



**STANDING COMMITTEE ON JUSTICE, LAW AND
HUMAN RIGHTS**

**REVIEW REPORT ON THE
DEPARTMENT OF LEGISLATURE ANNUAL REPORT
2016-2017**



**PARLIAMENT OF THE REPUBLIC OF FIJI
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CHAIRPERSON'S FOREWORD



Committees of Parliament.

The Department of Legislature is the administrative arm of the Parliament of the Republic of Fiji. It is responsible for providing administrative and support services, including administering funding entitlements for parliamentary purposes. The Department is headed by the Speaker of Parliament and the Secretary-General to Parliament is the chief executive of the parliamentary administration and the principal procedural advisor to the Speaker, the Members of Parliament and the

The Standing Committee on Justice, Law and Human Rights was referred the *Department of Legislature Annual Report 2016-2017* on 30 November 2018 for oversight and review and report back its findings to Parliament.

The objectives of the review was to analyse the functions, engagements, outputs and performance of the Department of Legislature with the view of identifying strengths, weaknesses and opportunities for improvements

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

Through the review of the *Department of Legislature Annual Report 2016-2017* and through the findings of the Committee, it can be inferred that there has been commendable effort and tireless work conducted by the Office in meeting its obligations. However, the Committee after extensive deliberation has come up with certain recommendations that it feels warrants consideration by the Office.

I would also like to thank the Honourable Members of the Standing Committee Justice, Law and Human Rights, Hon. Rohit Sharma (Deputy Chairperson), Hon. Ratu Suliano Matanitobua, Hon. Dr. Salik Govind and Hon. Mosese Bilitavu 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 Department of Legislature who had assisted in the Committee work.

I, on behalf of the Standing Committee on Justice, Law and Human Rights, through this Report, commend the *Department of Legislature Annual Report 2016-2017* to the Parliament and request all the members of this August House to take into consideration the recommendations put forth by the Committee.

A handwritten signature in blue ink, appearing to be 'Alvick A. Maharaj', written in a cursive style.

Hon. Alvick A. 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 Bulitavu (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 *Department of Legislature Annual Report 2016-2017* (“Report”) for review, on June 2019, pursuant to Standing Order 38 (2) of the Standing Orders of the Parliament of Republic of Fiji.

The Committee conducted its own deliberation and invited the Department of Legislature to clarify issues pertaining to the Reports.

This review outlines the findings and recommendation by the Committee.

The Department of Legislature

The Department of Legislature (“Department”) is primarily focused on providing high level service delivery to the Members of the Parliament of the Republic of Fiji. It is responsible for providing administrative and support services to Members of Parliament and to administer funding entitlements for Parliamentary purposes.

The Department being an institution that derives its funding from public funds was required under the law to prepare an annual report and to submit to the Minister responsible for Economy and whereby the Minister will then table the report in Parliament.

The Department of Legislature Annual Report 2016-2017 covers information on the work carried out by the Department for the years 2016 and 2017.

The Annual Report also covers the main highlights of the Department’s activities for the respective years.

2.0 COMMITTEE DELIBERATION AND FINDINGS

As part of its review the Committee read and deliberated on the Reports and identified a few issues. These issues were then brought to the attention of the Department for clarification whereby thorough discussion on the issues was conducted with the Department 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 Department is provided in Appendix A.

- i) The Committee noted that there has been longstanding problem of sufficient space to accommodate the needs of Parliamentary staff and Members of Parliament. Some of the reasons that were given were that the current Parliament complex is managed by inter-agencies.
- ii) It was also noted by the Committee that there are no definite timeframes set for the Judiciary to move to the Veiuo Complex.

- iii) The Committee noted that during the reporting period, the Department of Legislature of Parliament achieved its constitutional functions as highlighted in the Mission statement. The following activities were successfully carried out during 2016-2017:
 - a) 144 sitting days during the first Parliamentary term with over 160 Bills approved by the Parliament;
 - b) 2,500 questions and supplementary questions asked over the term of the Parliament;
 - c) Over 2,600 appearances by individuals before the respective Parliament Standing Committees; and
 - d) More than 700 written submissions by citizens tabled with the respective Standing Committees during the first Parliamentary term.

- iv) The Committee noted that there has been a strategic plan developed for the period 2018-2022 to guide and improve the Department in its work to support the Parliament. The Strategic Plan covers key areas such as Client focus; Operational Excellence; Leadership; Civic education and engagement; and Inter-Parliamentary relations.

- v) The Committee noted that there is no systematic mechanism in place to monitor the oversight role of Parliament on the Sustainable Development Goals (SDGs). However it is the responsibility of the various Standing Committees to oversee that SDGs are implemented through various programmes of the Government.

- vi) The Committee noted that for the reported period the (2016-2017), there were certain key challenges for the Department such as:
 - a) limited office space for staff and Members of Parliament,
 - b) a one-line budget, which the Department strives to utilise efficiently and effectively; and
 - c) young and new staff members being introduced into Parliamentary work for the first time, particularly in committee work, research, House procedures, Hansard, Inter-Parliamentary Relations, Civic Education and Media and statics.

- vii) The Committee noted that the Department has made progress and has achieved much in terms of its outreach programme. Some of these achievements are:
 - a) high number of schools (inclusive of primary, secondary and tertiary schools) reached;
 - b) high number of visits to communities and villages;
 - c) 4 Speaker's Debate organised;
 - d) 1 Women's Parliament and over 100 Parliament Tours;
 - e) publication of educational materials which were shared/distributed to schools, CSOs, members of the public and displayed in various events such as Government Roadshows, Library Day Celebrations, USP Career's Fair and so forth.

- viii) It was also noted that there were positive feedback received, via the evaluation forms, by the Department in respect to the outreach programmes. Effectiveness of

the outreach programmes can be measured by the level of public participation in the Parliament process.

- ix) The Committee noted that the Department has in place systems for awareness, for Parliamentary work, particularly standing committee work. These include use of social media platforms, engagement and partnerships with non-government organisations and civil society organisations and the move towards broadcasting of Committee sittings.
- x) The Committee noted that there was a high number of resignation by staff in the reported period (2016-2017), due to offers available outside Parliament in what is an increasingly competitive job market. It was further noted that the Department has put in place a retention strategy, such as reviewed salary structure and contract extensions, in order to minimise the loss of valuable staff of the Department.
- xi) The Committee noted that the workload of Parliament is constantly increasing and there is a need for readily available resource such as a Parliamentary Counsel to enable the Department and Parliament to effectively keep up with the increasing workload. However, reasons were given that having a Parliamentary Counsel is redundant given that there is an existing arrangement with the Solicitor-General's Office in terms of assistance provided to Parliament and its Committees. To date, there have been no issues with the way issues and matters are being handled, and the Department sees that this is an efficient and sustainable arrangement which must continue.

With respect to infrastructure/and space the executive had advised that the issue of space and infrastructure needs of the Parliament is an inter-agency issue as Parliament does not have its own stand-alone complex. The expansion of office space for Parliament, including the Members of Parliament ('MPs') is purely subject to the relocation of some of the offices of the Judicial Department to the old Parliamentary complex in Veiuoto. The Department of Legislature ('Department') has since 2017, and to date have continued consultations with the Judicial Department with respect to any office space that can be made available to the Parliament during the relocation period. To date, there has been no confirmation from the Judicial Department on the available space however the Secretariat will continue to hold discussions with the Judicial Department for additional space.

With respect to the question on Parliament's relocation to Veiuoto, the Department hereby confirms that there are no existing plans for relocation as the Judicial Department has acquired the entire complex in Veiuoto.

With respect to the growing needs of the Fijian Parliament, the Executive had advised that the Department is also cognizant of the fact that any further expansion or renovation is solely contingent on the relocation of the Judicial Department to the Veiuoto complex.

The Vision of the Department was the result of consultations between the Secretariat, UNDP, the late Speaker and relevant stakeholders including the consultants from the Inter-Parliamentary Union and the Federal Parliament of Australia as well as the Parliaments of Victoria and New Zealand.

To reflect on the achievement of the Vision and purpose of the Fijian Parliament, the Secretariat in November 2018, released a publication entitled “Overview of the Fijian Parliament 2014 – 2018” which provided a statistical measurement of how the Fijian Parliament has achieved its purpose and Vision over the first Parliamentary term under the 2013 Constitution.

Additionally, achievement can also be measured through the effectiveness of the Department in facilitating the legislative process, resulting in the effecting of legislation to address the quality of life of Fijians and sustainable development. The Government’s legislative agenda addresses development issues such as education, health, climate change, and so forth, many of which require the passing of legislation to enable the Government to deliver services and implement policies geared towards improving the lives of all Fijians.

With regards to constitutional functions, the Fijian Parliament has three main constitutional functions and these are law making, oversight of Government action and programmes, and representation. The Fijian Parliament published the “Overview of the Fijian Parliament 2014–2018” which highlighted the way the Fijian Parliament has carried out its constitutional functions. Some of the interesting figures from this overview which demonstrates the Fijian Parliament’s achievement of its constitutional functions as highlighted in its Mission Statement are provided as follows –

The detailed report can be found on the Fijian Parliament website. For the information of the Standing Committee on Justice, Law and Human Rights, the Department has and will continue to facilitate the Parliament’s efforts to achieve its constitutional functions.

With regards to the non-inclusion of the Deputy –Speaker, the Annual Report is an operational document and reflects mainly on operational activities that have been undertaken by the Department during a financial year, under the supervision of the Secretary-General to Parliament in close consultation with the Honourable Speaker. The role of the Deputy Speaker is largely confined to Parliament sittings or in a case where the Speaker’s office is vacant such as when the late Speaker passed away late last year. Ultimately, the final annual report, particularly for 2014-2015 and 2016-2017, were endorsed by the late Speaker, and then presented to the Honourable Attorney-General, being the line Minister with responsibility of tabling the Department’s report in Parliament.

With regards to future plans in enhancing the work of the Committee with resources, the Secretariat has developed a four year strategic plan for the period 2018 – 2022 to guide and improve its support to Parliament and its Members. The plan has 5 key priority areas as follows; –

1. Client focus;
2. Operational Excellence;
3. Leadership;
4. Civic education and engagement; and
5. Inter-Parliamentary relations.

On client focus, the Secretariat plans to strengthen MPs skills through local and overseas training on Parliamentary practice, committee procedures, thematic topics (SDGs) including basic skills and understanding of ICT, report writing, financial and legal matters.

On operational excellence, the Secretariat will undertake the following –

- (i) Purchase of high end ICT gadgets for Members of Parliament for their work;
- (ii) Upgrade of ICT network for Parliament and transition to e-Parliament;
- (iii) Renovation and expansion of office space for Members of Parliament with due regard to stakeholder consultations;
- (iv) Local and overseas training for Parliament staff to enhance support to Members of Parliament; and
- (v) Management and leadership training for senior Parliament staff to ensure resources of Parliament are managed and adequately provided to achieve the Vision and Mission of the Parliament.

On civic education, the Secretariat will continue with its civic programmes with a few refinements to complement the work of Committees and ensure greater participation from the public including more engagement from key stakeholders in Parliamentary work.

On Inter-Parliamentary relations, the Secretariat will focus on deepening our relations with key Inter-Parliamentary organisations including our development partners and sister Parliaments to provide more capacity building programmes for Members and staff and enhance their knowledge on Parliamentary practice and thematic topics (SDGs).

Additionally, the Department is also facilitating the progressed use of ICTs to support and enhance the work of Parliamentary Committees. In 2016–2017, the Department has made efforts to provide the necessary audio, visual and other technologies to support the Committees. It has worked to procure support for the establishment of video live-streaming facilities that include the necessary network, software and hardware equipment to realise this initiative.

With regards to the Department encountering hurdles in its service delivery, the Executive had advised that the Secretariat's key challenges for 2016–2017 were mainly on limitations on office space for Members of Parliament as well as staff; young and new staff members learning on the job, particularly in committee work, research, House procedures, Hansard, Inter-Parliamentary Relations, Civic Education and Media and statistics; and monitoring and evaluation.

With the one-line budget allocation to the Parliament, the Secretariat also strives to be efficient and effective with the dispensing of funds, and this very much includes first and foremost, support to Members of Parliament.

The main activities undertaken under our MoU with other Parliaments were MPs and staff attachments with sister Parliaments; and technical assistance provided by sister Parliaments to the Fijian Parliament in areas of Hansard, Tables and Journals, Committee work and human resources development.

For the financial period 2016–2017, the civic outreach programme reached out to over 40 schools, both primary and secondary, including visits to all three major universities in the country. A total of over 40 communities and villages were visited, 4 Speaker's Debate organised, 1 Women's Parliament, over 100 Parliament Tours, 1 oratory contest and 5 'Meet the Speaker' programmes were organised with the main goal of increasing awareness and knowledge of the members of the public on the role and function of the

Parliament; how Parliament works; and how Fijians can engage and participate in Parliamentary work.

The Department also published educational materials which were shared/distributed to schools, CSOs, members of the public and displayed in various events such as Government Roadshows, Library Day Celebrations, USP Career's Fair and so forth. A total of 10 educational videos were produced that introduces Fijians to Parliament's roles and functions. These videos were aired on national television and shared on the Department's website, YouTube and Facebook accounts. The Department also has a display center onsite which has historical and educational materials for visitors to Parliament. During the reporting year of 2016–2017, the Department saw more than 7,000 visitors to Parliament and this included 107 schools and 33 separate groups.

With regards to promoting gender equality within the department, the executive had advised that the Department has been promoting gender equality mainly through its policies, activities and data collection.

In terms of its policies, a key development was the adoption of the Open Merit Recruitment Guideline which recognises merit as the key requirement for selection irrespective of gender, race, religion, disability or any other discriminating factor. In fact, for 2016–2017, the Department's female staff composition comprises 53% of the total staff roll, with 50% of Managers being female and all the 4 executive management positions in the Department held by women.

With a high representation of females in the Department, particularly in the leadership roles, the overall operation, policy and direction of the Department ensured that full consideration is 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 staff members equally.

Notwithstanding the issues in the 2016–2017 annual report, it should be noted that in 2018, the Department adopted a Sexual Harassment Policy to protect the rights of those vulnerable to sexual harassment of any form.

Additionally, the Department has organised a number of activities to promote gender equality in the Department and these activities include celebrating Mother's Day, International Women's Day, organising Women's Parliament and through its partnership with Australia and New Zealand Parliaments, providing gender training for its staff members.

Further, the Department encourages the collection of sex disaggregated data to assist in its gender impact assessment. Survey data, administrative data and other Parliament data collected are disaggregated by gender and this provides insight into the impact of gender mainstreaming carried out at the Department level.

With regards to awareness of standing committee work via social media platform, the Executive had advised that the Department has a system of alerting media organisations about Committee activities so that the media can cover these events. Additionally, the Department updates its website, Facebook, Twitter, Instagram accounts to maintain and expand Parliament and Committee visibility on social media platforms.

A flagship project for the Department this year is the broadcasting of Committee sittings as the relationship between Parliament and the people is an issue of growing importance everywhere. The Fijian Parliament, under its community engagement strategy, is working to open greater involvement by individuals and organisations that have a contribution to make to Parliament work. Parliament also wants people to be better informed about what Parliament is doing. As part of these efforts, the Fijian Parliament intends to have some of its committee proceedings telecast live on TV and live-streamed online to a wider public before the end of this year. The necessary work on the audio/visual facilities to support this should begin around July 2019.

Additionally, Speaker of the Fijian Parliament, Hon. Ratu Epeli Nailatikau has approved that the Fijian Parliament partner with CSOs later this year to create awareness on the channels of communication and public participation in the Parliamentary system; strengthen the representation of local community voices in Parliament through MPs; to form and strengthen accountability relationships between communities and MPs; and to create space for deliberation on community issues with MPs, and independent civil society facilitators.

With regards to the status of the IT equipment used for translation during the APPF, the Executive had advised that the conference equipment was hired solely for the purpose of the APPF event that was hosted by the Fijian Parliament in January 2017.

The equipment consisted of interpretation booths, microphones, video cameras, multimedia projectors and channel selection. This was a contracted service and not an outright procurement.

Additionally, this facility was also a requirement to be met by the host Parliament for the annual APPF meeting.

With regards to high number of resignation by the staff, the Executive had advised that it is a known factor that qualified and experienced staff will be attracted to offers available outside in what is an increasingly competitive job market.

Therefore, as part of its retention strategy, the Department reviewed its salary structure in 2018 and made it more competitive. Additionally, the Department offers contract extension based on performance and offers short and long term local and overseas training on full salary.

With regards to secondment of officers from other parliaments to provide assistance to the Fiji Parliament, the Executive had advised that it is an ongoing initiative under our twinning arrangements with overseas Parliaments. Similar activities are also funded under the UNDP Fiji Parliament Support Project.

The MoU with the Victorian Parliament is mostly on technical support where Members of Parliament and staff can provide support to the Fijian Parliament through short term consultancy, or MPs and staff members are attached with the Victorian Parliament for a certain period to enhance their knowledge and skills in Parliamentary procedures.

With regards to the increasing Parliamentary workload and the view of having a Parliamentary Counsel and the assistance provided to Parliament by the independent office of the Solicitor-General, the Executive had advised that the Department fully

agrees that the workload for the Parliament and its Members has greatly increased however, the notion of having a Parliamentary Counsel is redundant.

Since our independence, the Office of the Solicitor-General or the Crown Law office preceding that, always provided the legal advice and expertise to Parliament. Previous committees in previous Governments, in previous Parliaments had the advice of the Parliamentary Counsel and other lawyers who worked with him or her. The Parliamentary Counsel is now called the Chief Legal Draftsperson in the Office of the Solicitor-General.

Under section 116 of the Fijian Constitution, the Solicitor-General is appointed by the President on the recommendation of the Judicial Services Commission and is responsible for providing independent legal advice to Government and to the holder of a public office, on request, and this includes the office of the Honourable Speaker and the office of the Secretary-General to Parliament.

In essence, all legal advice required by the offices of the Honourable Speaker and Secretary-General including that by the Parliament Committees, are submitted to the office of the Solicitor-General, as an independent office under the Fijian Constitution. As is the procedure and process, all procedural and legal queries from the Members and the committees, are submitted to the office of the Secretary-General who will then obtain the relevant legal advice from the independent office of the Solicitor-General.

To date, there have been no issues with the way issues and matters are being handled, and the Department sees that this is an efficient and sustainable arrangement which must continue.

With regards to possibility for Members of Standing Committees to be engaged in capacity building trainings, the Executive had advised that the training can be also done in-house by the Department, as there are experienced staff in Committee-related thematic areas. Additionally, the Department will consult further with the UNDP FPSP on the organisation of such trainings. Further, the UNDP FPSP is also guided by the SDG Self-Assessment Report which provided useful insights on the SDG gaps within the Fijian Parliament in terms of mainstreaming SDGs into Parliament and committee work.

The current arrangement is that the Department in consultation with the UNDP FPSP tailor-makes capacity-building trainings for Members of Parliament, including Committee Members, so that these trainings allow Members to undertake their constitutional and representative obligations.

With regards to send the Justice, Law and Human Rights Committee for overseas study tour as they perform vigorous task of scrutinizing Bills, the Executive had advised that the can be discussed with the Honourable Speaker and has to be assessed on a case by case basis.

The Department with the generous support of the UNDP FPSP, has brought in local and overseas experts in justice, law and human rights to assist all six Standing Committees.

It may very well be noted and as evident in the last term of Parliament, the other Standing Committees also received Bills for scrutiny.

Copies of the written responses are uploaded, along with this Report, in the Parliament website. The Verbatim Report of the submissions can also be found on the Parliament website: www.parliament.gov.fj.

3.0 GENDER ANALYSIS

The Committee took into account the provisions of SO 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.

From the discussion with the representatives, it was noted that the Department has endeavoured to ensure that the principle of gender equality is captured in every activity carried out by it. It was also advised that there has been efforts done to ensure that the human resources aspect of the Department complies with the gender equality principle. These efforts have begun with the senior management team comprising of both men and women from different backgrounds.

The Department of Legislature had achieved its Mission with the approach to provide equal employment opportunities irrespective of gender and was evident in its recruitment process whereby the workforce of the Department comprised 54 percent female and 46 percent male.

4.0 RECOMMENDATION

After reviewing the *Department of Legislature Annual Report 2016-2017*, the Committee noted a few issues which it brought to the attention of the Department of Legislature representatives.

The Committee acknowledges the progress that the Department has achieved and the plans in place for moving forward. However, the Committee believes it needs to put in a few recommendations to assist the Department in its way forward. These recommendations provided below are those the Committee believes will also contribute to the improvement of the Department.

The Committee recommends:

- The Committee notes the ongoing discussion between Parliament and the Judiciary to create more space for Parliament. The Committee suggest if this process can be expedited.
- That future Annual Reports to include Key Performance Indicators (KPI) on the overall functions of Parliament;
- That the Department look into revitalizing the Youth Parliament to increase the interest of youths for their Parliament and Parliamentary processes as this is also an important aspect of Parliament's constitutional function;

- Committee commends the efforts by the Department's Strategic Plan however, there is a need for adequate resources allocated for successful implementation of the Strategic Plan.
- That there has to be a standardized mechanism for monitoring and evaluating the SDGs across all the six Standing Committees. Furthermore, the Standing Committees and its staff to have the necessary knowledge and skill to perform SDGs analysis, monitoring and evaluation.
- The Committee acknowledges and commends the achievements of the outreach programmes of the Department, however it is recommended that there should be a systematic approach for a wider outreach programmes, which can be effectively monitored and assessed for its impact.
- That Parliament needs to create more awareness within the general public about the Bills that are before the Standing Committees.
- That there should be other incentives such as annual performance awards.
- That the Parliament should have Health Awareness programme for MP's and staff.

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 *Department of Legislature Annual Report 2016-2017* with due diligence.

The Committee's review findings showed few issues which was brought to the attention of the Department of Legislature representatives and was appropriately addressed and this was reflected in the findings and the recommendations put forth in this report.

The Committee through this Report commends the *Department of Legislature Annual Report 2016-2017* and seeks this August house to take note of its recommendations.

APPENDICES