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# **FIJI LAW REFORM COMMISSION**

**Annual Report for the Years 1997, 1998, 1999, 2000 and 2001**

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PARLIAMENT OF FIJI  
PARLIAMENTARY PAPER NO. 40 OF 2002

**FIJI LAW REFORM COMMISSION**

**ANNUAL REPORT**

The Attorney General and Minister for Justice  
The Honourable Qoriniasi Babinu Bale  
**SUVA**

Dear Attorney General,

We have great pleasure in presenting you the Annual Report of the Fiji Law Reform Commission, which is constituted under the Fiji Law Reform Commission Act (Cap 26).

The Report is submitted under the provisions of Section 5 (3) of the Act.

Yours sincerely

.....  
**Kiniviliame Keteca**  
**ACTING DIRECTOR - FIJI LAW REFORM COMMISSION**

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## **FOREWORD**

### **THE ACTING DIRECTOR'S REPORT – 1997-2001**

The years 1997 to 2001 have been productive for the Fiji Law Reform Commission. A summary of all the work that the Fiji Law Reform Commission had accomplished from 1994 to the end of 2002 is shown on Appendix 1.

In addition to carrying out the statutory functions of the Commission, Legal Officers of the Commission also do litigation work for the Office of the Solicitor General. This is to ensure the continuation of legal education and in particular, the development of litigation skills.

The Commission anticipates new directions from our new Attorney-General and Minister for Justice, the Honourable Senator Mr. Qoriniasi Bale. It is envisaged that our role and resources would be broadened to fulfill other functions and needs of our Ministry.

In the past 5 years, the Commission has been fortunate to have the support and guidance of the past Attorney-Generals and Ministers for Justice, the late Ratu Etuate Tavai, Mr. Anand Singh, Mr. Alipate Qetaki and the current holder of the office, the Honourable Senator, Mr. Qoriniasi Bale. Their assistance and that of the Solicitor-General, Mr. Nainendra Nand have been invaluable.

Our appreciation also to all the past and current part-time Commissioners for their excellent work.

(K T Keteca)

**A/Director - Fiji Law Reform Commission**

**02 July 2002**

# **FIJI LAW REFORM COMMISSION**

## **FACT SHEET**

### **MISSION**

**1. The Mission statement of the Fiji Law Reform Commission is as follows:**

The Commission exists to make recommendations for reform that will make the law modern, simpler, fairer, more cost efficient and accessible.

**2. Legislative Charter**

The Fiji Law Reform Commission ("the Commission") was established by the Fiji Law Reform Commission Act 1979. The Act was amended in 1985. The Fiji Law Reform Commission (Amendment) Act came into force on 31 January 1986. Section 5 broadly sets out its functions:

(1) The functions of the Commission shall be to take and keep under review all the law applicable of Fiji with a view to its systematic development and reform including in particular -

- the codification of such law;
- the elimination of anomalies;
- the repeal of obsolete and unnecessary enactments;
- the reduction of separate enactments;
- the making of new laws;
- the adoption of new or more effective and economical methods for the administration of the law and the dispensation of justice; and
- generally the simplification, improvement and modernization of the law, and subject to section 6, the Commission may in these respects act of its own violation.

(2) For the purposes of carrying out its functions, the Commission shall subject to section 6-

- consider any subject referred to it by the Attorney General;
- receive and consider any proposal for the reform of the law which may be made or referred to it;
- at the request of the Attorney General, provide assistance to any Ministry or Department of Government by undertaking the examination of any particular branch of the law and making recommendations for the reform of that branch to bring into accord with current conditions; and
- consider the impact on the statute law of any judicial decision.

(3) The Commission shall, as soon as practicable after 31 December in every

year, submit to the Attorney General on the activities and proceedings of the Commission during the year ended on that 31 December, and any such report shall be laid before Parliament.

(4) In addition to the Report mentioned in subsection (3) the Commission shall furnish to the Attorney General in accordance with his directions such reports as the Attorney General may require in relation to particular matters.

Section 6 requires that the Commission, before setting a work programme for any year, seeks the approval of Cabinet through the Attorney General, and that the implementation of such a programme is subject to the approval and the degree of priority (if any) decided on by the Cabinet and notified by the Attorney General to the Commission

### **Objectives**

In the words of Sir Beattie: *"the Fiji Law Reform Commission will remain an independent, publicly funded, central advisory body established by statute to undertake systematic review, reform and development of the law in Fiji."*

It should be committed to the following objectives:

- (a) to carry through their various stages to final report the projects for the reform and development of particular areas of law, which have been included in the Commission's programme.
- (b) to ensure, so far as possible, that the projects to be included in the programme are selected by reference to the following factors:
  - *the existence of an identified and, if possible, widely perceived need for the reform and development of the area of law in question;*
  - *the desirability of the Commission's work programme as a whole covering a reasonably wide range;*
  - *the existence among Commissioners of expertise in the area;*
  - *a perception that the reform could not be more appropriately be undertaken by another agency.*
- (c) to follow up all final reports by:
  - taking part in discussions with interested individuals and groups, privately and in public forums, on the meaning and effect of the Commission's recommendations;
  - discussing with relevant Ministers and the Departments the nature and the timing of the steps necessary to implement the Commissioner's recommendations;
  - participating in appropriate ways in the preparation of legislation implementing the Commission's recommendations and in the Parliamentary process leading to its enactment

- (d) to undertake such advisory work in relation to the review by other Government agencies of any aspect of the law in Fiji as may be referred to the Fiji Law Reform Commission by the Attorney General, and at his request, other Ministers; and to initiate such advisory work where that is an important step in achieving the Commission's aim;
- (e) To complete all work to a high standard, within the Commission's budget, and in accordance with a timetable that takes account of the priorities of the Attorney General and Minister of Justice and the Government, especially in relation to the legislative programme, so that, overall, the quantity and quality of the Commission's outputs meet the expectations of the Minister and the Government as well as those of interested groups; and represent good value for money.

#### **4. Role of the Commission**

Fiji is an example of a plural society with a colonial legal history. The laws presently on Fiji's statute books reflect this colonial heritage, the values, norms and institutions. The traditional institutions or customs were superseded by formal written laws. However, Fiji's society has changed enormously and the social changes not only affect moral values and institutions but also the very conditions of everyday life. The substantive law has failed to keep up with these developments. This has resulted in laws being inappropriate, unfair, outdated, uncertain and expensive. The Fiji Law Reform Commission exists to redress these anomalies.

The Commission's work is based on thorough and exhaustive multidisciplinary research. This includes the analysis of case law, legislation, academic and other writing, law reports and other relevant materials both from local and overseas sources.

However, the most distinguishing feature of the Commission's work method is the consultation process - a process whereby the public can have their views heard and taken into account. The Commission elicits these views by describing the present law and its shortcomings and setting out possible options for reform. This may take the form of issue/discussion papers or draft reports circulated to a wide range of people - the legal and other professions, interest groups, the business community, Government and non Government Organisations and the public at large.

#### **The Future**

The Commission is a growing one. It was re-established in 1992 but became operational again from 1994. However, with the passage of time, the Commission will continue to build up a cadre of highly motivated and qualified staff who, together with Commissioners of ability, vision and direction, will ensure that the organization will become and remain a vital resource for effective law reform.

## **B WORK PROGRAMME**

Since 1996, the Commission has been fully operational. Below is a list of the work programmes FLRC has embarked on, the status of the references and the enacted legislation emanating from the Reports.

### ***1997-1998***

#### **(i) Reform of the Penal Code and Criminal Procedure Code**

**Commissioner : Justice Gates**

**Research Officer: Legal Officer Ms. Rajjeli Vasakula**

The terms of reference required FLRC to enquire and report on whether changes were required in the Criminal Procedure Code (Cap 21) and Penal Code (Cap 17).

#### ***Preliminary Papers***

- Swordsellers Report: Recommendations for Reform
- Cameras In the Courtroom: Televising Coverage of Court Proceedings
- Sexual Offences Against Children (internal)
- FLRC Sexual Offences Report 1999

#### ***Legislation***

- Penal Code Amendment Act No.42 of 1999
- Criminal Procedure Code (Amendment) Act No.37/38
- Juvenile (Amendment) Act No. 29 of 1997
- High Court (Amendment) Act No. 37 of 1999.
- Court of Appeal (Amendment) Act No. 38 of 1998

#### ***Gazetted Notices:***

- Criminal Procedure Code (Allowances to Witness) & Assessors Rules
- Criminal Procedure Code (Admission Form) Legal Notice
- Criminal Procedure Code (Amendment) Act No. 37/98

#### **(ii) Reform of Criminal Evidence Laws**

**Commissioner Hon. Justice Scott**

**Research Officers: Legal Officer Yashveen Singh & Anare Tuilevuka**

#### **Terms of Reference**

The Commission was required to enquire into and report on whether changes are needed in the statutory and common law governing evidence in criminal proceedings before courts and tribunals.



## **Publications**

Under this reference, there were nine discussion papers (DP) published in 1998 for internal purposes. They were:

- *Privilege DP*
- *Corroboration DP*
- *Recent Complaint, Conduct and Credibility*
- *Confession and Right of Silence DP (September 1998)*
- *Documentary Evidence Draft (October 1998)*
- *Opinion & Expert Evidence Draft (October 1998)*
- *Hearsay Draft DP (November 1998)*
- *Competence and Compatibility Draft DP (November 1998)*
- *Evidence of Character DP*

## **Work on the Reference**

The outdated rules of criminal evidence created a hurdle to efficiency in the administration of justice. The technical nature of the subject matter, dictated a different approach to that used by the other references. All lawyers, in both public service and private practice were canvassed for their views and comments. The response was abysmal and disappointing.

The Commission is however, grateful to the following persons and organisations for their submissions on this reference: Ministry of Women and Culture, the late H.M Patel, Office of the Director of Public Prosecutions and the Children's Coordinating Committee.

Main recommendations of the Report called for the repealing of the Evidence Act (Cap 41), a proposed draft Civil Bill and a Criminal Evidence code. Cabinet endorsed the Final Report in 1998 and the Civil Evidence Decree No 23 was enacted in 2000.

### **(iii) Reform of the Breathalyzer Regulations**

**Commissioner: Prof Mark Findlay**

**Research Officer: Legal Officer Ms. Diana Buresova**

## **Members of the Working Party**

Chandra Shekhar (National Road Safety Council)

Qalo Bulatiko ( Fiji Police Force)

Kiniviliame Keteca ( Fiji Police Force)

Salesi Temo ( Chief Magistrate)

## **Terms of Reference**

The Commission was required to enquire into and report on the effectiveness of section 48 of the Traffic (Amendment) Act No. 20 of 1986 or the drink/driving laws.

### **Work on the Reference**

The Commission Report: Drink/Driving Law Reform for Fiji released its Report in August 1997 and the most significant features of the report were:

- the creation of new offences, death by dangerous driving, and aggravated death by dangerous driving
- the revision of the Breathalyzer provisions in the present Traffic Act ( Cap 176) so that the present problems in prosecuting offences under section 48 will be overcome. In particular, police will no longer be required to carry out certified tests. The magistrate may consider whatever evidence of toxicants is presented and deal with this under the "best evidence" rule;
- the removal of a prescribed content of alcohol from section 48 (breathalyzer) offences. To overcome any injustice in the operation of the "zero alcohol" policy and associated "first offenders" provision has been recommended. The Land Transport Act No. 38 of 1997 incorporates this provision however only certain driver categories are required to drive with "zero alcohol" level;
- the creation of powers for the police to conduct random breath testing operations. These powers must be controlled by detailed Commissioners' operational instructions;
- the creation of powers for the police of detention and arrest for the purposes of administering breath test/analysis. These powers are effected by strict time limits;
- the provision of new and higher penalties for drink/driving offences; and
- the creation of legal obligations on owner/operators of public transport vehicles, as well as on their drivers.

Most of the Commissioner's recommendations were incorporated into the Land Transport Act No. 38 of 1998.

#### (iv) **Reform of Bail Laws**

**Commissioner: Prof Mark Findlay**

**Research Officer: Legal Officer Ms Diana Buresova**

### **Terms of Reference**

The Commission was required to enquire into and report on the efficiency and effect of the current bail provisions contained in sections 108-138 of the Criminal Procedure Code ( Cap.21)

### **Work on the reference**

This reference was in response to three major factors:

- the public perception that more people charged with serious offences were released on bail and the growing remand population; and
- the unsatisfactory state of the legislative provisions in the Criminal Procedure Code, which govern bail.

The Bail Report was presented in March 1998 to the AG and presented to Cabinet in June 1998. The major recommendation of this report was the removal of bail matters from the CPC into a separate Bail Act. The Act covers all bail matters relating to adult and juvenile offenders.

These recommendations aim to make bail laws and procedures simpler, efficient and cost effective. In addition, they emphasize the interests of the unconvicted accused balanced against the protection of the community and the interests of justice. The Bail Decree No. 27 was enacted in 2000 and will be regularized shortly.

(v) **Reform of Police Powers**

**Commissioner: Prof Mark Findlay**

**Research Officer: Legal Officer Diana Buresova**

**Members of the Working Party**

Ms Nazhat Shameem

Ms Elisabeth Kelly (PLO, DPP's Office)

Mr. Moses Driver (Fiji Police Force)

Mr. Kiniviliame Keteca (Fiji Police Force)

Mr. Armogam Goundar (Fiji Police Force)

Mr. Jese Marovia (Fiji Police Force)

Mr. Salesi Temo (the Chief Magistrate)

**Terms of Reference**

The Commission under this reference was required to strike a balance between the protection of individual rights and liberties, and the communities rights and need for practical and effective law enforcement.

**Publications**

***Preliminary Papers***

- Issues Papers (August 1998)
- Agenda for Reform (" ")
- Sources of Police Powers (DP 1, August 1998)
- Arrest and Detention (DP 2, November 1998)
- Search and Seizure (DP 3, November 1998)
- Investigation (DP 4, November 1998)

## **Work on the Reference**

Recent media reports about police practices which appear to violate human rights underscore the need to evaluate and reform of police powers in Fiji. There have been similar reforms of police powers in common law countries such as Australia, Canada and the United Kingdom. The report acknowledges that the reforms that have taken place in these countries should not be transposed without modification into Fiji police practice. However, Fiji has much to learn in terms of being regulated and accountable, and "the best practice " of policing in these jurisdictions.

Another important local impetus for the immediate review and reform of police powers are the relevant human rights provisions contained in the new Constitution. The Commission is mindful that these provisions will challenge important policing practices in Fiji, and perhaps bring into question the powers from which they arise.

For this reference, the Commission conducted consultations in 1998 with senior officials of the Police Force, officers at police posts, police stations and the police academy.

Apart from the above consultations, the Commission held talks with some senior officers of the DPP's office and the Magistracy.

Prof Mark Findlay had his term extended until December 1998, which was when he produced his report. The major proposal of the Report is a police powers legislative framework, which will draw from the legislative experience of Queensland, NSW and the United Kingdom.

The Report was handed to Attorney General Ratu Etuate Tavai in 1998 and awaits direction from the Attorney General and Cabinet endorsement.

## **(vi) Reform of the High Court Act Commissioner: Justice Ian Thompson**

### **Terms of Reference**

The aim of this reference was to clarify the overlapping pronouncements by the Beattie Report and the Reeves Commission on the jurisdiction of the High Court.

### **Work Reference**

Part IV of the High Court Act relates to the High Court's jurisdiction. Part VII is concerned with the adoption of common law, the rules of equity and some United Kingdom statutes as part of the law of Fiji.

This reference undertook specialist consultations with members of the judiciary, and the former members of the Parliamentary Select Committee on Consequential Amendment to the Constitution (Amendment) Act 1997.

The Report recommends that the courts in Fiji be expressly authorized to have regard to the judgments of the courts of other common law countries in the region and of the English courts equally, in identifying any part of the common law or any rule of equity in force.

It proposes the amendment of relevant sections of the High Court Act and the Criminal Procedure Code.

The High Court Amendment Act No. 27 of 98 was enacted in 1999.

**(vii) Company and Commercial Law Reform**

**Commissioner: Prof. Di Everett**

**Research Officer: Senior Legal Officer Asenaca Uluiviti**

Commissioner Professor Di Everett of Bond University and formerly the Commissioner responsible for the Australian Law Commission's Reference on Commercial Law had charge of this reference. The following DP's were developed and circulated to stakeholders for their views:

- Intellectual Property and Copyright laws
- Consumer Credit, Hire Purchase
- Bills of Sale Act and Sale of Goods Act; and
- Bankruptcy of Persons and Insolvency of Companies.

Professor Everett's reports were completed in 1999 and submitted to the Attorney General. The Consumer Credit Act No. 15 of 1999 was passed by Parliament in 1999. Another major component of this reference, the Copyright Bill was also passed by Parliament (Act No. 11 of 1999).

**1998-1999 WORK PROGRAMME**

**(i) Reform of Offences Against Children**

**Commissioner: Ms Mere Pulea**

**Research Officer: Legal Officer Anare Tuilevuka**

**Terms of Reference**

This reference is a comprehensive review of the Fiji Islands and procedures pertaining to children and juveniles in the following legislations:

- The Juveniles Act (Cap 56)
- The Criminal Procedure Code (Cap 21)
- The Penal Code (Cap 17)
- The Adoption of Infants Act (Cap 58)

- The Employment Act (Cap 92)

The aim of this reference was to measure the governing legislation and procedures against the Constitution and Articles 32-36 &39 of the Convention on the Rights of the Child (CRC), which Fiji ratified in 1995.

FLRC Commission's Report for Children: A Review of the Laws affecting Children 2000 is a compendium of three parts:-

**Part I (a)** - A Report on the Review of the law on Sexual Offences for Children.

**Part II (a)** - A Report on the Review of the Juveniles Act (Cap 56) and the Juvenile Justice System.

(b) - A Report on the Juveniles Court.

**Part III** - A Report on the Review of the Adoption of Infants Act (Cap 58).

### **Work on the reference**

In 1997, the ensuing discussions in the local media and in Parliament following the Lawrence Mutch (Paedophile) case highlighted two concerns:

- the fact that there was no law in existence in Fiji that provided an offence for the taking and electronic distribution of pornographic photographs or films of young persons; and
- that there was a need for a complete overhaul of the existing laws relating to the protection of children and to offences against children.

To address point (i) as mentioned earlier, a remedial measure was put in place resulting in the Juveniles (Amendment) Act No. 29 of 1997. This amendment makes it an offence to take out and or distribute child pornographic materials through any mediums such as the Internet and email.

At the outset, the Commission chose to identify specific articles of the Convention on the Rights of the Children. These provisions would then be used as a yardstick in determining the consistency of our laws with this Convention.

The Commission convened a working group consisting of major stakeholders who are conversant with these subject areas to oversee the progress and development of this reference. This working group consists of representatives from the Ministry of Labour, the Department of Social Welfare, the ILO and UNICEF. Parallel Consultations regarding both references were held at the Community Centre in Nadi, Ba, Lautoka and Labasa between January and February 2000. Justice Gates focused on the main recommendations of the Sexual Offences Report 1999 (from the Penal Code & Criminal Procedure Review) while Ms. Pulea sought input on 'Sexual Offences in Relation to Children'.

The draft proposals of the Report for Children 2000 were further fine-tuned and Commissioners Pulea and Gates jointly submitted both final Reports to the Attorney-General on May 5, 2000.

(ii) **Wills and Succession**

**Commissioner: Professor Bob Hughes**

Prof Bob Hughes of the School of Law, University of the South Pacific was appointed the Commissioner for this reference in February 1998 to enquire and report on the laws relating to wills and succession with a view to providing a comprehensive succession statute that simplifies the law in this area. The Final Report was completed and handed to the Attorney General and Minister for Justice, Mr. Qoriniasi Bale in December 2001.

(iii) **Family Law Reform**

**Commissioner: Imrana Jalal**

**Research Officer: Senior Legal Officer Ms. Asenaca Uluiviti**

This reviewed the nine pieces of legislation, enacted in 1892 and 1976, governing family relationships. The 297 recommendations Report titled "*Making A Difference To Families of Fiji*" consolidate the existing nine pieces of legislation covering family relationships. The Family Law Bill 1999 reached the second reading stage in Parliament in May 2000.

Key features of the Bill are the creation of a new Family Court Division that will shift away from fault and conflict based litigation to one based on reconciliation, counseling and conciliation with litigation as a last resort. The Bill also covers maintenance, custody and access; enforcement of maintenance orders and affiliation orders where the interests of children are paramount. Commissioner P. Imrana Jalal consolidated the work for this reference, assisted by Senior Legal Officer Asenaca Uluiviti. The Family Law Bill 2002 was introduced in Parliament in April this year.

## **1999-2000 WORK PROGRAMME**

Three new references were initiated in 1999 by the Attorney General Mr. Anand Singh. The need for continuous criminal reform was reflected in criminal review being a major component of the work programme. The references were:

- *Bribery and Corruption*- Justice Fatiaki (Chairperson) assisted by Commissioner Vasantika Patel and Tomasi Vakatora
- *Sentencing* - Prof Mark Findlay
- *Pre-Trial and Committal Proceedings* - Justice Michael Scott

(i) **Bribery and Corruption**

**Commissioner: Justice Daniel Fatiaki (Chairperson)**

**Vasantika Patel**

**Tomasi Vakatora**

**Research Officers: Legal Officers Vuki Qionibaravi & Pratibha Raj**

**Terms of Reference**

FLRC was mandated to review the laws governing bribery and corruption in both the public and the private sector.

**Work on the Reference**

The three member Commission comprised Justice Fatiaki assisted by Tomasi Vakatora and Vasantika Patel. Extensive community consultations were conducted in 1999 and calls for written submissions from the public and stakeholders were made. Due to the events of May 2000, further progress was temporarily placed on hold. However, work on the Final Report commenced in January this year and it is anticipated that the Final Report will be completed by late 2002.

(ii) **Sentencing Reference**

**Commissioner: Professor Mark Findlay**

**Research Officer Legal Officer Ms. Raijeli Vasakula**

**Terms of Reference**

FLRC appointed Prof Findlay to review the laws in relation to sentencing.

**Work on the Reference**

Sentencing Bulletins were circulated and consultation held with the Magistracy in December 1999. An issues paper was circulated also to the stakeholders. This reference is currently on hold.

(iii) **Pre Trial Procedures and Committal Proceedings Reference**

**Commissioner: Justice M Scott**

**Research Officer: Legal Officer Sotia Coutts**

High Court Justice Michael Scott was appointed part time Commissioner for this reference. This was put on hold after the May 2000 events with work recommencing on the reference in September last year. Currently, a draft Bill is being drafted and the Commission expects the Final Report and ensuing legislation to be completed by late 2002.



## **C: OTHER FUNCTIONS**

### **(i) Legislative Advisory Committee (LAC)**

In addition to its core functions, FLRC was represented as a member of the Legislation Advisory Committee (LAC). This Committee was set up in 1999 to ensure that all Bills properly reflected the policies of the Government and conformed to the principles of process and content as well as being compatible with conventions/treaties that Fiji was signatory to. Scrutinised Bills were the: Social Justice Bill; the Code of Conduct Bill; the Cinematographic Amendment Bill; and the Official Secrets Act (Amendment) Bill.

- i. **Social Justice Bill** – (first introduced in 1999). The aim of the Social Justice Bill was to implement Chapter 5 of the 1997 Constitution which requires Parliament to make provision for a framework for decisions on policy and legislation for affirmative action in land, housing, education, training, participation in commerce and in all branches of service of the Government. The Bill went through the first reading in Parliament in 2000. This year, the new Social Justice Bill was enacted as the Social Justice Act No. 1 2002.
- ii. **Official Secrets Draft Bill** – The Bill attempts to control the unauthorized obtaining or disclosure of official information. This is currently with the First Parliamentary Counsel
- iii. **Code Of Conduct Bill** -\_The purpose of the Code of Conduct Bill is to provide an integrity code containing standards of conduct for all public office holders (including the judiciary) as required by the Constitution. This is currently with First Parliamentary Counsel.
- iv. **Cinematographic Amendment Bill 2000** - The Bill seeks to amend the Cinematographic Films Act of 1971. The Bill is currently with the First Parliamentary Counsel.

## **D. SECRETARIAT ACTIVITIES**

In actively pursuing its interest in the Criminal Justice Reference and providing sound policy advice, the Commission serves as Secretariat on two committees. These committees have proved useful for the Commission in forging links with criminal justice agencies and alerting the Commission to the practical difficulties encountered by the agencies in their daily operations.

### **(i) Criminal Justice Council**

#### **Background**

The Council came into being after the National Economic Summit, which was held in 1995 and was the direct result of recommendations by the Law and Order Task Force to Cabinet. The Council was established in December 1995.

The broad objective of the Council is to provide formal consultative mechanisms that will ensure efficiency in the administration of criminal justice.

### **Membership**

The membership of the Council is as follows:

- The Chief Justice's nominee and Chairman: Hon. Justice Michael Scott (1995-1997 ) Hon. Justice Daniel Fatiaki (1998)
- The Secretary for Justice
- The Solicitor General
- The Director of Public Prosecution
- The Commissioner of Police
- The Commissioner of Prisons
- The Chief Magistrate
- The Director of Social Welfare
- A representative of the Fiji Law Society

### **Work Programme**

The main topics of interest to the Council in 1997 were:

- juvenile justice;
- Crime and justice statistics proposal; and
- The general administration of the courts.

Due to the work commitments of Judge Fatiaki in 1998, the Council did not have any meetings.

In 1999-2000, the Council held three meetings.

### **(ii) Civil Rules Committee**

#### **Background**

The legal profession has expressed concern about the present civil court rules. An informal rules committee had existed prior to 1995 but had since become inoperative.

In 1996, the then Attorney General Ratu Etuate Tavai agreed that such a Committee needed to be resurrected as it was an essential part to ensuring that efficiency be achieved in the administration of the courts.

## **Membership**

The members of the Committee were as follows:

- Chairman-the Hon. Mr. Justice M Scott;
- 2 Fiji Law Society representatives Mr. Peter Knight and Mr. Subhas Parshotam
- Chief Registrar: Mr. Moti Rai
- Deputy High Court Registrar (Legal): Mrs. Madhuri Sharma

The Civil Rules Committee is expected to resume meeting soon.

## **E. FLRC STAFF CORE**

### **Training of Staff**

All staff members are encouraged to evaluate their own training needs and to discuss with the Director any training or development opportunities, which they may view as beneficial for themselves, and the Commission. The Commission is well aware of the benefits of the appropriate training and makes every effort that the staff has the chance to participate in training programmes in Fiji and abroad. In the past, the Commission has (with the Public Service Commission and AUSAID) identified Legal Officers to pursue short attachments. In 1998, Legal Officer Diana Buresova was seconded to NSW for a month long attachment.

### **Computerization**

Apart from the clerical staff, all professional staff have access to computers for research tasks and the general administration of references for which they have responsibility.

The Commission recently installed a network system, which has accelerated the speed and performance of some of the lower capacity computers in the office. The features of this system are: back up facilities for easier file management, file sharing capabilities, printer sharing and access to databases that are being established by the librarian as part of the Commission's filing system.

The benefits that have accrued to the Commission as a result of the computerization are:

- there is greater flexibility and efficiency exercised by professional staff in research, writing and the management of references;
- the general administration of the Commission has also been made easier;
- it has been vital in maintaining the Commission's output of publications; and
- access to international/regional bodies and other government departments.

## **Library**

Changes to the Commission's role and work requirements has made it necessary that it improves its ability to develop the capacity to use research material from whatever resources available. In response to that process, the library also needs to increase its efficiency in meeting time frames and publication dates in its quest to assist in the dissemination of information and the publication of the Commission reports.

Due to the time and manpower constraints within which the library functions there has been a move towards seeking avenues and solutions in this regard. This has been approached with a view that solutions arrived at will symbolize the library's long term plans to play its part in providing information in an efficient manner.

The view is to be part of an integrated information system that will enable rapid and accurate access to research information and internal practices and processes that will improve secretarial and administrative support.

The library has opted for a multi media approach. It has created a number of digital databases that include local judgments, reference texts, Law Reform Commission publications, gazettes to duplicate material with the library and which are continually updated. There has also been a push to acquire digital reference material such as reference texts on CD's and videotapes.

Another project is the construction of a homepage on the Internet, which will contain information such as the Commission's publications, newsletter and professional staff. The installation of Internet facilities has seen a quantum leap in terms of the accessibility of information and faster communication, which has given the library and the Commission a more comprehensive research facility. The internal office computer network has been adapted to access the library database and the distribution of Internet research material. This network serves as a first point of reference of library materials.

These various undertakings have seen the library evolve in its traditional role while pursuing its objective to becoming an integral part of the law reform process.

## **OUR STAFF**

The Commission staff is as follows:

- Chairperson - Vacant
- Director (Acting) - Major Kiniviliame Keteca
- Senior Legal Officer - Rajeli Vasakula
- Legal Officer - Sotia Coutts
- Legal Officer - Pratibha Raj
- Legal Officer - Vukidonu Qionibaravi
- Secretary - Vilimaina Nabulagi
- Assistant Librarian - Vacant
- Executive Officer - Melini Todua

- Clerical Officer - Kenneth Gortz
- Typist - Salanieta Nawaqavou
- Messenger - Jone Vaniqi
- Driver - Timoci Naibose

**Chairperson:** Mr. Rabo Matebalavu was appointed Part Time Chairperson in 1997. His appointment was for a year and expired in October 31 1998. The Chairperson's post is vacant.

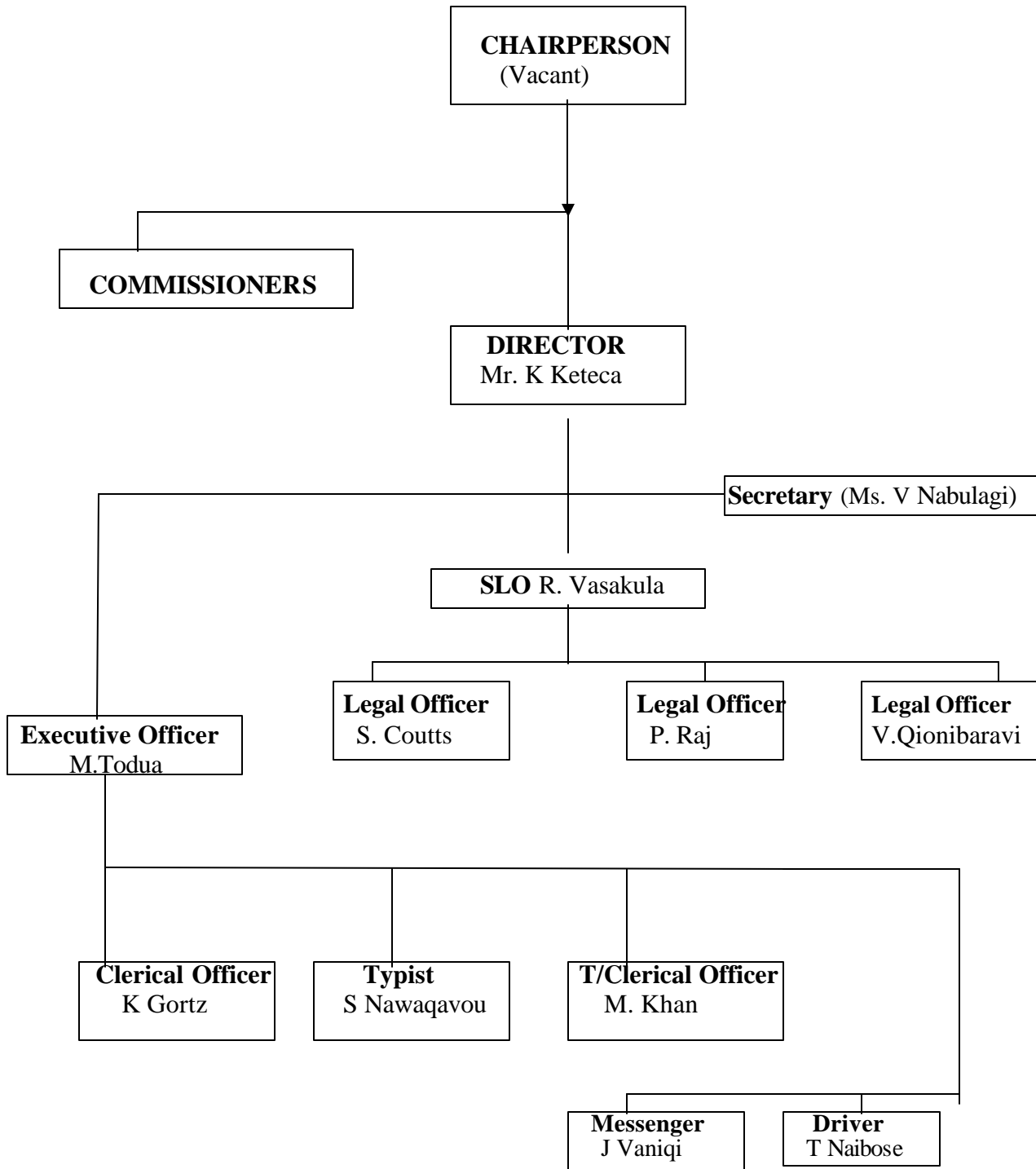
**Director:** Ms Florence Fenton was Director from 1996 and resigned in 1999. Mr. Walter Rigamoto joined FLRC in December 1999 till September 2000 where he was seconded to the Constitutional Review Commission. Mr. Kiniviliame Keteca, the Principal Legal Officer from Fiji Police Force has been Acting Director since September 2000.

### **Office Accommodation**

The Commission is located at Level 5, Civic Tower, Suva. Please address all correspondence to :- Fiji Law Reform Commission  
 PO Box 2194  
 Government Building  
 SUVA  
 (Ph No: 3303900, Fax No: 3303646, E-mail: [info@flrc.gov.fj](mailto:info@flrc.gov.fj) )

*(Picture FLRC Staff 2002)*

**ORGANISATION CHART AS AT 30 DECEMBER 2001**



## **F. COMMISSIONERS AND STAFF 2001**

### **Part-Time Commissioners**

Hon. Justice Michael Scott	:	Pre-Trial Procedures and Committal Proceedings Reference
Hon. Justice Daniel Fatiaki	:	Chairman, Bribery and Corruption Reference
Mr. Tomasi Vakatora	:	Bribery and Corruption Reference
Ms. Vasantika Patel	:	Bribery and Corruption Reference
Professor Robert Hughes	:	Wills and Succession Reference
Professor Mark Findlay	:	Sentencing Reference
Hon Justice Anthony Gates	:	Penal Code & Criminal Procedure Code Reference
Ms. Mere Pulea	:	Offences Against Children

### **Professional Staff**

Chairperson	:	None
Director	:	Walter Rigamoto (Appointed in Dec 1999. Reposted in September 2000 to join the Constitution Commission then posted to Elections Office as Supervisor of Elections July 2001)
Acting Director	:	Major Kiniviliame Keteca (Appointed 20/9/00)
Senior Legal Officer	:	Asenaca Uluiviti (transfer:Second Secretary to Fiji's Permanent Mission to the United Nations, June 2000)
Legal Officer	:	Raijeli Vasakula (Scholarship to study LLM in the Netherlands 4/7/00-31/8/01)
Legal Officer	:	Josefa Raikadroka (Appointed 4/01/00)
Legal Officer	:	Ropate Lomavata (appointed 4/01/00 transferred to A G's Chambers, Labasa, June 2000)
Legal Officer	:	Pratibha Raj (Appointed 28/02/00)
Legal Officer	:	Vukidonu Qionibaravi (Appointed May 2001)

### **Support Staff**

Acting Secretary	:	Vilimaina Nabulagi
Typist	:	Ecelima Dreu
Temp Typist	:	Salanieta Nawaqavou
Librarian	:	David Waqanivalu (Seconded to Human Rights Commission January 2000, returned to FLRC January 2001)
	:	Shalen Kumar (Appointed 01/01/00, transferred to Office of the DPP Oct 2000)
Senior Clerical Officer	:	Tamari Marawa (resigned to join Human Rights Commission in April 2000)
Clerical Officer	:	Kenneth Gortz
Clerical Officer	:	Maureen Hassan (TR) (Appointed June 2000 transferred to Ministry of Health March 2001)
Driver	:	Timoci Naibose
Messenger	:	Jone Vaniqi