



FIJI PARLIAMENTARY REPORTERS' HANDBOOK



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Cover Image: Attorney-General and Minister for Economy, Public Enterprises, Civil Service and Communications and Minister for Economy, Hon. Aiyaz Sayed-Khaiyum being interviewed by the media. Image credit: The Fijian Government



Fijian Parliament Building. Image credit: The Fijian Government

Foreword

The purpose of this handbook is to assist journalists in the task of reporting the proceedings of the Parliament of Fiji. It is designed to be read in conjunction with the Parliament of Fiji Handbook.

This Reporters' Handbook provides practical guidance and advice for those carrying out the important role of writing news reports on parliamentary deliberations.

This document will take you through the challenges you may face in reporting on Parliament and how you may overcome them.

Because Parliament can sometimes be a complex institution, where doubt exists over a story, advice should be sought from your editor or line manager on how to proceed.

This can be in matters of fact, or interpretation of what has happened in Parliament.

As always let impartiality, accuracy, balance and fairness be your guide.

In the appendices to the Guide, we have included references to the Freedom of Speech provisions of the Fijian Constitution, as well as relevant Acts that will have an important bearing on the important work you will do as parliamentary reporters.



Opening of The Fijian Parliament. Image credit: The Fijian Government

Freedom of Speech

Fiji's Constitution enshrines the right to free speech for its citizens, and that extends to the right to freedom of "expression, thought, opinion and publication".

The Constitution specifically recognises "the freedom of the press, including print, electronic, and other media".

That right does not extend to "incitement to violence or insurrection" or "advocacy of hatred". There is scope in the Constitution to "limit ... the rights and freedoms ... in the interests of national security, public safety, public order, public morality, public health or the orderly conduct of elections". There are also constitutional safeguards for "the protection or the maintenance of the reputation, privacy, dignity, rights or freedoms of other persons including the right to be free from hate speech, whether directed against individuals or groups".

It also protects the "rights of persons injured by inaccurate or offensive media reports to have a correction published on reasonable conditions established by law".

Under the law, the right to free speech, expression and publication comes with special responsibilities outlined in the Constitution for individuals and media organisations. The Media Industry Development Authority (MIDA) is tasked with the responsibility of the registration, regulation and conduct of media organisations.

That is the environment in which Fijian journalists work, and is the starting point for this Media Guide to Parliamentary Reporting.

(We recommend that you read the full excerpt from the Constitution of the Republic of Fiji: "Freedom of Speech, Expression and Publication" in Appendix 1 of this booklet.)

Role of the Media

While the Member of Parliament (MP) is an elected representative, a reporter sent to cover parliamentary proceedings is also a type of representative of the people.

Although they are unelected, they are nonetheless in a position of trust that they will present a fair and accurate account of the deliberations of the Parliament without bias.

In order to do so they must have a working knowledge of the Parliament and its rules, as well as the rights and privileges of the Members.

As in rugby, knowing the rules is the difference between enjoying the game and not being able to follow it.

(See Rights and Responsibilities of MPs page 1 and 2, Parliament of Fiji Handbook.)

Media Industry Development Act 2010

This is a law that oversees the workings of the media in Fiji.

For journalists, one of its most important sections deals with media content.

Part 4 of the Media Industry Development Act 2010, which was previously a decree, specifically states:

The content of any media service must not include material which –

- a. Is against the public interest or order;
- b. Is against national interest; or
- c. Creates communal discord.

The Act also makes provision for the Media Industry Development Authority (MIDA) to investigate breaches of the Act, or relevant codes, and refer the matter to the Media Tribunal for determination. (The functions of the Media Industry Development Authority are outlined in Appendix 2.)

Further, the relevant minister has the power to issue an order prohibiting publication or broadcast of material he has “reason to believe” may “give rise to disorder ...result in a breach of the peace, or promote public disaffection or public alarm, or undermine the Government or the State”.

Media Code of Ethics

Schedule 1 of the Media Industry Development Act 2010 specifically deals with a Code of Ethics and Practice that covers any journalist, editor, publisher, producer, or any employee or agent of any media organisation.

The foremost requirement of the Code is the need to ensure that accuracy, balance, and fairness are key considerations in the execution of your work.

The 34-point code also covers other considerations you should make when it comes to securing interviews, handling corrections, and other matters.

(Schedule 1 of the Media Industry Development Act 2010, “Media Code of Ethics and Practice”, can be found in Appendix 3.)

Rules of Parliament and Parliamentary Reporting

When a news organisation sends a reporter to cover Parliament they will be familiar with that outlet’s rules on style, copy length, filing deadlines and the like.

But, as with court reporting, there are significant rules or practices of which they should be aware in order that their reporting does not get them into trouble.

Reporting on Parliament is largely devoid of restrictions, but there are some rules of parliamentary debate that should be noted when collating stories.

Due attention should be paid to unparliamentary conduct and unparliamentary language and how to report it. In the Westminster system each parliament, and especially the Speaker, decides what is unparliamentary language or conduct.

It is very rare for an offensive word used by an MP to be expunged from Hansard (the official Parliamentary Record), but it can happen.

Normally the Speaker can require the word to be withdrawn. Once that is done, the exchange, including the offending word, is recorded in the official record along with the required withdrawal.

You are free to report this, making sure to point out the phrase was withdrawn. There are cases where an MP has refused to withdraw. In such cases the Parliament has to decide how to handle that relatively rare occurrence.

In some cases, an MP may try to read onto the parliamentary record sensitive material. It could be of a political or legal nature in which case extreme caution should be taken in reporting it. In the normal course of events the Speaker would rule on this. You should take heed of these rulings, because, while the MP raising the information in the House is immune from legal action, if you repeat it outside the chamber in your reporting you will not be afforded such protection.

It all depends on the nature of the material, of course. There may be a case that to publish it is in the public interest, but these decisions should always be taken in consultation with your editors and legal advisers.

When covering Parliament, you will hear interjections made, and they will be quite audible if you record the proceedings to assist your note taking. Can you report these?

This is an interesting point. Because you have the taped evidence that it was said, you could make the case for it to be published.

There are many such interjections in the hurly burly of Parliament. Hansard takes the view that it will not appear in the official record if it is not directly responded to.

In many instances, they are just minor asides during the debate, but you will find that the Speaker may require the remark to be withdrawn, if in fact she or he hears it, which is not always the case.

On other occasions the attention of the Speaker may be drawn to the remark, by an MP who takes objection to it. It would then be up to the Speaker to take action, which would normally be a withdrawal.

It is also important to note that during a debate an MP may inadvertently mispronounce a name or place and mix up a number or quantity of something.

That member has the right to correct the public record by approaching Hansard and making the correction. So what you heard in parliament, and duly reported, may not be right.

These cases are usually no more than human error, and do not occur that often. Just be aware that when it comes to names, places, dates, figures it is normally always worth double checking.

To report well, it is also important to be familiar with the broader constitutional provisions that govern the conduct of the Parliament in relation to parliamentary sessions, quorum, voting, parliamentary committees, standing orders, petitions, public access and participation, parliamentary powers, privileges, immunities and discipline, as well as the powers to call for evidence.

(Relevant sections of the Constitution are included as Appendix 4.)

Parliamentary Privilege

The concept of parliamentary privilege has its origins in the British Parliament and has been adopted around the world by nations that adhere to the Westminster system of parliamentary democracy, including Fiji. Parliamentary privilege is designed to allow MPs to discuss and consider issues of national importance from all angles, without the fear of being sued.

Parliamentary privilege means that MPs are granted immunity from prosecution for slander and libel while they are in the House. It would be a different matter if what they said was repeated outside Parliament, where they could be liable to face prosecution.

Reporting on controversial statements made within the Parliament can pose a dilemma for reporters who are not covered by parliamentary privilege. A journalist must be cautious when relaying news that could be interpreted as slander or libel in the public arena. There may be a case for the information to be published in the public interest, but that is something your employer needs to be prepared to fight in the courts.

There have been instances where the public interest test has been confirmed, but – equally – there are many cases where it has not.

As ever, caution in these circumstances is advisable, and if you do proceed down this path, do so with the consent of your editor and/or legal advisers.

Mechanics of Parliament

Explanations about the various office holders and those who support in Parliament are well covered in the Parliament of Fiji Handbook.

But for reporters some of them are crucial for planning your stories.

You should familiarise yourself with the meetings of the Business Committee which, in the lead up to the parliamentary sitting days, will give you the first indication of when MPs will deliberate and what they plan to discuss.

The discussions of the Business Committee are presided over by the Speaker.

The Prime Minister and three other representatives from the Government along with the Opposition leader and three other opposition representatives also attend.

A key consideration for this body is that it should achieve unanimity or compromise in its decisions.

(An explanation of the workings of the Business and other Committees can be found on Page 33 of the Parliament of Fiji Handbook.)

The outcome of their meeting will be reflected in the Order Paper, which is published just before the House sits. For parliamentary reporters this is the equivalent of ensuring you have a copy of the agenda, so you can follow the sequence of events when the House sits.

Typically, it will alert you to what papers and documents may be tabled, the oral questions that will be asked, and the sequence of business, such as ministerial statements and consideration of bills.

It should be noted that once Parliament begins deliberating, the Parliament may choose to change the order of proceedings on the Order Paper to suit its priorities. It may want to progress legislation quickly, so that it takes precedence over all other matters, or there may be the need for the Prime Minister or a minister to make a statement to the House.

This is usually in response to something that has emerged on the day, such as a national disaster which requires the Government to respond.

Urgent legislation does not need to be on the Order Paper to be introduced and the Speaker need only be given one hour's notice for all ministerial statements.

The following are some of the key things you need to know about the Parliament and its functions:

Speaker

Knowing the roles of the key players in Parliament, such as the Speaker, is a key requirement for parliamentary reporters.

Knowledge of what they do will inform the pursuit of your story.

The intervention of the Speaker can be crucial in determining where your story goes.

Attention to the Speaker's rulings is important, in much the same way as a judge's ruling is important in a legal case.

(The Role of Key Actors In Parliament is explained on Page 4 of the Parliament of Fiji Handbook.)

Secretary General (Secretariat)

The Secretariat is the body with which parliamentary reporters will have most interaction when the House is sitting. The Secretary General of Parliament leads the Secretariat.

As well as being responsible for the running of the Parliament and its precincts, the Secretary General also advises the Speaker on Standing Orders and other procedures when the House is in session. In other parliaments this position is known as the Clerk of the House, and the person who occupies that role is crucial to the smooth running of the Parliament and its precincts.

The media officer is also a part of the Secretariat. That person is your first point of contact for getting copies of papers tabled in the House, and any other queries about facilities in the media room and the press gallery (seating in the House for parliamentary reporters).

The Secretariat is also responsible for the Media Guidelines, which are posted on the Parliament website, which it also administers.

The website is a useful place to get copies of bills and papers referred to in Parliament.

The Secretariat strives to post them in a timely manner, but for a variety of reasons, in some limited cases, that doesn't always happen.

A handy document to collect when Parliament sits is the Minutes Paper, which is a succinct summary of what happened on the previous sitting day. It is a companion document to the Order Paper, which is like the agenda paper for the current day's sitting.

Standing Orders

You should obtain a copy of the Standing Orders and have them on hand when you are sitting through parliamentary debates.

Unless you do this you may not be able to understand what they are talking about, because they constantly refer to Standing Order numbers.

A copy of the Standing Orders will enable you to get a quick definition of the order and what it refers to. Before too long you will learn what is being referred to. It will make your ability to follow proceedings that much easier.

Interpretation is an important consideration.

It should be made clear in your reports that what the Government says about a bill is their view of what it will do when passed.

The Opposition on some occasions may have a differing view on the effect of the legislation.

When reporting legislative debates make this clear, for example: 'The Government says the bill will xyz ... but the Opposition believes it will...'

It is important to familiarise yourself with Standing Order 51 (SO 51) . This order allows for motions to be passed before the Parliament without prior notice.

SO 51 can be invoked quickly, usually without warning, and invariably leads to a flurry on the floor of the House. Again, knowing what is going on will help you get a head start in understanding what, in many cases, may be your lead story.

Hansard

Hansard is the official record of parliamentary proceedings. It is the name for the verbatim transcript adopted by many Commonwealth parliaments, including Fiji.

Thomas Hansard was the first official printer to the Parliament at Westminster in London, in the early 19th Century.

(See Page 16 of this document for more about Hansard as a news source.)

Broadcasting of Parliament

In Fiji, Parliament is broadcast on radio and television, and streamed live on the internet, via the Parliament's website.

Reporters are free to tape and re-broadcast excerpts from the proceedings.

Press Gallery

Media practitioners who regularly cover parliamentary news often choose to form a Press Gallery. This is a loose association of journalists, photographers, camera operators and other media reporters.

Some Press Galleries share the administration of the credentialing of parliamentary reporters, and assist Parliament's presiding officers to draw up access rules for those media workers sent to cover the proceedings of the House.

It can be a useful body that can act as a conduit between the journalists and the Parliament in ensuring the smooth running of the legislature.

A Press Gallery can provide a point of contact for the Parliament when it wants to quickly resolve issues that may arise involving individual journalists, concerning matters of proper accreditation, access, and other issues that arise during the discharge of their reporting duties.

A Press Gallery can also act as a body that facilitates contact between media workers and MPs on an informal basis, through such activities as sports events (Gallery versus Politicians) or dinners, where political leaders could be invited to give less formal speeches.

Such activities have been known in many jurisdictions to improve the relationship between MPs and working journalists, by getting together in less adversarial situations.

Please note the term 'press gallery' can also apply to the physical space in the parliamentary chambers where journalists are allowed to sit and cover proceedings. The Fiji Parliament has just opened a new press gallery, and also has a media room below the chamber where journalists can watch proceedings on a television screen.



Members of the Fijian media at a press conference. Image credit: The Fijian Government

Sources of News in Parliament

For journalists, Parliament is an important source of information for stories.

If the story doesn't originate there (through legislation or debate) it will return to the Legislature in some form, at some stage.

The community will ensure important issues are referred there for debate or for reform through legislation.

Indeed, issues raised and reported by the media play a crucial role in this process.

Impartiality is an important consideration. Reporters have an obligation to present a fair and accurate account of proceedings.

Statements made in the House (for and against a proposition) should be conveyed to readers, listeners or viewers in a balanced manner.

This can be difficult to achieve in a parliamentary setting, due to the cut and thrust of debate in the chamber.

In some instances, a contrary stance to a statement may be difficult to obtain, but efforts must be made to secure it.

Some of the sources of news for parliamentary reporters are covered in the following sections.

Question Time

Question time is probably the most information-rich part of the parliamentary session. It is the time when questions get asked of ministers. Petitions are tabled prior to Question Time. Motions are usually proposed after Question Time. Keep a close eye on these for story leads.

Written questions and written answers are another source of stories. Look out for them. It could also be a story if the Minister has failed to answer in the required time. The circumstances surrounding this could be of public interest. This is another occasion when a copy of the questions would assist you in the formulation of any story.

Oral questions are a big opportunity for the Minister to be tested on the floor of the Parliament. It is perhaps one of the few avenues for questions to be asked of the Minister without notice.

In other parliaments, Questions Without Notice may sometimes provide the richest source of information. It is down to the nimbleness of the Minister to answer and deflect any implied political attack in the question.

In Fiji, the provision for supplementary questions probably comes closest to Questions Without Notice in other jurisdictions.

(Question Time, Written and Oral Question procedures are fully explained on Pages 15-17 of the Parliament of Fiji Handbook.)

Bills/Debates on Legislation

Learning how legislation is prepared, debated and enacted is basic knowledge needed by a parliamentary reporter.

Once you appreciate the genesis and development of laws you have mastered a key requirement of your craft.

Keeping track of the passage of a bill through the Parliament can be time-consuming, but once you know how to read and interpret (to a basic degree) legislation, you can distil key points and inform your audience.

Getting details right is important. Until the bill is signed into law it remains a “proposal”, and you should take great care to point that out.

Similarly, where an amendment is suggested, until it is passed, it remains a “proposed change”. These things can be important to citizens who may believe they are adversely affected by legislation, when in fact bills are often changed after public consultation, and to avoid instances of unintended consequences.

Sitting through parliamentary debates can be tedious, but if you have time and the inclination they can be quite instructive in coming to grips with the nuances of some issues.

This is also where you will see who are the good practitioners of the art of parliamentary debate. Good orators are very rare, and it is on the floor of the House where you will find them.

(For more on how legislation is developed and passed into law, see Page 6, Parliament of Fiji Handbook.)

News Conferences

Ordinarily, the Government or the other parties alert reporters to news conferences to announce something, or to make themselves available to comment on an issue.

They would normally commence with a statement by the person, or persons, that have assembled to take questions.

It is also accepted practice that once questions on the matter in hand have been exhausted, the reporters are entitled to ask questions on other matters. They would normally be on other issues that have arisen outside the parliament but may be relevant to the Minister's portfolio, or ones that affect the Government as a whole.

“Doorstops”

Doorstops are less formal news conferences. They typically involve a journalist, or journalists, approaching an MP for comment in the approved access zones within the parliamentary precinct, or practically anywhere in public.

In some circumstances, the MP may not want to comment, but depending on the importance of the story it is within the right of reporters to ask questions to a reluctant subject, if in pursuit of the story, they do not harass or physically bar that person from going about his or her business.

(See reference to 'Harassment and pursuit' in the Media Code of Ethics and Practice in clause 4 of Schedule 1 in the Media Industry Development Act. Also refer to the Guidelines for filming and general media rules published on the Parliament's website, www.parliament.gov.fj)

Committee Hearings

Public meetings of committees are a very important source of parliamentary stories, outside regular sitting days.

In Fiji, all Bills (not moved under urgency) and all annual reports are referred to the committee for consideration.

Because committees will usually hold public evidence sessions they can be of public interest, so when a committee hears evidence in public you should try to make it a priority to cover it. In some cases a witness may request to give evidence on camera (in a closed session of committee members only) in which the committee room is cleared. The grounds on which a committee can go into private session are very limited in Fiji. The Standing Orders outline the rare occasions, such as for a reason of national security, when this might be possible.

Generally, the rules of reporting committee proceedings are the same as those for Parliament. The recording of committee proceedings in part or in full is permitted, but on some occasions, the committee may choose to deny that permission for legal or other reasons.

You should check if you can get access to submissions and other papers that are tabled. If the committee does not have sufficient copies, the witness may be able to provide some, or you may be able to make arrangements to get a copy emailed to you.

Bear in mind the evidence given “in committee” is just that. It is designed to inform the Parliament, and what they decide to do with it is the preserve of the Parliament. It is common for Parliament to note or delay acting on recommendations from committees.

Reporting of committee proceedings should be specific.

Alert your audience to the fact that it is not the Parliament, but a committee of the Parliament, that has been told something.

Reporting of such proceedings are typically along the line of: “X has told Parliament’s X committee... such and such etc.”

(For more on how committees work, see Page 11 Parliament of Fiji Handbook).

Committee Reports

It should be noted that prior to a committee reporting to Parliament, members of that committee can be divided.

Committees aim to reach consensus in their reports, but you should look closely through the body of the report to see if, in the narrative, there is evidence of dissenting opinion on some issues covered.

Sometimes details of the most contentious findings by the committee can be leaked, prior to being considered by the Parliament. This has happened in many countries. The House usually takes a dim view of such things, and may decide the action is in contempt of the Parliament.

Ministerial Statements to House

These can be quite common, and allow the Government to give prominence to an issue. It could be a policy announcement or a response to an issue that has emerged outside the Parliament, or even outside the country.

On some important occasions, such as a national disaster, the Prime Minister makes a broad statement followed by further detail from certain ministers on the response from their portfolios to the issue at hand.

The Minister can speak for up to 20 minutes. The leaders of the opposition parties, or their delegates, are allowed to respond for five minutes each.

Petitions

Petitions allow citizens to gather signatures and elevate a specific issue to the national level. They are potentially very important, depending on the content of the petition. Something that comes from the grass roots of the community can make its way to the national political agenda, and be the start of an ongoing story.

This is especially the case if it attracts the attention of Parliament, and is referred to a committee for further investigation.

Petitions that are in order will be discussed in the chamber. The Government will usually need to justify why it is voting against sending a petition to committee.

(The procedures governing petitions are explained on Page 18 of the Parliament of Fiji Handbook.)

Motions

There are a variety of motions that come before the House.

One of the most important is probably the no confidence motion. It is rare for such a motion to be moved, let alone passed.

But, in political reporting, you should be aware of any remote possibility, so that when it occurs you can recognise what is unfolding and appreciate its significance.

Another important motion is a dissolution of Parliament motion, which, if passed, sets in motion an election campaign. There are, however, significant conditions surrounding such a motion, chief of which is that there is a lack of confidence in the Government.

When a former Prime Minister, MP or other significant public figures die, the Parliament may choose to move a motion of condolence as a mark of respect so that person's passing may be noted.

The motion allows anyone in the House to say a few words about the person and their contribution to public life.

(Read more about Motions on page 20 of the Parliament of Fiji Handbook.)

End of Week Statements

These statements can provide interesting items of local or national interest. They may be ones to bookmark and return to at a later, less busy, stage.

Members' Business

Friday is usually set aside for the consideration of non-Government business.

Be aware of the possibilities of this day to generate stories. It is one of the few days in the parliamentary sitting days calendar which, in theory, is not driven by the Government agenda. It could provide some interesting perspectives on debate of issues which may not be routinely discussed.

Hansard

It is good practice for parliamentary journalists to review the Hansard when it is published.

Hansard is the official record of parliamentary proceedings. You will see Hansard reporters on the floor of the Parliament taking shorthand notes of everything that is said.

They will cross check those notes against a tape of the proceedings to ensure the accuracy of their transcript.

As a further check, MPs have seven days to peruse what's known as a "galley proof" or a first draft of proceedings by Hansard, to enable them to correct errors, like mispronounced names or places, or figures that are wrong. Apart from those things, they cannot change what they said in the House.

Because Parliament is subject to an avalanche of information on certain days, it is inevitable that potentially good stories could go unnoticed.

Therefore it may be worthwhile to scan the Hansard to pick up pieces of information that escaped your attention, and could form a lead for a story.

Be aware that there can be a delay in the publication of the Hansard with the correction, due to the seven-day period for amendments to be made. As an interim measure efforts should be made to get an unofficial copy.

Government Gazette

This document is like the official Government newsletter. In it you will find details of legislation that has been signed into law by the President.

Certain regulations will also be proclaimed. Regulations covering a variety of activities are ones the Government can invoke without reference to Parliament.

They are usually of a technical nature, and are generally to do with the implementation of legislation that has already passed through the Parliament.

The Gazette is also the place where announcements of appointments and resignations in the public service are made.

Social Media

It is a fact of modern life that social media platforms are where, increasingly, people are turning to get their news.

News organisations use many of these platforms to offer their product to readers, viewers, and listeners. That is a positive, as is the proliferation of Twitter, which can be a means of harvesting vital information, especially when news breaks.

But, the challenge for traditional news services is to treat this new media with caution. Often the information is unsubstantiated, anonymous, and not subjected to the standards expected of mainstream journalists.

Anonymous blogs can be quite damaging in the political arena, and while they might divulge sensitive information, they can also be purveyors of slander and libel.

Extreme care should be taken when dealing with information on social media. Be aware that, while it may be a good source, it must stand up to the rigour of intensive investigation and meet all the requirements of the Media Code of Ethics.



Press interview. Fiji Ministry of Health. Image credit: The Fijian Government



Attorney-General and Minister for Economy, Public Enterprises, Civil Service and Communications and Minister for Economy, Hon. Aiyaz Sayed-Khaiyum, 2018/19 Budget Roadshow. Image credit: The Fijian Government

The Political Cycle: Elections and Budgets

Elections and budgets are possibly two of the biggest events in the political cycle.

Elections

Voting for the election of Members of Parliament takes place every four years in Fiji.

When an election is called, the fairness and accuracy expected of parliamentary reporters is subject to the provisions of an Electoral Act.

Balance is also a major requirement, so that all parties get a fair share of exposure in print and the electronic media.

The Act has conditions relating to the conduct of the election campaign and the voting itself.

It also imposes some restrictions on reporters, such as a media blackout in the 48 hours prior to polling day, and a ban on the publication of opinion polls in the seven-day lead-up to the vote.

The Act specifically forbids:

“... a media organisation to publish, print or broadcast any campaign advertisement, debate, opinion or interview on any election issue or on any political party or candidate”.

But, prior approval from the Media Industry Development Authority can be sought, so that:

“During the 48 hour period prior to polling day and on the polling day until the close of polling at all polling stations, any publication or broadcast by any media organisation relating to the election ” can be made.

It is also worth familiarising yourself with the election campaigning rules so that you have full background should the Decree be breached.

(See more on the Electoral Act and how it affects the media in Appendix 5.)

Another important law in the context of elections is the Political Parties (Registration, Conduct, Funding and Disclosures) Act. As the name suggests it governs the establishment of political parties, the way they conduct themselves and how they are funded.

Budgets

A Budget is arguably the most important single annual event a Government will manage during its term of office.

The Budget gives the governing party the opportunity to give effect to its policies by deciding how much will be spent on a range of activities.

It also allows the Government to decide how much money it will raise through taxes and charges to implement its agenda.

This task is far from easy, because the Government of the day is always called upon to fund an ever increasing array of things.

Its popularity can also plunge if it does not spend enough in the right areas, or if it raises its taxes and charges too high to meet expenditure requirements.

There is intense public interest in the so called Budget process, which begins with months of consultation with the community about what should be in the Budget.

That all culminates with the presentation of the Budget.

(See page 24 of the Parliament of Fiji Handbook for an explanation of how the passage of the Budget works.)

For journalists, the so-called “Budget Lock-Up” is an important day in the parliamentary reporting calendar.

It is called a “Lock-Up” because reporters are literally locked up with Government officials and given access to Budget documents, ahead of its official release.

Because of the market sensitive nature of some of the material they will see, journalists are required to surrender mobile phones at the door of the Lock-Up and are denied internet access, so that information is not leaked to people who might take advantage of it.

Reporters usually spend their time in the Lock-Up getting an understanding of the material, seeking explanation of the detail from officials available to them. They are also able to get a start on their stories, which can be published or broadcast once the relevant minister (Minister of Economy) starts his or her Budget Speech in the Parliament.

Typically much of the so-called “good news” is leaked to some sections of the media ahead of the Budget Speech, but there is usually some news in the speech when its delivered.

The challenge for the media that go to these Lock-Ups is to try to find further details in the documents which may explain how measures are going to work, or more importantly, be paid for.

It is these things which set the tone for the Budget debate that follow the presentation of the Budget, and form the basis of political discourse for months.

Context and Analysis in Parliamentary Reporting

It is the duty of journalists to report current developments in the parliamentary arena, but readers, listeners, and viewers also must know background.

It is useful to remind people of how a story got to its current stage.

Getting access to information sources (such as copies of Bills etc.) is essential to provide this background, which enhances your coverage and gives context to your reports.

Every Bill that comes before the Parliament has contained within it a summary of what it proposes to do and who could be affected by it.

The Parliament’s research department also produces a Bill analysis for every bill presented to the Parliament.

This is a simple easy-to-read summary of the Bill and the main content. It is available from the library and research unit of Parliament and published on the Parliament website.

Tapping into this source of information will greatly benefit your reporting, but the public appreciates analysis rather than just the bare bones of what the Government says, and what the Opposition says.

We must not assume the public has been following the ins and outs of every story that comes out of Parliament.

We must not assume the public has been following the ins and outs of every story that comes out of Parliament.

Get into the habit of providing a succinct paragraph or two to explain the story so far.

You can then build on this by quoting relevant experts (academics or others) on the likely effect of a Bill, the possible consequences of a government decision, or the need for further investigation of an issue.

This gives context to your story and makes it easier for readers to get access to, and perhaps engage with, the information you are conveying to them.

General Notes on Covering Parliament

Don't get bogged down in reporting the machinery of government, or the fine detail of parliamentary procedure.

For a start it will take up too much valuable space in your report, and will be of limited interest to your readers, viewers or listeners.

By learning to follow what is happening in Parliament you will become adept at conveying in succinct terms what has happened.

People are more interested in getting the key quotes and explanation of what happened in Parliament rather than the number of points of order that were taken, or the number of divisions required to get the outcome.

In all but the most unusual situations, that sort of thing can be encapsulated in something like: "After a protracted debate, lasting almost three hours, Parliament has decided to... etc."

The key point is not really how they got there, but what they said and decided and the significance of those actions.

Coping with the multiplicity of stories coming out of Parliament will always be a challenge. Learn to prioritise stories. Go with the ones that are current and the most newsworthy. Bookmark a story and return to it when time and key information become available.

Caution should be exercised in using some legislative terms without explanation. They can have specific legal meanings.

Care should be taken not to dilute meanings of terms in order to assist your readers' understanding.

By all means use simple language to try to explain complex issues, but not at the expense of oversimplification, whereby different meanings may be conveyed.

The MP-Reporter Relationship

MPs rely on journalists as a means of interacting with the communities they represent.

Equally, the community expects journalists to be fair and accountable in the way they report the MPs' activities. That means subjecting the members' statements and actions to fair and reasonable scrutiny.

A media report should never be a government or opposition press release. Your story should give both sides of an issue. If this is not possible, explain to the readership the efforts you have made to present a balanced report.

Attempting to get information out of an MP, a minister or a Government department is the central challenge for parliamentary reporters around the world.

Because the journalist seeks the information from the information holder, the free flow of information is not always possible for a variety of reasons.

In some instances, what is sought by the journalist takes time to collate, but, in other instances, the nature of what is asked can be sensitive for the MP, the Government or the Opposition.

This is where the accountability of the MPs and the Government comes up against the public's legitimate right to know.

All reporters have been in this situation, but in the parliamentary arena, the tussle over information has a political dimension which makes it difficult for both sides.

It's frustrating for the journalist to be denied the information, or delayed in getting it.

From the point of view of the MP or the Government it has to think through the ramifications of its release.

It could cause them political problems, which is not the concern of the journalist, but it must be recognised that this is the reality of what is happening.

In most cases routine information flows between MPs, governments and journalists all the time. It is just in the case of sensitive information where the pursuit of information by journalists can cause tension.

There can sometimes be legitimate reasons for the reluctance of MPs and governments to release certain information. Those reasons can include matters that may be before the courts, or the subject of litigation, or the information sought is in the realm of commercial in confidence.

It's also important to note how the Standing Orders deal with the financial interests of MPs. This can sometimes become a story, and if it is written about can have an effect on the MP-reporter relationship.

“On” and “off the record”

This is probably one of the great unwritten rules of journalism, of all types, but it is especially important in the context of parliamentary reporting.

Essential to developing a relationship with a member of parliament, is the question of trust. An MP must learn to trust you when it comes to what he or she tells you in confidence, and what he or she tells you for publication or broadcast.

In order to assist your understanding of an issue, an MP might tell you something “off the record”. This means this knowledge is for you to assist in crafting a story, but you cannot attribute it to the MP.

As with all unsourced material it should be used with care. By all means use it as building block for your story, but subject it to your normal cross checking to enable you to verify its veracity.

Bear in mind, the MP who has tipped you off to the information may have an ulterior motive. Then again they may not. Exercise care and ask the basic question of yourself: Why am I being told this, and does it benefit the MP in any way if I publish it?

When entering into a discussion with an MP it is important to lay the ground rules, so that both parties have a clear understanding of what is said either “off the record” or “on the record”.

It could be during the course of the conversation you dip in and out of “on the record” and “off the record” mode.

This method normally leads to a better story, because the background has been explained to you (albeit through the prism of one MP), and in turn you should be able to convey the nuances of complex matters to your readers, viewers or listeners.

Again, using this method to cross-check stories with other MPs should give you an appreciation of all sides of an issue, and makes for a better story.



Dr. Jiko Fatafehi Luveni, the former Honourable Speaker of the Parliament. Image credit: The Fijian Government

Appendix I

Freedom of speech, expression and publication

(Excerpt from the Constitution of the Republic of Fiji 2013, Chapter 2, Part 17)

- (4) Every person has the right to freedom of speech, expression, thought, opinion and publication, which includes—
 - (a) freedom to seek, receive and impart information, knowledge and ideas;
 - (b) freedom of the press, including print, electronic and other media;
 - (c) freedom of imagination and creativity; and
 - (d) academic freedom and freedom of scientific research.

- (5) Freedom of speech, expression, thought, opinion and publication does not protect—
 - (a) propaganda for war;
 - (b) incitement to violence or insurrection against this Constitution; or
 - (c) advocacy of hatred that—
 - (i) is based on any prohibited ground of discrimination listed or prescribed under section 26; and
 - (ii) constitutes incitement to cause harm.

- (6) To the extent that it is necessary, a law may limit, or may authorise the limitation of, the rights and freedoms mentioned in subsection (1) in the interests of—
 - (a) national security, public safety, public order, public morality, public health or the orderly conduct of elections;
 - (b) the protection or maintenance of the reputation, privacy, dignity, rights or freedoms of other persons, including—
 - (i) the right to be free from hate speech, whether directed against individuals or groups; and
 - (ii) the rights of persons injured by inaccurate or offensive media reports to have a correction published on reasonable conditions established by law;
 - (c) preventing the disclosure, as appropriate, of information received in confidence;
 - (d) preventing attacks on the dignity of individuals, groups of individuals or respected offices or institutions in a manner likely to promote ill will between ethnic or religious groups or the oppression of, or discrimination against, any person or group of persons;
 - (e) maintaining the authority and independence of the courts;
 - (f) imposing restrictions on the holders of public offices;
 - (g) regulating the technical administration of telecommunications; or
 - (h) making provisions for the enforcement of media standards and providing for the regulation, registration and conduct of media organisations.

- (7) In this section, “hate speech” means an expression in whatever form that encourages, or has the effect of encouraging discrimination on a ground.

Appendix 2

Functions of the Media Industry Development Authority (MIDA)

The Media Industry Development Authority has the following functions:

- (a) to encourage, promote and facilitate the development of media organisations and media services in Fiji;
- (b) to advise and make recommendations to the Minister on matters, measures and regulations related to or connected with the media;
- (c) to facilitate the provision of a quality range of media services in Fiji which serves the national interest;
- (d) to ensure that media services in Fiji are maintained at a high standard in all respects and, in particular, in respect of the quality, balance, fair judgement and range of subject-matter of their content;
- (e) to ensure that nothing is included in the content of any media service which is against public interest or order, or national interest, or which offends against good taste or decency and creates communal discord;
- (f) to promote local content in print and broadcast media; and
- (g) to perform such other matters as the Authority may determine to be in the interests of the media and in furtherance of the objects of this Act.

The Media Industry Development Act 2010 confers the following powers to the Authority:

- (a) conduct research and investigations necessary for the improvement and development of media in Fiji;
- (b) develop and monitor codes of practice relating to content or technical standards for media services or to standards of fair market conduct in the media industry, and monitor compliance with such codes;
- (c) subject to the approval of the Minister—
 - (i) enter into joint ventures or partnerships with other media authorities, international agencies or private organisations for the purpose of promoting media services;
 - (ii) enter into such contracts as may be necessary or expedient for the purpose of discharging its functions or duties;
 - (iii) become a member or an affiliate of any international body, the functions or duties of which are similar to those of the Authority;
 - (iv) acquire and dispose of any property, whether movable or immovable, which the Authority thinks necessary or expedient for the purpose of carrying out its functions or duties;
 - (v) incorporate companies for the purpose of performing things ancillary to its functions or duties;
- (d) provide training schemes, whether by itself or with the co-operation of other persons or bodies as the Authority thinks fit, for the officers and employees of the Authority and others concerned with media services;
- (e) monitor compliance with the ethical standards of the print and broadcast media in accordance with the Media Code of Ethics and Practice;
- (f) monitor the advertising practices of the print and broadcast media in accordance with the Advertising Codes;
- (g) monitor compliance by television broadcasters with the Television Programme Classifications Code;
- (h) oversee the development, implementation, maintenance and review of the media codes;
- (i) provide registration to every media organisation that intends to provide media services in Fiji;
- (j) refer to the Tribunal complaints brought by the public against media organisations alleging a breach of the media codes; and
- (k) refer to the Tribunal complaints brought to the Minister by members of the public or public officers or other ministers against media organisations alleging a breach of the media codes.

Further, the relevant minister has the power to issue an order prohibiting publication or broadcast of material he has “reason to believe” may “give rise to disorder ... result in a breach of the peace, or promote public disaffection or public alarm, or undermine the Government or the State”.

In addition to the powers and functions conferred upon the Media Tribunal under the Act, the Tribunal has jurisdiction to—

- (a) hear and determine complaints referred by the Authority;
- (b) hear and determine complaints referred by the Authority on behalf of a complainant;
- (c) hear and determine complaints referred by a complainant;
- (d) adjudicate on actions for breach of media codes; and
- (e) adjudicate on matters relating to media disputes.

Appendix 3

Media Industry Development Act 2010 Volume 9 in the Consolidated Laws of Fiji)

Schedule 1: MEDIA CODE OF ETHICS AND PRACTICE

Any reference to media or media organisations shall include a reference to any journalist, editor, publisher, producer or any employee, officer, servant or agent of any media organisation.

1. Accuracy, balance and fairness

- (a) Newspapers and magazines, radio and television broadcasting organisations, web sites and internet newsletters, and journalists working for them, shall report and interpret news and current affairs honestly. They shall aim to disclose all know relevant facts and shall take care not publish material which is inaccurate, misleading or distorted by wrong or improper emphasis or any other factor.
- (b) If a significantly inaccurate, misleading or distorted statement is published or broadcast, it must be corrected promptly with due prominence and, where appropriate, an apology must be published or broadcast.
- (c) Media organisations must distinguish clearly between the news, comment, conjecture, fact and paid advertising.
- (d) Media organisations have a duty to be balanced and fair in their treatment of news and current affairs and their dealings with members of the public.
- (e) Editorial comments in any medium must be clearly identified as such and kept separate from news reports.
- (f) Media organisations shall report fairly, the result of any legal action brought against them and have an obligation to publish or broadcast, without diluting the finding, any adjudication by the Media Tribunal on a complaint made against them.

2. Opportunity to reply

Media organisations have an obligation to give an opportunity to reply to any individual or organisation on which the medium itself comments on editorially.

3. Privacy

- (a) Publication, whether electronic or traditional, or broadcasting, of information, including pictures, about the private lives or concerns of individuals without their consent is acceptable only if a legitimate public interest outweighs their normal right to privacy.
- (b) Publishing such material and/or making inquiries about the private lives or concerns of individuals without consent is only justified where the material concerned ought to be published in the public interest, outweighing the normal right of privacy.
- (c) 'In the public interest' is not synonymous with 'of interest to the public'. The public interest relied upon to justify investigation must be serious and proper public interest and not mere curiosity. Entry into public life does not disqualify individuals from the right to privacy about their private affairs, except where the circumstances of these are likely to affect their performance of, or fitness for, the public roles they hold or seek.

- (d) The overriding public interest relied upon in this and other clauses of the code may include -
- Detection or exposure of crime;
 - Protection of public health and safety; and
 - Preventing the public from being seriously misled on an important matter by a public statement or action of an individual or institution.

4. Harassment and pursuit

- (a) Media organisations must not seek interviews, information or pictures by intimidation or harassment. Nor should the media invade individuals' privacy by deception, eavesdropping or covert technological means (including the taking of pictures in private places by long lens photography).
- (b) Information and picture gathering by such methods can be justified in only very rare circumstances where the material sought ought to be published or broadcast in the public interest and could not be obtained in any other way.

5. Subterfuge

Media organisations must use straightforward means to obtain information and pictures and must identify themselves when doing so. Use of subterfuge, false identity or covert recording can be justified only in rare circumstances where the material sought ought to be published in the public interest and could not be obtained in any other way. (See paragraph 3 above).

6. Discrimination

- (a) Media organisations shall avoid discriminatory or denigrating references to people's gender, ethnicity, colour, religion, sexual orientation, physical or mental disability or illness, or age.
- (b) Media organisations shall not refer to a person's gender, ethnicity, colour, religion, sexual orientation, or physical or mental illness or age in a prejudicial or pejorative context, except where it is strictly relevant to the matter reported or adds significantly to readers' or listeners' understanding of that matter.
- (c) Media organisations shall be sensitive to and particularly careful about the possible effects of discriminatory references to vulnerable minorities in prejudicial or pejorative contexts.
- (d) While media organisations are free to report and comment on matters of public interest, it is their duty not to publish or broadcast material in a form likely to promote or encourage communal hatred or discord.

7. Children

- (a) Media organisations shall not interview or photograph a child in the absence of, or without the consent of a parent or guardian or other adult responsible for the child.
- (b) Children shall not be approached by the media organisations, and shall not be interviewed or photographed at any school without the permission of school authorities and prior consent of the parents or guardian.
- (c) Publication without consent of material about a child's private life cannot be justified solely by the fame, notoriety or position of his or her parents.

8. Victims in sexual cases

- (a) Media organisations must not identify victims of sexual assaults or publish or broadcast material likely to contribute to their identification even when free by law to do so.
- (b) Media organisations shall not identify children either as victims or witnesses in cases alleging sexual offences.
- (c) Reports of cases alleging sexual offences against a child may identify an adult concerned, provided they are not related, but must not identify the child, and must not include facts which imply a close relationship between an accused adult and a child victim.
- (d) Where either party is identifiable, the word "incest" should not be used.

9. Sexual relations and conduct

When reporting or portraying sexual activity and conduct, media organisations must be keenly aware of the danger of publishing or broadcasting material that affronts or offends public decency or the likely audience or readership. Particular regard should be paid to the context of publication and time of transmission.

10. Crime

- (a) Crime and antisocial behaviour, especially involving violence, should not be glamorised or reported, portrayed or detailed in a manner, on reasonable judgement would be likely to encourage or incite or experiment.
- (b) Media organisations must pay particular regard to context, time of transmission and probable effect and the likely audience or readership of such items. Special attention must be paid to the likelihood of such material being read, seen or listened to by children.

11. Payments for articles etc.

- (a) Payments or offers of payment must not be made directly or through agents to people engaged in or convicted of crime for information or articles related to their crimes, or for pictures whose value lies in their association with the crime. Nor should such payments or offers be made to associates of persons engaged in or convicted of crime, including their family, friends, neighbours and colleagues.
- (b) No payment or offer of payment shall be made directly or indirectly, to any person known to be, or reasonably expected to be, a witness in criminal proceedings, for information or articles in connection with the proceedings until after their conclusion.
- (c) Payment or an offer of payment as in 11 (a) or (b) may be justified in very exceptional circumstances where the information sought ought to be published or broadcast in the public interest and could not be obtained in any other way. (See paragraph 3 above).

12. Innocent Relatives

Media organisations shall avoid identifying relatives of persons convicted or accused of a crime unless the connection is directly relevant to the matter reported.

13. Religion

- (a) While all public institutions are properly subject to scrutiny, inquiry and comment, media organisations shall approach and refer to religious bodies in a balanced, fair and sensitive manner, recognising the respect and reverence in which they, their representatives and their beliefs are likely to be held by adherents.
- (b) Journalist and broadcasters shall avoid intentionally giving offence to believers of all faiths by casual, gratuitous and explosive references to deities, which are unnecessary or unjustified by the context.
- (c) Recognition of the need for sensitive and balanced treatment of religions and religious affairs is necessary.

14. Strong language

Media organisations shall avoid gratuitous use of strong swear words or obscene or blasphemous language in copy or broadcasts. Publication or broadcasting of these in direct form can be justified only in rare cases where it is essential to readers or audiences understanding of the story reported or the dramatic development of a programme. In such cases care must be taken in choosing the context and scheduling of the material concerned to avoid unnecessarily causing offence to its likely readers or audience.

15. Grief and bereavement

Media organisations shall respect personal grief, taking care to make any necessary approaches and inquiries with sensitivity and discretion.

16. Advertising

Advertisements and advertiser-sponsored materials must be clearly distinguishable from general editorial and programme matters, where necessary by being clearly labelled in print or on air as 'advertisement', 'advertising feature' etc.

17. Personal interest and influences

- (a) Media organisations shall not allow personal or family interest to influence them in their professional duties. There will be occasions where journalists may be pressured by close associates about a story. At all times the journalist must make their editor, or supervisor, aware of such pressure.
- (b) Media organisations shall not accept any consideration, gift or advantage offered to them, or by advertising or other commercial considerations. At all times the journalist must make their editor/supervisor aware of such an offer.
- (c) There will be occasions when journalists will be asked to cover assignments where the journalist has a conflict of interest or a personal interest. In such cases the journalist must make their editor/supervisor aware of such a conflict.

18. Financial journalism

- (a) Media organisations shall not use for their own, or their families' profit, directly or indirectly, financial information received in their professional capacity in advance of its general publication.
- (b) Media organisations must not write or broadcast about shares or securities in which they or their families have an interest in without disclosing the interest to their editor (or financial editor) and, where appropriate, to their readers or audience.
- (c) Media organisations shall not buy or sell shares or securities about which they have written recently or which they intend to write about in the near future.

19. Confidential and other sources

- (a) Journalists of all media organisations have an obligation to protect confidential sources of information, and to respect confidences knowingly and willingly accepted in the course of their occupation.
- (b) Plagiarism is not acceptable. If material originally prepared by another medium is used, credit should be given to the originator of the item or story.

20. Taste and decency

Media organisations shall recognise socially accepted general standards of decency and taste in language and behaviour, bearing in mind the context in which the language and behaviour occur (including humour, satire and drama) and, for broadcasters, the timing of transmission and likely audience of the programme.

21. Impartiality and balance

Media organisations shall show fairness at all times, and impartiality and balance in any item or programme, series of items or programmes or in broadly related articles or programmes when presenting news which deals with political matters, current affairs and controversial questions.

22. Deceptive practices

Media organisations shall abstain from use of any deceptive practice or technique (including transmission or publication of 'reconstructions' or library pictures, film and recordings which are not clearly identifiable as such) which may diminish viewers' and listeners' or readers' confidence in the integrity of media.

23. Interviews

- (a) Interviews for print, electronic media, radio and television must be arranged, conducted, and edited fairly and honestly. Potential interviewees are entitled to know in advance the format, subject and purpose of their interview, whether it will be transmitted live or recorded, when it will be printed or broadcast, whether it may be edited, and whether only part of it may be used, or it may not be used at all.
- (b) They are also entitled to know in advance the identity and roles of other people likely to be interviewed at the same time or on the same subject for the same programme or article.
- (c) The presentation and editing of an interview must not distort or misrepresent the views of the interviewee or give a false impression of dialogue or the pretence that a recorded interview is being transmitted live.

24. Violence

- (a) Violence shown graphically or realistically indicated by sound must be justifiable in its context and intensity as being necessary to the programme or article.
- (b) Violence combined with sexuality should not be printed, broadcast or transmitted in a manner designed to titillate its audience.
- (c) Explicit detail and prolonged focus on sexual contact must be avoided.

25. Distressing Material

- (a) Editors, broadcasters and producers of news, current affairs and documentary programmes shall take particular care in deciding whether the inclusion of graphic detail and intensity of violent or distressful material is warranted by its relevance and add to public understanding of the subject.
- (b) Special consideration must be given before publication or transmission of particularly disturbing images, including -
 - Torture or ill-treatment of humans or animals;
 - Close-ups of dead or mutilated bodies;
 - Images of people in extreme pain or on the point of death; and
 - Violence to or ill treatment of children.

26. Warning of disturbing or offensive material

Warnings shall be published or broadcast before or at the beginning of any article or broadcast containing language or pictures which are likely to be disturbing or offensive to normal readers, viewers or listeners bearing in mind for broadcasters the time of transmission, channel or wavelength and the likely audience.

27. Dangerous and anti-social detail

Detailed pictures of information about methods of incendiary devices, or illicit use of drugs or solvents must not be transmitted in any way which might encourage or instruct such actions.

28. Crime and disorder

Programmes or articles likely to promote civil insurrection or encourage crime or public disorder must not be broadcast or published.

29. Hijacking and kidnapping

No information shall be published or broadcast which is likely to endanger lives in, or prejudice attempts to deal with, a hijack or kidnapping.

30. Alarm, hypnotism and subliminal perception

Media organisations must refrain from publishing or broadcasting, except as legitimate entertainment or information, any material which, when considered whole -

- Simulates news or events in print, sound or pictures in such a way as to mislead or alarm its audience;
- Depicts the process of putting a subject into a hypnotic state or is designed to induce a hypnotic state to its audience;
- Uses “subliminal perception” or any similar technique to try to convey information by transmission of messages below or near the threshold of normal awareness; or
- In an ostensibly factual programme or article depicts or demonstrates exorcism, psychic or occult practices other than as the subject of a legitimate investigation.

31. Cartoons

Cartoons, particularly when likely to be seen by children, should not include excessive violence especially when they feature human characters and follow realistic story lines as opposed to obviously fantastic or farcical themes.

32. Supplied material

Where a strong editorial reason warrants the inclusion in any article, programme or video or other recorded material supplied by or on behalf of official bodies, commercial companies or campaigning organisations, its source should be clearly labelled in print or on air in sound or vision.

33. Product placement and reference

When media organisations choose to place commercial or other products or promotional material on air or in print in a programme or article context, it shall be a clear policy that the commercial or other organisation thus defined has no influence on the content of the programme or article unless specifically publicised as such.

34. Competition fair dealing

Media organisations will ensure that in programmes or published competitions there is no collusion between broadcasters or publishers and contestants which results in the favouring of any contestant or contestants over others.

Appendix 4

Provisions governing the conduct of Parliament

(Excerpt from the Constitution of the Republic of Fiji 2013, Chapter 3, Part B 67-74)

67. Sessions of Parliament

- (1) After a general election of members of Parliament, the Parliament shall be summoned to meet by the President no later than 14 days after the announcement of the results of the general election.
- (2) At the first meeting, the agenda of business shall include—
 - (a) swearing-in of members, presided over by the Secretary-General to Parliament;
 - (b) the election of the Speaker in accordance with section 77, presided over by the Secretary-General to Parliament;
 - (c) swearing-in of the Speaker, presided over by the Secretary-General to Parliament;
 - (d) the election and swearing-in of the Deputy Speaker, presided over by the Speaker;
 - (e) in the event that the Prime Minister has not assumed office under section 93(2), the appointment of the Prime Minister by the members of Parliament in accordance with section 93(3); and
 - (f) the election of the Leader of the Opposition, presided over by the Speaker, and conducted in accordance with section 78.

- (3) Other sessions of Parliament commence on a date appointed by the President on the advice of the Prime Minister but no longer than 6 months must elapse between the end of one session and the start of another.
- (4) If—
 - (a) Parliament is not in session; and
 - (b) the President receives a request in writing from not less than one-third of the members of Parliament requesting that Parliament be summoned to meet to consider without delay a matter of public importance, the President shall summon Parliament to meet.
- (5) If—
 - (a) Parliament is in session but more than 2 months have elapsed between the sitting of Parliament; and
 - (b) the Speaker receives a request in writing from the Prime Minister or from not less than one-third of the members of Parliament requesting that a sitting be held to consider without delay a matter of public importance, the Speaker must call a sitting of Parliament within one week of the date on which the request was made.
- (6) Subject to this section, the sittings of Parliament are held at such times and places as Parliament determines in accordance with its rules and orders.

68. Quorum

- (1) A sitting of Parliament may not begin, or continue, unless at least one-third of the members of Parliament are present.
- (2) A vote on a Bill may not be held in Parliament unless a majority of the members of Parliament are present.
- (3) The Speaker must adjourn a sitting if a quorum is not present.

69. Voting

- (1) Except as otherwise provided in this Constitution, any question proposed for decision in Parliament must be determined by a majority vote of the members present and voting.
- (2) On a question proposed for decision in Parliament—
 - (a) the person presiding does not have a casting vote; and
 - (b) in the case of an equality of votes, the question is deemed to be lost.
- (3) The person presiding must not be counted when considering the number of members for the purpose of voting, or determining if a quorum is present.

70. Committees

Parliament must, under its rules and orders, establish committees with the functions of scrutinising Government administration and examining Bills and subordinate legislation and such other functions as are specified from time to time in the rules and orders of Parliament.

71. Standing orders

- (1) Parliament may make standing orders and rules for the order and conduct of business and proceedings in Parliament and its committees and for the way in which its powers, privileges and immunities may be exercised and upheld.
- (2) Before the first sitting of the first Parliament elected under this Constitution, the Prime Minister shall, in consultation with the Attorney-General, prepare, and publish in the Gazette, the standing orders of Parliament, for adoption by Parliament at its first sitting.

72. Petitions, public access and participation

- (1) Parliament must—
 - (a) conduct its business in an open manner, and hold its sittings and those of its committees, in public; and
 - (b) facilitate public participation in the legislative and other processes of Parliament and its committees.

- (2) Parliament and its committees may not exclude the public, including any media, from any sitting unless, in exceptional circumstances, the Speaker has ordered the exclusion of the public on grounds that are reasonable and justifiable.

73. Powers, privileges, immunities and discipline

- (1) Every member of Parliament, and anyone else speaking in Parliament, has—
- (a) freedom of speech and debate in Parliament or its committees, subject to the standing orders; and
 - (b) parliamentary privilege and immunity in respect of anything said in Parliament or its committees.
- (2) Parliament may prescribe the powers, privileges and immunities of members of Parliament and may make rules and orders for the discipline of members of Parliament.

74. Power to call for evidence

- (1) Parliament, and each of its committees, has the power to summon any person to appear before it for the purpose of giving evidence or providing information.
- (2) For the purposes of subsection (1), Parliament and each of its committees has the same powers as the High Court to—
- (a) enforce the attendance of witnesses and examine them on oath, affirmation or otherwise; and
 - (b) compel the production of documents or other materials or information as required for its proceedings.

Appendix 5

Electoral Act 2014 (Volume 1 of the Consolidated Laws of Fiji)

Part 4—Election Campaign and Media

110. Restrictions on opinion polls

- (1) It shall be unlawful for any person to publish the results of any election related opinion on the polls on any day during the 7 days prior to the polling day and on the polling day until the close of polling at all polling stations
- (2) Any person who contravenes this section commits an offence and shall be liable upon conviction to a fine not exceeding \$10,000 or to a term of imprisonment not exceeding 5 years, or to both.

111. Non-interference in campaign.

- (1) No private citizen or public official may hinder in any manner whatsoever the lawful campaign activity of any political party or candidate, including the distribution and placement of campaign material and holding of campaign rallies and meetings.
- (2) It shall be unlawful for any person to tear, remove, or cover up any campaign material posted in designated public places.
- (3) Any person who contravenes this section commits an offence and shall be liable upon conviction to a fine not exceeding \$10,000 or to a term of imprisonment not exceeding 5 years, or to both.

112. Campaign material

- (1). Any campaign material published and distributed by political parties and candidates must include, in a print size easily legible, the following information—
- (a) name and address of the person and organisation who authorised and paid for printing of the material;
 - (b) name of the company that printed the material and their business address; and
 - (c) date of issue.
- (2) Political parties and candidates may place their campaign posters and flags on private premises, with permission of the owner of any such private premises.

- (3) It shall be unlawful for any person, any political party or any candidate (or any person on behalf of the political party including any office holder of the political party or any person on behalf of any candidate) to place campaign posters and flags on public buildings, monuments, electricity or lamp posts, and other public structures, except in public places specifically designated by the Supervisor for placement of campaign material.
- (4) Any person who contravenes this section commits an offence and shall be liable upon conviction to a fine not exceeding \$10,000 or to a term of imprisonment not exceeding 5 years, or to both.

113. Prohibition on use of State resources to campaign

- (1) It shall be unlawful to use State authority, including law and tax enforcement authorities, to pressure or intimidate political opposition.
- (2) It shall be unlawful for any public officer to conduct campaign activities.
- (3) It shall be unlawful to force, pressure, or intimidate public officers to participate in campaign activities, to attend campaign rallies or meetings, or to assist a political party or candidate in campaigning in any manner, in or outside work hours.
- (4) It shall be unlawful to conduct campaign activities or to post or distribute any campaign material inside public office.
- (5) Any person who contravenes this section commits an offence and shall be liable upon conviction to a fine not exceeding \$50,000 or to a term of imprisonment not exceeding 10 years, or to both.

114. Prohibition on vote buying

- (1) It shall be unlawful for political parties, candidates and their representatives, either personally or through other persons, to give or offer to any citizen money, gifts, material goods of any value (except for campaign material) or services free of charge, to sell goods or services to persons at a preferential price, or to promise to provide any monetary fund, gift, material goods or services of any value for the purpose of gaining or influencing votes in an election.
- (2) Any person who contravenes this section commits an offence and shall be liable upon conviction to a fine not exceeding \$50,000 or to a term of imprisonment not exceeding 10 years, or to both.

115. Restrictions on campaigns

- (1) Following the announcement of the date of the election, it shall be unlawful for any person, entity or organisation (including any person employed or engaged by any such person, entity or organisation) that receives any funding or assistance from a foreign government, inter-governmental or non-governmental organisation or multilateral agency to engage in, participate in or conduct any campaign (including organising debates, public forum, meetings, interviews, panel discussions, or publishing any material) that is related to the election or any election issue or matter.
- (2) It shall be unlawful for any person, entity or organisation (including any person employed or engaged by any such person, entity or organisation) to engage in, or to undertake any act which, under the Constitution or under this Decree, is given to or assigned to the Electoral Commission or the Supervisor, unless authorised in writing by the Electoral Commission or the Supervisor.
- (3) Any person who contravenes this section commits an offence and shall be liable upon conviction to a fine not exceeding \$50,000 or to a term of imprisonment not exceeding 10 years, or to both.
- (4) Nothing in subsection (1) prevents any university from organising inclusive public forums or panel discussions that are related to the election.
- (5) This section shall not apply to the Electoral Commission or the Supervisor.

116. Campaign rules

- (1) Any political party, any candidate for election to Parliament and any person representing, or acting under the direction of, any political party or any candidate must—
 - (a) respect the rights and freedoms of all other political parties and candidates to campaign, and to disseminate their political ideas and principles without fear; and
 - (b) conduct itself in a manner that respects the rights of other political parties and candidates, and respects the rights of voters.
- (2) Any political party, any candidate for election to Parliament and any person representing, or acting under the direction of, any political party or any candidate must—
 - (a) co-operate with election officials in order to ensure—
 - (i) peaceful and orderly polling; and
 - (ii) complete freedom for voters to exercise their franchise without being subjected to any annoyance, harassment or obstruction;
 - (b) ensure the safety and security of electoral officials before, during and after the polling;
 - (c) respect and co-operate with observers;
 - (d) maintain and aid in maintaining the secrecy of the vote; and
 - (e) organise and conduct its election campaign in a manner that contributes toward a congenial and peaceful atmosphere during the campaign.
- (3) Any political party, any candidate for election to Parliament and any person representing, or acting under the direction of, any political party or any candidate must not—
 - (a) prevent the distribution of handbills and leaflets, and the display of posters, of other parties and candidates;
 - (b) deface or destroy the posters of other parties and candidates;
 - (c) use any language or publish or distribute pamphlets, newsletters or posters or make any broadcast containing language or material that amounts to racial or religious vilification or that threatens or incites violence;
 - (d) prevent any other party from holding rallies, meetings, marches or demonstrations;
 - (e) imitate the symbols of another political party or candidate, or steal, disfigure or destroy political or campaign materials of another political party or candidate;
 - (f) encourage, engage in or permit any kind of violent activity to demonstrate party strength or to prove supremacy;
 - (g) cause damage to any public or private property during any campaign;
 - (h) coerce or offer monetary or other kinds of direct inducements to persons to vote for or against a particular party or candidate, or to abstain from voting;
 - (i) coerce or offer monetary or other kinds of direct inducements to persons to stand or not to stand as candidates, or to withdraw or not to withdraw their candidacies;
 - (j) procure the support or assistance of any election official or public servant to promote or hinder the election of a candidate;
 - (k) seek to prevent any person from attending the political rallies of another party; or
 - (l) encourage, incite or permit its supporters to do anything prohibited by this subsection
- (4) Any political party, any candidate for election to Parliament and any person representing, or acting under the direction of, any political party or any candidate must not—
 - (a) procure votes by forcible occupation of polling stations or through illegal activities in the polling stations;
 - (b) interfere unjustifiably or in bad faith with the duties of election officials, disturb the process of casting or counting of votes;
 - (c) falsely assert to voters that their votes will not be secret; or
 - (d) use any language or publish any document that seeks to threaten or incite hatred or violence in any form against any other person or group of persons or which may amount to racial or religious vilification.
- (5) Any person who contravenes subsections (3) or (4) commits an offence and shall be liable upon conviction to a fine not exceeding \$50,000 or to a term of imprisonment not exceeding 10 years, or to both.

117. Paid campaign advertisement

Any broadcast or print advertisement paid for by a political party or candidate must clearly indicate that it is a paid political advertisement and include the name of the political party, the authorising officer of the party or the candidate who authorised and paid for the advertisement.

118. Media restrictions during campaigns

- (1) During the 48 hour period prior to the polling day and on the polling day until the close of polling at all polling stations, it is prohibited for any media organisation to publish, print or broadcast any campaign advertisement, debate, opinion or interview on any election issue or on any political party or candidate.
- (2) During the 48 hour period prior to polling day and on the polling day until the close of polling at all polling stations, any publication or broadcast by any media organisation relating to the election must obtain the prior approval of the Media Industry Development Authority to ensure compliance with subsection (1).
- (3) The Media Industry Development Authority must ensure that all media organisations comply with the provisions of this section.
- (4) If any media organisation contravenes this section, the editor, publisher or the owner of the media organisation (as the case may be) commits an offence and shall be liable upon conviction to a term of imprisonment not exceeding 5 years.

119. Observers

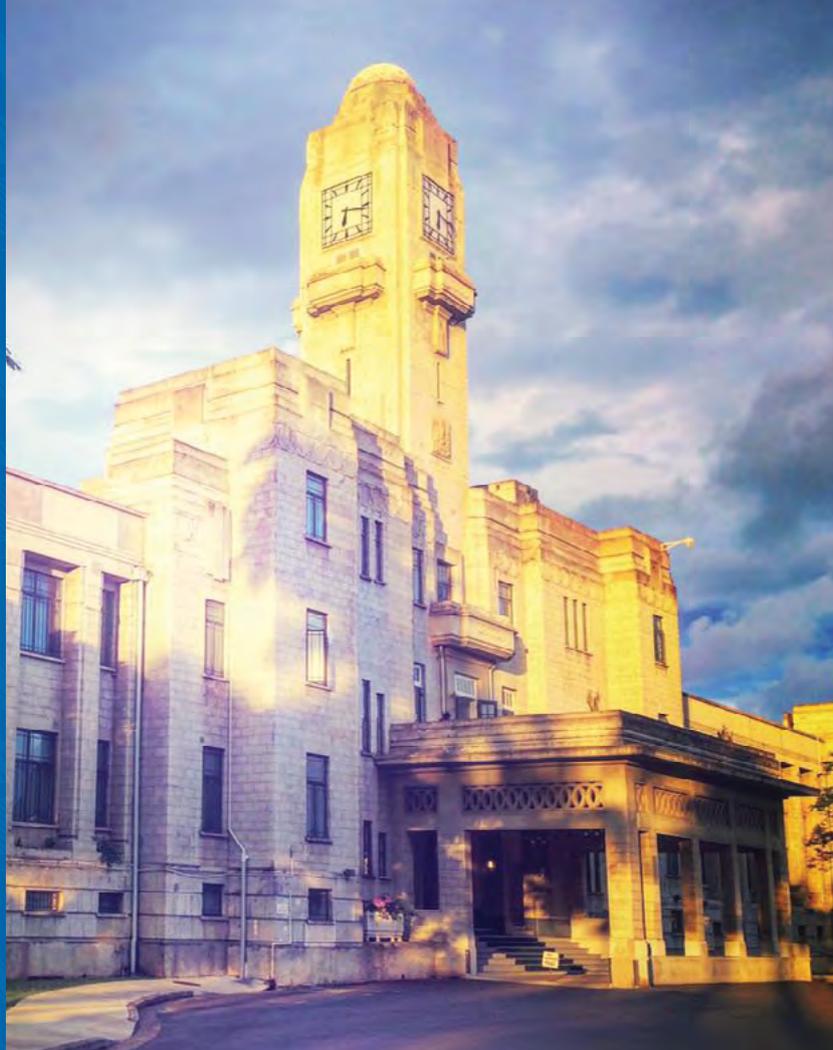
The Minister may appoint or invite any person, organisation or entity to be observers for any election on such terms of reference as determined by the Minister.

Further Reading

1. Media Industry Development Act 2010
2. Political Parties (Registration, Conduct, Funding and Disclosures) Act 2013



The Mace represents the authority of the Speaker in the House. Image credit: The Fijian Government



FIJI PARLIAMENTARY REPORTERS' HANDBOOK



*Empowered lives.
Resilient nations.*

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