***“Confidential”***

5 February 2019

The Honorable Alvick Maharaj

The Chairperson

Standing Committee on Justice,

Law and Human Rights Committee

Government Buildings

**SUVA.**

**RE : Code of Conduct Bill No. 33 of 2018 Submission**

The Fijian Competition and Consumer Commission (FCCC) is honored to be invited and be given an opportunity to provide its comments and make submissions in regards to the proposed Code of Conduct Bill. First and foremost, accountability and transparency are core ethos of a public official which are embedded in the Fijian Constitution. The Constitution Preamble clearly states that the Constitution is the supreme law of the country and it provides the framework for the conduct of Government and all Fijians. This Code of Conduct Bill (Bill) gives effect to Section 149 of the Fijian Constitution.

The Bill legally binds public officials including Chief Executive Officers and Board of statutory authorities. Schedules 4 and 5 of the Bill clearly outlines the Board’s and CEOs Code of Conduct respectively. The fact that the Board and CEO are bound to the Bill ensures a high degree of accountability. As the CEO of FCCC I fully support the Bill and commend the efforts of the Fijian Government in realizing Section 149 of the Constitution.

Being a CEO of statutory body and given that FCCC protects consumer interests, promotes competition and regulate markets where competition is lessened or limited, stakeholders, consumers and agents need to be aware as an official, there is a high degree of expected behavior. Consumers and stakeholders are given the opportunity to report suspected breach and maximum penalties if convicted is a term of 10years or imprisonment not exceeding 5years or both. Apart from the expected behavior there is also the provision of declaring interests, financials, assets and liabilities every year.

Below is a summary of FCCC’s submission on the Bill:

|  |  |  |  |
| --- | --- | --- | --- |
| **Part** | **Clause** | **Sub-Clause** | **Comments** |
| 2 | 5 | 1 | It is crucial that Commission staff, employees, agent or consultant are bound not to disclose information unless necessary to do so. |
| 2 | 5 | 2 | Penalty of $10,000.00 or a term not exceeding 5years or both is a fair and reasonable deterrent provision. |
| 2 | 6 | 2 | In the interest of confidentiality the names of any complainant and person the subject of complaint are not to be disclosed. |
| 3 | 7 | 5 | Schedule 4 applies to all members of statutory authority or a board of statutory authority. |
| 3 | 7 | 6 | Schedule 5 applies to the CEO. |
| 4 | 10 | 2 | Complaint to be in writing ensures credibility of information and reliable evidence. |
| 4 | 10 | 4 | Any complaint against a member of the Commission being submitted to the Chief Justice ensures independence of complaint’s received. |
| 4 | 11 |  | Verification of information and identification is crucial given that the allegations made can be detrimental.  The fact that *the Commission must verify* ensures that verification is a process that must be done. |
| 4 | 14 | 1 | 14days to respond to the Complaint; this gives a degree of fairness and natural justice to the person whom the complaint has been lodged against. |
| 4 | 17 |  | Given the nature of the proceedings it is important that such process is conducted in private. |
| 6 | 26 |  | Only CEO to declare income, assets, other interests and liabilities. However, it is to include spouse and children. Declaration needs to be done every year. |
| 6 | 27 |  | Any person can pay a fee and request for information this ensures transparency. |

Should there be any need for further information or clarification, please do not hesitate to contact the undersigned.

Yours sincerely

……………………

**Joel Abraham (Mr.)**

**Chief Executive Officer.**