



Ministry of Justice



All correspondence to the Permanent Secretary for Justice

GPO Box 11869 Suva Fiji
Telephone: (679) 330 8600
Facsimile : (679) 330 3676

2nd May 2013

The Registered Officer
National Federation Party
124 Princes Road
Tamavua
Suva.

Dear Sir

Re: Application for registration by the Proposed National Federation Party

The application for registration in accordance with the Political Parties (Registration, Conduct, Funding and Disclosures) Decree 2013['Decree'], by the proposed National Federation Party ['Applicant'] was received on 13th of February 2013. All particulars were submitted together with the application. On the face of it, the application satisfied the minimum requirements in section 6 of the Decree.

Pursuant to section 9 of the Decree, the Registrar published the application in the Fiji Sun on 27th February 2013 and in the Gazette on 26th February 2013. The Registrar received 2 written particulars pursuant to section 9(2) (b) of the Decree. These were:

- (i) Letter by Mr. Birendra Datt dated 28th February 2013
- (ii) Letter by Mr. Epeli Vuase dated 5th March 2013

The above letters were forwarded to the Applicant for a response in accordance with section 9 (5) of the Decree. Response was received on 21st March 2013. The Registrar has considered the Particulars and the responses received which are outlined below.

- (i) Letter by Mr. Birendra Datt dated 28th February 2013

In brief, this letter objected to the application by the Applicant. The reasons focused on the alleged failure of the party in 2005 to refund lottery tickets which were purchased by the Mr. Datt. The Applicant saying that a newspaper add had been placed and all persons who

had purchased tickets were given an option either to seek a refund or allow the money paid to be converted as a donation to the institution.

The Decree is very wide in terms of section 9(2) allowing *particulars* instead of *objections* I will deal with this matter. It appears that Mr. Datt did not make any Police complaint for the failure to draw the lottery. I also note that there has not been any civil claim for sums he paid under the lottery.

Since, the Registrar is required under the decree to evaluate the application as per section 6 of the Decree to check compliance for registration only, Mr. Datt's objections could have a better day in Court. In the absence of any finding by a Court of law holding that the Applicant has conducted itself in a fraudulent manner; and secondly, the contents of Mr. Datt's letter falling short of section 10(3), I disregard Mr. Datt's letter.

(ii) Letter by Mr. Epeli Vuase dated 5th march 2013

In brief this concerned the registration of members to achieve membership as per section 6(3)(i). He alleged that registrations 165 to 172 in the Eastern Division, obtained in Namuana Village were done so fraudulently. He alleges that "an NFP – appointed agent on Kadavu abused his traditional links to Namuana Village to misrepresent the political party registration exercise as official Government Activity (i.e. voter registration etc.) thereby securing registrations."

The Applicant refuted such claims in its reply dated 21st March 2013. It denies that the registrations and signatures were fraudulently obtained. It states "Our agent in Kadavu explained to the prospective members that they were signing the form for NFP." The form used for the purposes of registration carried the party identification which is clear and visible. The agent also carried the Applicant's ID card and an authorization letter.

The Registrar, upon receipt of the reply finds that the Registration Form indeed has in large conspicuous writing "The National Federation Party" together with the Applicant's proposed Logo on it.

In exercise of its powers under Amended section 10(3) of the Decree, the Registrar conducted further enquiries into the complaint. The lists of individuals were contacted and a telephone interview was conducted with them in the presence of the District Officer-Kadavu. All of the individuals had basically the same set of facts which are as below:

"I was visited by Ratu Vili, Turaga ni koro and Vili Taravale. They asked me to give my voter registration card and then they asked me to sign a form. They told me that they were from government. They did not tell me that the form was for the NFP registration. I do not want to be a member of NFP. If they would have told me before, I would not have signed it at all. I want to take my

name out of the register.” (Record of conversation with Caginitoba Tamani on 20/03/13 at 2:30 p.m)

All 5 out of the 7 persons registered desired their names to be taken off the membership for the Applicant. All had confirmed that they had signed on the representation that this was a Government Exercise. It appears from the discussion as represented above, the person who signed did not wish to be members of the Applicant.

Particulars of further investigation pursuant to section 10 of the Decree were forwarded to the Applicant for their comments. The Applicant refutes the allegations and repeats its stance in the earlier response.

I have considered the statements and the Response and I find that the Applicant did not conduct itself in a fraudulent manner. The design of the registration form would have been sufficient information for any subscribing member.

In-order to satisfy the requirements of Section 6, the information submitted together with the Application was verified. It was found that the Constitution of the Applicant complies with the requirements of the Decree.

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 12th April 2013 for its comments. Vide a letter dated 18th April 2013 which was received by the Office of the Registrar on 19th April 2013, the Applicant responded to the allegations. The applicant accepted that 25 members listed in their Application were also registered for other Party’s applying to be registered.

However, due to an administrative error, the anomalies in the membership listing for the Applicant were not attached to the letter dated 12th April 2013. On becoming aware, the Applicant was immediately forwarded the list for its verification and comments. The Applicant’s comprehensive response was received on 29th April 2013. In the said response, the Applicant sought to have all the names in which anomalies were highlighted to be deleted.

The Applicant proposed to the Registrar that the members registered having discrepancies be deleted from the membership listing. The Applicant confidently relies on the remaining numbers to meet the minimum membership requirements as per section 6(i) of the Decree.

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 7574 persons registered as its members.

The Decree regularizes the registration process, governs the conduct of, makes rules on the funding and creates a transparent disclosure mechanism for groups which intend to hold itself out as 'political parties.' It is a significant development and advancement from the now repealed Electoral (Registration of Political Parties) Regulations 1991. The Decree is oriented towards transparency of the persons who intend to contest to lead the country.

It appears from the structuring of the provisions that in order to hold out as a Political Party, an applicant would need to be prevalent throughout Fiji and not concentrated in a district or Town. It requires such groups to divert from cultural/ racial based associations which are discriminatory to align to neutral names in 'English.' It requires such groups to be made up of Fijians from all over the country.

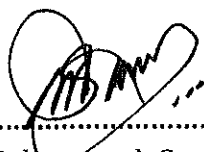
To emphasize the importance of and to eliminate opportunities of falsification and fraud, the Decree imposes penalty provisions as in section 10 (4) for failure to provide information once requested and section 10(5) prohibits registration in the event information submitted is incorrect or obtained in a fraudulent manner.

From the responses received from the Applicant; and also considering the nature of the anomalies, I do not believe these are intentional alterations made to achieve registration but rather human error. I am not satisfied that the Applicant intended to benefit from the anomalies. The Applicant actually sought to have them deleted from its list. I am prepared to accept that the Applicant does meet the minimum membership requirements as per the Decree.

As for the anomalies, I will refer the same to relevant authorities for them to take further action on the same.

Having found that the Applicant has provided the necessary particulars as required by section 6 of the Decree, I determine that the Applicant be registered as a political party under the Decree.

The National Federation Party (NFP) is hereby required to submit a written declaration giving details of all assets and expenditure as per section 16 of the Decree no later than 12 p.m on 7th June 2013.



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Mohammed Saneem (Mr.)

Registrar of Political Parties