

OFFICE OF THE ATTORNEY GENERAL

2009 ANNUAL REPORT



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Introduction

This Report covers the activities of the Office of the Attorney-General for the year 2009.

The Office is responsible for—

- providing independent legal advice to the Fijian Government and to the holder of a public office, on request;
- preparing draft laws on the request of Cabinet;
- maintaining a publicly accessible register of all written law;
- representing the State in court in any legal proceedings to which the State is a party, other than criminal proceedings; and
- performing any other functions assigned by the Constitution, any written law, Cabinet or the Attorney-General.

The Solicitor-General is the Permanent Secretary for the Office of the Attorney-General. Pursuant to section 116 of the Fijian Constitution, the Solicitor-General is appointed by the President on the recommendation of the Judicial Services Commission following consultation by the Judicial Services Commission with the Attorney-General.

This Annual Report was compiled from reports prepared by heads of sections within the Office.

Statement: Solicitor-General

It is with great pleasure that I present this annual report. This annual report not only reflects the diligent work and dedication of our team but also captures the diverse activities of our Chamber. We have strived to ensure that every aspect of our operations is transparent and is in strict compliance with the appropriate legal framework.

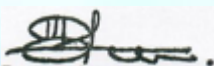
I am pleased to confirm that our financial statements have been thoroughly audited, reflecting our dedication to transparency and accountability. Through unwavering dedication and collaboration, we have achieved significant growth and impact.

I extend my sincere thanks to all the stakeholders, the committee and all staff members who have tirelessly worked and contributed to the preparation of this annual report. Your hard work and dedication have been invaluable.

As we move forward, we remain committed to upholding the principles of integrity and accountability that are the foundation of our Chamber's work.

Thank you for your continued trust and being part of our success, together we look forward to another year of innovation, transparency and shared accomplishments.

Thank you.



Ropate Green
Solicitor-General



Our Purpose

The Office of the Attorney-General (**'Office'**) is established as a separate Office in the Fijian Government. The Attorney-General is the Chief Legal Adviser to the Fijian Government. The Attorney-General is assisted by the Solicitor-General, who is the Permanent Secretary for the Office of the Attorney-General.

Our Vision

The legal services provided by the Office enhance confidence for stability and growth for a peaceful and prosperous Fiji.

Our Mission

To provide quality legal services to the Fijian Government and to facilitate access to law with an independent and professional legal service of high calibre.

Our Values

The Values that we uphold are designed to achieve our Vision and Mission.

These values are derived from the Civil Service Act 1999 and the Legal Practitioners Act 2009, which include the following:

- Uphold Government's objective of peace, unity and prosperity
- Serve the country's interests with diligence and honesty
- Pursue public service that transcends self-interest and avoids conflict of interest
- Work cordially with professional colleagues to uphold the honour and integrity of the legal profession
- Uphold professional obligation as officers of the Court
- Maintain confidentiality, discipline and dedication
- Respect the rights and liberties of individuals
- Foster teamwork, courtesy and respect at workplace-*esprit de corps*
- Maintaining impartiality, transparency and accountability, and being apolitical
- Uphold the rule of law
- Maintain public confidence, earn and show respect and dignity to our clients, professional colleagues, and the judiciary, legal system and the public at large
- Protect public interest and be responsive to their needs

Our Stakeholders

Our stakeholders include:

- the Parliament of the Republic of Fiji;
- Cabinet;
- Public Service Disciplinary Tribunal;
- all Ministries and Departments;
- the Private Sector;
- Diplomatic Missions;
- International Organisations;
- Statutory Bodies; and
- the public at large.



Examples of the Statutory bodies we attend to.



Public Service Disciplinary Tribunal



Parliament of Fiji

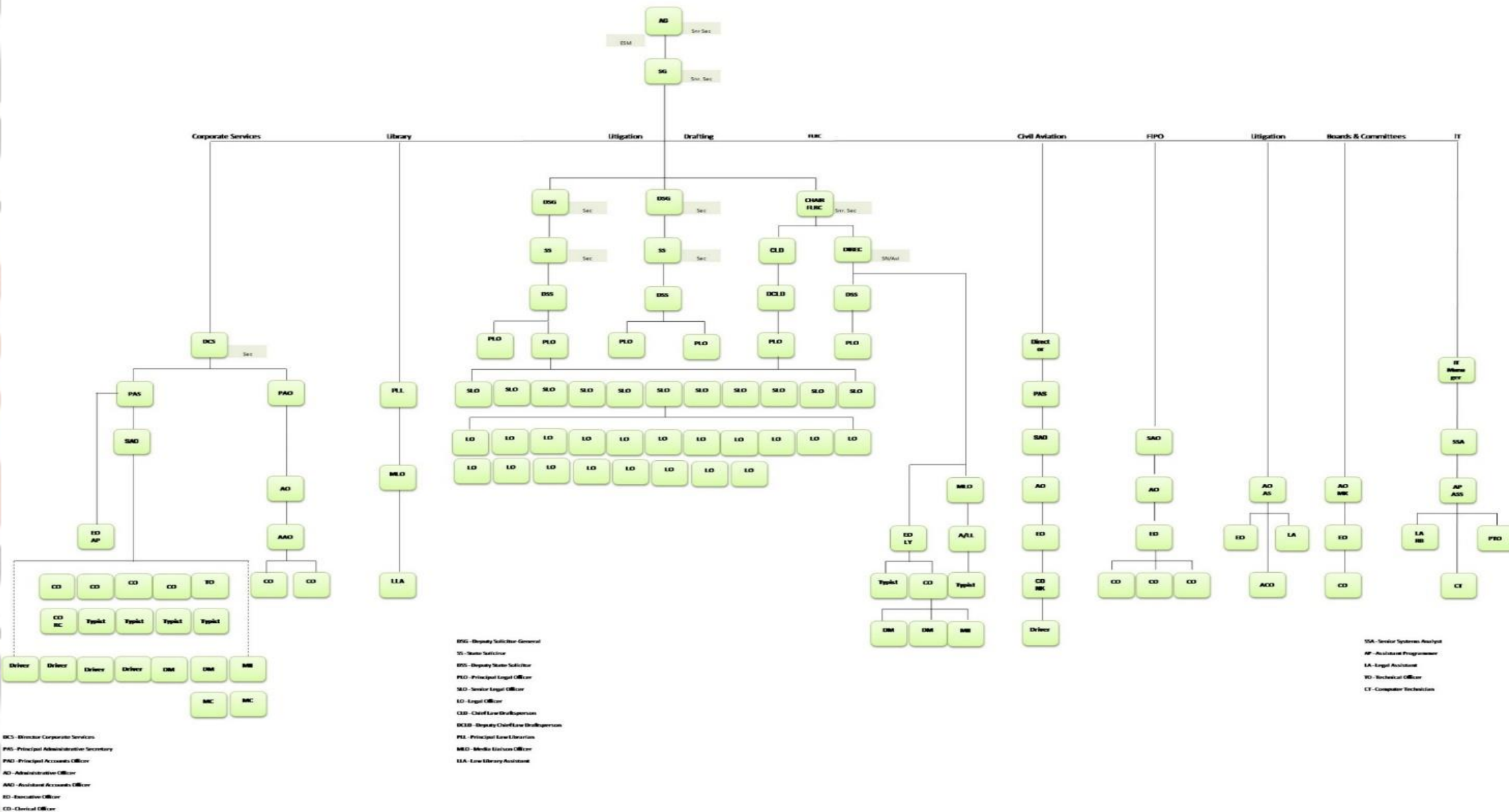


Government of Fiji



Members of the Public

Organisation Structure



Part 1: Office Output Performance Report

The Office provides a range of legal services to Government Ministries and Departments. The work of the Office comprises the following:

- A. Litigation Services
- B. Legal Advice Services
- C. Legislative Drafting Section
- D. Boards, Committees & Commissions

This Part covers the performance reporting of all services provided by the Office as mentioned above.

A. Litigation

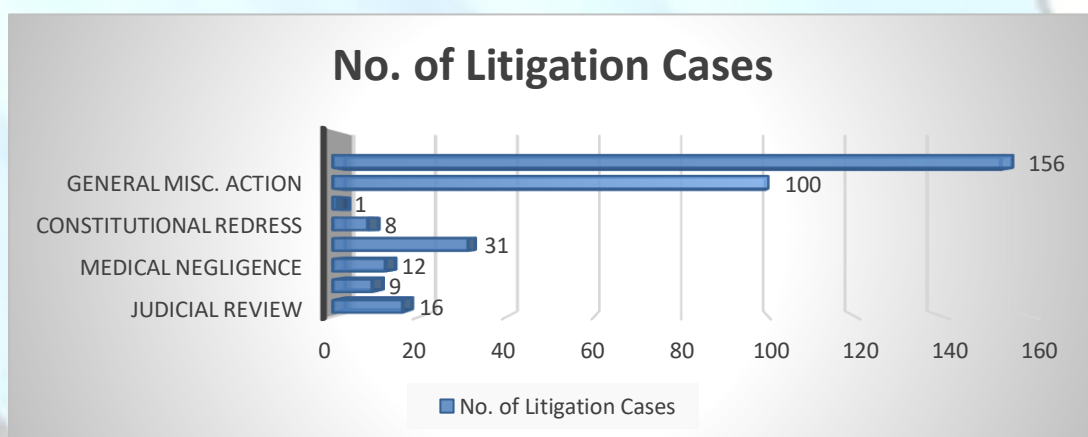
Our Vision

The Litigation and advocacy division of the Office represents the State in all proceedings in all tiers of the Court and other judicial and quasi-judicial bodies.

What We Do

We are responsible for providing effective legal representation in litigation; providing specialized training and development in litigation and advocacy skills, educate, update and create awareness of the developments in law and to establish a litigation support service to assist professional officers.

The table below shows the number of litigation cases and judicial reviews registered between 1st January 2009 to 31st December 2009:



Total No. Litigation Cases: 333
Litigation Cases for the year 2009

Details Of Judicial Reviews : 2009	
Category	No. of Judicial Reviews
FRCS	1
iTLC	5
Trade Dispute	6
Others	4
Total	16

Details of Judicial Reviews for the year 2009

B. Legal Advice Services

Our Vision

Responsible for the provision of timely and independent legal advice to institutions for the efficient discharge of administrative and statutory functions.

What We Do

One of the primary responsibilities of the Office is the provision of legal advice to Government Ministries and Departments.

The scope of legal advice covered by the Office was extensive in 2009 and covers most areas of public law, public and private international law, Immigration, Intellectual Property, Company, Commercial Transactions, Industrial Relations, International Trade, Torts, Contracts, Marine, Equity and Trusts, Constitutional, Transport, Guarantees, Corporate Finance, and Constitutional Law.



C. Legislative Drafting Section

Our Vision

To provide the Fijian Government with a comprehensive, high quality legislative drafting service, guidance on the development of legislative proposals and advisory opinions on laws.

What We Do

Our primary responsibility is to draft written laws including subsidiary laws to give effect to the Fijian Government's policy intention for legislative change. Subsidiary laws may include regulations, orders, by-laws, notices, declarations, rules, and delegations of power.

In discharging drafting responsibilities we do the following –

- i) advise and assist Ministries on the development, formulation, assessment and determination of legal policy proposals;
- ii) be part of committees or working groups in Ministries that are responsible for policy assessment and legal changes;
- iii) carry out legal research and consultation with Ministries on drafting and vetting of laws;
- iv) assist and advise Ministries to carry out consultation and finalisation of draft laws;
- v) assist Ministries in progressing laws through Cabinet;
- vi) give advisory opinions to Ministries on the interpretation or application of laws;
- vii) assist the Solicitor-General in the general administration of the Office of the Attorney-General;
- viii) perform other functions assigned to it by the Solicitor-General;
- ix) undertake advisory opinion and vetting of Cabinet papers in respect of any legal policy proposals; and
- x) facilitate and assist with public consultation on proposed laws.

The following table shows Promulgations, Decrees and Legal Notices which were drafted and published in the Gazette for the year 2009:

Table of laws published	
Decrees	56
Promulgations	14
Legal Notices	154

List of Laws for the year 2009

D. Boards, Committees & Commissions

I. Mercy Commission

▪ Grant of Mercy

Pursuant to section 119 of the Constitution of the Republic of Fiji, the Commission on the Prerogative of Mercy established under the State Service Decree 2009 continues in existence as the Mercy Commission.

Commission Members
Chairman - Hon AGMJ – Mr Aiyaz Sayed-Khaiyum
Member - Mrs Jane Ricketts
Member – Col. Inosi Tawakedrau

Mercy Commission members for the year 2009.

The Mercy Commission is responsible for the timely processing of applications for the grant of mercy to convicted prisoners and to ensure just and timely advice to the President of the Republic of Fiji in the exercise of his prerogative of mercy.

In the year 2009, no convicted persons were granted Presidential pardon.

II. Fiji Intellectual Property Office (FIPO)

▪ Copyright and related Statutory Obligations

The Copyright Tribunal is established under the Copyright Act 1999 as a quasi-judicial body with the power to determine matters pursuant to that Act, including the determination of any dispute in relation to a licensing scheme under the Copyright Act 1999.

The Copyright office continues with its duty in assisting the public in providing legal advice with its queries in relation to copyright. The Tribunal had no sittings or meetings due to the lapse of appointments for its members. Below is the member status of the Tribunal;

Tribunal	Designation	Terms
RM Ajmal Khan	Chairman	16.07.2007 – 15.07.2010
Ms Marie Chan	Member	04.02.2008 – 03.02.2013
Mrs Marieta Rigamoto	Member	03.10.2006 – 02.10.2009

List of Copyright Tribunal Members Status for the year 2009

- **Trade-Marks**

The Office is responsible for facilitating the registration of Trade-marks under the Trade-marks Act 1933.

	New	Endorsements
Total No.	655	752

Total No. of Trade-mark Applications for the year 2009

- **Patent**

The office is responsible in facilitating registration of Patents under the Patents Act 1879.

	New	Endorsements	Local	Overseas
Total No.	19	1	1	18

Total No. of Patent Applications for the years 2009

Tabulated above is the total registration for both Patents and Trade-Marks for the year 2009.

Furthermore, other than the registered Trade-Marks and Patents, other activities carried out are searches for clients and the public and endorsements (renewals of application, assignment and any changes to the existing records of application with FIPO).



III. Hotels Licensing Board

▪ Hotel Licensing

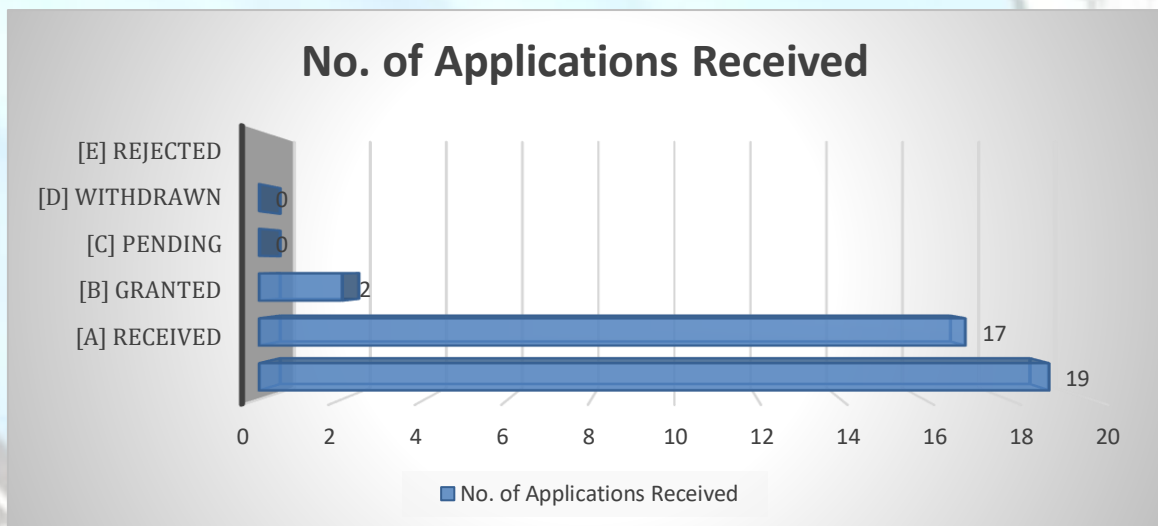
The Board is established under the Hotels and Guest Houses Act 1973 and is responsible for regulating and issuing licenses to hotels. It is aimed at ensuring a just, fair and efficient mechanism for the timely processing of hotel license applications and providing effective policy advice to the Attorney-General.

The following figure shows the number of hotel licenses renewed in the year 2009.

Table Of Hotel Licences Granted: 2009		
Group	Location	No. of Renewal Licenses
One	Levuka & Islands off Levuka	13
Two	Taveuni & Islands off Taveuni	33
Three	Savusavu & Islands off Savusavu	27
Four	Labasa & Islands off Labasa	11
Five	Sigatoka / Nadroga & Islands off Sigatoka / Nadroga	40
Six	Nadi & Islands off Nadi	55
Seven	Mamanuca Is/ Lautoka / Yasawa & Islands off Lautoka	64
Eight	Ba / Tavua / Rakiraki & Islands off Rakiraki	16
Nine	Deuba/ Pacific Harbour /Beqa/ Lau/Suva/Nausori/Tailevu	60
Ten	Kadavu Islands	8
Total		327

List of Hotel Licenses Granted for the year 2009

The following figure shows the number of new hotel applications and licenses were considered and granted between 1 January 2009 to 31 December 2009.



TOTAL: 19

New Hotel Applications for the year 2009

The following persons served on the board in 2009.

Hotel Licensing Board 2009	
Name	Designation
Mr Ronald T. Rickman	Chairperson
Mr Daniel Lobendahn	Member
Mr Sharvada Sharma	Member
Mr Manoa Malani	Member

Hotel Licensing Board Members for the year 2009

IV. Central Liquor Board

▪ Liquor Licensing

The Central Liquor Board is established under the Liquor Act 2006 with the principal function of advising the Minister responsible for the Liquor Act 2006 on policy matters related to liquor licensing. The Board aims to put in place a fair, just and efficient mechanism for the timely processing of liquor license applications and for hearing and determining appeals from Liquor Tribunals.

There were no appeals made in 2009 and no meetings were held.

The following persons served on the board in 2009.

Central Liquor Board 2009	
Name	Designation
Mr Gayendra Singh	Chairperson
Mr Masimeke Latianara	Member
Ms Mereseini Vuniwaga	Member
Mr Gayendra Singh	Chairperson

List of Central Liquor Board Members for the year 2009

V. Film Control Board

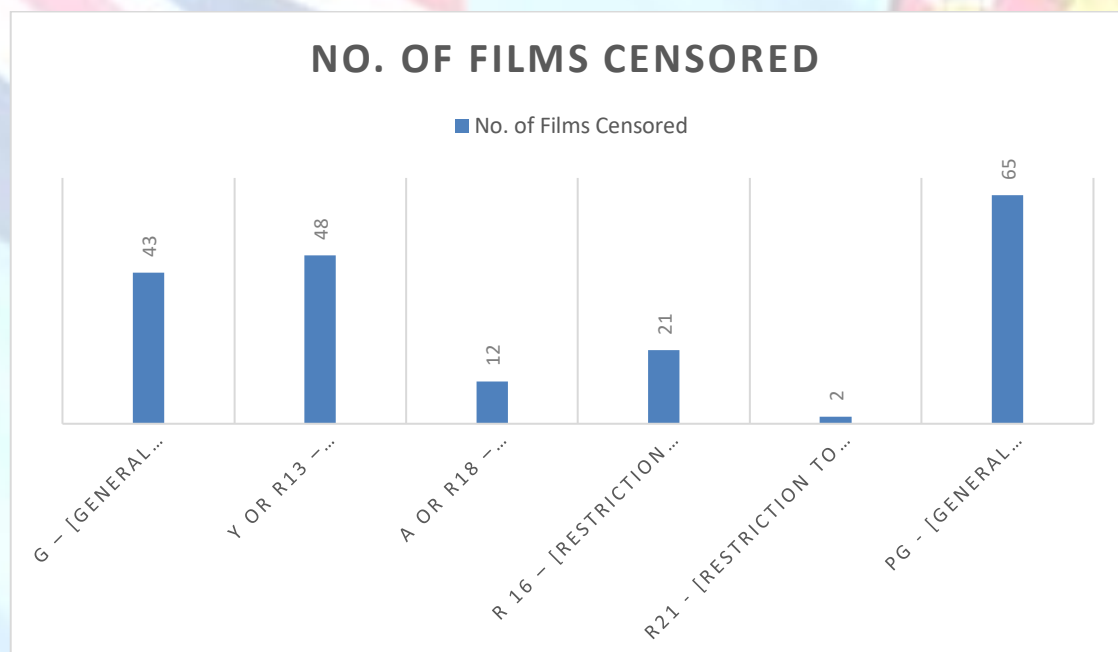
■ Film Censorship and Appeals

The Film Control Board is established under the Cinematographic Films Act 1971. The Board is primarily responsible for the appointment of a censor and assistant censor and for hearing and determining appeals made against the decisions of the censors or assistant censors.



The role of a censor is to provide appropriate ratings or classifications to cinematographic films.

The figures below show the number of films examined in each class or category:



Total No. of films censored by ratings for the year 2009: 191

Film Control Board 2009
There were no appointments

Film Control Board Members for the year 2009

The following persons served as Film Censors in 2009.

Film Censors 2009	
Name	Designation
Ravindra Lal	Chief Censor
Dhab Gauri Patel	Assistant Censor
Dewan Chand	Assistant Censor
Margaret Harieta Elaisa	Assistant Censor
Mohammed Ismail	Assistant Censor
Anju Mangal	Assistant Censor
Mereseini Karikaritu	Assistant Censor

List of Film Censors Members for the year 2009

VI. Board of Legal Education

▪ Legal Professional Education and Qualification

Established under the Legal Practitioners Act 2009, the Board of Legal Education is responsible for ensuring that the educational qualifications, both academic and practical, of persons wishing to be admitted to practice as legal practitioners in Fiji are of a high quality and sufficient to meet the needs of consumers of legal services in Fiji.

The table shows applications considered by the Board from the University of the South Pacific, University of Fiji and Overseas graduates between 1st January 2009 to 31st December 2009.

Table Of BLE Applications : 2009			
Institution	No. of Applications Received	Granted	Pending
USP	33	33	0
University of Fiji	0	0	0
Overseas	9	8	1
Total	42	41	1

Total BLE applications considered for the year 2009

The following peoples served as Board of Legal Education.

Board of Legal Education 2009	
Name	Designation
Justice Devendra Pathik	Chairperson
Professor Peter Macfarlane	Board Member
Professor Murray Raff	Board Member
Justice Daniel Goundar	Board Member
Mr Isireli Fa	Board Member
Mr Christopher T Pride	Board Member

List of Board of Legal Education Members for the year 2009



Part 2: Office of the Attorney-General Services Delivery Report

A. Law Revision

The task of the Law Revision Commissioner is to consolidate, revise and update all these laws in accordance with the powers given under the Revised Edition of the Laws Act (Cap 6). The last consolidation and revision of the laws of Fiji was conducted in 1985.



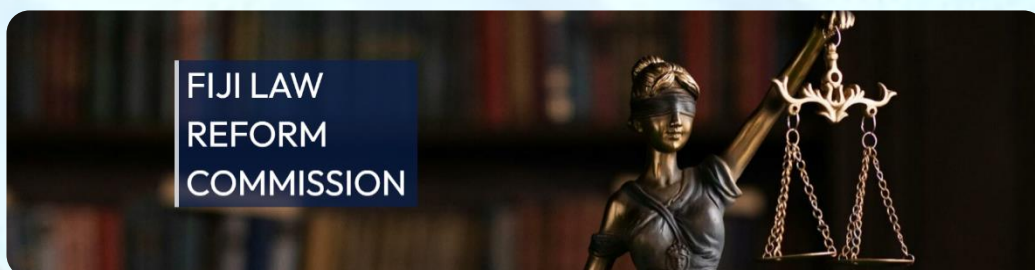
There are 5 main objectives of Law Revision as follows:

- The provision of an authoritative statement of the law;
- Consolidation of the law;
- Rectification and improvement of the laws by the exercise of statutory powers;
- Identification of problems in the law; and
- Used as a tool for overall review of the law.

B. Law Reform

Law Reform is the research of laws and advises government on its policies, and preparing draft laws for the ministries and departments for submission to cabinet. In terms of law reform work, the legislative drafting section is currently charged with the overall review of laws.

Currently there is no Chairperson of the Fiji Law Reform Commission but the function is performed by the Solicitor-General, in consultation with the Attorney-General.



C. Attorney-General's Conference

The Attorney-General's Conference is a two-day event which has become a prominent feature in lawyers' calendars each year.

The Conference comprised sessions on topical issues for the legal fraternity in Fiji.

Speakers came from cross-section of the community including judiciary, international organizations, educational institution, commercial sector and government lawyers and stakeholders attended the conference.



D. Law Library

Introduction

The Office has three law libraries based in the Suva, Lautoka and Labasa offices. They are solely for the use of the professional officers of the Chambers, Fiji Law Reform Commission, Law Revision, the disciplined forces and other statutory bodies.



Library Committee

The Attorney General's Library Committee was chaired by the Solicitor-General in 2009. The Committee farewelled two of its members namely, the A/DCS and PAO who took up acting positions in a different ministry. The Acting Deputy Solicitor General, Mr. Sharvada Sharma continued with the responsibility of the overall supervision, purchasing of law books, updating subscription to law reports and journals, and general physical and policy development of the libraries. The total budget in 2009 was \$100,000 under SEG 5.

Focus for 2009

The main focus for the library this year was improvement in its internal control system and further automating the library services. This has been achieved with the purchase of the Liberty 3.5 Library Management Software. Over 1000 titles were catalogued on the Liberty 3.5 database and this assists the library in proper record-keeping of stock. It also allows the professional officers to browse through the collection from the comfort of their cubicles through the OPAC search link available on the server. In addition, the library substantially updated all its subscriptions to the major law reports, journals and text-books.

The Acting Assistant Librarian continued with his responsibilities of daily management and operation of the three libraries. He performed tasks such as legal research, cataloging, binding, updating and indexing the Acts of Parliament, subsidiary legislation and judgments of the High Court, Court of Appeal and the Supreme Court.

Major Project

The Major initiative that was taken up by the Acting Assistant Librarian in 2009 was the binding of all Fiji Court of Appeal Judgments from 1949 to 2008. A temporary relieving clerical officer was brought into the library in February to assist the Acting Assistant Librarian to effectively attend to reader requests and also to undertake the major binding project. He was later confirmed to the position of Library Assistant in October.



The other major project for 2009 was the merging of the Fiji Law Reform Commission (FLRC) Library to the Chambers Library. The first stage of the merger was taken care of with the accessioning of FLRC text-books in the Chambers Library Accession Register and work is undergoing on cataloging the same materials on Liberty 3.5.

Subscriptions

Subscription to prominent law reports, journals and newspapers continued in 2009. These included:

- (a) *New Zealand Law Reports*
- (b) *All England Law Reports*
- (c) *Commonwealth Law Reports*
- (d) *Weekly Law Reports*
- (e) *Australian Law Journal Reports*
- (f) *Dominion Law Reports*
- (g) *Law Reports Index 1991-2005*
- (h) *New Law Journal (UK)*
- (i) *New Zealand Law Journal*
- (j) *Fiji Times*
- (k) *Fiji Sun*
- (l) *Fiji Daily Post*
- (m) *Halsbury's Laws of England*
- (n) *Atkins Court Forms*
- (o) *Law Reports of the Commonwealth*
- (p) *Encyclopedia of Forms & Precedents*
- (q) *Indian Supreme Court Cases*
- (r) *International Legal Materials*
- (s) *Australian Law Reports*
- (t) *Judicial Review Journal*

Donated Law Books

In addition to this, the three libraries also received donations in the form of text-books from Park Chambers in Hong Kong and also the ACT Library in New South Wales, Australia. Through these donations the library collection was further diversified with laws and legislations now available from the Hong Kong and Australian jurisdiction.

Reference Texts

The law texts purchased from the year's budget were:

Duncan & Neill on Defamation	Kennedy & Rose: Law of Salvage
Hedge Funds & the Law	Munkman on Employer's Liability
Human Rights in Investigation & Prosecution of Crime	Commentary on 1969 Vienna Convention
Disability Discrimination in Employment	Smith & Monkcom: Law of Gambling
International Law & the Environment	Administrative Law
The Business of Judging	Statute Law in New Zealand
Medical Dictionary	McGregor on Damages
Judicial Recusal	Palmer on Bailment
The Change of Position Defence	Solicitor's Negligence & Liability
Due Diligence	Private International Law
Company & Securities Law Handbook	Outsourcing Contracts
Equity & Trusts in New Zealand	Contracts of Carriage by Land & Air

Telecommunications Law & Regulations	Private International Law
Law of Insolvency	Law of Human Rights
Law of Torts	Law of Intervening Causations
Craies on Legislation	Black's Law Dictionary

Labasa and Lautoka Office Libraries

The Labasa and Lautoka Office libraries were each supplied with a complete set of the Encyclopaedia of Forms and Precedents and bound copies of the latest High Court, Fiji Court of Appeal and Supreme Court judgments. Also, libraries in those districts were supplied with numerous newly-purchased text-books and updates to the Weekly Law Reports, New Zealand Law Reports and the All England Law Reports.

In addition, the move by the principal library to transfer older editions of textbooks particularly in the common areas of laws to the Lautoka and Labasa offices continued this year.

Furthermore, regular assistance was provided to professional officers based in Lautoka and Labasa offices, by carrying out legal research on complex legal issues.

Staff Training

On staff training, the Acting Assistant Librarian was released in May to attend the Pacific Islands Law Libraries Conference (PILLC) as part of the Fiji Law Librarians Interest Group team. The conference was organised and coordinated by the AusAID Pacific Governance Support Program and the Australian Attorney General's Department. It was part of the Pacific Law Libraries Twinning Program and was aimed at building and strengthening working relationships between the twenty participants from ten different Pacific Island nations.

In addition to this, the Acting Assistant Librarian was the recipient of the Australian Law Librarian's Association (ALLA) scholarship in November. The scholarship included a week-long work experience placement in Melbourne and also a training workshop in Moys Classification at the University of Melbourne. The work placement was carried out at the Federal Court of Australia, County Court of Victoria, Department of Justice and the Australian Government Solicitor. This proved to be immensely beneficial to the Acting Assistant Librarian as he had a chance to observe the various forms of Information Technology used in major law libraries to bring about efficiency in legal research and service delivery as well as general operations of a law library.

Outlook for 2010

In 2010, the Office plans to carry out improvements in infrastructure to the Main Law Library. It has become necessary to expand the library due to the steadily increasing collection over the past few years. There are also plans of increasing the number of study rooms to three for the convenience of professional officers.

In addition to this, there are plans to complete the cataloging project in all three libraries and also to get a server built specifically for the library management software prior to launching Liberty's full features. Work will also continue next year in the area of converting local judgments into electronic format and binding of local legislations and judgments.

Part 4: Corporate Services Performance Report

A. Policy and Administration Unit

Introduction

The Policy and Administration Unit assists management in policy making, administration and the optimum utilisation of resources. It promotes efficiency and higher productivity through effective resource management and facilitates the formulation and implementation of the Corporate Plan and Performance Management System. The Unit identifies training and development needs and arranges relevant training courses and attachments for staff locally and overseas.



The core functions of the Unit are:

- To act as secretariat to the Office's various committees, boards, and meetings as assigned by the Solicitor-General;
- To co-ordinate staff movement;
- To maintain records of all personnel both established and Government Wage employees pertaining to matters such as leave, sick leave, training and disciplinary action and the operation of the PSC insurance scheme;
- To be responsible for the good maintenance and procurement of office furniture, office equipment and stationery;
- To arrange accommodation for the office and staff, where applicable;
- To co-ordinate staff board meetings and implement decisions made by the Solicitor-General;
- To be responsible for the control and maintenance of Office vehicles, including running sheets and vehicle log books;
 - To secure Office records and premises; and
 - To prepare returns and statistics for appointments, resignations, retirements, vacancies, approved establishment.



B. Staffing

Staff Establishment or the number of posts approved and allocated to the Office of the Attorney-General, Fiji Law Reform Commission and Civil Aviation Department in the year 2009 is as follows:



Office of the Attorney-General

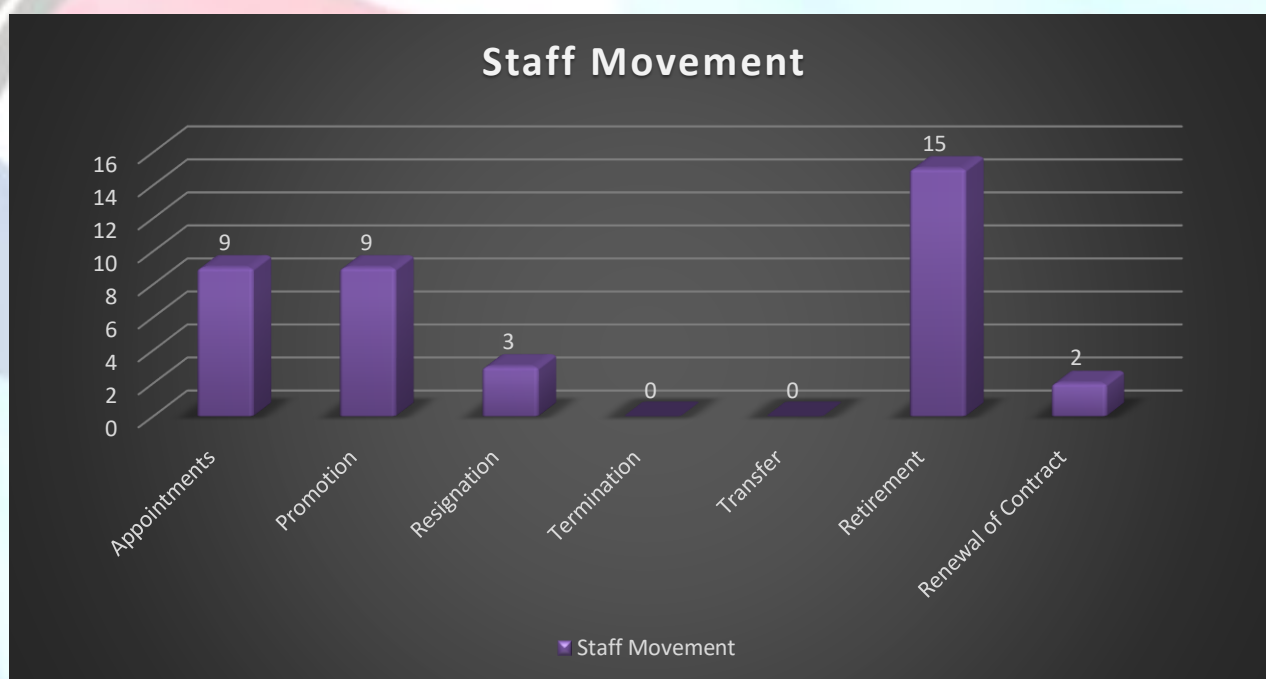
	2009
SALARY STAFF	
Attorney-General & Minister for Justice	1
Solicitor-General	1
Deputy Solicitor-General	2
Director Corporate Services	1
Executive Support Manager	
Principal Accounts Officer	1
Chief Law Draftsperson	1
State Solicitor	2
Deputy State Solicitor	3
Deputy Chief Law Draftsperson	1
Principal Legal Officer	6
Senior Legal Officer	8
Legal Officer	11
Senior Librarian/PLL	1
Librarian	0
Law Library Assistant	1
Media Liaison Officer	
IT Manager	
Snr. Systems Analyst	
Assistant Programmer	
Computer Technician	
Principal Administrative Officer	1
Senior Administrative Officer	0
Accounts Officer	1
Administrative Officer	4
Assistant Accounts Officer	1
Executive Officer	3
Technical Officer	
Senior Secretary	2
Secretary/Legal Assistant	6
Clerical Officer	6
Steno Typist/Typist	5
Technical Assistant	1
Telephone Operator	1
TOTAL	71
LAW REFORM COMMISSION	
Chairman	1
Director	1
Senior Legal Officer	1
Legal Officer	4
Librarian	1
Assistant Librarian	1
Senior Secretary	1
Secretary	1
Steno Typist/Typist	2
Executive Officer	1
Clerical Officer	1
TOTAL	15
SALARIED STAFF TOTAL	86
WAGE EARNING STAFF	
OFFICE OF THE SOLICITOR-GENERAL	
Driver	2
Driver/Messenger	2
Messenger Gr II	1
Messenger/Cleaner	2
	7
LAW REFORM COMMISSION	
Driver/Messenger	2
Messenger Grade II	1

	2009
	SALARY STAFF
	3
DEPARTMENT OF CIVIL AVIATION	
Driver	
WAGE EARNING STAFF TOTAL	10
GRAND TOTAL	96

Office of the Attorney-General Staff Establishment for the year 2009

▪ Staff Profile

The table below provides details of the staff profile and movements within the Office of the Attorney-General in the years 2009.



Staff Movement for the years 2009



C. Training and Development

The Public Service Commission is vested with the responsibility and authority for the training and development of all civil servants in the civil service for both local and overseas training. The training unit of the Office liaises with the Centre for Training and Development of PSC and carries out training programs to:

- ❖ Improve the job performance of individuals through building and developing their skills, knowledge and behaviour;
- ❖ Assist individuals in reaching their personal and professional goals; and
- ❖ Support civil servants and build the capabilities of the civil service to meet its needs now and in the future.



Training needs for professional officers were mainly met through attendance at seminars, workshops, symposiums and conferences, locally and overseas. These were mainly funded by organizations such as the World Intellectual Property Organization (WIPO), Commonwealth Secretariat, AUSAID, etc.

The table presented below details training and developments that the staff were engaged in for the year 2009.

Table Of Trainings & Developments : 2009	
Training	No. of Trainings Attended
Local	7
Overseas	3

Trainings & Development for the year 2009

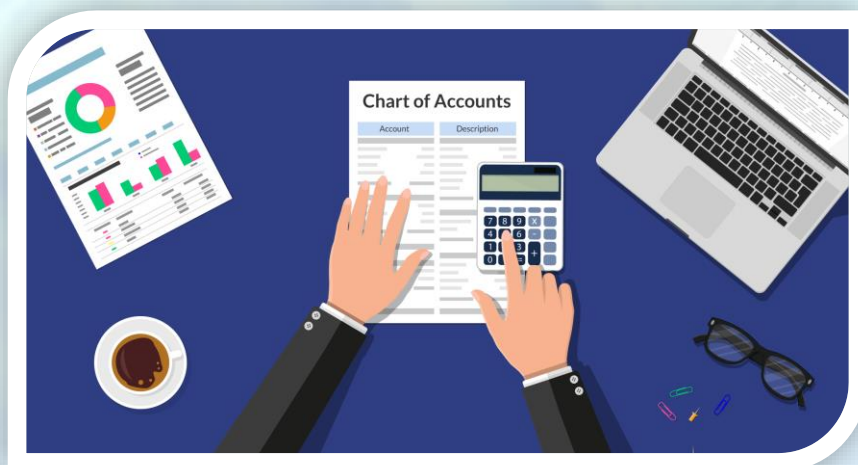


Part 4: Accounts Performance Report

A. Introduction

The core functions of the section for the year 2009 were:

- Facilitate the purchase of goods and services for the Office by way of issuing of Purchase Orders making sure that the proper expenditure allocations are used;
- Facilitate the payment of salaries and wages of all staff members making sure that each staff is paid at the correct level and from the right expenditure allocation;
- Facilitate changes to officers' salary and wages as approved by the Head of Department and other authorities;
- Facilitate the inter-departmental transactions through the Inter Departmental Clearance Account;
- Facilitate the payment of liabilities of the Office through the Payment module of the FMIS system;
- Collection of revenue due for all licenses and court settlements;
- Ensure that proper procedures and processes are followed and facilitate the requirements of the FMIS system;
- Ensure the prompt release of funds that are under Requisitions; and
- Ensure that virement of funds are properly administered when the need arises preparation of the annual budget of the Office.



B. Disclosures and Financial Compliance

OFFICE OF THE ATTORNEY GENERAL AND
DEPARTMENT OF PUBLIC ENTERPRISE

FINANCIAL STATEMENTS
FOR THE YEAR ENDED 31 DECEMBER 2009

OFFICE OF THE ATTORNEY GENERAL AND DEPARTMENT OF PUBLIC ENTERPRISE

FINANCIAL STATEMENTS
FOR THE YEAR ENDED 31 DECEMBER 2009

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REPUBLIC OF THE FIJI ISLANDS
OFFICE OF THE AUDITOR GENERAL



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ACCOUNTABILITY IN THE PUBLIC SERVICE SECTOR THROUGH QUALITY AUDIT SERVICES

INDEPENDENT AUDIT REPORT

To the Attorney General, Minister for Justice, Electoral Reform, Public Enterprise, Anti Corruption and Tourism, Trade and Communication

Scope

I have audited the special purpose financial statements of the Office of Attorney General and Department of Public Enterprise which have been prepared under the cash basis of accounting and notes thereon for the year ended 31 December 2009, as set out on pages 6 to 14. The financial statements comprise the following:

- (i) Statement of Receipts and Expenditures;
- (ii) Statements of Output Costs;
- (iii) Appropriation Statement; and
- (iv) Statement of Losses.

The Office of the Attorney General is responsible for the preparation and presentation of the special purpose financial statements and the information contained therein. I have conducted an Independent audit of these special purpose financial statements in order to express an opinion on them to the Attorney General.

My audit was conducted in accordance with the Fiji Standards on Auditing to provide reasonable assurance as to whether the special purpose financial statements are free of material misstatements. My audit procedures included examination, on a test basis, of evidence supporting the amounts and other disclosures in the special purpose financial statements and evaluation of accounting policies. These procedures have been undertaken to form an opinion as to whether, in all material respects, the special purpose financial statements are fairly stated and in accordance with government policies in Note 2, the Audit Act and the Financial Management Act, so as to present a view which is consistent with my understanding of the financial performance of the Office of the Attorney General and Department of Public Enterprise for the year ended 31 December 2009.

The audit opinion expressed in this report has been formed on the above basis.

Unqualified Audit Opinion

In my opinion, the financial statements present fairly, in accordance with the accounting policies stated in Note 2, the financial performance of the Office of the Attorney General and Department of Public Enterprise for the year ended 31 December 2009.

Without qualifying my opinion, I draw attention to the following:

- 1) The Department of Public Enterprise did not submit for audit a Statement of Losses contrary to Finance Instructions 82 (1).
- 2) Note 2(c) of the financial statements describes the inability of the Office to accurately determine the actual costs under each Budget Output. The Office has ten outputs under the 2009 Budget.

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Tevita Bolanavanua
AUDITOR GENERAL



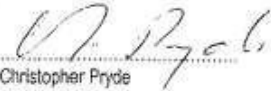
Suva, Fiji
13 September 2010.

OFFICE OF THE ATTORNEY GENERAL AND DEPARTMENT OF PUBLIC ENTERPRISE


MANAGEMENT CERTIFICATE

We certify that the financial statements:

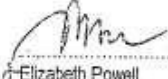
- (a) fairly reflect the financial performance of the Office of the Attorney General and the Department of Public Enterprise for the year ended 31 December 2009; and
- (b) have been prepared in accordance with the requirements of the Financial Management Act 2004 and the Finance Instructions and the Finance Circular 16/2008.


Christopher Pryde
Solicitor General

Date: 2nd September 2010.


Eliyanah Mayah
Principal Accounts Officer

Date: 1st September 2010.


Elizabeth Powell
Permanent Secretary for Tourism, Communication
and Public Enterprise

Date: 2nd September 2010


Vamarasi Sai
Accounts Officer

Date: 02nd September 2010.

OFFICE OF THE ATTORNEY GENERAL AND DEPARTMENT OF PUBLIC ENTERPRISE

STATEMENT OF RECEIPTS AND EXPENDITURE FOR 2009

	Notes	2009 \$	2008 \$
RECEIPTS			
State Revenue			
Hotel Licence		128,079	136,446
Liquor Licence		1,333	1,568
Miscellaneous Fees		9,916	1,113
Other State Revenue		12,458	28,331
Total State Revenue		151,786	167,458
Agency Revenue			
Miscellaneous		55,010	14,760
TOTAL REVENUE	3 (a)	206,796	182,218
EXPENDITURE			
Operating Costs			
Established Staff	3 (b)	2,523,254	2,159,296
Government Wage Earners		153,461	158,173
Travel & Communications		145,736	140,282
Maintenance & Operations		211,852	230,292
Purchase of Goods & Services		1,398,165	1,324,057
Operating Grants & Transfers	3 (c)	801,363	2,979,323
Special Expenditure		910,570	1,309,841
Total Operating Cost		5,944,391	8,301,263
Capital Expenditure			
Construction		-	10,473
Purchases		-	120,289
Total Capital Expenditure	3 (d)	-	130,762
Value Added Tax		336,544	496,046
TOTAL EXPENDITURE		6,280,935	8,928,071

OFFICE OF THE ATTORNEY GENERAL AND DEPARTMENT OF PUBLIC ENTERPRISE

STATEMENT OF OUTPUT COSTS FOR 2009 – PORTFOLIO LEADERSHIP POLICY ADVISE
AND SECRETARIAT SUPPORT

	2009 \$	2008 \$
EXPENDITURE		
Operating Costs		
Established staff	1,106,353	1,251,364
Government Wage Earners	76,719	98,160
Travel and communications	63,837	79,311
Maintenance & Operations	97,916	135,112
Purchase of Goods and Services	812,152	967,906
Operating Grants and Transfers	355,400	2,234,492
Special Expenditures	538,147	982,381
Total Operating Costs	<u>3,050,524</u>	<u>5,748,746</u>
Capital Expenditure		
Construction	-	7,855
Purchases	-	90,217
Total Capital Expenditure	<u>-</u>	<u>98,072</u>
Value Added Tax	<u>188,398</u>	<u>354,029</u>
TOTAL COSTS	<u>3,238,922</u>	<u>6,200,847</u>

OFFICE OF THE ATTORNEY GENERAL AND DEPARTMENT OF PUBLIC ENTERPRISE

STATEMENT OF OUTPUT COSTS FOR 2009 – CONSULTING SERVICES – LITIGATION & ADVISORY, LEGISLATIVE DRAFTING, LEGAL REFORM

	2009 \$	2008 \$
EXPENDITURE		
Operating Costs		
Established staff	486,720	250,277
Government Wage Earners	33,751	19,632
Travel and communications	28,084	15,862
Maintenance & Operations	43,076	27,022
Purchase of Goods and Services	357,292	193,581
Operating Grants and Transfers	156,352	446,898
Special Expenditures	236,748	196,476
Total Operating Costs	<u>1,342,023</u>	<u>1,149,748</u>
Capital Expenditure		
Construction	-	1,571
Purchases	-	18,043
Total Capital Expenditure	<u>-</u>	<u>19,614</u>
Value Added Tax	82,883	70,806
TOTAL COSTS	<u>1,424,906</u>	<u>1,240,168</u>

OFFICE OF THE ATTORNEY GENERAL AND DEPARTMENT OF PUBLIC ENTERPRISE

STATEMENT OF OUTPUT COSTS FOR 2009 – CONSULTING SERVICES LEGAL AID

	2009 \$	2008 \$
EXPENDITURE		
Operating Costs		
Established staff	278,928	166,852
Government Wage Earners	19,342	13,088
Travel and communications	16,094	10,575
Maintenance & Operations	24,686	18,015
Purchase of Goods and Services	204,756	129,054
Operating Grants and Transfers	89,602	297,932
Special Expenditures	135,675	130,984
Total Operating Costs	<u>769,083</u>	<u>766,500</u>
Capital Expenditure		
Construction	-	1,047
Purchases	-	12,029
Total Capital Expenditure	<u>-</u>	<u>13,076</u>
Value Added Tax	47,498	47,204
TOTAL COSTS	<u>816,581</u>	<u>826,780</u>

OFFICE OF THE ATTORNEY GENERAL AND DEPARTMENT OF PUBLIC ENTERPRISE

STATEMENT OF OUTPUT COSTS FOR 2009 – LICENSING COMPLIANCE AND MONITORING
– GOVERNMENT OWNED ENTERPRISE

	2009 \$	2008 \$
EXPENDITURE		
Operating Costs		
Established staff	651,253	490,782
Government Wage Earners	23,649	27,294
Travel and communications	37,720	34,534
Maintenance & Operations	46,174	50,142
Purchase of Goods and Services	23,966	33,515
Total Operating Costs	<u>782,762</u>	<u>636,267</u>
Value Added Tax	<u>17,765</u>	<u>24,006</u>
TOTAL COSTS	<u>800,527</u>	<u>660,275</u>

OFFICE OF THE ATTORNEY GENERAL AND DEPARTMENT OF PUBLIC ENTERPRISE

APPROPRIATION STATEMENT FOR 2009

SEG	Item	Budget Estimate \$	Changes (Note 4) \$	Revised Estimate \$	Actual Expenditure \$	Carry Over \$	Lapsed Appropriation \$
1	Established Staff	3,461,700	(37,303)	3,424,397	2,523,254	-	901,143
2	Unestablished Staff	118,000	37,303	155,303	153,461	-	1,842
3	Travel & Communication	158,300	-	158,300	145,736	-	12,564
4	Maintenance & Operations	241,600	6,000	247,600	211,852	-	35,748
5	Purchase of Goods & Services	2,461,100	(6,000)	2,455,100	1,398,165	-	1,056,935
6	Operating Grants & Transfers	605,400	-	605,400	601,353	-	4,047
7	Special Expenditure	1,568,000	-	1,568,000	910,570	-	657,430
	Total Operating Costs	8,614,100	-	8,614,100	5,944,381	-	2,669,709
13	Value Added Tax	553,600	-	553,600	336,544	-	217,056
	TOTAL EXPENDITURE	9,167,700	-	9,167,700	6,280,935	-	2,886,765

OFFICE OF THE ATTORNEY GENERAL AND DEPARTMENT OF PUBLIC ENTERPRISE

STATEMENT OF LOSSES FOR 2009

Loss of Money

There was no loss of money recorded in 2009.

Loss of Fixed Assets

The Office of the Attorney General carried out a board of survey for 2009. Fixed assets valued at \$90,632 have been considered unserviceable and the following items were missing:

Item Name	Quantity	Location of Office	Value (\$)
APC Backup	1	Head Quarters - Suva	135.00
Computer Monitor	1	Labasa Office	295.00
Computer Keyboard	1	Labasa Office	21.00
Digitizer Head Phone	1	Labasa Office	79.00
Extension Cord - 3 Metres	1	Labasa Office	5.00
Electronic Breville Hot Water Kettle	1	Labasa Office	31.95
Compac Monitor	1	Labasa Office	295.00
1 GB Flash Drive	1	Law Reform Commission	246.00
2 GB Flash Drive	1	Law Reform Commission	239.00
Ultra VGA Monitor	1	Law Reform Commission	229.00
Laptop - Dell	1	Law Reform Commission	3,495.00
Cordless Electric Kettle	1	Lautoka Office	49.99
Electric Aluminium Kettle	1	Lautoka Office	29.95
Total			5,150.89

OFFICE OF THE ATTORNEY GENERAL AND DEPARTMENT OF PUBLIC ENTERPRISE

NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 31 DECEMBER 2009

NOTE 1 REPORTING ENTITY

The Office of the Solicitor General is responsible for providing quality legal advice to all ministries and departments; drafting Government Bills and Subsidiary Legislations; undertaking systematic review; reform and development of laws in Fiji Islands; undertaking Statutory Law Revision; providing legal assistance to impoverished persons in family and criminal laws through legal representation and advice. The administrations of the Registrar of Companies, Registrar General's Office, Registrar of Titles, Official Receivers Office, and Stamp Duties Office have all been reassigned to the Solicitor General's Office. These offices are required to administer and implement those legislations assigned to the Minister for Justice by the President.

The Department of Public Enterprise is responsible for overseeing and implementing Government's Public Sector Reform programme with the intension of increasing the efficiency and effectiveness of the Public Enterprise Sector.

NOTE 2 STATEMENT OF ACCOUNTING POLICIES

a) Basis of Accounting

In accordance with Government accounting policies, the financial statement of the Office is prepared under the cash basis of accounting. All payments related to purchases of fixed assets have been expensed.

The financial statements are presented in accordance with the Financial Management Act and the requirements of Section 82(1) of the Finance Instruction 2005. The presentation of a Statement of Assets and Liabilities is not required under the current government policies.

b) Consolidation

The Financial Statements consolidate the Financial Statements for Office of the Attorney General and Department of Public Enterprise according to the 2009 Appropriation Promulgation.

c) Use of Estimates

The facility to allow the measurement and accounting of output costs has yet to be integrated in the Financial Management Information System (FMIS) of Government.

The preparation of the Statement of Output Costs requires Office of the Attorney General and Department of Public Enterprise to make judgments on the estimates of costs under each Budget Output. Actual results may differ from these estimates.

d) Accounting for Value Added Tax (VAT)

All expenses are VAT exclusive. With effect from September 2009, the Office is to remit to FIRCA, VAT on all fees and charges on revenue collected. The Office on a monthly basis takes out VAT output on total money received for expenditure from Ministry of Finance. VAT input on the other hand is claimed on payments made to the suppliers and sub-contractors for expenses incurred.

OFFICE OF THE ATTORNEY GENERAL AND DEPARTMENT OF PUBLIC ENTERPRISE

NOTES TO THE FINANCIAL STATEMENTS (CONT'D)
FOR THE YEAR ENDED 31 DECEMBER 2009

The VAT payment as per the statement of financial operation relates to the VAT input claimed on payments made to the suppliers and sub-contractors for expenses incurred and VAT payments to FIRCA. Actual amount paid to FIRCA during the year represent the difference between VAT Output and VAT Input.

e) **Revenue Recognition**

Fees are charged when the Office issues new hotel licenses and also through the annual renewal of such licences. Revenues are also collected through fees from film registration and liquor licenses.

NOTE 3 SIGNIFICANT VARIATIONS

- (a) Increase in total revenue was mainly due to the introduction of gaming licence, increase in costs awarded to the State on court cases.
- (b) Increase in Established Staff was mainly due to promotions, new acting appointments and recruitments of legal officers.
- (c) There was no budget provided for FICAC through the Office's budget allocation in 2009, thus the decrease in Operating Grants and Transfers.
- (d) There was no budget provided for Capital expenditure in 2009.

NOTE 4 DETAILS OF APPROPRIATION CHANGES

The Ministry of Finance approved the following transfer of funds during the year:

- a. \$37,303 from SEG 1 *Established Staff* to SEG 2 *Unestablished Staff* to cater for the overtime payments for unestablished staff.
- b. \$6,000 from SEG 5 *Purchase of Goods & Services* to SEG 4 *Maintenance & Operations* for the repair and maintenance of the Permanent Secretary's vehicle.