved:

- **Annual Sitting Programme** – this must be agreed to and delivered to Parliament within three sitting days after the annual speech of the President and lays out the sitting days and sitting periods for Parliament over a 12-month period.
- **Amend Order Paper** – the Committee can decide on any given sitting day that the order of business will be different than the normal routine.
- **Time Limits for Debate** – the norm is that all MPs can speak for up to 20 minutes on any matter up for debate; however, if the Business Committee agrees, the number of speakers and/or the time allocated for each speaker can be limited in order to ensure a matter proceeds through Parliament in a timely manner.
- **Combining Matters for Debate** – the Committee can agree to combine two or more matters into one debate.
- **Questions for Reply** – All questions that have been submitted for a given sitting day are reviewed by the Business Committee to ensure:
  - Which eight questions for oral answer should be included on the order paper if more than six were submitted;
  - No more than one oral question is asked by any one MP;
  - No more than two written questions are asked by any one MP;
  - No more than two questions are asked to any one Minister; and
  - The order in which the questions will be asked.

- **Seat Allocation** – determine to which seats MPs will be assigned if this cannot be resolved otherwise.
- **Determine Members’ Business** – On Fridays the business of Parliament is non-Government and the Committee must agree what business will be called as it may include both Opposition and Government non-ministerial MP business.
- **Standing Committee Size** – the Speaker and the Committee must agree to the number of members of each standing committee, which shall be at least five and no more than seven MPs per committee.

In addition to the Business Committee, the Standing Orders provide other opportunities for consensus and to resolve disputes. To this end, the **Whips** of each caucus are empowered to make some decisions. It is incumbent upon the Whips (and the Leader of the Government in Parliament) to meet regularly to address any disputes that may arise each sitting day. These meetings can be informal and brief, but the more these key focal points meet the less likely a minor dispute will become a larger political issue.

The Speaker has a key role in **maintaining order** in Parliament and this should also be seen as an important tool in resolving disputes. The Speaker can limit the right of an MP to speak or order the removal of an MP for the rest of sitting day if that MP is not complying with the Standing Orders. This is most likely to arise where an MP is using language that is unparliamentary or otherwise making accusations that are not allowed. If an MP continues to act in disrepute to Parliament or its Standing Orders, the Speaker can make a motion for Parliament to suspend the MP for up to 28 days without salary or benefits.

Where an MP believes that their rights and privileges have been violated, the MP can raise a **Point of Privilege**, which is a request to the Speaker that there has been a violation of the MPs rights or the rights of Parliament as an institution. If the Speaker thinks



there is merit to the point of privilege, the Speaker can agree to send the matter to the Privileges Select Committee for review and determination or, if the matter is serious and acute, to move directly to having Parliament agree, by motion, that there is a breach of privilege.

### iii) Organised Work: Parliamentary Caucuses

Critical to any effective Parliament are party caucuses that operate effectively. A caucus is the parliamentary representation of a political party that has won seats in Parliament. It should reflect the values and ideas promoted by the political party during an election. However, it must also balance that responsibility with the need to act as a group of MPs that are members of the Parliament and the responsibility that comes with this role.

In order to be an effective parliamentary caucus, a political party should consider the following practices:

**Division of Labour:** An effective caucus will ensure that each MP in the caucus is provided with areas of responsibility or expertise. As issues arise during the Term of Parliament, the MPs will build a network of contacts and stakeholders related to their area of expertise, thus allowing the caucus to have a greater knowledge on a topic. There are two examples of how to divide the work of a caucus:

**Ministries/Shadow Ministries:** The Government will have Ministers that are assigned to manage the affairs of each ministry in the Government. The Opposition should consider assigning shadow ministers to become the expert on the topics related to each ministry. Smaller caucuses may require an MP to be a shadow minister for more than one ministry.

**Geographic:** As Fiji has one national constituency in which all 50 MPs are elected, each caucus may need to consider how it will divide the work of representing the citizens of

Fiji. In some countries with a similar system of elections this has been achieved by dividing the country into virtual constituencies or zones in which MPs are assigned to engage the citizens within that region.

**Standard Procedures:** Some of the most challenging debates that will be held amongst MPs will be held within a caucus as it tries to come to a consensus or a position in which the MPs can agree is good for the political party. Before these issues arise, it is a good idea to have clear procedures as to when and how the caucus will meet and the procedures for such meetings. The rights and responsibilities of MPs as caucus members should be agreed upon. Terms of reference should be developed for key posts within a caucus, such as Leader, Leader in Parliament, whip, and chairperson of the caucus.

**Dialogue:** A caucus cannot be sheltered from external forces and opinions. It is vital that it engage others to present its ideas and position on issues and to seek input from others in the hopes of building a compromise or consensus with regard to any given issue. There are two groups, in particular, that a caucus must create a dialogue with:

**Other Parliamentary Caucuses:** Each caucus has designated a Whip who has the responsibility to maintain a dialogue and informal discussions with the whips from the other caucuses. This should be a regular and on going discussion to address any issues as they arise and to avoid misunderstandings that can create political tensions.

**Public:** A caucus must be in constant dialogue with the citizens of Fiji. This is more than consulting party members or like-minded supporters. It should include broader discussions on the policies of the caucus and party in order to receive feedback on those policies. It should also be a venue where citizens can express their concerns and ideas so as to influence the priorities of the causes as it works in Parliament.

## F. Best Practices

Based on experiences in other parliaments, it is important to understand that there are some options that have been used by MPs elsewhere as a means of promoting key ideas and policies and to create a more effective parliament that reflects the needs of all the citizens of Fiji.

### i) Multi-Party Groups

In any parliament matters have a tendency to be addressed through the various parliamentary caucuses and through the lens of how an issue affects the supporters of that party or caucus.

In the past twenty years there has been a growing trend in parliaments to establish cross-party or multi-party groups. These groups have MPs as members from more than one political party and are based on a common interest amongst the members with regard to a specific topic.

Examples of Cross-Party Groups (and international networks)

Corruption: Global Organization of Parliamentarians Against Corruption (GOPAC)	Renewable Energy: Climate Parliament
Climate Change: Global legislators Organisation (GLOBE)	Gender: Commonwealth Women Parliamentarians
Millennium Development Goals: United Nations	Human Rights: Parliamentarians for Global Action (PGA)

The multi-party groups are advocates for certain topics and the development of legislation or the monitoring of the Government with regard to pursuing specific policy objectives related to that topic. There have been clear and concrete examples of extra

funding being allocated towards an issue or improved legislation being adopted as a result of the cross-party activities.

An additional benefit of this type of parliamentary activity is that the cross-party engagement builds relationships outside of the normal party structures. It allows another venue in which MPs are creating dialogue, finding consensus and building a more effective parliament.

### **i) Gender Equality and Parliament**

In 2016, 8 of the 50 MPs in the Fiji Parliament are women as is the Parliament Speaker. For the Pacific, this is one of the highest percentages in the region. But the work has not ended.

Parliament should be an institution that is gender neutral – as MPs conduct their work they must consider all matters (i.e. – Bills, funding, investigations) with regard to their impact on both men and women equally. In an institution dominated by men (84% of the MPs are men) it is critical to build systems and procedures that ensure the opinions and concerns of women (and girls) are considered as Parliament conducts its work.

There are a few means by which should consider the interests of women in its work:

**Public Input:** As Parliament is constitutionally mandated to consult the citizens of Fiji and to seek their input into its work, Parliament must make an extra effort to ensure the voices of women are heard and their feedback is received and reviewed. This can include the development of procedures that require a certain percentage of participants in public forums or of groups engaged are women or represent women's interest. It can also include the development of a database of women stakeholders on a variety of topics and civil society groups that represent women, thus allowing Parliament to have contacts to whom it can reach out when public consultations commence.

**Asking the Right Questions:** When experts are engaged, evidence is being gathered and documents are being gathered, Parliament must consider the special needs and perspective of women and ensure the evidence gathered reflects the impact on both genders.

**Making the Right Decisions:** Once the public has been consulted and evidence has been gathered Parliament (or its committees) must make the right decisions. This means that recommendations, amendments and final Bills and budgets (as adopted) reflect the information gathered and do not negatively impact one gender over another.

### **Gender Mainstreaming in the Work of the Standing Committees**

**Standing Order 110(2) of the requires that all the work of each standing committee must be based on ensuring the impact and benefit of any matter is balanced equally amongst both men and women. This will legally entrench the need for the standing committees, in all their work, to balance the interests of both women and men.**

## G. Glossary

### Glossary of Parliamentary Terms & Phrases

**Adjournment Debate** – a debate that takes place each Friday at the end of the Parliament’s business. Three members are provided ten minutes each to discuss topics they have been submitted and the Government has the right to reply for ten minutes on each topic. There is no vote on these debates. (SO 35)

**Bill** – a draft law that has been introduced in Parliament by a member or, when on behalf of the Government, a Minister for debate, scrutiny and adoption. (SOs 83 to 97)

### Committees:

**Committee of the Whole Parliament** – When the parliament sits as a committee and all MPs are members and able to participate. This is done for two purposes – to review a Bill clause-by-clause (Committee on Bills) and to review the details of the Annual Budget (Committee on Supply).

**Standing Committee** – a committee of the Parliament that has responsibility for certain subject areas related to the work of the Government of Fiji and has the authority, among other things, to review and amend Bills and scrutinize the work of the Government. (SOs 109 -122)

The committees are:

- Economic Affairs;
- Social Affairs;
- Natural Resources;
- Public Accounts;
- Foreign Affairs and Defence; and
- Justice, Law and Human Rights.

**Select Committee** – a committee of the Parliament that has a mandate related to the business of the Parliament, including:

**Business Committee** – the committee that determines the sitting programme for Parliament, the order of oral questions and other matters related to the efficient operation of the Parliament. (SOs 124 and 125);

**House Committee** – the committee that acts as the management board for the Parliament and provides advice to the Speaker on administrative matters (SO 126);

**Privileges Committee** – the committee that addresses any questions related to the discipline of members and the violation of the rights and privileges of members (SO 127); and

**Standing Orders Committee** – the committee that must review the Standing Orders within 14 sitting days of the first session of Parliament after an election and other times, as required (SO 128)

**Special Committee** – an *ad hoc* committee of the Parliament that has been created by resolution of the Parliament and has specific and finite duties and timeframe to complete its work. (SO 129)

Constitution means the constitution of the Republic of Fiji promulgated on 6 September 2013.

**Government Business** – any matter called for debate and a vote within the Parliament that has been submitted by a Government Minister. Such matters take precedence from Monday to Thursday of each sitting period.

**Hansard** – the verbatim record of what has been said in Parliament and its committees. (SO 32)

**Leader of the Government in Parliament** – the Minister designated to be the focal point for the management of Government Business in the Parliament, including the identification of which Bills or motions will be called for debate on at any given sitting.

**Members' Business** – any matter called for debate and a vote within Parliament that has been submitted by a member other than a Government Minister. Such matters take precedence each Friday of a sitting period.

**Minutes of Proceedings** – a summary of the decisions taken by the Parliament on any given sitting day. (SO 31)

**Petition** – a request in writing from one or more citizens that has been signed by those citizens and the member that introduces the document into Parliament. A petition must

- Be respectful;
- Not promote disharmony; and
- Be deserving of presentation.

**Prorogation (or Prorogued)** – at the discretion of the President of Fiji, when the Parliament is closed and the business of Parliament is completed. Traditionally in Fiji the Parliament has been prorogued every year in September.

**Session** – a series of one or more sitting periods in which the Parliament conducts business on an on-going basis and is not prorogued. A new session is commenced with a speech from the President of Fiji.



**Secretary-General** – the Secretary-General to Parliament appointed under section 79 of the Constitution who is the primary adviser to the Speaker on procedural matters and the administrator on a day-to-day basis for all matters related to the functioning of Parliament and its members. (S0 15, 16 and 20)

**Sitting/Sitting Day** – a day, normally Monday to Friday, on which the Parliament is convened.

**Sitting Period** – a series of sittings in which the Parliament meets each day, normally Monday to Friday, until it is adjourned.

**Sitting Programme** – a calendar of sitting days and sitting periods for a 12 month period as established by the Business Committee and adopted by Parliament no later than three sitting days after the first sessions after an election or after the end of a previous sitting programme. (S0 22)

**Speaker** – the person elected by the Parliament to be the Presiding Officer/Chairperson for sessions in the chamber and for three select committees. Also the person responsible for all administrative and financial matters related to Parliament and its members. (S0 18, 20 and 25)

**Deputy Speaker** – a member of the Parliament, other than a Minister, Leader of the Opposition or Whip, who has been elected by Parliament to act as the Speaker when the Speaker is unable to fulfil his/her duties. Chairperson of the Privileges Select Committee. (S0 25)

**Standing Orders** – the rules of procedure in the Parliament and its committees which are adopted by the Parliament at the first session after each election and reviewed from time-to-time by the Standing Orders Select Committee.

**Term** – the period of time between elections which will include one or more sessions.

**Unparliamentary Language** – the use of words by any member during debate that violate the Standing Orders, including:

- Offensive words against Parliament or a member;
- Words questioning the conduct of a member, the President, the Chief Justice or any other member of the judiciary;
- Treasonable words;
- Seditious words;
- Words that are likely to provoke or promote feeling so fill-will or hostility between communities or ethnic groups within Fiji; or
- Any other words determined by the Speaker to be unparliamentary.

**Urgent Adjournment Motion** – a motion by a member that requests a debate on a matter that is an urgent matter related to the responsibility of the Government of Fiji. (SO 36)

**Whip** – the person designated by each parliamentary group to be the focal point for matters relating to the work and business of the Parliament; normally the MP in each group who has the most knowledge about parliamentary procedure and the day-to-day activities of the Parliament.



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