



FIJI

COMMONWEALTH PARLIAMENTARY ASSOCIATION BENCHMARKS FOR DEMOCRATIC LEGISLATURES

FINAL REPORT



Contents

EXECUTIVE SUMMARY	1
I. GENERAL	4
II. ORGANISATION OF THE LEGISLATURE	9
1. Procedures and Sessions	9
2. Committees	11
3. Political Parties, Party Groups, Cross-Party Groups, and the Opposition	12
4. Parliamentary Staff	13
III. FUNCTIONS OF THE LEGISLATURE	15
5. Legislative Function	15
6. Oversight Function	15
7. Representation Function	16
8. Parliamentary Assistance, Networking and Diplomacy	17
IV. VALUES OF THE LEGISLATURE	18
9. Accessibility, Openness and Engagement	18
10. Ethical Governance	18
RECOMMENDATIONS	20
OUTLINE PROGRAMME	22

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EXECUTIVE SUMMARY

The logo of Parliament states, 'Our Parliament, Our Pride'. This is a fitting statement as the people of Fiji should take immense pride in this democratic institution. Overall, the Parliament meets the majority of all CPA Recommended Benchmarks. The Parliament is highly functioning, reasonably well resourced, relatively independent of the Executive, with robust rules, policies and procedures and a professional, competent and dedicated parliamentary service led by the Secretary-General to Parliament. Considering the Parliament's tumultuous history, its current standing and functionality is a truly impressive state of affairs. The Parliament is worthy of praise for its commitment to sustainable development, its diligent work in monitoring and evaluating its achievements, its assiduousness in keeping its rules of procedures current and reflective of reality, and its impressive public engagement strategy - ensuring the institution is open and transparent in its work. Those who work within its walls, both staff and Members alike are committed to ensuring the Parliament and the democratic institutions within Fiji do not spiral backwards, and good governance remains the watchword.

That being said, every institution, regardless of its positive attributes must not be complacent. There are always areas for reform and improvement. As this report will demonstrate, there are several areas the Parliament may wish to consider reforming in the months and years ahead. These areas of improvement centre around building parliamentary capacity and institutional strengthening. For example, the Parliament needs to build on the initial work to facilitate more training for Members, especially newer Members following the election; the Parliament needs to establish its own independent policies and regulations to enhance its independence; institute long awaited reforms around Codes of Conduct; expand the work of committees beyond scrutinising annual reports and accounts; review Standing Orders to reassert Parliament's role as a legislative making body; and to encourage a greater degree of involvement in the running of Parliament by the wider membership of the House.

But the burden of responsibility does not solely lay at the feet of Parliament. The Government needs to consider the impact of having many Ministers and Assistant Ministers and their ability to focus on their parliamentary duties. It also needs to look again at key constitutional provisions and correct gaps and weaknesses, especially in relation to the role of Secretary-General as a public officer. It should consider balancing the need for legislative expediency against the democratic mandate of Parliament to be the law-making body, especially when it comes to sitting dates and the use of Standing Order 51.

Since Parliament was re-established nearly a decade ago, considerable achievements have been made in forming a worthy institution for the people of Fiji. We hope this report and its recommendations will go some small way in supporting Fiji in its continuing journey to build a strong, stable and sustainable Parliament.

Background

In 2018, the CPA completed a consultation and review process that resulted in the adoption of updated Recommended Benchmarks for Democratic Legislatures.¹ The Benchmarks, which were adopted by all Commonwealth legislatures, provide a minimum standard and a guide on how a Parliament should be constituted and how it should function. They play an important role in developing the effectiveness of parliamentary institutions across the 180 Parliaments and Legislatures of the CPA and contribute to the implementation of the Sustainable Development Goals (SDGs²).

In November 2023, Fiji became the 23rd Commonwealth legislature to use the framework to conduct an Assessment against the 2018 Benchmarks and the first one to do so in the Pacific. The overall objective of the exercise was for local stakeholders to measure the progress of their legislature in achieving democratic and good governance standards by comparing their practices to the Benchmarks that have been developed and adopted by Commonwealth parliamentarians and by extension the CPA.

The 2023 Benchmark Assessment was approved by the Speaker and organised by the Secretary-General of Parliament and parliamentary staff. An initial technical assessment was undertaken by the Parliament against the Benchmarks. The CPA Headquarters Secretariat appointed Anne Sargent, Deputy Clerk of the Legislative Council, Parliament of Victoria, Australia and Matthew Salik, Head of Programmes, CPA Headquarters Secretariat to undertake a review from 6 November to 10 November 2023. During their time in Fiji, they met with a range of stakeholders, including the Speaker of Parliament, the Secretary-General of Parliament, Assistant Ministers, the Leader of the Opposition, Members of Parliament, the Solicitor-General, representatives from Ministries and Departments of Government, parliamentary staff and international stakeholders such as UNDP and the diplomatic corps.

A range of materials were also reviewed as part of the Assessment process including the Constitution, Standing Orders and other laws, regulations, policies and reports. The report below is a summary of the main findings of the Assessment.

The following report does not mention all 132 Benchmarks, although most of them have been considered as part of the Assessment exercise (those that relate to Bicameral Chambers have been omitted). Where a Benchmark has been referred to, the specific Benchmark reference number is included for cross-referencing.

The Parliament chose to assess itself against the CPA Recommended Benchmarks for Democratic Legislatures. The positive approach to the Assessment process and the aims of continuous learning and improvement are admirable. The Benchmarks will hopefully provide a valuable basis for constructive reforms, ultimately leading to a more robust democracy. This report, its findings and recommendations, are primarily for the Parliament to consider and take forward as and where they feel appropriate. But they are also for the attention of wider governmental and non-governmental stakeholders. The Parliament is one part of the wider governmental structure of Fiji and should work in partnership with such entities to seek to achieve its long-term aims. We strongly encourage relevant senior stakeholders to engage with this report to support the strengthening of good governance in Fiji.

The recommendations outlined in this report may require some form of constitutional reform, which comes with various challenges, not least the length of time and broad consensus required to achieve change. With that in mind, this report has made several suggested approaches that could be adopted in the short to medium term, such as through Speaker's Rulings or amendments to Standing Orders which may achieve the same result as opposed to full constitutional amendments. For example, although the Constitution gives provision for motions to proceed without delay, the Speaker could, via a ruling or a new Standing Order, clarify when such a motion can be put, and ensure that certain conditions can be met which may limit its application, and which does not run counter to the Constitution.

Acknowledgements

The CPA Secretariat would like to thank all the stakeholders who supported and participated in this Assessment. A special thanks must go to the Speaker of the Parliament, Hon. Ratu Naiqama Lalabalavu for initiating the Assessment; Secretary-General of Parliament, Jeanette Emberson, the Head of Legislative Services Division, Sakiusa Rakai, and many others for all their organisation and coordination. The CPA also extends its thanks to the Parliament of Victoria for its support of this activity.

Support and Follow-Up

Following the publication and consideration of the findings of this Report, the CPA is committed to supporting the Parliament in strengthening its democratic processes. As such, the CPA stands ready to enable the Parliament to take forward these recommendations where requested and appropriate. The CPA acknowledges the highly valuable support provided by the UNDP Fiji Parliament Support Project and the Parliament of Victoria to the Parliament of Fiji and would seek to provide complementary assistance where required.

1 [CPA Recommended Benchmarks for Democratic Legislatures](#)

2 [Specifically, SDG 16: Peace, Justice and Strong Institutions](#)

Fiji and the CPA

The Parliament of Fiji is one of over 180 Branches of the Commonwealth Parliamentary Association. The Branch was first established on 10 October 1970, following its independence. CPA Fiji is part of the CPA Pacific Region, one of the nine regions of the CPA. The Region is made up of 13 Branches. Fiji remains an active member of the Association. Fiji is also part of the Australia-Pacific Twinning Programme which is supported by the Pacific Parliamentary Partnerships Fund. The Parliament of Fiji is twinned with the Parliament of Victoria in Australia. A partnership which has been of mutual benefit for a number of years. Furthermore, the Speaker of Parliament is a current member of the CPA Executive Committee representing the Pacific Region. Members of Parliament also play a leading role in the CPA networks, namely the Commonwealth Women Parliamentarians (CWP), and Commonwealth Parliamentarians with Disabilities (CPwD) with the Hon. Lenora Qereqeretabua MP and Hon. Viam Pillay MP represented on each governance committee. In 2022, Fiji became a member of the CPA Small Branches network, a network made up of parliaments from jurisdictions with a population of up to 1 million people.



I. GENERAL

Political Context

When undertaking an assessment of this kind, it is essential to consider many important and unique domestic influences, in particular the political, cultural, economic and social factors of Fiji. The Republic of Fiji is an island country in Melanesia, Oceania with a population of just under 1,000,000. The capital is Suva and Fiji is made up of 330 islands. The economy of Fiji is made up largely from the production and exporting of sugar cane (one third) along with tourism (estimated 900,000 in 2019). Fiji's main exports include sugar, fish, clothing, mineral water and gold. Current government debt is estimated to be around \$10 billion.

Fiji has a high literacy rate of 91.6 percent, even though there is no compulsory education, and more than 85% of children between the ages of 6-13 attend primary school.

Fiji was part of the British Empire from 1874 until it gained independence in 1970. A democracy was established; however, this was interrupted by two military coups in 1987. The second coup saw the Fijian monarchy and the Governor General replaced by a non-executive President. Fiji was renamed from Dominion of Fiji to Republic of Fiji, and then in 1997 to Republic of Fiji Islands.

The second interruption occurred with an attempted coup in 2000 by George Speight who rendered the parliamentary system unworkable, and this resulted in Parliament's dissolution. A general election in 2001 restored the democratic system.

There was one further interruption where Hon. Josaia Voreqe "Frank" Bainimarama overthrew the government in 2006 with the Republic of Fiji Military Forces under his leadership. There were no further elections until the September 2014 election. As such, the Parliament of Fiji as it currently exists, emanates from its reestablishment in 2014.

Currently, the executive authority lay with the President of the Republic of Fiji, H.E. Ratu Wiliame Katonivere CF, who acts on the advice of the elected Government, and judicial power of the country lies in the Supreme Court. The supreme law of Fiji rests with the 2013 Constitution of Fiji.

The Parliament of Fiji can trace its origins to the late 19th century. However, it was not until independence in 1970 when a bicameral Parliament (House of Representatives and Senate) was established. Today, the Parliament of Fiji comprises a unicameral chamber of 55 Members elected under a proportional representative system. The parliament building sits within the Government complex situated in the capital city of Suva and has been the seat of the Parliament of Fiji since 2014. The most recent election (2022) was won by a coalition of three parties. These being: The People's Alliance Party (PAP), the National Federation Party (NFP) and the Social Democratic Liberal Party (SODELPA). The Coalition Government is led by Hon. Sitiveni Rabuka MP, with the majority of 29 seats.

In March 2023, following the election in 2022 the former Prime Minister-turned Leader of the Opposition, Hon. Bainimarama resigned from Parliament after he was suspended for sedition for three years. Although he remains leader of the opposition party FijiFirst, the role of Leader of the Opposition is currently held by Hon. Inia Seruiratu MP. Furthermore, five FijiFirst parliamentarians resigned following the election for a range of reasons. These individuals were replaced by other FijiFirst candidates.

Following the election and formation of the Coalition Government, the Government is the largest ever formed consisting of 19 Ministers and 10 Assistant Ministers. At the time of writing, there are no Government backbenchers. The Prime Minister in his party's manifesto and in the December Inaugural Address³ indicated a desire to implement reforms around Parliament and its procedures, namely: a cut in the remuneration of Members of Parliament, form a Citizen Assembly, review the Constitution, review Standing Orders, and review Select Committee chairmanships for example, the Public Accounts Committee chair to be the Leader of the Opposition.⁴

It is widely acknowledged that over the last year, Fiji has suffered from a nation-wide brain-drain. There has been an increase in the number of educated individuals, especially the technically skilled workforce, leaving Fiji. Estimates range from a 10% overall reduction in the labour market. This has had a negative impact across most sectors, but the public service has been most impacted. At the time of writing, most public service departments are running with a 20-40% staff shortfall. For small departments and offices like the Parliament of Fiji, the effect is even more pronounced and has caused weaknesses in meeting basic service requirements.

In May 2023, the Great Council of Chiefs was re-established following its suspension in 2007 and disestablishment in 2012. Although this body which represented the ethnic communities across Fiji and had traditionally elected the President and Vice-President, since the 2013 Constitution, it plays no formal constitutional role in the governance of Fiji.

3 <https://www.youtube.com/watch?v=jlaedL9iOOo>

4 <https://www.stuff.co.nz/pou-tiaki/130870808/what-to-expect-in-the-first-100-days-of-fijis-new-govt>

Elections

General Elections in Fiji are held every 4 years, and section 23(2) of the Constitution gives all citizens the right to free, fair and regular elections for any elective institution or office established under the Constitution. Section 52 provides that Members of Parliament shall be chosen by secret ballot in free and fair elections administered by the Electoral Commission. The voting process is governed by the Electoral Act 2014. According to the final report of the Multinational Observer Group who observed the 2022 election, they concluded that the legal framework is complex and could be simplified to enable greater stakeholder understanding.

The Observer Group concluded that overall, the elections were compliant with key international commitments, standards and principles around elections and were reflective of the will of the people of Fiji, specifically:

*"The MOG observed a well-run general election process, without significant irregularities or impediments during pre-polling, postal voting or Election Day voting. The MOG assessed that Fijian voters were able to exercise their right to vote freely and the outcome of the General Election broadly reflected their will. Voting took place in a calm, peaceful environment."*⁵

The elections are conducted under an Open List Proportional Representative System, which on the whole, ensures that the results are reflective of both the preferred candidates and political parties.

According to Benchmark 1.1.4, *"There shall be legislation to ensure campaign finance laws are in place to regulate the manner and extent to which political parties and candidates may receive monetary contributions from individuals and corporations"*. In the case of Fiji, robust regulations are in place around the reporting of campaign funding and the expenditure of funds.⁶ It is also important to note that following the 2022 election, four Fiji political parties were suspended for 30 days for not submitting audited accounts, and consequently, 24 FijiFirst opposition parliamentarians were suspended from the Parliament.

The Multilateral Observer Group also raised concerns over stakeholder perception of incumbency bias. Namely, that the Government at the time of the election was using a government platform in launching projects and issuing grants. Consideration should be given to issuing policy instructions to civil servants to cease such action in the future by developing a form of silent period or 'purdah'⁷ when the election campaign period officially starts.

Candidate Eligibility and Incompatibility of Office

There are no restrictions in law or practice that prevent candidates from seeking office based on religion, gender, race or ethnicity, these are clearly provided for in the Constitution. Members can take an oath or affirmation before formally taking their seat.

The Constitution requires that public officers must resign before they can stand as a candidate which means that Members cannot simultaneously serve in the judicial branch or as a civil servant of the Executive branch. There is the role of Attorney-General, a role intended to provide legal advice to the Government as opposed to overseeing the judiciary. However, it is interesting to note that a person appointed as the Attorney-General under subsection (3) of the Constitution shall be entitled to take part in Cabinet as a Minister, and to sit in Parliament, provided however that he or she shall not be eligible to vote in Parliament.

Freedom of Speech Immunity

The Parliamentary Powers and Privileges Act 1965 as amended in 2016 provides Members with sufficient protection from prosecution for words said or written in a parliamentary context. This is reinforced in the Standing Orders⁸ and the Constitution.⁹ However, the 1965 law allows for parliamentary records to be used as *prima facie* evidence in a Fijian court. Therefore, the law as it currently stands is limited in its protection of parliamentary privilege according to Benchmark standards in restricting the judicial branch's use of such words acts as evidence in judicial *proceedings*.¹⁰ Such provision also calls into question principles of the separation of powers, as the courts in Fiji should have no jurisdiction over matters of parliamentary privilege or immunities. Overall, the legislation remains dated as it refers to the Journal of the House of Commons, UK Parliament, which has no jurisdictional relevance to Fiji.¹¹ There does seem to have been an updated Bill developed also in 2016, which if reintroduced could include updated provisions, but should also consider the technological modalities for communicating within Parliament, such as the potential risk of manipulating parliamentary records for the purpose of spreading disinformation.

5 Multilateral Observer Group, Final Report of the 2022 General Elections

6 [Political Parties \(Registration, Conduct, Funding and Disclosures\) Act 2013 \(Act No. 4 Of 2013\)](#)

7 According to the Institute of Government, Purdah is defined as follows: "During general or local election campaign there are restrictions in place on what the government can do – both in initiating policy and in using official resources. This is to avoid "inappropriate use of official resources" and to ensure the impartiality of the public service, so that public money is not used to support the campaign of the ruling party."

8 Chapter 11, Article 133

9 Article 73 (I) of the 2013 Constitution.

10 Section 24 of the 1965 Act, as amended.

11 Section 23 of the 1965 Act, as amended.

RECOMMENDATION 1

Legislation around parliamentary powers and privileges should be reviewed and updated as soon as possible to ensure there are sufficient protections in place for Members of Parliament.

Remuneration and Benefits

At the time of this Assessment, the Emoluments Committee was deliberating on Ministerial and Members pay. The conclusion of this review was determined after the Assessment process and so no comments can be given on its findings. The Constitution has provisions for ensuring remuneration, benefits payable to Members are prescribed in written law and should not be 'varied to their disadvantage' except as part of an austerity package,¹² although it is difficult to ascertain what this provision actually means. Currently, an average Member of Parliament is paid approx. \$40,000¹³ annually, and receives allowances for attending committees (\$200), travel (\$350) per sitting day (if based 30km away from the Parliament), and travel mileage. Additional funds are issued for international travel. Grants of \$15,000 are also given for Members to support their work across Fiji which is divided between personal use and use by political parties. As to whether remuneration and reimbursement for Members of Parliament is considered fair is a subjective matter. Nevertheless, as to whether such financial incentives are sufficient to ensure that Members can give priority to their parliamentary duties is questionable. As Fiji is a single constituency, Members expressed concern that travelling across the country was financially burdensome with costs having to be covered out of their salary. Stakeholders felt that Assistant Ministers tended to prioritise ministerial responsibilities over their parliamentary duties, in part because of the additional governmental financial uplift. This hindered committee attendance. It was also noted that Committee Chairs and Whips receive no additional amounts, despite their extra responsibilities.

It is positive to note that financial reimbursement emanating from the Parliament is allocated on a non-partisan basis. Furthermore, it is positive that an Emoluments Committee is in place to determine benefits and other statutory entitlements of legislators. However, it is clear from the composition of the Committee that it is not an independent body (being made up of Members of Parliament) as recommended in the CPA Benchmarks.¹⁴ The Emoluments Committee is a special committee established under Standing Orders 129 through a resolution of Parliament, prior to 2023, it was last convened in 2016.

RECOMMENDATION 2

Consideration should be given to ensuring that the membership of the Emoluments Committee is independent of Parliament and the Executive.

It was also noted that a number of Members had in recent years abused the allowance allocated to Members based outside of the 30km boundary from Suva. According to the court proceedings/records, they falsely claimed that they lived beyond this geographical zone and signed a statutory document to that effect. Consequently, a number of Members had been imprisoned. It is positive to note that since this issue has arisen, the Parliament has established an Internal Audit Committee of parliamentary staff to undertake verification of residency and most Members that live outside of the allowance zone have complied with procedures.

Professional Development

Despite the fact that Parliament was unable to successfully coordinate a comprehensive induction training as intended in late 2022, primarily for factors outside of its control, the Parliament should be commended for independently running a short programme in mid-2023. It is also positive that some parties have undertaken their own adhoc training, conducted by more experienced Members for their newer colleagues. However, it was made clear by the majority of stakeholders that much more professional development and capacity building is needed. It is positive to note that such training is now planned, most notably for Committee members.

¹² Article 80 of the Constitution.

¹³ The figure was set at \$50,000, however it was reduced due to the COVID-19 pandemic.

¹⁴ Benchmark 1.5.2. states that 'An independent body or mechanism should determine the remuneration, benefits and other statutory entitlements of legislators.'

The Parliament works in collaboration with UNDP, the Parliament of Victoria and CPA Headquarters to undertake training externally on a range of parliamentary professional development areas. There remain challenges in terms of travel and availability, and a cost effective and timely approach could be adopted for more Members to utilise online courses that are available through the CPA Parliamentary Academy.¹⁵ It is a perennial issue for parliamentarians and parliaments globally, that not enough priority is given to personal development. Political parties in particular, should be more focused on encouraging and enabling training and development.

Training should also be directed towards newly appointed Ministers and Assistant Ministers. Stakeholders within ministries felt that Ministers would gain a great deal in building their capacity in working with civil servants and achieving their political goals in line with existing departmental policies and procedures.

RECOMMENDATION 3

An annual training and development curriculum should be developed by Parliament. This curriculum should include internal and external professional development programmes and courses aimed primarily at newly elected Members, but also those more experienced Members. Especially those Members who would benefit from specialist training on the various roles and responsibilities of being an MP. Such a curriculum should be shared across Parliament, political parties and government departments

Natural Justice

Members interviewed felt there was a process of natural justice when issues were brought before the Privileges Committee, however, some expressed a concern that the Committee and its decision-making process could be politicized. Standing Order 119 (4) stipulates individuals have the right to make representations before any Standing Committee either in person or by way of counsel.

Following the 2023 updating of Standing Orders, the Parliament has adopted an innovative 'Yellow Card' and 'Red Card' procedure for maintaining conduct which clearly indicates which punishments can be issued. These range from a three-day suspension to the remainder of the calendar year.

Prior to the newly adopted Standing Orders, Members of Parliament had been suspended for multiple years, including the current Speaker when he was a Member, and more recently, the former Prime Minister who was suspended for three years. The Benchmarks¹⁶ make it clear that suspensions should be 'proportionate and fair', but as Fiji has a history of political instability, it may be necessary to consider broader national historical context when such decisions are taken.

Infrastructure

The Parliament of Fiji is based within the Government Building in Suva, having moved from its previous home in 2014. The building is shared with a number of other entities, including the judiciary. The building is managed by a separate ministry which is responsible for maintenance. Stakeholders felt that overall, the Legislature lacked adequate infrastructure to enable Members and staff to fulfil their responsibilities. Currently there is office space available for both government and opposition Members, however there are not enough rooms to accommodate all their needs, especially with the Government comprising three political parties.

It is positive to note that the building is able to accommodate access for persons with disabilities and has space to enable outreach and engagement work with the public.

RECOMMENDATION 4

A review should be undertaken to consider whether the existing Government Building is fit for purpose in the medium to long-term, and whether a more suitable designated parliamentary building should be identified to meet the needs of Members and parliamentary staff.

15 The CPA Parliamentary Academy is an online learning management system developed by the CPA for its branches. Courses are available covering 'Induction for New Parliamentarians' and 'The Committee Systems'. It is available to access for free from [here](#).

16 Benchmark 1.8.2 – Punishments imposed by the Legislature on Members or other people (for example, fines, or suspensions from attending or participating in further sittings of the Legislature or Committees) are proportionate and fair.



Main Lobby of Parliament

II. ORGANISATION OF THE LEGISLATURE

1. PROCEDURES AND SESSIONS

Rules of Procedure

The Parliament has a robust and comprehensive set of Standing Orders which were last updated in July 2023.¹⁷ Standing Orders are frequently updated¹⁸ and the rules are contemporary and advanced in content. Especially positive is its gendered¹⁹ approach, and the clear way in which the rules are set down.²⁰ The Constitution gives provision for Parliament, and only Parliament, to establish its own rules of procedure. This reinforces the separation of powers principle with the codifying of the rules undertaken by the Standing Orders Committee. One area where the Parliament might want to give future consideration is that changes to the rules could be adopted with unanimity of the entire Chamber as opposed to a simple majority.²¹ This would have the benefit of strengthening the legitimacy of the rules and how they are applied, although no stakeholder raised this as an issue. Consideration should also be given to the publishing of Speaker Rulings, both historical and future rulings to ensure transparency and clarity.

Presiding Officers

The Speaker of Parliament is elected by Members of Parliament, but is not an elected Member, but must meet the eligibility requirements to stand as a Member. The Deputy Speaker is an elected Member of Parliament. There are clear provisions in both the Constitution and Standing Orders in terms of appointment, remit and powers of the Presiding Officers. Previous Presiding Officers are elected via secret ballot and since then, the Standing Orders has been amended to enable a roll-call vote.

It was noted in discussions that consideration should be given to enhancing the qualification requirements to be a Presiding Officer, to ensure that Speakers have experience of being a parliamentarian and/or legal background to better capacitate them to preside over Parliament.

Convening Sessions and Agenda

The Business Committee, which is chaired by the Speaker, plays an important role in determining the order of business. Standing Orders also clearly state when Parliament should sit, which is regular and partially consistent. Over the parliament term of 2018-2022, the Parliament sat 141 times²² which is impressive considering the COVID-19 pandemic. The Parliament has a forward-looking calendar which is publicly available and enhances the public's awareness of the work of Parliament as well as improved transparency.

Nevertheless, stakeholders expressed considerable frustration and disappointment that since the 2022 election, a number of sitting weeks had been cancelled. Some expressing the view that Parliament should not be at the mercy of the Prime Minister's diary. Having the Executive cancel sitting weeks results in disproportionate degree of interference by the Executive over Parliament and thus in opposition to the Latimer House Principles on the Separation of Powers. There was confusion over why, when the parliamentary sitting calendar is determined a year in advance and the Business Committee is consulted, that better planning could not have taken place by relevant ministries to avoid cancelling sittings at the last minute due to unexpected travel commitments. Cancelling of sittings frustrates the work of committees who wish to dispose of committee reports in a timely fashion, it stifles the legislative process, which is often time sensitive, and creates additional work for a parliamentary service which is already overworked. It goes without saying there is extreme importance for Fiji to be present at significant international meetings. Yet, this should not disrupt the work of Parliament. The Government should be better able to adjust parliamentary business to ensure non-contentious matters can still be undertaken and whips should examine the possibility of 'pairing' to avoid politics getting in the way of national interest. Also, with a smaller parliament, proxy voting should also be considered an option. It is positive to note that Members abroad can attend parliamentary committee meetings remotely. This could be extended to avoid diary clashes in the future.

The Constitution does give provision for the Parliament to call itself into regular session and gives provision for the Executive to convene a special session²³

17 Standing Orders of the Parliament of the Republic of Fiji as amended, 12 July 2023.

18 Between 2014 and 2023, Standing Orders have been updated eight times.

19 The CPA Gender Sensitising Parliaments Guidelines state that: 'The Standing Orders are regularly reviewed and amended, to ensure that the presence of women and issues pertaining to women are taken into account by parliaments...'

20 This approach was taken from the Legislative Assembly in Victoria..

21 Benchmark 2.1.4 states that 'Changes to the Legislature's rules of procedure shall be adopted with near unanimity'.

22 An Overview of the Fiji Parliament, 2018-2022

23 Article 67 (5) of the 2013 Constitution states that the President shall summon Parliament to meet if the Speaker receives a request from the Prime Minister.

Overall, there are a number of mechanisms in place which provide for a politically balanced approach to engagement by all Members in the business of Parliament. The Opposition is typically given a Friday to lead on business in Parliament and overall Members can amend the agenda, non-government Members can initiate motions, initiate and amend legislation, and take the opportunity to speak in the Chamber. That being said, over a five-year period, only 23 substantive motions, submitted by opposition Members were debated and only one Private Bill was introduced (but was not procedurally admissible and was not taken further). This demonstrates that there are barriers to provide opportunities in a practical sense which may need attention.

Debate

The Parliament of Fiji does have very clear procedures for structuring debate and determining order of precedence of motions tabled. But it is questionable as to whether the Parliament consistently provides adequate opportunity for debating of Bills prior to a vote, especially when Standing Order 51 (SO51) is invoked.

SO51 on motion for Bills to proceed without delay²⁴ is a controversial provision which in layman terms enables legislation to move through Parliament at a far quicker rate, bypassing various stages of a Bill including the avoidance of the committee stage. Despite an election commitment by the Prime Minister to review this Standing Order²⁵, it is still in existence and has been used for most Bills since the election. Arguably SO51 turns the Parliament into a legislative rubberstamp for the Executive. Parliament is not given an opportunity to effectively scrutinise legislation, the opposition is not given advanced sight of the Bill, nor is the public given an opportunity to be thoroughly consulted. Stakeholders who defend its use, state that it is only used for non-contentious amendments and repeals. But it is unclear who determines what is contentious or not. The notion that the repealing of legislation or passing amendments to existing legislation somehow means that it doesn't need to be scrutinised is questionable. Furthermore, the assertion that consultation does occur at the drafting stage by the Office of the Attorney-General, and therefore does not need to be done again by a parliamentary committee is concerning and undermines Parliament's democratic mandate in leading publicconsultation.²⁶

That being said, Parliament should have mechanisms for passing emergency legislation as outlined in the Constitution²⁷, however this should be the exception to the rule.

RECOMMENDATION 5

Standing Orders or a Speaker's Ruling should clearly state under which circumstances the SO51 provision should be applied, which should be extraordinary, narrowly defined and transparent.

Petitions

Although it is positive that the Parliament has a provision for the consideration of petitions²⁸, Standing Orders are not clear what numerical threshold of signatures are required for petitions to proceed for presentation, if any. Furthermore, the 40% vote requirement of the Parliament could be considered an unnecessary barrier for progress. It is also not clear, who is responsible for ensuring that committees progress with petitions in a timely and comprehensive manner.

It is extremely disappointing that since 2018 only one petition was tabled and referred to the Standing Committee on Natural Resources.²⁹ Nevertheless, it should be noted that between 2014 and 2017 there were 18 petitions presented. It is not clear what occurred since 2018 that saw such a significant reduction. It could be speculated that the low numbers stem from Members, especially new Members lack of awareness of petitions, as well as the fact the public may be equally ignorant of their existence. In terms of public awareness, the Parliament of Fiji is set to increase its outreach and public awareness work in the coming year, petitions and their use should be at the forefront of such an endeavour.

24 Unfortunately, SO 51 is also reinforced by the Constitution under Article 47 (3).

25 [Christine Rovoi, What to expect in the first 100 days of Fiji's new govt](#)

26 It could be asserted that because SO51 suppresses Parliament's ability to ensure public participation in the legislative process it is not abiding by the spirit of Article 72(1)b of the 2013 Constitution which states that 'Parliament must facilitate public participation in the legislative and other processes of Parliament and its Committees.'

27 Article 47(3) give such powers.

28 Section 37 in Standing Orders. Bizarrely, the 2013 Constitution has a section titled 'Petitions, public access and participation' but does not elaborate on petitions at all.

29 An overview of the Fiji Parliament 2018-2022, pg13



CPA Team with Tarun Lal, Senior Parliamentary Education Officer

2. COMMITTEES

Organisation and Powers

It is positive to note that the Parliament is compliant with the Benchmarks in relation to the organisation and powers of Committees.³⁰ They have the powers to summon persons, papers and records.³¹ The Parliament has the powers to establish permanent and temporary Committees. There are four Select Committees³² and six Standing Committees.^{33,34}

The Committees are sufficiently resourced in terms of staffing, and Members expressed positive views around the dedication and commitment of the Committee Secretariat. Committees have sufficient access to experts, field visits, professional staff and hold public consultations. In terms of the Secretariat supporting Committees, the Legislative Services Division should have a total of six Senior Committee Clerks and six Deputy Committee Clerks, however, as with the wider Parliamentary service, there is a shortage of personnel. Nevertheless, Committees are highly productive. Between 2019 and 2022, Committees sat an average of 460 times per year, and over the same period, tabled 205 reports.³⁵ The most active Committee is the Justice, Law and Human Rights Committee, with the least active being the Foreign Affairs and Defence Committee. Also worth noting is that since the COVID-19 Pandemic, the Committees have been meeting virtually as well as in person, and from 2022, in a hybrid format. This is a positive trend in embracing technology to ensure Committees can remain active and engaged.³⁶ Stakeholders did express that there may be value in the Chairs of Committees coming together informally to discuss the coordination of committee work, the use of resources and how to undertake enquiries that are contemporary and of the public interest and thus move away from mainly focusing on scrutinising annual reports.

Stakeholders had mixed views around the public engagement of Committee work. Although the Parliament should be commended for being proactive and undertaking outreach work whilst conducting inquiries, having public hearings, being conscientious in ensuring that there is a balance of gender representation as witnesses and protection for whistleblowers, the level of engagement can be weak at times. The Parliament acknowledges more could be done on this, especially around Committee visits and hearings in communities. For example, better meeting venues and earlier notification of when meetings are being held.

30 Article 70 of the 2013 Constitution and Section 109 of Standing Orders.

31 Benchmark 3.2.1

32 Business, Standing Orders, House, Privileges, and Emoluments Committees

33 Economic Affairs, Social Affairs, Natural Resources, Foreign Affairs and Defence, Justice, Law and Human Rights, and Public Accounts Committees

34 In terms of Committees, Standing Orders also give provision for the Committee of the Whole or Committee of Supply as part of the budgetary process.

35 Tabled Reports were mostly Annual Reports from Government departments and agencies (171), with the remainder being general select committee reports (2), Bills (15), Treaties (15) and Petitions (1).

36 An Overview of the Fiji Parliament, 2018-2022

When it comes to Assistant Ministers, again some stakeholders expressed concerns over the number of Assistant Ministers making up the membership of Committees and for that matter chairing Committees. Stakeholders felt that it raised questions over whether Assistant Ministers could prioritise Committee work over their ministerial responsibilities and whether there could be a conflict of interest between the role of parliament to effectively scrutinise the government and ministerial interests. It could be argued that this poses less of an issue when it comes to scrutinising annual reports as it might do if Committees broadened out their work to focus on more general topical policy and political matters. Nevertheless, the Benchmarks are silent on the number of Ministers or Assistant Ministers present on Committees, but it is positive to note that Standing Orders prohibit Ministers being on Committees.³⁷

An additional concern raised by stakeholders relates to the Chairing of the Public Accounts Committee by an Assistant Minister. It is considered international best practice that the Chair of this incredibly important Committee should always come from the Opposition benches.³⁸ Chairs are selected from the membership of the Committee which is positive and democratic. Furthermore, it is positive to note that there is some desire to adopt this change by the Prime Minister, which should be undertaken in due course.

Where the Parliament fails to meet a key Benchmark is in relation to 3.2.2. which states that *“There shall be a presumption that the Legislature will refer legislation to a Committee, and any exceptions must be transparent, narrowly defined and extraordinary in nature”*. Although Committees do look at Bills, this occurs infrequently. Between 2018 and 2022, 170 laws were passed by the Parliament. However, between 2019 and 2022, only 16 Bill reports were produced.³⁹ As referred to above, the use of SO51 inevitably undermines the Committee’s function in providing legislative scrutiny in a consistent and thorough manner. Also of concern is that Committees never undertake post-legislative scrutiny to ascertain how effectively laws have been implemented. This is also something to examine.

RECOMMENDATION 6

Standing Orders should be amended to clearly stipulate that the Chair of the Public Accounts Committee come from an Opposition Party, in line with international best practice.

3. POLITICAL PARTIES, PARTY GROUPS, CROSS-PARTY GROUPS, AND THE OPPOSITION

Fiji is compliant with those Benchmarks that relate to the legal character, regulations, and accountability mechanisms of political parties. However, there are no clear rules set down in Standing Orders as they relate to party groups. This gap in rules and procedures has raised questions over the recognition and status of the current coalition government and its role in Parliament. In particular, stakeholders expressed a concern over the composition of Committees in terms of the party-political balance of Committee membership. As the Government is made up of a coalition of parties, the largest single party in Parliament is in fact the Opposition. Members of the Opposition feel that consequently they should have the majority of Members on each Committee when in fact they don’t. However, the CPA Benchmarks stipulate that Committee membership should include representation from both majority and minority parties and reflect the political composition of the Legislature, which is open to interpretation. Standing Orders are also quite open to interpretation as it simply states that “each Party is, as far as possible, entitled to be represented on each standing committee in a way that fairly reflects that party’s representation in Parliament.”⁴⁰ In such a circumstance, there should be a greater degree of clarity as to whether the intended meaning behind the term ‘party’, in this instance, also be extended to a ‘coalition’ of parties?

RECOMMENDATION 7

The Parliament, via a Speaker’s Ruling or amending Standing Orders should provide greater clarity in terms of Committee composition when coalition parties are in Government.

37 Section 114 (2) of Standing Orders

38 [Commonwealth Association of Public Account Committee \(CAPAC\) PAC Principles.](#)

39 An Overview of the Fiji Parliament, 2018-2022

40 Section 114 (4) of Standing Orders

Cross Party Groups

In terms of Cross-party groups, whereas there is nothing that restricts the creation of bipartisan caucuses, there is also nothing that encourages or stipulates their establishment in Standing Orders. Currently there are inter-parliamentary networks that have cross-party representation from within Parliament, for example the Commonwealth Women Parliamentarians network. However, more could be done to encourage these entities to come together, especially around issues of national importance but are not a policy priority for the Government. If Committees lack interest in undertaking official enquiries that relate to wider policy matters, this work could fall to such cross-party entities.

The Opposition

Both in terms of the Opposition and broader party-groups, the Benchmarks focus on the level of resources provided by the Parliament to these bodies. The Benchmarks stipulate that 'adequate' resources should be provided. Whereas the definition of 'adequate' is subjective, stakeholders expressed some concerns over the quality of some of the resources, equipment, office facilities and professional services available to them, for example laptops. That being said, the proposed funding being offered to all political parties could be considered very generous and will inevitably go a long way towards supporting their work.

4. PARLIAMENTARY STAFF

General Recruitment and Promotion

As of October 2023, the parliamentary service should comprise of 82 members of staff⁴¹, ranging from the Secretary-General down to drivers and interns. Since the beginning of 2023, 12 staff have left the service or are on long-term sick leave, meaning the Secretariat is running at a 15% reduction in capacity. As highlighted earlier on in this report, this echoes a trend across the wider public service. Stakeholders expressed a concern that this loss of institutional knowledge over such a short period is detrimental to the effective running of Parliament. Senior experienced parliamentary staff are leaving Fiji to work in other countries. Much of the gaps at the junior levels are being filled by interns (approx. 7 members of staff) because of the less bureaucratic recruitment policies that apply to internships. Due to various factors, some roles are unable to be filled which leaves key positions vacant for extended periods and gaps are often filled by staff acting up, often without any financial compensation. This issue is further compounded by extended recruitment periods (up to four months) which stakeholders felt was excessive. As a consequence of the COVID-19 pandemic, the Government instituted a number of policies, such as pay and recruitment freezes and the use of fixed-term contracts, some of these are now gradually being lifted. There was no formal performance related pay offered and no bespoke performance management structures in place. Stakeholders also indicated that there were little opportunities for promotion within the organisation, but steps were being made to do more succession planning. The Parliament gets by with limited resources, but at a detrimental impact on staff morale and wellbeing. Staff to some extent feel that they were overworked and sitting weeks were especially challenging. Members of staff are victims of their own success, because on the surface they can meet key tasks to a highly professional standard, which to Members may seem as though the system is working effectively, when in fact it is not. Senior members of staff are aware of the issues affecting the parliamentary service and are actively taking steps to resolve it, namely in increasing its focus on recruitment.

Clearly the Government is aware of the nation-wide problem and has recently raised the retirement age from 55 to 60 years, and is currently developing a staff retention strategy for the public service. As to whether this approach will work in the long-term is yet to be seen.

With all these issues in mind, a great deal of the problems facing Parliament stem from the fact that the Parliament chooses to use policies and regulations that apply to the wider Fijian Civil Service when it does not have to. The Secretary-General of Parliament has enormous powers of autonomy at her disposal which gives her the freedom to establish and employ policies unique to Parliament and independent of the Civil Service.⁴² Policies that could go much further than the Civil Service in retaining staff. The Parliament could create its own HR policies around recruitment, set its own pay and performance policies and institute more family-friendly schemes which will encourage more people to join the service and stay for longer. Subject to existing immigration and visa rules, the Parliament could also have greater flexibility to source personnel from abroad, should technical expertise not be sufficiently available from within Fiji. Pay may not be competitive, but quality of life and work-life balance could be an incentive.

Suggested reasons as to why such steps have not occurred to date are because of the perceived lack of financial capacity to institute such staff retention policies, like pay increases. But Parliament has the potential to be independent when it comes to expenditure. As stated in the Financial Management Act 2004, '*An independent office⁴³ must comply with the Finance instructions and Procurement Regulations unless the independent office has its own rules, regulations and guidelines in respect of procurement which – (a) promotes good governance and the appropriate use of funds; and (b) have been published in the Gazette or are otherwise publicly available*'.

41 Parliament of Fiji Organisation Structure, October 2023

42 The 2013 Constitution Articles 79 (6-10) give broad and sweeping powers to the Secretary-General to determine employment of all staff including numbers, salaries, benefits, allowances, terms and conditions, discipline and removal.

43 Part C of the 2013 Constitution places the Secretary-General as an independent office.

RECOMMENDATION 8

The Parliament should prioritise as soon as possible the development, publishing and implementation of its own internal policies and procedures (around HR, Pay, IT, etc). The development of such policies and procedures should be undertaken in a consultative manner including staff and Members. The Parliament should work with relevant Ministries to ensure that such policies and procedures are compliant with the law.

Despite these issues, Members of Parliament felt that the Parliament and its staff were professional and dedicated. There were no concerns raised around perceptions of partisanship of the service. It is also extremely positive to note that over half of all staff are women and a considerable proportion of which hold senior positions, most notably the Secretary-General, a role which is traditionally held by women. Although Parliament does not have explicit quota policies around inclusion and diversity it is compliant with non-discriminatory laws around recruitment which are transparent and objective.

Staff within Parliament felt that there could be a greater degree of internal communication and opportunities for bottom-up input and engagement into Parliament's policies and practices. As well as an Executive Meeting which comprises the Speaker, Secretary-General, Deputy Secretary-General and Directors, staff expressed a desire for the Secretary-General's Hour (an all staff meeting with the parliamentary leadership) to be reinstated without the need for all staff to be available to attend. Staff expressed a wish for the Speaker to also be available to attend some of these gatherings.

Organisation and Management

It is positive that the Secretary-General has a form of protected status defined by the Constitution which in theory is protected from undue political pressure. Furthermore, the appointment and remuneration of the Secretary-General is set by an independent body. The Constitution outlines that as an independent office, the Constitutional Offices Commission should appoint the Secretary-General, however it is a highly politicized entity, comprising the Prime Minister, Leader of the Opposition, the Attorney-General and other political appointees. Of further concern is the fact that the appointment of the Secretary-General is fixed term for five years. But the Solicitor-General on the other hand, which has a similar degree of responsibility and need for impartiality and expertise is a permanent position. It also seems strange that the Speaker has no part to play in the recruitment of the Secretary-General either formally or informally which is despite the legal and procedural interconnectivity and accountability interplay of the roles. The current set-up can potentially leave the Secretary-General open to political pressure and manipulation and should be changed. The Parliament and its wider membership should have input into who will serve as its Secretary-General. Arguably it is unacceptable that there have been no salary increases since 2014 (almost a decade) for the Secretary-General, which equates to a real-terms decrease in pay. There are also no performance management systems in place and no clarity as to who would be responsible for setting objectives and measuring success. It is arguably not appropriate for the Parliament's KPIs to be that of the Secretary-General. It is essential that a responsible owner is in place to set performance targets and consider the welfare and development of the Secretary-General. This does not seem to have been undertaken at all by the Constitutional Offices Commission once the recruitment of the role holder is completed. Whereas there is a House Committee established as a select committee of Parliament outlined in Standing Orders⁴⁴ which could perform this task, it does not seem to have any role in the welfare and conduct of the Secretary-General, nor has it met in recent years.

Benchmarks 5.4.3 stipulates that a *'legislature should either by legislation or resolution, establish a corporate body responsible for providing services and funding entitlements for parliamentary purposes and providing for the governance of the parliamentary service'*. In the case of the Parliament of Fiji, many of these responsibilities are split between the constitutional roles of the Secretary-General, the Speaker, the House Committee, the Constitutional Offices Commission and the Prime Minister's Office. A Bill, as suggested by this Benchmark, and as part of the future strategic direction of Parliament may help to clarify and simplify roles and responsibilities and also give a greater role to Parliament and its Members, both government and opposition to have greater ownership of their institution. However, as the Constitution currently stands, Parliament has considerable independence to function effectively.

RECOMMENDATION 9

Led by the Speaker, the House Committee of Parliament should be reestablished and should take a leading and urgent role in reviewing the pay, performance management and welfare of the Secretary-General and should consider wider constitutional reforms to the role. Consideration should also be given to drafting and passing laws or regulations which enhance the independence and governance of the Parliament by and for Members of Parliament.

⁴⁴ Standing Order 126.

III. FUNCTIONS OF THE LEGISLATURE

5. LEGISLATIVE FUNCTION

Legislative Process

It is positive to note that the Parliament meets the majority of Benchmarks in this section. Most importantly, all legislation, including the Budget must be passed by the Parliament. This is clearly enumerated in the Constitution⁴⁵ and reinforces the significant role the Parliament should play in Fijian governance. Where the Parliament fails, is in reference to Benchmark 6.1.4 whereby there is inadequate resources for legislators to draft legislation or amendments to legislation. As things currently stand, there is no internal capacity within the Parliament to provide this support. As mentioned earlier in this report, Private Members' Bills are virtually non-existent, this is despite the powers of individual legislators to legislate independent of Government.⁴⁶ In theory, the Solicitor-General can provide such support. However, the Solicitor-General is predominantly responsible for providing independent legal advice to the Government, and therefore could be perceived as bias by the Opposition. As such, this service should really be provided by the Parliament.

RECOMMENDATION 10

The Parliament should appoint a legislative drafter or senior legal officer to provide support to Members in drafting Bills and amendments, and to provide additional legal advice to the Parliament (the Speaker and Secretary-General) on legal matters.

The Parliament should also encourage governmental stakeholders to develop accompanying equality impact assessments⁴⁷ and internal resources should be provided to enable such work from within the Parliament as well. Gender sensitive legislation and budgeting is important to align with the SDGs in ensuring inclusive, participatory, and representative legislative decision-making. Standing Orders already give provision for this work.⁴⁸ In this same vein, and as mentioned earlier in this report, it is also worth the Parliament considering post-legislative scrutiny⁴⁹, again using equality impact assessments. Post-legislative scrutiny becomes even more of a priority when legislation has been passed via the SO51 route and has not been sufficiently scrutinised in the first instance.

RECOMMENDATION 11

The Parliament should ensure that equality impact assessments are developed and utilised when considering legislation, and Committees should undertake post-legislative scrutiny on a consistent and regular basis.

When it comes to the legislative and budgetary process, the Parliament is active in creating an enabling environment for public engagement. Bills are shared with the public in a timely manner, the public have opportunities to engage with committees on its work (when Bills make it to committee stage), and as mentioned earlier, there is public consultation undertaken at the legislative drafting stages.

6. OVERSIGHT FUNCTION

A key component of the Benchmarks as they relate to the Parliament's oversight functions is in relation to the size of the Parliament when compared to that of the Government. Currently, no regulations exist which limit the number of Ministers and Assistant Ministers. As a consequence, there are currently too many Ministers and Assistant Ministers, and this inevitably hampers the Parliament's ability to provide independent oversight of the work of Government in Parliament. As such, the Parliament is not compliant with relevant Benchmarks. However, as this issue falls to the Government to reform, there is little the Parliament can do to overcome this unhelpful disparity.

There was a unanimous view expressed by stakeholders that Committees should be doing more than primarily scrutinising annual reports. Whereas the Parliament should be commended in its diligent attention to reviewing annual reports and accounts,

45 Part 3 – Legislative Authority of the 2013 Constitution

46 Article 47.1 of the 2013 Constitution enables individual Members to introduce a Bill, with the exception of Money Bills.

47 Benchmark 6.1.5

48 Section 110(2) states that there should be 'full consideration to the principle of gender equality so as to ensure all matters are considered with regard to and benefit of men and women equality'.

49 Benchmark 6.2.4

there is a strong desire for these Committees to do more in terms of policy and administrative oversight of the Government. Standing Orders already give this mandate to Committees. For example:

"[a Standing Committee must] scrutinise the government departments with responsibility within the committee's subject area, including by investigating, inquiring into, and making recommendations relating to any aspect of such a department's administration, legislation, or proposed legislative programme, budget, rationalisation, restructuring, functioning organisation, structure and policy formulation."⁵⁰

That being said, Standing Order 110 (3) states that the Committee should write to the Speaker with its intention to undertake work in line with the above mandate, to ensure that it conforms to Standing Orders and is within the power of Parliament. The Committee should rely upon the Committee Secretariat and the Secretary-General to give advice as to the applicability of such work and whether the administrative resources are available to deliver this work.

A further consideration is whether Committees have the actual capacity to do more than scrutinise annual reports and accounts, especially in those instances where there is a backlog. The Parliament may want to consider how it could free up such time either by broadening the number of Committees or reducing the required extent of scrutiny of annual reports. Overall, the Parliament's oversight function can be called into question if its work primarily comprises of ex-post reporting on failures that have already occurred some years earlier, rather than providing ex-ante recommendations to avoid them in the future.

RECOMMENDATION 12

The oversight work of committees should go beyond its current approach of mainly examining dated ex post annual reports and accounts of Government departments and agencies and broaden its approach to look at policy and administrative matters.

Beyond those issues raised above, the Parliament should note with pride that it complies with all other related Benchmarks. Especially positive to note is the Parliament's powers, its mechanisms to receive information from the Government in a timely manner, and its abilities to have oversight of treaties, national security apparatus and state-owned enterprises. It is also highly commendable that there is a Human Rights and Anti-Discrimination Commission and the Fiji Independent Commission Against Corruption.

Financial and Budget Oversight

The Parliament of Fiji is compliant with all Benchmarks as they relate to the financial and budgetary oversight functions. Both in terms of the Constitution and Standing Orders, laws, regulations and procedures exist for robust, consistent and open oversight. There is a fully functioning Public Accounts Committee and Supreme Audit Institution in the form of the Office of the Auditor-General. Both bodies work well together to undertake their mutual mandates. The Audit Act of 1969 and subsequent amendments would benefit from being reviewed, consolidated and updated. Also of concern is that there has been no formal Auditor-General appointed since January 2022, this would provide much needed stability for this essential institution. Furthermore, the Auditor-General's Office could be assisted by increasing capacity and resources.

7. REPRESENTATION FUNCTION

An important Benchmark is around women's representation in Parliament. Fiji unfortunately falls well behind the international minimum standard of having at least 30% of women in parliament. Obviously, the Parliament has limited control or influence in terms of how many women get elected. Despite this poor situation, the Parliament should be commended as an institution for being conscientious in designing a set of Standing Orders and implementing policies that consider the importance of gender. But more could be done. The Parliament should consider more outreach work with women and girls in the community, undertake Committee enquiries into quotas, or establishing designated seats for women to help increase numbers. The Parliament may also benefit from a stocktaking exercise via a Gender Sensitive Parliament Assessment, such as those developed by the CPA to ensure it is applying best practice.

⁵⁰ Standing Order 105 1(c).

RECOMMENDATION 13

The Parliament, via a special committee or cross-party group may wish to undertake an in-depth inquiry into steps which could be taken to increase women's representation within Parliament and to establish recommendations for implementation prior to the next election.

8. PARLIAMENTARY ASSISTANCE, NETWORKING AND DIPLOMACY

The Parliament of Fiji is compliant with Benchmarks covering parliamentary assistance. Parliament has the right to seek and receive development assistance and regularly does so via UNDP. The type of assistance is determined by the Speaker and Secretary-General, but it is not clear whether any other body, namely the House Committee has any role to play in engaging on this work or having oversight in the manner in which this support is undertaken, and what results come about as a consequence of such assistance. Overall, though, the Parliament, Members and parliamentary staff benefit from such assistance and engagement with other parliaments, agencies and institutions.



IV. VALUES OF THE LEGISLATURE

9. ACCESSIBILITY, OPENNESS AND ENGAGEMENT

Citizens and the Press

In terms of openness and accessibility, the Parliament of Fiji does well in this sphere. The Parliament is proactive in engaging with the public, it has a fully functional and comprehensive website⁵¹, active social media platforms⁵², broadcasts parliamentary sessions and has open committee hearings. The Parliament is also accessible for persons with disabilities, with step free access to the Chamber and key meeting rooms. The Parliament has also been active in recent years to hold Disability Open Days.⁵³ That being said, the Parliament may benefit from undertaking a Disability Audit to see what other steps could be taken to enhance access.

The Parliament has a productive and mutually beneficial relationship with the Press. The Parliament has a small, active and non-partisan Civic Education and Media team which works closely with the Government's Department of Information to share information with the press. The media have access to the Parliament and there are clear procedures and practices in place to enable their access to relevant business meetings.

Of pride for the Parliament is its exemplary work on public and youth education on the workings of Parliament. The Civic Education and Media team organise frequent school visits, produce materials, engage on social media, host events, and much more. The Parliament is also thorough in identifying key demographics as part of its public participation activities.

One area that the Parliament could focus on is in relation to civil society. Stakeholders expressed a view that there was a historical political culture that perceived civil society with suspicion and a sector which should be kept at arms-length. Although, with support of UNDP there is work planned to examine how engagement with and through civil society entities could be strengthened, this is something which should be prioritised to ensure that Parliament is as fully representative of all corners of Fiji.

Languages

The Parliament can now work in three languages including Vosa Vakaviti, Hindi and English.⁵⁴ Work is currently underway to update the recording and translation services in Parliament which will enable simultaneous translation for all languages. The encouragement for the use of Vosa Vakaviti has been a key priority for the new Government since the election.

10. ETHICAL GOVERNANCE

Transparency and Integrity

Despite clear provisions in the 2013 Constitution which stipulates there should be a Code of Conduct.⁵⁵ no law currently exists. Disappointingly, failed attempts have been made to produce legislation to this effect, both in 2016 and again in 2018 when it was tabled in Parliament.⁵⁶ The Standing Committee on Justice, Law and Human Rights deliberated on the Codes and proposed amendments.⁵⁷ However, no progress has been made to date and it is unclear as to why this important matter has stalled. As a consequence, the Parliament of Fiji is not in compliance with Benchmark 11.1.1. and to some extent 11.1.2. Although in the latter instance, the Speaker has now instituted a gift registrations book which must be completed by Members as and when applicable.

According to the Political Parties (Registration, Conduct, Funding and Disclosures) Act 2013, Members are required to annually disclose financial and other relevant interests. These are submitted to the Fiji Supervisor of Elections as the Registrar of interests. Failure to report on financial interests comes with a \$50,000 penalty. The list of interests should be available to the public subject to a nominal fee.

Freedom of Information

The Information Act 2018 gives effect to the constitutional provisions for access to information.⁵⁸ As such Fiji is compliant with Benchmark 11.2.1.

51 www.parliament.gov.fj

52 <https://www.facebook.com/fijiparliament> and <https://twitter.com/fijiparliament>

53 <https://www.parliament.gov.fj/parliament-open-day-for-persons-with-disabilities-in-fiji/>

54 Section 28 of Standing Orders

55 Chapter 8, Part A – Code of Conduct, Article 149.

56 [Code of Conduct Bill, 2018](#)

57 [Review Report on the Code of Conduct Bill, 2018](#)

58 Article 25 of the 2013 Constitution which gives every person the right to access information held by any public office.



CPA Team with Hon. Lenora Qereqeretabua, MP, Deputy Speaker (Middle)

RECOMMENDATIONS

RECOMMENDATION 1

Legislation around parliamentary powers and privileges should be reviewed and updated as soon as possible to ensure there are sufficient protections in place for Members of Parliament.

RECOMMENDATION 2

Consideration should be given to ensuring that the membership of the Emoluments Committee is independent of Parliament and the Executive.

RECOMMENDATION 3

An annual training and development curriculum should be developed by Parliament. This curriculum should include internal and external professional development programmes and courses aimed primarily at newly elected Members, but also those more experienced Members. Especially those Members who would benefit from specialist training on the various roles and responsibilities of being an MP. Such a curriculum should be shared across Parliament, political parties and government departments.

RECOMMENDATION 4

A review should be undertaken to consider whether the existing Government Building is fit for purpose in the medium to long-term, and whether a more suitable designated parliamentary building should be identified to meet the needs of Members and parliamentary staff.

RECOMMENDATION 5

Standing Orders or a Speaker's Ruling should clearly state under which circumstances the SO51 provision should be applied, which should be extraordinary, narrowly defined and transparent.

RECOMMENDATION 6

Standing Orders should be amended to clearly stipulate that the Chair of the Public Accounts Committee come from an Opposition Party, in line with international best practice.

RECOMMENDATION 7

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OUTLINE PROGRAMME

6-10 November 2023	
Time	Stakeholder
Day 1 (6/11/2023) Introduction and Briefing	
9.00am – 12.00pm	Acting Deputy Secretary-General, Parliament of Fiji
2:30pm	Parliament Managers & Seniors
Day 2 (7/11/2023) Stakeholder Consultation	
9:30am – 10:30am	The Secretary-General to Parliament
10:30 – 11:30am	Parliament Team IT & MIT
2.30pm – 3.30pm	Ministry of Civil Service and Public Enterprise
3:30pm – 4:30pm	Parliament Tour
Day 3 (8/11/2023) Stakeholder Consultation	
9:30am – 10:30am	MComm & SCC – Committees Unit
11:00am – 12:00pm	Team Media Parliament Stakeholders
2.30pm – 3.30pm	Office of the Auditor-General
Day 4 (9/11/2023) Stakeholder Consultation	
8am – 9am	Office of the Prime Minister, Climate Change, Environment, Information and Veteran Affairs
9am – 10:30am	Opposition Members of Parliament
12pm – 1pm	CPwD Honourable Viam Pillay MIPR – Secretariat Support Staff
2.30pm – 3.30pm	Office of the Solicitor General
3:30pm – 4:30pm	CWP Fiji Group Honourable Deputy Speaker SPO – Secretariat Support Staff
Day 5 (10/11/2023) Roundtable Discussion and Recommendation	
8am – 9am	Ministry of Finance, Strategic Planning, National Development and Statistics
9am – 12pm	Secretary-General of Parliament Speaker of the Parliament of Fiji



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