



# Ministry of Justice

All correspondence to the Permanent Secretary for Justice

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2<sup>nd</sup> May 2013

The Registered Officer  
Fiji Labour Party  
P.O.Box 2162  
Government Buildings  
Suva

Dear Sir

## **Application for Registration proposed 'Fiji Labour Party'**

The application for registration in accordance with the Political Parties (Registration, Conduct, Funding and Disclosures) Decree 2013 ['Decree'] by the proposed 'Fiji Labour Party' ['Applicant'] was received on 14<sup>th</sup> February 2013. All particulars were submitted together with the application.

Pursuant to section 9 of the Decree, the Registrar published the application in the Fiji Sun on 28<sup>th</sup> February 2013 and in the Gazette on 27<sup>th</sup> February 2013.

The Registrar received written particulars pursuant to section 9(2) (b) of the Decree from Mr. Peniame Kovulakimalea on 6<sup>th</sup> March 2013. Briefly, Mr. Kovulakimalea complained about the use of the word "Labour" on the reasoning that it has a broad meaning including the use of the word to describe a lady giving birth.

The Applicant responded to this complaint on 18<sup>th</sup> March 2013 stating that the same is frivolous and 'unworthy of any serious comment.' I will now consider if such objection is permitted and if yes, does it have sufficient merit to be given regard. It appears the complaint is pursuant to section 8(b) of the Decree in that the proposed name is 'obscene or offensive'. The Applicant's reply was least helpful to assist the Registrar in this regard.

The word 'Labour' has more than one definition as do many other English words. The Applicant in its Constitution submitted to the Registrar lists twelve (12) 'democratic and socialist principles' on which it is based. A careful perusal of the Constitution shows that the Applicant does not in fact intend the word labour to describe a lady giving birth. I do not find that the name is obscene or offensive and I disallow the objection.

Under section 10(3) of the Decree, I started an investigation following reports from the media that alleged that members of the Applicant obtained signatures from members of the public in Ba claiming to be Government officials. I relied on statements obtained by FICAC in their investigations into the matter. I also conducted telephone interviews with those who complained that their signatures were fraudulently obtained.

A comprehensive account of the investigation was then furnished to the Applicant vide letter dated 9<sup>th</sup> April 2013 for a response by the Applicant. The subjects of the query were the following persons registered as the Applicants Members:

<b>Name</b>	<b>EVR Number</b>
<b>Tulsamma</b>	<b>039905601639</b>
<b>Loraina Qota</b>	<b>039330701507</b>
<b>Amila Wati</b>	<b>037705401726</b>
<b>Dewa Nand</b>	<b>039930900529</b>
<b>Anshu Deepak Singh</b>	<b>039935000219</b>

The Applicant wrote back and sought further time to respond citing that it would need more time 'to contact and obtain explanation from those concerned, all of whom live in Ba.' A further 7 days was granted to allow for this. The Response was finally submitted by the Applicant on 25<sup>th</sup> April 2013.

In response, the Applicant denied the allegations and stated that it interviewed all the workers that had been engaged to obtain membership. These officials, the Applicant says, denied posing as government or elections office personnel. The Applicant then addresses each member of the public who had been interviewed by the Registrar and explains its response to the allegations.

The Applicant did not submit any written statements from these officials explaining their own account of the registration process. The Applicant accuses that the complaints were a result of 'Political scheming' by its political rivals.

It could have at least provided written statements from its officers detailing the procedure used in the registration of the members to allow the Registrar to determine the veracity of

claims by both sides. An administrative reply does not assist any investigation and it certainly does not assist the Registrar in disproving the allegations against the Applicant.

The Applicant states that all its employees were specifically instructed to "identify themselves as Fiji Labour Party workers representing the FLP." The Applicant then admits that this was not done in the case of Pranita Devi, nor is any such explanation provided for Loraina Qota, Christine Wati and Dewa Nand. However, since no written statement was forwarded by the employees of the Applicant, it is difficult to properly decide on the veracity of the allegations. It would be more appropriate to refer these matters to the relevant authorities to investigate and take further necessary action on the allegations.

The Members' Listing was verified with the National Voters Register. There were numerous anomalies discovered in this process and a comprehensive list was forwarded to the Applicant on 12<sup>th</sup> April 2013 for its comments. Vide a letter dated 25<sup>th</sup> April 2013, the Applicant responded to the allegations. The applicant accepted that the anomalies existed in the list of names submitted. It suggests that the errors do not have significant bearing on the merits of the application and should not be held against it.

The Applicant proposes that it would still have the minimum 5000 members despite the irregularities.

The reasons advanced in explanation by the Applicant and also considering the minimal requirements of the Decree, I opt to consider if there are sufficient members listed which would duly qualify the Applicant. The Applicant has submitted a total number of 8456 persons registered as its members. If all members, including those who allege to have been misled into signing are excluded from the list of members, and those members with anomalies excluded, the Applicant would still have 8172 members.

Since the Applicant has submitted its application which sufficiently meets the minimum requirements under section 6 of the Decree, I determine that the Applicant be registered as a political party under the Decree.

The Fiji Labour Party (FLP) is hereby required to submit a written declaration as per section 16 of the Decree no later than 12 p.m on 7<sup>th</sup> June 2013.



Mohammed Saneem  
**Registrar of Political Parties**