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Decision of the Registrar on Particulars submitted pursuant to section 9 of the Political Parties (Registration, Conduct, Funding and Disclosures) Decree 2013

Following the publication of the Application for Registration as a Political Party by the proposed "FijiFirst" ["the Applicant"] on 19 May 2014, the Registrar received submission of Particulars pursuant to section 9(2)(b) of the Political Parties (Registration, Conduct, Funding and Disclosures) Decree 2013 ["Decree"] from six (6) individuals.

All six (6) Particulars were forwarded to the Registered Officer of the Applicant for a response on 27 May 2014. Response was received from the Applicant on 28 May 2014.

I will now deal with each submission as follows:

1. Letter dated 21 May 2014 from Nazia N. Khan Rauf

Nazia N. Khan Rauf in her letter dated 21 May 2014 objects to the Applicant using the Fiji Flag as the proposed Logo.

The Applicant responded stating that there is no prohibition in any law to the use of the Fijian Flag. The Applicant also writes that they are only using a variant of the Fiji flag. The Applicant also differentiated that the proposed Logo of the Applicant has the word "FijiFirst" prominently written over the variant of the Fiji Flag.

Having perused the objection and the response from the Applicant, and after having perused sections 6 and 8 of the Decree, I accept that there is no law which prohibits the use of the Fijian flag. In any event, the logo of the Applicant only uses a variant the flag, with the words "FijiFirst" prominently written over it. For these reasons, I do not find any merits in the objections as to the usage of the Fiji Flag in the logo of the Applicant and I therefore reject this objection.

The second objection stated that some nominators of the Applicant had failed to sign the form. In response to this the Applicant states that despite the unsigned forms by nominators, the Applicant still meets the required 5000 members as required in section 6(3)(i) of the Decree.

The minimum requirements for the Application to be a Political Party as in section 6(3)(i) is 5000 members. The Applicant submitted 40,083 members. Having verified the forms submitted and accounted for the number of nominators that did not sign, the Applicant still

meets the requirements under section 6(3)(i). For these reasons, this objection is also rejected.

2. Letter dated 23 May from Dalip Kumar

Dalip Kumar in his letter dated 23 May 2014 objects to the registration of the Applicant highlighting that the Applicant has not specified a party color. Mr. Kumar states that the application is not in accordance with section 6 (3)(d) of the Decree.

In response the Applicant states that its party color is contained in its proposed Logo.

Having perused section 6 of the Decree and upon referring to the response by the Applicant, I accept the clarification by the Applicant as to its colors.

Dalip Kumar also raises that the application should be rejected under section 8(h) in that the name of the Applicant purportedly resembled the name of an existing Political Party prior to the commencement of the Decree known as "Fiji First" or "Fiji 1st"

In summary, the Applicant responds as follows:

- i. Given that there is only evidence of a Gazette Notice containing an application for registration by Fiji 1st Party in 2009, and there being no notice published in the Gazette as to the approval of the Application published in the Gazette, Fiji 1st Party was never registered.
- ii. Notwithstanding the above, the Applicant also goes on to state that its proposed name is "FijiFirst" which is different from "Fiji 1st Party" and also that the Applicant's proposed logo is different from the logo of the Fiji 1st Party.
- iii. The Applicant refutes that any party of the name Fiji 1st Party was previously registered in Fiji.

Having perused this objection, and having considered the matters raised in the Applicant's response, the Registrar made enquiries and results of enquires are as follows:

- i. An application for change of name of the Girit Heritage Party to Fiji 1st Party was made in 2008. This Application was advertised in the Gazette of 12 December 2008.
- ii. One Ben Sami was named as the Registered Officer in the Application.
- iii. There was an objection by Mr. Mahendra Chaudhry to the registration of the new Party and this objection was investigated by the Supervisor of Elections.

- iv. The Party was not registered as there are no records of an approval letter and the Gazette Notice required under the Electoral Act (now repealed).
- v. A similar complaint was received from one Anit Singh via email on 07 May 2014. The Registrar required Anit Singh to produce evidence of Registration of the purported party. Anit Singh evaded providing evidence stating in his reply that the Registrar was "better placed to obtain them more efficiently." Anit Singh was listed as a member of Fiji 1st Party and failed to provide any details of their purported Registration.

In the absence of any records proving that the Application to register by Fiji 1st Party in 2009 was approved, and in light of the failure by Dalip Kumar and Anit Singh to provide evidence to this effect, the objection on this ground is unsubstantiated and is accordingly dismissed.

3. Letter dated 23 May 2014 from Millis M Beddoes

Millis M Beddoes in his letter dated 23 May 2014 objected to the registration of the Applicant on the grounds that "Fiji First" is the registered name of a previous political party that contested the 2006 General Elections.

I repeat the findings in relation to this objection by Dalip Kumar above. Since there was no previously registered party by the Applicant's proposed name, this objection is also ruled out.

No such party contested the Elections in 2006. Mr. Beddoes having misconceived the facts then erroneously states that in not upholding his objections as valid, the Supervisor compromises his independence, credibility, transparency and integrity.

Mr. Beddoes, in his objection, has also alleged that he has lodged complaints against the Applicant to the police and the Media Authority. No particulars of these complaints were provided. The Applicant has effectively responded to this objection. I am satisfied in law that mere allegations and complaints are not sufficient, when such complaints and allegations have not been established in fact and in law. For these reasons, this objection is also rejected.

4. Letter dated 25 May 2014 from Tupeni Lebaivau Baba

Tupeni Lebaivalu Baba in his letter dated 25 May 2014 objects to the registration of the Applicant on the basis of allegations that the Leader of the Applicant has been campaigning for over a month before applying to register.

According to section 9(2)(b), the two grounds for submission of Particulars are as follows:

- i) Application not in accordance with section 6 of the Decree, or
- ii) Should be refused under section 8 of the Decree.

No particulars are provided by Mr. Baba to substantiate this objections. In any event, the grounds raised by Mr. Baba do not qualify under either of the above and are therefore not considered.

Mr. Baba also raises a similar complaint as Mr. Dalip Kumar as his second ground of objection and I rely on the findings above to dismiss this objection as well.

The third ground of objection is that Mr. Bijai Prasad, one of the Vice Presidents of the Applicant had submitted that he did not have a previous conviction when in fact he had one.

In response the Applicant raises 2 matters for consideration. Firstly, Mr. Prasad was convicted in 1982 and in accordance with the Rehabilitation of Offenders (Irrelevant Convictions) Act 1997, the said conviction is no longer relevant. Secondly that Mr. Prasad had, since the matter was raised, resigned from being the Vice President of the Applicant.

Having perused the Rehabilitation of Offenders Act 1997, I am bound not to discriminate Mr. Prasad on the basis of his irrelevant conviction. I accept that he has resigned from the Applicant as well and in light of the law, this objection is also dismissed. Mr. Baba, in raising the irrelevant conviction is in contravention of the Rehabilitation of Offenders Act 1997.

5. Letter dated 25 May 2014 by Millis M Beddoes

Millis M Beddoes through his letter dated 25 May 2014 objects to the registration of the Applicant and repeats his objection as in his letter dated 23 May 2014. This objection has already been dismissed with reasons as stated above.

The second ground for objection is on the basis that Mr. Beddoes has made complaints to Police and MIDA regarding alleged conduct of the Applicant. On the basis of his complaint alone, Mr. Beddoes claims the Applicant should not be registered.

The Applicant responds saying “we are quite positive that all these allegations and complaints by this person [Mr. Beddoes] to the public authorities are without merit and are made in desperation to prevent the proposed FijiFirst from accomplishing its objectives as outlined in the Constitution of the proposed FijiFirst.”

This ground is also outside the requirements of section 9(2)(b) of the Decree and hence has no bearing on the Application by the Applicant. The letter is also not signed and therefore fails to meet the requirements for Particulars under section 9(3) of the Decree. Therefore, I find that this objection is wholly based on misconceived facts and law and is accordingly dismissed.


6. Letter dated 22 May 2014 by Anit Singh

Anit Singh in his letter dated 22 May 2014 objects to the registration of the Applicant on the basis that prior to the Decree, a party with the name 'Fiji 1st' was in existence.

Anit Singh, despite the requirement by the Registrar of Political Parties, failed to provide the letter of approval and the Gazette Notice of the registration of the purported party.

I repeat my findings on this objection as raised by Dalip Kumar and dismiss the objection. The letter is also not signed and therefore fails to meet the requirements for Particulars under section 9(3) of the Decree.

Therefore all of the Particulars received in accordance with section 9(2)(b) of the Decree are rejected accordingly.



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Mohammed Saneem
Registrar of Political Parties
30 May 2014