



STANDING COMMITTEE ON FOREIGN AFFAIRS AND DEFENCE

Consolidated Review Report of the Office of the Attorney General 2006-2013 Annual Reports



PARLIAMENT OF THE REPUBLIC OF FIJI
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Acronyms

BLE	-	Board of Legal Education
JSC	-	Justice Service Commission
OAG	-	Office of the Attorney General
SCFAD	-	Standing Committee on Foreign Affairs and Defence
SDG	-	Sustainable Development Goals
SO	-	Standing Order

Chairperson's Foreword

The Standing Committee on Foreign Affairs and Defence (SCFAD) hereby submits to Parliament the Consolidated Review Report of the Office of the Attorney General 2006-2013 Annual Reports.

The Office of the Attorney General (OAG) is responsible for providing independent legal advice to the Fijian Government and 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.

This report covers the period when there was no Parliament and the Government that was in place was unelected.

The report captures the trends in the various activities reported in the eight (8) Annual Reports from 2006 to 2013. The Committee did not analyze the performance of the Office of the Attorney General during these periods given the number of years that has lapsed and makes no recommendations on the efficiency or otherwise of the OAG. The Committee is, however, grateful to the OAG for the information and data and the consistent structure that they are presented in these Annual Reports.

I wish to thank the Office of the Attorney General for compiling and submitting its Annual Reports from 2006 to 2023. This Review Report is one of three reports that the Committee is submitting to Parliament that covers this seventeen-year period.

I thank the members of the Standing Committee on Foreign Affairs and Defence for compiling this bipartisan report and also thank the Secretariat for their invaluable support.

On behalf of the Standing Committee on Foreign Affairs and Defence, I submit this report to Parliament.



Hon. Viliame Naupoto
Chairperson

Recommendations

The Committee recommends that Parliament take note of the contents of this report.

1.0 Committee Remit and Composition

Pursuant to Standing Order 109(2)(e) the Standing Committee on Foreign Affairs and Defence is mandated to look into matters related to Fiji's relations with other countries, development aid, foreign direct investment, oversight of the military, and relations with multi-lateral organizations. The members of the Standing Committee on Foreign Affairs and Defence are as follows:



Hon. Viliame Naupoto
Chairperson of the Standing Committee on Foreign Affairs and Defence



Hon. Lenora Qereqeretabua
Deputy Chairperson
Deputy Speaker of Parliament
Assistant Minister for Foreign Affairs



Hon. Jovesa Vocea
Member
Assistant Minister for Rural, Maritime Development
and Disaster Management



Hon. Ratu Isikeli Tuiwailevu
Member
Assistant Minister for iTaukei Affairs, Heritage and Arts



Hon. Rinesh Sharma
Member

1.1 Committee Secretariat Team

Supporting the Committee in its work is a group of dedicated Parliament Officers serving as the Committee Secretariat. These officers are appointed and delegated by the Secretary-General to Parliament by Standing Order 15(3)(i). The Secretariat officers are as follows:

- Mrs. Susana Korovou – Senior Committee Clerk
- Ms. Kinisimere Vuibua – Graduate Intern

2.0 Background and Terms of Reference

The Standing Committee on Foreign Affairs and Defence (the Committee), was referred to the Office of the Attorney General 2006-2013 Annual Reports on 02 September 2024. The referral of the Annual Reports was done under SO 38(2), whereby the Committee was assigned to investigate the contents of the report and provide a report to Parliament at a future Sitting. This report is outside the usual mandate of the Committee, but the referral was made to help ease the workload of the other Standing Committees.

2.1 Procedure and Program

Written Evidence Received

In accordance with Standing Order 112(1)(c), the Committee exercised its powers and requested further information from the OAG to clarify some of the issues raised in the reports; however, no response was received on the date of finalizing this report.

3.0 Committee Deliberation and Analysis

3.1 Introduction

This Report covers the activities of the Office of the Attorney-General for the years 2006 to 2013. The Office is responsible for –

- providing independent legal advice to the Fijian Government and the holder of a public office, on request;
- preparing draft laws on the request of the 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. Under section 116 of the Constitution of the Republic of Fiji (Constitution), the Solicitor-General is appointed by the President on the recommendation of the Justice Service Commission (JSC) following consultation by the JSC with the Attorney-General.

3.2 Summary of the 2006-2013 Annual Reports

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 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
- the public at large

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

- 1) Litigation Services
- 2) Legal Advice Services
- 3) Legislative Drafting Section
- 4) Responsibility for Boards, Committees & Commissions

3.3 Committee Findings

3.3.1 Part 1: Office Output Performance Report

The Committee reviewed the reports and is reporting on the trends in the various activities reported in the 8 reports from 2006-2013. The Committee noted the following trends:

3.3.1.1 Litigation

Government vehicle accidents continued to top the number of litigation cases that OAG took to Court. Table 1 shows the number of litigation cases and judicial reviews from 2006 to 2013:

	2006	2007	2008	2009	2010	2011	2012	2013
Govt Vehicle Accident	296	156	202	156	263	148	144	141
General Misc. Action	130	122	123	100	101	121	85	111
Constitutional cases	4	4	7	1	0	0	0	2
Constitutional redress	4	4	16	8	0	0	0	0
Workmen's Compensation	12	9	17	31	69	47	32	14
Medical Negligence	10	9	4	12	5	2	2	2
Personal Injury	15	17	7	9	13	13	4	7
Judicial Review	35	42	46	16	6	10	13	10

Table 1: Summary of Litigation Cases for the years 2006-2013

3.3.1.2 Legal Advice Services

OAG is responsible for providing legal advice to Government Ministries and Departments. The Committee noted that due to the huge demand from Government Ministries and Departments, action on said requests tends to be prolonged due to staff shortage.

3.3.1.3 Legislative Drafting Section

The OAG's core responsibility is to draft written laws including subsidiary laws to give effect to the Fijian Government's policy intention for legislative change. Table 2 shows a summary of Decrees and Legal Notices that were drafted and published in the Gazette for the years 2006 to 2013:

	Decrees (Laws)	Legal Notices (Laws)	Promulgations (Laws)
2006	18	143	24
2007	Unreported	120	53
2008	Unreported	139	37
2009	56	14	154
2010	70	136	Unreported
2011	56	131	Unreported
2012	84	97	Unreported
2013	38	78	Unreported

Table 2: Summary of trends in the number of Legal Opinions and Vetting of Legal Documents provided during the years 2006-2013

3.3.1.4 Boards, Committees, and Commissions

3.3.1.4.1 Mercy Commission

The Commission on the Prerogative of Mercy is responsible for the timely processing of applications for the grant of mercy to convicted prisoners and ensuring timely advice to the President of the Republic of Fiji. Table 3 shows the number of grants of mercy for the years 2006 to 2013:

	No. of Applications Received	No. of Pardons
2006	9	5
2007	No meetings due to lapse in the appointment of the Commission members	
2008	No convicted persons were granted a Presidential pardon.	
2009	No convicted persons were granted a Presidential pardon.	
2010	No convicted persons were granted a Presidential pardon.	
2011	10	8
2012	No meetings due to lapse in the appointment of the Commission members	
2013	No convicted persons were granted a Presidential pardon.	

Table 3: Summary of the Grant of Mercy applications received and Presidential Pardons for the years 2006-2013

3.3.1.4.2 Fiji Intellectual Property Office

3.3.1.4.2.1 Trade-Marks

Table 4 shows the list of registered new trade-marks and endorsements for the years 2006 to 2013:

	New Trade-Marks	Endorsements
2006	1,041	927
2007	998	845
2008	981	737
2009	655	752
2010	976	693

2011	913	857
2012	941	1064
2013	830	1084

Table 4: List of Registered Trade-Marks for the years 2006-2013

3.3.1.4.2.2 Patent

Under the Patents Act 1879, the Office is also responsible for the issuance and facilitation of the registration of patents. Table 5 shows the total number of trade-marks for the years 2006 to 2013:

	New	Endorsements	Local	Overseas
2006	9	3	1	11
2007	27	6	0	27
2008	30	5	0	30
2009	19	1	1	18
2010	20	6	4	16
2011	20	0	1	23
2012	26	1	2	24
2013	26	26	3	23

Table 5: Total No. of Trade-Marks for the years 2006-2013

3.3.1.4.2.3 Hotels Licensing Board

The Hotels Licensing Board is established under the Hotels and Guest Houses Act 1973 and is responsible for the regulating and issuing of licenses to hotels. Table 6 shows the number of hotel licenses renewed for the period 2006 to 2013:

Group/Location	2006	2007	2008	2009	2010	2011	2012	2013
1 – Levuka & Islands off Levuka	10	12	11	13	13	12	12	11
2-Taveuni & Islands off Taveuni	28	31	32	33	37	35	32	33
3-Savusavu & Islands off Savusavu	25	27	27	27	30	30	36	35
4-Labasa & Islands off Labasa	8	8	10	11	11	10	10	10
5-Sigatoka/ Nadroga & Islands off Sigatoka	35	37	38	40	42	42	42	45
6-Nadi & Islands off Nadi	55	57	55	55	58	61	60	58
7-Mamanuca & Islands off Mamanuca	69	69	60	64	65	63	65	68

8-Ba/ Tavua/ Rakiraki & Islands off Rakiraki	16	18	15	16	17	19	20	19
9-Deuba/ Pacific Harbour/ Beqa/ Lau/ Suva/ Nausori/ Tailevu	61	64	58	60	63	63	67	73
10-Kadavu Islands	12	12	9	8	10	10	10	10
TOTAL	319	335	325	327	346	350	354	362

Table 6: List of Hotel Licenses granted for the years 2006 to 2013

The OAG also reported on the number of new hotel license applications considered and approved for the years 2006 to 2013 as shown below:

	Received	Granted	Pending	Withdrawn	Rejected
2006	25	16	0	0	0
2007	10	9	1	0	0
2008	15	14	1	0	0
2009	19	17	2	0	0
2010	22	19	0	0	3
2011	11	7	4	0	0
2012	13	12	1	0	0
2013	26	25	1	0	0

Table 7: List of New Hotel applications and licenses for the years 2006 to 2013

3.1.4.2.4 Central Liquor Board

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 Committee noted that there were no statistics nor information provided on the number of approved liquor licenses for the years 2006 to 2013.

3.1.4.2.5 Film Control Board

The Film Control 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. Table 8 shows the number of films examined in each class or category from 2006 to 2013:

	2006	2007	2008	2009	2010	2011	2012	2013
G-General Exhibition 10 Films	88	64	48	43	38	10	17	10
Y or R13 – Restriction to 13 years and over	62	42	34	48	51	22	25	26

A or R18 – Restriction to 18 years and over	9	5	10	12	9	3	5	5
R16 – Restriction to 21 Years and over	37	25	25	21	14	14	18	17
R21 – Restriction to 21 years and over	0	3	1	2	0	0	0	1
PG – General Exhibition and parental guidance	97	101	75	65	11	41	37	40
Rejected	1	1	0	0	0	0	0	0
TOTAL	294	241	193	191	123	90	102	90

Table 8: Total No. of films censored by ratings for the years 2006 to 2013

3.1.4.2.6 Board of Legal Education

The Board of Legal Education (BLE) 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 high quality and sufficient to meet the needs of consumers of legal services in Fiji. Table 9 shows the number of applications considered by the BLE from 2006 to 2013:

	Overseas			University of Fiji			USP		
	No. of Applications Received	Granted	Pending	No. of Applications Received	Granted	Pending	No. of Applications Received	Granted	Pending
2006	16			0			40		
2007	15	11	4	0	0	0	61	61	0
2008	7	5	3	0	0	0	45	45	0
2009	9	8	1	0	0	0	33	33	0
2010	14	7	7	0	0	0	14	7	7
2011	11	8	3	0	0	0	31	31	0
2012	34	30	4	12	12	0	55	55	0
2013	27	27	0	13	13	0	24	24	0

Table 9: Total BLE applications considered for the years 2006 to 2013

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

3.3.2.1 Law Revision

The Committee noted that the Law Revision Commissioner's responsibility is to consolidate, revise, and update laws by the powers given under the Revised Edition of the Laws Act (Cap 6). The Committee is aware that the last revision of the laws of Fiji was conducted in 1985.

3.3.2.2 Law Reform

Law Reform involves the research of laws and provision of advice to the government on its policies and the preparation of draft laws for the ministries and departments before submission to the cabinet. The Committee notes that during these reporting periods, the Fiji Law Reform Commission has been operating in the absence of the Chairperson.

3.3.2.3 Attorney-General's Conference

The Attorney-General's Conference is comprised of a two-day event. It is earmarked for legal professionals and policymakers throughout Fiji to engage in conversations on legal reforms and also to further enhance their knowledge and skills about their work.

3.3.2.4 Law Library

The OAG has three law libraries based in Suva, Lautoka, and Labasa offices.

3.3.3 Part 3: Corporate Services Performance Report

3.3.3.1 Policy and Administration Unit

This particular unit assists management in policy-making, administration, and the optimum utilization of resources.

3.3.3.2 Staffing

An analysis of staff establishment for the years 2006-2013 is tabulated below:

	2006	2007	2008	2009	2010	2011	2012	2013
Office of the Attorney General	63	63	63	71	73	78	79	81
Law Reform Commission	15	15	15	86	15	15	15	15
Department of Civil Aviation								6
Wage Earning Staff			10	10	10	10	10	11
TOTAL	78	78	88	167	98	103	104	113

Table 10: Total Staff Establishment for the years 2006 to 2013

The Committee noted that there was no reporting on staff gender segregation nor provision of a total number of vacant positions with OAG.

3.3.3.3 Training and Development

Training needs for professional officers were mainly met through attendance at seminars, workshops, symposiums, and conferences, locally and overseas.

3.3.3.4 Capital Projects

Most of the capital projects merely focused on the refurbishments of the Suvavou House as reported in the 2012 and 2013 Annual Reports. In 2013, there was an allocation of \$ 0.5 million for the refurbishment of Level 9 Office Space and AG's Conference Room. The 2012 Annual Report also reported on the budgetary allocation of \$0.07million for Level 6 Main Library refurbishment and \$0.3million for an upgrade of Level 8 Office Space.

4.0 Sustainable Development Goals

SDGs came into effect in 2017 and therefore do not apply to these reporting periods.

4.1 Gender Equality in Parliamentary Scrutiny

The Parliament of Fiji Standing Orders 110 (2) requires the Committee to give full consideration to the principle of gender equality to ensure all matters are considered about the impact and benefit on both men and women. The OAG during these reporting periods did not indicate gender segregation in any of its reports. The Committee suggests that in future reports, an indication of gender information be provided.

5.0 Conclusion

The Standing Committee on Foreign Affairs and Defence has conducted a thorough review of the Office of the Attorney General 2006-2013 Annual Reports. These reports were during the periods when there was no Parliament and the Government that was in place was unelected. For these reasons, the Committee is recommending that this bi-partisan review report be noted by Parliament and no further debate is warranted.

6.0 Committee Members' Signatures



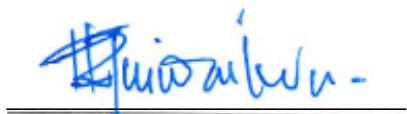
Hon. Viliame Naupoto
Chairperson



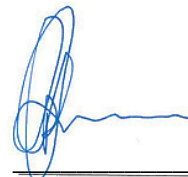
Hon. Lenora Qereqeretabua
Deputy Chairperson



Hon. Jovesa Vocea
Member



Hon. Ratu Isikeli Tuiwailevu
Member



Hon. Rinesh Sharma
Member