



STANDING COMMITTEE ON JUSTICE, LAW AND HUMAN RIGHTS

Review Report on the Office of the President Annual Report 2015



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CHAIRPERSON'S FOREWORD



The Office of the President is headed by the Official Secretary who is responsible for coordinating all forms of direct support for the President. As part of this role, an annual report of the financial year is prepared by the Official Secretary which follows the provisions of the Financial Management Act 2004 and tabled in this August House.

The Standing Committee on Justice, Law and Human Rights of Parliament was referred the *Office of the President Annual Report 2015*. The Committee was mandated by Parliament to review this report and report back to Parliament on its findings. The Committee's role in being mandated to review these mentioned report, gives a clear indication of the democratic progress that Fiji has come to enjoy. This progress should be equally credited to both sides of this August House as portrayed by the work of the Standing Committees.

This Report will highlight issues from the Office of the President report and the discussions held by the Committee with the Office of the President on these.

Consideration was also given to the requirements of the Standing Orders of Parliament pertaining to the impact on gender when deliberating on the Annual Reports, however appreciated the apparent gap in placing emphasis on such requirements when the Reports were drafted and tabled in Parliament.

The discussions held were beneficial as it gave the Committee an indication of the great work already being carried out by the Office of the President and the plans and efforts being put in place for the way forward for the Office in its commitment to providing the best possible support to the President of Fiji and in turn, also ensuring a prosperous nation.

At this juncture I would also like to thank the Honourable Members of the Standing Committee on Justice, Law and Human Rights for their deliberations and input, the alternate members who made themselves available when the substantive members could not attend, the secretariat and the officials from the Office of the President who had assisted in the Committee work.

I, on behalf of the Standing Committee on Justice, Law and Human Rights, commend the *Office of the President Annual Report 2015* to the Parliament and request all the members of this August House to take into consideration of its content.

A handwritten signature in blue ink, appearing to be 'Alvick Avhikrit Maharaj'. The signature is stylized and fluid.

.....
Hon. Alvick Avhikrit Maharaj
Chairperson

COMMITTEE COMPOSITION



Hon. Alvick Avhikrit Maharaj (Chairperson)

- *Assistant Minister for Employment, Productivity, Industry Relations, Youth and Sports*
- *Chairperson of Public Accounts Committee*
- *Government Whip*
- *Registered Pharmacist*



Hon. Rohit Sharma (Deputy Chairperson)

- *Deputy Chairperson of the Standing Committee on Justice, Law and Human Rights*
- *Deputy Government Whip*



Hon. Ratu Suliano Matanitobua (Member)

- *Shadow Minister for Youth and Sports*
- *Former State Minister of Fijian Affairs*
- *Former Military Territorial Officer*



Hon. Dr. Salik Govind (Member)

- *Public Health Specialist – United Nations (World Health Organisation)*
- *Deputy Chairperson of the Standing Committee on Foreign Affairs and Defence Committee*



Hon. Mosese Bultavu (Member)

- *Shadow Minister for Defense, National Security, Immigration and Correction Services*
- *Former Opposition Whip*
- *Business Consultant/Farmer*
- *Territorial Military Officer – Republic of Fiji Military Forces*
- *Law Graduate and Researcher*

1.0 INTRODUCTION

The Standing Committee on Justice, Law and Human Rights (“Committee”) was referred the *Office of the President Annual Report 2015* (“Report”) for review, on 30 November, 2018. The Committee is mandated by Parliament to review the Report and report back to Parliament on its findings.

The Report cover the roles, goals, outcomes and outputs and achievements of the Office of President (“Office”) for the year 2015.

In reviewing the Report the Committee conducted its own deliberation and invited the Office of the President to clarify issues pertaining to the Report.

This report will discuss the review findings and recommendations by the Committee.

Office of the President

The Office of the President provides necessary and outstanding support to the President of the Republic of Fiji, in fulfilling his obligations as the Executive Authority of the State.

The *Office of the President Annual Report 2015* covers various aspects of the Office including the work of the Office with respect to the achievements, the met outputs and outcomes and main highlights for the reported year. The Report was dedicated to the former President, His Excellency Ratu Epeli Nailatikau’s record-breaking engagements¹.

The Report also covered the main highlights of the activities carried out by the Office of the President for the year 2015, which include:

- His Excellency’s engagement and being a champion advocate and United Nation’s Goodwill Ambassador on HIV/AIDS for the Pacific;
- The completion of the tenure as President of Fiji of His Excellency the President Ratu Epeli Nailatikau’s and the inauguration of His Excellency Major-General (Ret’d) Jioji Konrote;
- Facilitation by the Office towards the high work rate of the new President of Fiji;
- Development of human resources through ongoing training; and
- Improving financial management capabilities.

¹ Baleinabuli P.N. (Official Secretary), *Office of the President Annual Report 2015*, page 4.

2.0 COMMITTEE DELIBERATION AND FINDINGS

As part of its review the Committee read and deliberated on the Report, which led to the identification of certain matters by the Committee. These matters were then brought to the attention of the Office for clarification whereby thorough discussion on the issues was conducted with the Office representatives. From this discussion, the Committee identified 11 key findings. A summary of the main findings is provided below and a copy of the documents pertaining to the findings and the response provided by the Office is provided in Appendix A.

The review resulted in the identification of certain matters by the Committee, which were then brought to the attention of the Office of the President for clarification. These main findings and its responses are summarised below. A copy of the documented issues sent to the Office and the response are attached as **Appendix A**.

Role of the Official Secretary and the Permanent Secretary to the Office of the Prime Minister

In its reading and discussions of the Report, the Committee noted that despite there being an operational Head for the Office of the President, which was the Official Secretary, there was also mention of the Permanent Secretary to the Office of the Prime Minister playing a role in the reporting by the Office. This prompted the Committee to seek clarification on the link between the office of the Official Secretary and the Permanent Secretary (PS) to the Office of the Prime Minister. The Office responded by stating that the link is enshrined in Fiji's *Constitution*² and further advised that the Official Secretary oversees and manages the Accounts, the Operations and Corporate Services and operates autonomously while the PS's guidance and advice is sought on matters pertaining to employment.

His Excellency's roles

The Committee noted from the Report that the role and duties of His Excellency the President is somewhat unclear given the Constitutional provision that prescribe His Excellency's role and the numerous engagements that the President attends to. The Committee sought clarification on the roles and duties of the President of Fiji mainly in respect to the difference of the Head of State role from that of the other Constitutional powers vested in His Excellency. The Office responded by stating that His Excellency's core role is enshrined in the *Constitution* and additionally the President also has a role of:

- a) promoting Fiji within the International Community through receiving diplomats;
- b) conducting community visits and engagements;
- c) advocate and champion campaigns for causes that benefit the people of Fiji, such as promoting programmes that reduce Non-Communicable Diseases.

Achieving the Vision of the Office

The Committee noted that the Office of the President has tirelessly worked and done so much in order to achieve its Vision. In its review the Committee noted that the Vision statement of the Office, "*To Be the Pillar of National Unity*", was a statement that requires actual supporting evidence of how it is achieved. This led to discussions on this Vision Statement, how the Office is ensuring that it achieves it and whether there are

² Section 127, *Constitution of the Republic of Fiji* (2013).

adequate support or resources to do so. In its response, the Office mentioned that it has put in efforts for continuous collaboration and engagement with Government Ministries, Departments, Religious and Faith-based groups, schools, NGO's and sports bodies. All activities and engagements carried out by the Office are carried out in an apolitical manner. The Office assured the Committee that it is well resourced to meet its obligations in terms of its administration, sound policy advice, strategic planning and finance.

College of Honours Recipients

The Committee noted that the Report lacked explanations on the processes undertaken by College of Honours in determining who the recipients of the Honours and Awards were. This prompted the Committee to have discussions in regard to the selection criteria and process for selecting recipients of Honours and Awards by the College of Honours. The Office in its response advised the Committee that the Honours and Awards and the College of Honours is regulated via the *Fiji Honours and Awards Act 1995*. In summary, the College of Honours possesses no decision making powers, but merely considers and recommends to the President, nominations received for the awards, and His Excellency makes the final decision. There is a process whereby the College considers and recommends the nominations and it is to be noted that the Honours and Awards are intended to recognise exceptional service or achievement.

Key outputs and achievements and its contribution to the Office

The Committee noted the great effort put in by the Office in achieving its outputs, which in turn contributed to the services provided by the Office. In its review, the Committee also deliberated on the key outputs that were achieved for the year 2015 and how these outputs had enhanced or contributed to the service provided by the Office. The Committee was advised by the Office that the achievement of the key outputs had greatly contributed to the services provided in terms of achieving its goals and targets of the Office and in providing better support to His Excellency's in carrying out his role and responsibilities. There were numerous engagements facilitated by the Office as a result of the intended Outputs of the Office.

Audit opinion and Financial Statement

It was noted that there were certain aspects of the Offices Financial Statement and the Audit Opinion that attracted attention and needed careful scrutiny. Scrutisation highlighted the efforts put in place and the progress achieved by the Office in addressing these matters.

A point of interest for the Committee was the basis for the qualified opinion by the Auditor-General and the steps taken by the Office to rectify these issues. The Office responded that there was indeed oversight in the accounting practice at the reported period, and this was mainly due to lack of appropriate staffing capabilities. The Office has since managed to address this by having a fully-fledged Accounts Section and qualified and experienced staff.

The Committee was also keen in seeking clarification on the matter that was given emphasis in the 'Audit Opinion', which relates to the 'Statement of Losses' of the Office. The Office assured the Committee that it has put in place measures for addressing this issue and one of which is the carrying out of the Board of Survey annually in line with the Finance Instructions and carrying out this task in the first half of the year so as to coincide with the annual budget.

Submission and tabling of the Office's Annual Report

Moreover it was also noted that the Office is endeavouring to have an up-to-date submission timeline of its annual reports. The Committee sought the advice of the Office with regards to the timely submission and tabling of its Annual Report. The Office assured the Committee that it has implemented and strictly adhered to the Ministry of Economy's timelines for closing of Accounts and have endeavoured to table its Annual Reports by the end of December of every year.

3.0 GENDER ANALYSIS

The Committee took into account the provisions of Standing Order 110(2) which states when a committee conducts an activity listed in clause (1), the Committee shall ensure that full consideration will be given 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.

One of the core targets of the Office's Annual Corporate Plan was to facilitate the President's role towards gender equality and empowerment. Given its target allotted for the year 2015, the Office delivered more than its expected target in which it had accomplished a 250 percent achievement for its support on gender equality and women in development.

The Committee is in the view that continuous external engagement by the Office of the President will achieve greater outcomes in the pillars of development and therefore supports the initiative.

4.0 RECOMMENDATION

After reviewing the *Office of the President Annual Report 2015* the Committee acknowledges that there were numerous undertakings done, which has contributed to progress and improvements by the Office in response to the issues noted in the reported year. However the Committee recommends that:

- In regard to the link between the Official Secretary and the Permanent Secretary, the Committee takes note of the response provided by the Office of the President, however, feels that true autonomy is only realised if the Official Secretary is vested the same status as that of a Permanent Secretary.
- In regards to the role of His Excellency; the Committee recommends that His Excellency's local community engagements be increased. It is believed that local community engagement is a manifestation of the symbol of unity of His Excellency's Office.
- The Committee commends the work of the Office, however, given the Vision of the Office, "*To Be the Pillar of National Unity*", the Committee recommends that certain programmes are to be put in place that will ensure the realisation of this Vision. A good example is the unification approach.

- The Committee recommends that in future Annual Reports that a short summary of the exceptional service or achievement of all recipients be included alongside the list of “*College of Honours*” recipients.

5.0 CONCLUSION

The Standing Committee on Justice, Law and Human Rights has fulfilled its mandate approved by Parliament, which is to examine and review the *Office of the President Annual Report 2015* with due diligence.

The Committee’s review findings showed that there were certain issues with the accounting and other processes within the Office of the President, but this has been addressed through numerous undertakings by the Office as shown in the findings above. The Committee acknowledges the improvements done, but is of the view that the numerous recommendations put forth warrants consideration by the Office.

The Committee through this report commends the *Office of the President Annual Report 2015* to Parliament.

APPENDIX

- **APPENDIX A: ISSUES BY THE COMMITTEE AND RESPONSE BY THE OFFICE OF THE PRESIDENT**