



STANDING COMMITTEE ON JUSTICE, LAW AND HUMAN RIGHTS

Review of the Parliament of the Republic Fiji Annual Report 2018-2019



PARLIAMENT OF THE REPUBLIC OF FIJI
Parliamentary Paper No. 46 of 2024

17 April 2024

Published and Printed by the Department of Legislature, Parliament House, SUVA

CONTENTS

	<u>Page</u>
CHAIRPERSON'S FOREWORD	4
COMMITTEE REMIT AND MEMBERS	6
COMMITTEE SECRETARIAT	7
1.0 INTRODUCTION	8
1.1 Procedure and Program	8
1.2 The Parliament of Fiji	8
2.0 DELIBERATION AND FINDINGS BY THE COMMITTEE	9
2.1 Initial deliberation by the Committee	9
2.2 Evidence received by the Standing Committee	10
2.3 Sustainable Development Goals impact analysis	12
2.4 Key Findings	13
3.0 RECOMMENDATIONS	14
4.0 CONCLUSION	14

ACRONYMS

BTOR	Back to Office Report
CWP	Commonwealth Women Parliamentarians
CPwD	Commonwealth Parliamentarians with Disabilities
FBC	Fiji Broadcasting Corporation
IT	Information Technology
ICT	Information and Communication Technology
JEE	Job Evaluation Exercise
MOC	Memorandum of Co-operation
MOU	Memorandum of Understanding
MP	Members of Parliament
SDG	Sustainable Development Goals

CHAIRPERSON'S FOREWORD

The Committee deliberated on the Report succinctly and noted pertinent matters in its content. These matters were discussed with the office of the Secretary-General to Parliament, which were appropriately clarified. The Office provided responses to the questions and these were scrutinised by the Committee.

In its review, the Committee highlighted several findings from the Report. Some of these findings are on:

- (I) The high staff turnover in comparison from 2018-2019 to date.
- (II) The low budget allocation for the reported year which in turn constrains parliamentary work.
- (III) The lack of awareness of the powers and authority of Parliament and its Committees by civil servants.
- (IV) The lack of full digitization of its committees.
- (V) The significant number of Bills stated for the reported year that stands at 88.5% and as a comparative (99%) for the year 2023 that were enacted under Standing Order 51.
- (VI) The Committee notes that Parliament has considered the inclusive participation of communities at all levels through the medium of broadcasting, and further notes the lack of information supplied with respect to gender composition within the two divisions.

When deliberating on the Annual Report, consideration was also given to the Standing Orders of Parliament regarding the impact on gender. However, it was noted that there seemed to have been a discrepancy in the emphasis placed on these requirements when the Report were compiled by the Department.

It was clear from the review of the annual report that the organization has made a good effort to fulfill its responsibilities. However, after extensive deliberation, the Committee has made certain recommendations that it believes the Office should take into account.

I would also like to thank the Honourable Members of the Standing Committee 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 Parliament of Fiji who had assisted in the Committee's work.

I, on behalf of the Standing Committee on Justice, Law and Human Rights, through this Report, commend the *Parliament of the Republic of Fiji Annual Report 2018-2019* to

the Parliament and request all the members of this August House to take into consideration the recommendations put forth by the Committee.



.....
Hon. Ratu Rakuita Vakalalabure
(Chairperson)

COMMITTEE REMIT AND MEMBERS

The Standing Committee on Justice, Law and Human Rights ('**Committee**') is established under Section 70 of the *Constitution of the Republic of Fiji* and Standing Order 109 of the *Standing Orders of the Parliament of the Republic of Fiji*. The Committee's mandate and functions are provided under Standing Order 109 (2) and 110 (1) (a)-(d) & (f). The Committee consists of the following Members:



Hon. Ratu Rakuita Vakalalabure
(Chairperson)



Hon. Iliesa Vanawalu
(Deputy Chairperson)



Hon. Mosese Bulitavu
(Member)



Hon. Lenora Qereqeretabua
(Member)



Hon. Faiyaz Koya
(Member)

COMMITTEE SECRETARIAT

Staff

- Mr. Jackson Cakacaka – Senior Committee Clerk
- Ms. Alumita Cabealawa – Deputy Committee Clerk

Committee contact details

Address: Standing Committee on Justice, Law and Human Rights
Parliament of the Republic of Fiji
Government Buildings
SUVA, FIJI

Phone: +679 322 5600/ +679 8925 221

Web: <https://www.parliament.gov.fj/committees/standing-committee-on-justice-law-human-rights/>

1.0 INTRODUCTION

The Standing Committee on Justice, Law and Human Rights was referred the *Parliament of the Republic of Fiji Annual Report 2018-2019* on Friday 14 July 2023, pursuant to Standing Order 38 (2) of the Standing Orders of the Parliament of the Republic of Fiji. The Committee was mandated to review the Annual Report and table its finding back to Parliament.

1.1 Procedure and Program

The Committee began its review of the Annual Report on 21 August 2023. The review process adopted by the Committee was agreed upon through consensus by the Members and a summary of this is as follows.

i) Initial Analysis of the Annual Report

The Committee began with an initial reading of the Annual Report and had discussions on matters that were noted by individual Members. From these discussions, a variety of issues were identified, which the Committee resolved needed clarification and further discussions.

ii) Review of evidence collected and seeking clarification on pertinent issues

The Committee examined all the evidence collected and noted certain matters that were ambiguous in which additional queries were formulated and sent for further clarification.

iii) Drafting of Committee Report

The final step of the review process was the compilation of all issues identified from the evidence received. This was then deliberated on and the Committee formed its own bi-partisan view on all issues identified.

1.2 The Parliament of Fiji

The Parliament of the Republic of Fiji is constituted by Chapter 3 of the Constitution of the Republic of Fiji ('Constitution') and the Secretary-General is responsible to the Speaker for the efficient, effective and economical management of Parliament¹.

Supporting the Parliament is the Parliament Secretariat which comes under the authority of the Secretary-General to Parliament and directions from the Speaker of Parliament. The Department comprises of two (2) divisions, namely now known as the Legislative Services Division and the Administration, Finance, and IT Services (now known as the Corporate Services Division). Both divisions contribute to ensuring that Parliament fulfills its constitutional functions.

The *Parliament of the Republic of Fiji Annual Report 2018-2019* ("Report") covers information on the types of work carried out by the Fijian Parliament.

¹ Constitution of the Republic of Fiji 2013

2.0 DELIBERATION AND FINDINGS BY THE COMMITTEE

2.1 Initial deliberation by the Committee

The Committee commenced the review through a first reading of the Annual Report, whereby numerous matters were noted, which the Committee deliberated on and believed needed to be discussed further and/or clarified. Some of the preliminary findings by the Committee, at this stage of the review are summarized below.

The Committee observed that there was a decrease in Standing Committee meetings in comparison to 2017. The Committee therefore requested clarity on the data pertaining to Standing Committees productivity and performance evaluation during its review process on Bills and Annual Reports.

The Committee noted that a Memorandum of Understanding (MOU) was signed between the Georgian and the Fijian Parliament and clarification was sought on the benefits it poses to Members and the Parliamentary staff.

The Committee noted that the ICT were to facilitate the services of Parliament through the provisions of IT gadgets and installations of conference systems in the chambers and as well as the procurement of the broadcasting infrastructure in Committee meeting rooms. The Committee sought clarification regarding the budget allotted for ICT development for the reported year and the progress made by Parliament with regard to the investment on ICT.

The Committee noted that there was certain aspect of the financial statements of the report that were unclear and thus, clarification was sought on whether the financial statements were classified as 'Qualified' or 'Unqualified' for the reported year.

The Committee was informed that the Department was allocated a sum \$10.8M for the reported year and that it had strictly adhered to the requirements of the Financial Management Act 2004. However, the Committee further noted that the uncorrelated statements identified by the Auditor General that the internal controls over procurement and payment processes were generally found to be weak. The Committee therefore sought clarification on the measures undertaken by the department to address the issue.

The Committee noted that Parliament had made strides in building a dynamic workforce through incentives of overseas attachments and trainings. The Committee sought clarification on the return on investment (ROI) for those foreign forums that were attended by MPs and staff, as well as the implementation status of the Back to Office Report's (BTOR).

2.2 Evidence received by the Standing Committee

The Committee had an extensive deliberation on the clarification received on issues noted from the Annual Report. The following is a summary of the response provided by the Parliament of Fiji to the Committee's queries on the key issues identified and the summary of submissions are as follows.

Issue on the performance measures of the Standing Committees of Parliament

The Committee was advised that 23 of the 26 bills that were introduced became law. Out of the 23 enacted bills, 22 were passed under Standing Orders 51, and one (the appropriations bill) followed the regular parliamentary procedure outlined in the Standing Orders. In relation to the Annual Reports, the Standing Committees performance was evaluated overall at 73 per cent whereby it has tabled a total of 38 review reports out of the 52 submitted by the relevant Ministers in accordance with Standing Orders 38.

The issue on the MOU undertaken by Parliament with Foreign institution and its benefits

The Committee was informed that the Georgian and the Fijian Parliaments signed a Memorandum of Co-operation on March 7, 2019 with a validation period of 1 year. Nevertheless, some terms indicate that, at the expiration date, the MOU may be extended by mutual consent between the two Parliaments. It was further noted that the primary goal of the MOC was to increase the capacity building for parliamentary staff. Given the benefits, the Fijian Parliament was able to send a senior member of the legislative staff on a three-month attachment from May 15 to July 14, 2019, which was funded by the Georgian Parliament.

Issue on the investment towards ICT development

The Committee was informed that a total of \$4.6M was allocated to the development of ICT for the reported year. It was noted that the justification was to have an autonomous Parliament television and controlled under the management of the Fijian Parliament, particularly with the broadcasting public hearings of Standing Committees. The initiative officially began on November 19, 2019, when Fijian Parliament Television transited from FBC (Fiji Broadcasting Corporation) as the primary provider of broadcast. Investment in this project improved transparency in Parliament's oversight process through broadcasting. The system was upgraded to a Hybrid system, hosting Hybrid Parliament Sitting, Committee Public Hearings, Virtual Committee Deliberations, and livestreaming. The Fijian Parliament successfully fulfilled its core business function and effectively kept the people of Fiji informed during the COVID-19 outbreak (2020-2021) with a fully operational system. The system allows Honourable Members to continue fulfilling their constitutional duties globally, provided that internet connectivity was accessible.

Issue with the uncorrelated statements on “Financial Prudence” and “Other Matters”

The Committee was advised that the uncorrelated statements were noted and had been improved during the audit. The Committee also noted that the assessment on the Control Environment, Risk Assessment, Control Activities, Information and Communication Controls and Monitoring Activities were at the required standards from *Effective to Generally Effective* as of the financial governance audit system.

Issues identified by the Auditor General and measures undertaken by the department

The Committee noted that there were three major areas of weak internal controls identified by the Auditor General and these were the non-issuance of purchase local orders, the non-obtainment of competitive quotations and the non-tender on the procurement of goods and services that were above \$50,000. The Committee was then informed that the department has taken measures to address the weak internal controls by the issuance of Local Purchase Order for procurement, obtaining competitive quotation for procurement and advertising Expression of Interest to tender catering services during Parliament sitting.

Issue on the Return of Investment (ROI) of individuals attending International forums

The Committee was advised that the Fijian Parliament has implemented learnings from staff and Members of Parliament attending international capacity building forums. This includes the Guidance Note on Sustainable Development Goals (SDG) and the establishment of Women MPs Commonwealth Women Parliamentarians (CWP) Fiji Group and Commonwealth Parliamentarians with Disabilities (CPwD) Fiji Group. It was further noted that the Fijian Parliament and the SDG - Self Assessment Report is also being maintained and updated.

Issue on the review of the Back to Office Report (BTOR)

The Committee notes the process of submission on the Back to Office Report (BTOR) implemented by the department and queried whether there was any process established previously. The Committee was advised that the process has been reviewed in which the following was rolled out;

- a) Templates were created for BTORs for for the purpose of effective and efficient submission of reports by delegates;
- b) Timeline for submission of reports upon return is at the discretion of the Hon. Speaker;
- c) Accompanying staff to participate in Knowledge Management Initiative (KMI) sharing sessions with all staff and emphasis is placed on lessons learnt; Under the guidance of the Hon. Speaker Ratu Naiqama Lalabalavu, the following is being observed for official parliamentary travels –
- d) Tabling of back-to-office reports in Parliament for Honourable Members perusal and reference. These are all kept in the Library;
- e) Recommendations in the back-to-office reports must be followed upon and implemented accordingly.

Issue on the High Staff Turnover within the department

The Committee noted the high rate of employee turnover over the reported period and queried about any strategic measures taken by the Department to maintain employee retention.

The Committee was advised that the  Fijian Parliament encourages officers to pursue career advancement and better lives for themselves and their families, recognizing their right to move elsewhere. It was further noted that from 2018 to March 2024, 45 officers resigned, with 12 migrated, 25 promoted to higher positions in the public and private sector, two joined the Nauru Parliament, and six had resigned for other reasons. The Committee was further informed that there are existing policies that allows staff to secure higher positions within the department through the process of EOIs (Expression of Interest) and opportunities to obtain higher education level through the provision of study leave with pay.

Written copy of the issues and clarification document is uploaded along with this Report onto the Parliament website: www.parliament.gov.fj.

2.3 Sustainable Development Goals impact analysis

Pursuant to 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 that all matters are considered with regard to the impact and benefit on both men and women equally.

The provision places the responsibility on the Committee to review the report through a gender lens perspective while deliberating on the contents of the report. It was evident that the Annual Report had insufficient information regarding gender in which the Committee could not analyze gender representation/composition of the department.

The Department has furthermore made strides to conduct parliamentary business in an open manner by the installation of IT systems that would broadcast live feed of Standing Committee proceedings. It was encouraging to note that the department has worked to achieve two targets specified on SDG 16 which is to “*develop effective, accountable and transparent institutions at all levels*” and “*ensure responsive, inclusive, participatory and representative decision-making at all levels*”².

² UNDP Sustainable Development Goals

2.4 Key Findings

At the last few stages of the review; after extensive deliberation of all the evidence received, the Committee has identified a few pertinent findings, which it believes are worth noting and a summary of these is provided as follows:

- (i) The Committee notes the outcome of the Job Evaluation Exercise stated in the reported year, however observed the consistency of staff turnover in comparison from 2018-2019 to date.
- (ii) The Committee notes the low budget allocation for the reported year which in turn constrains parliamentary work.
- (iii) The Committee notes the lack of awareness of the powers and authority of Parliament and its Committees by civil servants.
- (iv) The Committee notes the lack of full digitization of its committees.
- (v) The Committee notes that there was a significant number of Bills (88.5%) for the reported year and as a comparative (99%) for year 2023 that were enacted under Standing Order 51.
- (vi) The Committee notes that Parliament has considered the inclusive participation of communities at all levels through the medium of broadcasting, and further notes the lack of information supplied with respect to gender composition in Parliament.

3.0 RECOMMENDATIONS

After extensive deliberation, the Committee would like to put forth recommendations for consideration by the Parliament of Fiji, which are as follows:

- (i) The Committee recommends the timely submission of Annual reports.
- (ii) The Committee recommends that a Job Evaluation Exercise (JEE) be conducted for the department given that the last JEE was conducted in the reported year.
- (iii) The Committee recommends the upgrading of IT systems and full digitization on Committee sittings.
- (iv) The Committee recommends that the Standing Orders be amended to review the use of Standing Order 51 by referring to a specific sub-committee.
- (v) The Committee recommends that the department ensure that there is a formal SDG compliant component in all future reports.

4.0 CONCLUSION

After reviewing the *Parliament of the Republic of Fiji Annual Report 2018-2019*, the Committee recommends that the House takes note of its contents.

The Standing Committee on Justice, Law and Human Rights has fulfilled its mandate approved by Parliament, which is to examine and review the *Parliament of the Republic of Fiji Annual Report 2018-2019* with due diligence.

The Committee's review highlighted numerous findings, which are reflected in this Report. The Committee also put forth a few recommendations for the consideration of the House.

The Committee through this report commends the *Parliament of the Republic of Fiji Annual Report 2018-2019* and the contents of its Report to the Parliament.

MEMBER'S SIGNATURES



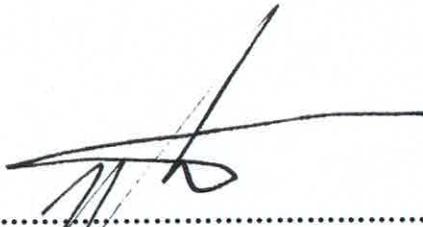
.....
HON. RATU RAKUITA VAKALALABURE
(CHAIRPERSON)



.....
HON. ILIESA VANAWALU
(DEPUTY CHAIRPERSON)



.....
HON. LENORA QEREQERETABUA
(MEMBER)



.....
HON. FAIYAZ KOYA
(MEMBER)



.....
HON. MOSESE BULITAVU
(MEMBER)

DATE: 16.04.24
