

VERBATIM NOTES OF MEETING OF THE STANDING COMMITTEE ON JUSTICE, LAW AND HUMAN RIGHTS, HELD IN THE COMMITTEE ROOM (WEST WING), PARLIAMENT PRECINCTS, GOVERNMENT BUILDINGS, ON 29TH MAY, 2018 AT 1.55 P.M.

Submittee: Fiji Independent Commission Against Corruption (FICAC)

In Attendance:

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| 1) | Mr. George Langman | - | Deputy Commissioner |
| 2) | Mr. Rashmi Aslam | - | Manager Legal |
| 3) | Ms. Kolora Naliva | - | Manager Corruption Prevention |
| 4) | Ms. Lisa Elaisa | - | Manager Administration |
| 5) | Ms. Loreen Singh | - | Senior Accounts Officer |
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MR. CHAIRMAN.- Honourable Members, members of the secretariat and staff, we are still awaiting the media, but let us start the proceedings for today and for the benefit of Honourable Members, we have the team from FICAC before us, headed by Mr. George Langman, the Deputy Commissioner; and accompanied by Mr. Rashmi Aslam, Manager Legal; Ms Kolora Naliva, Manager Corruption Prevention; Ms Lisa Elaisa, Manager Administration; and Ms. Loreen Singh, the Senior Accounts Officer, who have responded to our invitation to be present before this Committee, to give their views on the 2016 and 2017 Reports. The first Report is from January to July, 2016 and the second Report is 1st August, 2016 to 31st July because there was a change in the financial year at that time.

Mr. Langman and team, I thank you once again for your presence and for your accepting our invitation to be present here. You have responded to the questions that we had sent and we are grateful. We have read the answers but we will ask you and your team to go through one by one all the questions, so that if there are any other supplementary questions that arise, we can ask these as we go along.

Let me introduce you to my team. We have three Government Members and two Members from the Opposition in this team. I am the Chairman and the Deputy Chairperson is Honourable Niumataiwalu. He is from the Government side as well as Honourable Dr. Brij Lal. Honourable Mikaele Leawere and Honourable Semesa Karavaki are from the Opposition side. The staff here are Ira, Jackson and Darolin, who will be assisting us through the proceeding.

Without taking further time, we now request the team to please make your presentations and we will ask questions as we go along.

MR. G. LANGMAN.- Thanks for the kind words, Mr. Chairman. Sorry for the late response to this document because we just got it this morning. There must have been some miscommunication between our organisation, but we have responded the best we can and I have brought along with me my advisers. We will be looking forward to more questions, I believe, more than what is in here, and we will be ready to answer them.

MR. CHAIRMAN.- So, Members, let us go to the first one. The question that was raised regarding the January 2016 to July 2016 Report. That has been answered. The issue was that the Committee had sought clarification on why there was a delay in the Report being

endorsed by the Deputy Commissioner for the period ending 31st January, 2016, and it was endorsed in October, so that is noted. We agree to that and we accept that explanation. I think that is the practice elsewhere in other Departments as well; they have to await the audited accounts before the Report can be compiled and signed off. So, is there any question arising from that? No. So, we can move to the next one.

The miscellaneous income on Page 52 of the 2016 Report, if you can go to that page, the question is, in the financials of FICAC, there was a notation of miscellaneous income and the explanation by FICAC is that, that is the income that is derived from providing extra set of income. Also, the explanation by FICAC is that, that is the income that is derived from providing extra set of disclosures to the defendant, just like the Fiji Police Force, I believe the first set of disclosure are free by FICAC. And if the accused has lost that set of disclosures, the second set is provided at a cost. So, can we know what is the cost of a second set of disclosures?

MR. G. LANGMAN.- Sorry, I will let my Manager Legal respond to that.

MR. CHAIRMAN.- Yes.

MR. ASLAM.- Thank you, Mr. Chairman. It is \$22 for one set of disclosures.

MR. CHAIRMAN.- It is \$22. Any questions arising from that Honourable Members? I think that is pretty routine, that is also practiced by the Fiji Force. If I may ask, is there a VAT component to that amount as well, that needs to be sent back to the Government?

MS. L. SINGH.- No, Sir. We do have VAT on some other income but on the disclosures, we do not have any VAT.

MR. CHAIRMAN.- So is that miscellaneous income - all that is there is the provision for a second set, nothing else?

MS. L. SINGH.- In the Financial year ending 31st July, 2016, yes, it was only the second set of disclosures, one set only.

MR. CHAIRMAN.- We have accepted that explanation. There is one question by Honourable Dr Brij Lal.

HON. DR. B. LAL.- In other Government Departments, if money is collected, it is sent to the Ministry of Economy. What about in your case?

MS. L. SINGH.- It is not sent to the Ministry. We do advise them when we submit our quarterly reports. We show it 'as other income' and it is recorded in our accounts as well.

MR. CHAIRMAN.- The third question was with respect of the structure of the Commission. The Committee knows that FICAC has been operating without a Commissioner or an Acting Commissioner for the last 10 years. Is the Deputy Commissioner in a position to comment on this? And the response was, and I think the question itself had an error which has been clarified by the Deputy Commissioner that in the absence of a Commissioner you have been acting in that position for the past 10 years?

MR. G. LANGMAN.- That is correct, Mr. Chairman.

MR. CHAIRMAN.- It is also noted that the Deputy Commissioner does not have the authority to appoint anyone? It is His Excellency the President who appoints the Commissioner.

MR. G. LANGMAN.- That is correct, Mr. Chairman.

MR. CHAIRMAN.- Would you like to elaborate further on that issue?

MR. G. LANGMAN.- It is a legal provision which I would like Manager Legal to provide the response.

MR. CHAIRMAN.- Yes, please.

MR. R. ASLAM.- Thank you, Honourable Chairman. This is a question that has been asked very frequently from FICAC. FICAC is the operating body, the appointment comes from His Excellency the President. So, we really do not have a say on the appointment or even to the acting appointment of the post of the Commissioner. However, it is an ex-officio position when the Office of the Commissioner is vacant, the Deputy Commissioner automatically becomes the Acting Commissioner. It is in the law under Section 7 of FICAC Act.

MR. CHAIRMAN.- Section 7 of the FICAC Act. Just on the structure, I understand there are three offices of FICAC around the country Suva, Lautoka and Labasa?

MR. G. LANGMAN.- The question again, Mr. Chairman.

MR. CHAIRMAN.- I understand that there are three offices of FICAC around the country?

MR. G. LANGMAN.- There is. There is one in Lautoka and one in Labasa.

MR. CHAIRMAN.- And one in Suva?

MR. G. LANGMAN.- The Headquarters is in Suva.

MR. CHAIRMAN.- Are you in a position to advise how many legal officers would you have in each respective office?

MR. G. LANGMAN.- We do not have legal officers in Labasa and Lautoka, they all are positioned in Suva but we do send them out for cases and legal verification or assessment of cases in Lautoka and Labasa.

MR. CHAIRMAN.- How many legal officers in total are in Suva?

MR. G. LANGMAN.- We have 12 lawyers altogether.

MR. CHAIRMAN.- Honourable Members, any questions arising from those two issues? The first one is sufficiently answered and is sufficient for the Committee's purposes that in the absence of a Commissioner, the Deputy Commissioner does act in that position. Is an ex-officio position and is provided for under Section 7 of the FICAC Act. That clarifies the issues that have been asked of us many times. Yes, Honourable Member?

HON. S.D. KARAVAKI.- Deputy Commissioner, when you make a decision for the Commission, that decision is made by yourself only, or in consultations with other members of staff?

MR. G. LANGMAN.- Thank you, Mr. Chairman for that question. I have established several committees and these are the committees that assist me in making decisions. For example, investigations before we finalise a case, it is myself and the Legal Unit, they provide me with legal advice.

In terms of carrying out preventative work education awareness, I normally consult with the Manager, Corruption Prevention. She gives me advice but other than that I have Committees: the Tender and the Procurement Committee; a Welfare Committee; and a Board of Survey Committee. They are the ones who provide me advice and helps me makes decisions.

HON. S.D. KARAVAKI.- Thank you, Chair, and just the second question, when you were in the capacity of Acting Commissioner, were you also paid with acting allowance?

MR. G. LANGMAN.- Thanks for that question, Mr. Chairman. I have been receiving a fixed salary, and no, I do not receive any acting allowance. I have been receiving a fixed salary.

HON. S.D. KARAVAKI.- The law says that you act in that position.

MR. G. LANGMAN.- The legal interpretation it is ...

HON. S.D. KARAVAKI.- ...but you do not receive any acting allowance?

MR. G. LANGMAN.- No, I do not.

HON. S.D. KARAVAKI.- Why is that Manager Legal?

MR. CHAIRMAN.- I do not think he can answer that because it is the President who determines the remuneration.

MR. G. LANGMAN.- In the FICAC Act, it talks about remuneration of the head of the organisation being determined by the Judicial Legal Services Commission. Is it correct?

MR. CHAIRMAN.- Yes.

MR. G. LANGMAN.- But neither does that explain the appointment of the Commissioner, nor does the Constitution says that.

MR. CHAIRMAN.- Yes, I note that.

MR. G. LANGMAN.- So, it only talks about the remuneration of the Commissioner. That has been the practice since then and till today. Thank you.

MR. CHAIRMAN.- We had a look at those provisions and we did find what you have said and it is not there in fact in the law, so congratulations for acting on the position without any extra charge.

So Members, those three were the questions regarding the January 2016 to 31st July 2016 Report. If there is no further questions or clarifications, we can move to the next set of questions.

We will now look at the questions that were raised regarding the Annual Report for 1st August, 2016, to 31st July, 2017. The first question is: Why is there an inconsistency in the listing under the cases recommended for closure as shown on Pages 13 to 20 in the Annual Report of August, 2016 to July, 2017? And the Committee noted that some cases have names specified and some do not. Clarification is sought on this and we would like to hear from the Manager Legal on this issue.

MR. R. ASLAM.- Thank you, Mr. Chairman. The reason some names appear in the case details in the Annual Report is that those details were taken from the complaint itself. So, when a complaint is made, sometimes they name the persons who they think the suspects could be. So, the names are there in the complaint, but most of the time, the complaint's names are not there, merely the general allegation, the investigation only will find who the suspects are. So, when we take the details from the complaints and if the names are there, we might specify that there, otherwise we will not specify. That is why some case details appear with the names and the others do not.

MR. CHAIRMAN.- That is accepted. So, during the investigation, if you do come across a name, do you update your records, or do you still leave it as 'no names'?

MR. R. ASLAM.- We update that in the investigation files.

MR. CHAIRMAN.- So, will that reflect in the report as well?

MR. R. ASLAM.- It might not reflect in the report.

MR. CHAIRMAN.- All right. So it is basically...

MR. R. ASLAM.- ...unless they are taken to court, it will reflect, otherwise it will not.

MR. CHAIRMAN.- All right. So, we take it as that some of the names will not appear because the complaint that was initially received did not have a name?

MR. R. ASLAM.- That is right.

MR. CHAIRMAN.- Honourable Members, are you satisfied with that answer? It makes sense because some names are here and some names are not there, it is probably what the complainant had referred. The next question.

Question No. 5: Clarification is sought on cases that come to the Commission and end up being recommended for closure due to the explanation of insufficient evidence. Does the Commission actually investigate and then determine that there is an insufficient evidence or

determine the complaint without investigations, relying on the material provided by the complainant?

So, we would like to hear something from the Manager Legal on this as well in terms of how the investigations are done and what is relied upon.

MR. R. ASLAM.- Thank you Honourable Chair.

In the question, it was referred from pages 13 to 20 in the Annual Report. There are about 204 cases referred and all those cases had gone through investigations and thereafter assessment by the Legal Department to determine whether they have sufficient evidence to initiate proceedings or not. So, after going through this process, if we decide that there is no evidence to go ahead, then we close the case on the basis that there is not sufficient evidence.

MR. CHAIRMAN.- And the decision to close the case for insufficient evidence is taken by the Deputy Commissioner?

MR. G. LANGMAN.- That is correct, Mr. Chairman, after I receive the final legal opinion from the Legal Department.

MR. CHAIRMAN.- All right. So that means that you determine the case after going through the opinion of the Legal Department?

MR. G. LANGMAN.- That is correct Mr. Chairman.

MR. CHAIRMAN.- Members, are you satisfied with that explanation? The process is that the Deputy Commissioner finally makes the determination after he has sought sufficient legal advice from the legal team. That answers the question.

Question No. 6: With respect to the 'Good Kiddo Programme', and this is a very interesting one because, just giving a bit of background, we have had other agencies who appear here like the NCDs one, the Ministry of Health, et cetera, they talk of programmes that they want to implement in schools, even the Electoral Commission one but it has not eventuated. FICAC is one that has actually gone ahead with educating young children about good values. So, this is what the Committee is interested in and we would like to hear from the team in detail of how it is done.

MR. G. LANGMAN.- Thank you, Mr. Chairman. FICAC takes two approaches, it is done concurrently. We have got the reactive mode, which is the investigation prosecution and then we have the proactive mode, which is done by the Corruption Prevention Department. This Good Kiddo Programme was an initiative we developed two years ago, finally put into practice last year. We have noticed that in the absence of disciplining the children in schools, this programme has come into place where we teach young kids values. I would like to refer this to the Manager Corruption Prevention to explain more on the programme, which she is heavily involved in.

HON. A. SUDHAKAR.- All right. Yes, please.

MS. K. NALIVA.- The Good Kiddo Programme is a specially designed awareness programme that is specifically targeted at primary school students. It is a concept of a super hero, that is dressed in full armour, and each of the armour of the super hero represents a moral value. With the Good Kiddo Programme, which was introduced last two years ago and

currently it is an ongoing programme for us to all the schools across Fiji, and the two goals from the Good Kiddo Programme was one, for the students to understand the functions of the Commission and also the concept of good values, and how good values will help the younger generation to become a better citizen.

Also, if I may add, Good Kiddo Programme is an introductory concept to another education curriculum that is currently in its piloting phase, as we speak. This programme here is the National Anti-Corruption Curriculum. It is currently in its piloting phase and it will be fully implemented in 2019. The National Anti-corruption Curriculum is currently piloted to 32 schools that is, 16 primary schools and 16 secondary schools all across Fiji.

MR. G. LANGMAN.- May I just add on to that Mr. Chairman. The National Anti-Corruption Curriculum is a joint effort between FICAC and the Ministry of Education. So, it is the curriculum development unit of Ministry of Education who had actually sat down with us and designed this programme. It was an initiative that we saw that has been experimented by Brunei, and has been very successful, and we are adopting a similar model now in Fiji.

MR. CHAIRMAN.- So is it a separate unit or in primary schools, we have separate classes.

MS. K. NALIVA.- For the Good Kiddo programme, it is specifically for primary school students, that is from Year One to Year Eight, and for the national anti-corruption curriculum, it is particularly for the secondary school students. With the national anti-corruption curriculum, it is the integration of anti-corruption lessons into the current education curriculum that we have. These are selected subjects only, those are English, Accounting, Social Science, Social Studies and History.

MR. CHAIRMAN.- All right, so these five units, for example, English and Social Science, this will have a particular topic on anti-corruption. There is not a separate unit as it is.

MS. K. NALIVA.- Yes. We have developed a resource manual for primary school teachers and for secondary school teachers, so to actually help the teachers in their teaching in the classroom.

MR. CHAIRMAN.- All right. So that is yes, former Permanent Secretary for Education, Dr Brij Lal.

HON. DR. B. LAL.- Do you have the same curriculum for all the classes or different grades of work for different age levels?

MS. K. NALIVA.- Different work for different classes.

HON. DR. B. LAL.- Thank you and the second question is, who does the evaluation of that? How do you say that it is an effective programme or a good one? Who is evaluating or monitoring it?

MS. K. NALIVA.- Within the Corruption Prevention Department of FICAC, we have a monitoring and evaluation unit, so after a period of six months, the team goes back to carry out evaluation exercise on this programme, whether it has been effective or not, and apart from the evaluation team from FICAC, I believe the Ministry of Education as well with the Curriculum Development Unit, they also do their own evaluation exercise.

MR. G. LANGMAN.- Just to add on that as well, Mr. Chairman, the current exercise that we have right now will be evaluated sometime in September and October. We should have the final product out by November and have all the documents printed and distributed before school break this year. So there will be full implementation in 2019.

MR. CHAIRMAN.- You mentioned something about Brunei, Commissioner. How long has this programme been going on in Brunei?

MR. G. LANGMAN.- Mr. Chairman, it has been going on for a number of years now and we sent some officers to Brunei on attachment for about two weeks. We got a very good response from them. They have been putting on trial for a number of years now and it has been very effective. Now other countries are wanting to follow the similar model and since we adopted our model, it has generated a lot of interest with United Nations Development Programme (UNDP). Now they are saying, probably providing something similar to other Pacific Islands, so it has begun to stretch.

MR. CHAIRMAN.- All right, first.

HON. DR. B. LAL.- Sorry, I think I heard that this programme was somehow linked to discipline of students. Discipline is one of the things, a challenge in the schools system, not today but for many, many years. How is discipline being actually targeted through this programme?

MS. K. NALIVA.- I believe with the absence of corporal punishment in the school system, both of these programmes pave the way, a pathway for the students in terms of learning about moral values and taking on values education while they are still there in the school system. So, in a way, in carrying out this good kiddo awareness sessions and also when we were out for the piloting programme of the national anti-corruption curriculum, we have received positive response from the teachers, even from the head teachers and the principals that the school discipline rate in their respective schools has actually decreased by a larger volume.

MR. G. LANGMAN.- Can I just add on a bit more there, Mr. Chairman. When we leave the school, we leave this model. This model of a person with five values.

MS. K. NALIVA.- Yes, five.

MR. G. LANGMAN.- Five values. So, every morning when they come to school, they see this model and that sets an example that they have to abide by those five values every day. That model is almost 4 feet high, which we leave in every school after conducting the session.

MR. CHAIRMAN.- Sorry, what are those 5 values?

MS. K. NALIVA.- It is Trust, Obedience, Respect and Honesty.

MR. CHAIRMAN.- Four?

MS. K. NALIVA.- It is only four.

MR. CHAIRMAN.- Only four - alright. Honourable Akoula any question?

HON. M.A. NIUMATAIWALU.- Thank you, Mr. Chairman. I was really interested in this because you said “concept of good values and our having good values lead to being a better citizen.”

I come from an NGO background on Christian teaching for couples for parenting, that is why I was interested in how good values because Brunei is a Muslim country. How do you deal with the different faith based communities that we have? Does that affect you? You know I thought that the primary sort of teaching for character building comes from within the family rather than institutions trying to put in character building skills which normally comes from family. I am a family person and I am thinking ‘oh what are they trying to teach my kids if I am not teaching them the correct thing from home?’ The responsibility comes back down to the family rather than the State deciding for the family how they live their lives.

MR. G. LANGMAN.- It is a very good question there, Mr. Chairman, I will respond to this before I pass it over to the Manager. One of the things we made clear from the very beginning when we designed this model; it must not reflect a particular race. That is why this model, if you see this model, it does not show whether it is Chinese or any other race.

We have taken into account what he just mentioned, it does not offend anyone, simple values we teach the kids, something like this. For example, this young kid is walking behind an old lady going to the shop. She dropped her purse and you picked up the purse, what did you do with it? Do you run away with it or do you go back and give to the old lady? These are the questions we put to little kids - simple values. Will you take the purse and run away or take the purse and go and give back to the old lady? These sort of give the kids to think - these basic values that we teach them.

MS. K. NALIVA.- Just to add further on, the activity that is involved with this programme is through puppet show and role play and 15 minutes of animated cartoon film show. Those are some of the activities that are undertaken to demonstrate to the students the importance of these four values.

MR. CHAIRMAN.- I think the four values that are there: Trust, Obedience, Respect and Honest are beyond boundaries because it is equally applicable to all races and all religions.

HON. M.A. NIUMATAIWALU.- Yes Mr. Chairman, I just thought because of the makeup of our community, that is where I am coming from. I am not talking about whether you are Chinese or what, the moral values that we have, we need to live it before we can preach it. It comes back to honesty, are we living what we are teaching?

That is where I am coming from because if it begins from the home, you will not have problems of having good citizens later on. But if we are coming through an institution, I am a bit confused here whether we have parenting, training a parents to be better parents, training their children because that is their God-given abilities that is there, or we are trying to bring in some concepts that really we do not know whether it will break down the family because you are teaching something and whether it aligns with the home setting.

MR. CHAIRMAN.- I think FICAC has also done some community awareness as well. I have noted here that you have gone to some villages. What was the village, Honourable Lal - somewhere in the remote location? Vuniwai, somewhere in the North and 13 other villages where FICAC had gone to. Does that spell well with what Honourable Akoula is saying that you also not only educating the children, but also educating the communities, parents as well.

MS. K. NALIVA.- Yes, apart from this Good Kiddo programme, the Corruption Prevention Department also carries out awareness sessions to communities, not only in the English language, but we also cover the training in the *iTaukei* language and also in the Hindi speaking sessions. Particularly, we also carry out community project based awareness sessions for those communities who receive Government funded projects. So, we carry out awareness sessions to them as well.

MR. CHAIRMAN.- Thank you. That answers your question? Acting Commissioner, for the countries that have already implemented such curriculum in their school systems, for example Brunei, would you have the statistics at least in one of those countries where the corruption levels have gone down, or is it in a positive effect on the corruption level of those countries?

MR. G. LANGMAN.- Mr. Chairman, we have not gone to the stage yet, but I do not know whether the Manager might be able to answer that question on the statistics. We are not aware of it and we have not gone that far yet.

MR. CHAIRMAN.- I understand in Fiji is a young programme and is still at the piloting stage but in some countries in Brunei, for example has been there for some years. So it will be interesting to see how effective that education system has been in those countries. If you have any stats, please forward it to the Secretariat and we can include that in the report as well.

Are there any further questions in that regard Honourable Members before we go to the next one? I think there has been sufficiently addressed by the Commissioner and team in terms of the Good Kiddo programme. I would like to comment that this is something that we have seen a lot of agencies are at the planning stage of implementing similar programmes in schools, but FICAC perhaps is the first one actually that has got it up and running. It has been there for two years now?

MR. G. LANGMAN.- Yes, Mr. Chairman.

MR. CHAIRMAN.- Question No. 7 - Please clarify what current liabilities and non-current liabilities comprise of as shown on Page 55 of the Annual Report August 2016 to 2017? Finance team?

MS. L. SINGH.- Thank you, Mr. Chairman. The current liabilities comprise of the outstanding supplier payments for which the goods and services have been provided but not paid at the Financial year end. It also comprises of accruals as at 31st July. These are the expenses that have been incurred but not yet invoiced by the suppliers. Annual Leave liability - the annual leave liability is recorded in monetary terms which employees are entitled as at year end.

MR. CHAIRMAN.- When you say “suppliers”; is it for supplier such as office equipment, furniture, cetera?

MS. L. SINGH.- Yes.

MR. CHAIRMAN.- And accruals would be incurred by invoice but not supply. So that means something that are like a credit sale or something?

MS. L. SINGH.- Normally these are utility bills, for example FEA bills say for the month of March is received in April. So cut off is 31st March, we would not know what would be the bill so we estimate the bills for that month and record it.

MR. CHAIRMAN.- Does FICAC operate on a cash based or accrual based system?

MS. L. SINGH.- We are on accrual basis.

MR. CHAIRMAN.- That is a more detail system that we have discussed earlier, accrual system is the way to go perhaps. Annual Leave liability, that is every staff is entitled for annual leave?

MS. L. SINGH.- Yes.

MR. CHAIRMAN.- How does it become a liability to FICAC? Like it is an amount if they do not take that leave to pay that amount back?

MS. L. SINGH.- We do not pay that but we do accrue the annual leave, say for example, an employee is entitled for 21days Annual Leave. So, every fortnight, 0.8 days is accrued so we record that accrual in monetary terms.

MR. CHAIRMAN.- The accruals are done on the monthly basis?

MS. L. SINGH.- We do at financial year end but annual leave is done on fortnightly basis.

MR. CHAIRMAN.- How is this annual leave carried over? Is it possible to carry over to another year?

MS. L. SINGH.- Only 10 days is carried over.

MR. CHAIRMAN.- So, if someone is entitled to 21 days and does not take these 21 days, 10 of those days are carried over to the following year, and the other 11 days, they die out?

MS. L. SINGH.- They have to take it.

MR. CHAIRMAN.- So, they have to take it? So you do not have to adjust the books for that?

MS. L. ELAISA.- Thank you, Mr. Chairman. What we normally do is if an officer is given 21 leave days, three months before their anniversary is due, we normally notify them that they have say 13 leave days owed to them and they have to reduce it to 10. So they have to take three days before their anniversary, otherwise they are forfeited.

MR. CHAIRMAN.- Yes. I understand that, so that means their accruals will not go on forever.

MS. L. SINGH.- No.

MR. CHAIRMAN.- So the books will not because my other Public Accounts Committee usually has this question where lot of people are with accrual annual leave and causes a lot of problems, so I think FICAC is in good control of that. Any questions in that regard Members?

HON. DR. B. LAL.- The long service leave is paid out in 12 years?

MS. L. ELAISA.- I am sorry, could you repeat your question?

HON. DR. B. LAL.- The long service leave....

MR. CHAIRMAN.- We are coming to that, this is the second part, non- current liabilities.

HON. DR. B. LAL.- Alright, we just hold on there.

MR. CHAIRMAN.- Non-current liabilities, it is comprised of Provisions for Long Service leave calculated on a pro-rata basis as per IFRS for SMEs requirement to make provision for future payments.

These are provisions which will be taken/paid to employees after completion of 12 years continuous service. No long service leave has been taken. That is the question, Honourable Lal had.

MR. G. LANGMAN.- Thank you, Mr. Chairman, no one has reached 12 years yet. If we do, this will be the first.

MR. CHAIRMAN.- Alright.

MR. G. LANGMAN.- But when that comes probably next year, then that is when those benefits will be paid out.

MR. CHAIRMAN.- What sort of benefits are you talking about here when you are saying long service leave after 12 years?

MS. L. SINGH.- It consists of 30 consecutive days of leave and 2.5 percent gross salary bonus.

MR. CHAIRMAN.- So, after completion of 12 years, any officer of FICAC, that is everyone in the whole system?

MR. G. LANGMAN.- I am sorry no one has reached 12 years yet.

MR. CHAIRMAN.- Yes, but this one will apply to all the officers.

MR. G. LANGMAN.- All the staff who continuously serve for 12 years.

MR. CHAIRMAN.- Alright, that means they are entitled to 30 days continuous leave, plus 2.5 percent of their gross salary.

MR. G. LANGMAN.- That is correct, Mr. Chairman.

MR. CHAIRMAN.- As an increment or as a bonus you said?

MS. L. SINGH.- As a bonus.

MR. CHAIRMAN.- That is a good incentive to stay back with FICAC. Mr. Aslam might want to extend and stay back. Honourable Members, any question in that regard?

HON. M.R. LEAWERE.- Mr. Chairman, just for female staff. Do they lose out in terms of maternity leave or in terms of that long service leave?

MR. G. LANGMAN.- Not at all, Honourable Member.

HON. M.R. LEAWERE.- Thank you.

MR. CHAIRMAN.- I mean that is by law. If female staff takes maternity leave, it should not be taken as absence.

MR. G. LANGMAN.- No, it does not.

First three children are fully paid. From the fourth onwards, that is normal government policy, they get half pay.

MR. CHAIRMAN.- First three children with full pay and any after that is half pay.

MR. CHAIRMAN.- No, it is not, it is actually way to control population though.

MR. G. LANGMAN.- So, it is discrimination against women. Well, we have something better. We have got paternity leave now.

HON. MEMBER.- (Inaudible).

MR. G. LANGMAN.- That will balance it off. We have not looked at it that way. I think that is the provision in Government policies being implemented and we have followed the same rules. We have not deviated from that, Mr. Chairman.

MR. CHAIRMAN.- The paternity leave also has the same thing, first three?

MR. G. LANGMAN.- We just started amending our policy this year.

MR. CHAIRMAN.- Alright.

MR. G. LANGMAN.- It is a new inclusion now in our policy.

MR. CHAIRMAN.- It will also have first three full pay paternity leave or same as the female?

MS. L. ELAISA.- A paternity leave is given to male staff who does not have first three, there is no limit to it.

MR. CHAIRMAN.- Alright.

MS. L. ELAISA.- But the number of days is two weeks.

MR. CHAIRMAN.- Two weeks only?

MS. L. ELAISA.- Yes, for every birth of their child.

MR. CHAIRMAN.- Because the maternity leave, I think for 180 days total or three months? It brings to the Census Report, we have only had an increase of population by 44,000

in the last 10 years. Probably we have to reconsider that policy across the board but children are needed.

Any other questions in that regard or we go to Question No.8, Honourable Members?

Question No.8, Please clarify what ‘miscellaneous income’ comprises of as shown on Page 62 of the Annual Report of 2016 /2017? Accounts?

MS. L. SINGH.- For the Financial year ended 31st July, 2017, miscellaneous income comprised of cost paid to the Commission by the defendant as per the Court Order and the auction of obsolete items.

MR. CHAIRMAN.- So, when there is an auction of obsolete items, is an miscellaneous income? And then you have to subtract that asset from your fixed assets?

MS. L. SINGH.- The income that we record under miscellaneous income is not from the sale of fixed assets but rather small items, for example vehicle tyres, left over building materials and chairs.

MR. CHAIRMAN.- Honourable Members, have you got that?

HON. S.D. KARAVAKI.- Manager Legal, can you give an explanation and an example of how a Court Order would bestow such cost against the Defendant, in your favour?

MR. R. ASLAM.- Yes. Thank you, Mr. Chairman. One example in this occasion would be the FICAC Prosecution was ready for a hearing and in that event, we had to secure all the witnesses’ presence. So some witnesses came from Labasa to attend Court Hearing in Suva and we arranged from FICAC expenses and all those. So if we arrange for about 15 witnesses to come from Labasa, we will have to give them accommodation, meal and everything to be here for the many days that they are fixed for the hearing. So on the Defence application unexpectedly in the eve of trial, and if the case is adjourned, then of course as the right we have we can make an application to Court to recover our cost and if the Court agrees with us, then the Court can order such cost. This is one of those examples. Hope I have answered that question, Honourable Chairman.

MR. CHAIRMAN.- Yes, it is clear to me, Honourable Karavaki is it satisfactory? It is a normal practice even in civil cases, if you already got the witness over and the defence is not ready or the Plaintiff is not ready, you have to pay the cost. Are there any further questions or comments, Honourable Members? Those were all the questions that we had on paper. Honourable Mataiasi Akoula?

HON. M.A. NIUMATAIWALU.- Mr. Chairman, first I would like to commend FICAC for a wonderful Annual Report. I guess we were talking the other day, we had not seen anyone pack their Annual Report like FICAC.

But I just had a question in regards to Page 66 of this 1st August 2016 – 31st July, 2017. Note 16, the last line “ amounts payable, receivable to from the Government of Fiji was nil as at 31st July, 2017”. We go to Page 57, it says the “accumulated funds as at 31st July,

2017 had \$2.8 million some amount there”. But how do you know that line, Note 16, second last line which says “amounts payable receivable to from the Government of Fiji was nil as at 31st July, 2017” and on Page 57 it says “ accumulated funds as at 31st July, 2017 \$2.85 million”.

MS. L. SINGH.- Your question is; why was it nil as at 31st July, 2017?

HON. M.A. NIUMATAIWALU.- Yes. This page, it has got “nil” but on page 57, it says “ accumulated funds as at 31st July, 2017 is \$2 million.”

MS. L. SINGH.- The accumulated fund is the carry forward of the balances that the Commission has over the years. The Note 16 states that the amount payable or receivable to the Government of Fiji was nil because there was no amount that we had to pay to the Government or any amount that we had to receive from the Government because any surplus funds that we have at year end, we do not return it back to the Ministry. We roll it over to the next financial year.

MR. CHAIRMAN.- So, finance, the major income for the Commission is from Government grant?

MS. L. SINGH.- Yes, Sir.

MR. CHAIRMAN.- And any funds that are left over at the end of the year is kept by FICAC as collected fund?

MS. L. SINGH.- Yes, Sir.

MR. CHAIRMAN.- So, sometimes the Government actually request for those funds which is a virement needed, then probably they will. I am not sure, am not saying that they take your money away, it is just that sometimes it happens.

MR. G. LANGMAN.- Finance have never asked for it.

MS. L. SINGH.- They sometimes did deduct it from the grants that we receive but not all.

MR. CHAIRMAN.- All right. I do understand, perhaps the load increases in FICAC, it will actually have an increase on the grant as well. So, Honourable Members, those were the answers to all the questions that we had. Any further questions or queries? Honourable Lal, you have a question.

HON. DR. B. LAL.- I have a general question. I do not know whether you would want to answer, but in my experience when I was Permanent Secretary, I found that we had people writing complaints on anything they had; if you transferred a teacher, there is a complaint to FICAC; you promote, although following all the procedures, there is a letter. Through your awareness programme, have you been able to streamline some of these things? Otherwise, I could see every month 100 complaints written, and I was wondering how are you going to handle that but I have looked at your actual functions, but as the awareness has now really hammered down to the real function and people are adhering to that?

MS. L. ELAISA.- Thank you Honourable Member. Yes, through our awareness training sessions that we continuously conduct to every sphere of the society, we continue to elaborate to the participants the functions of the Commission and what we are mandated to do, and where our major area of focus lies. And we have also gone further to explain to them with complaints including the labour or anything that has to do with their electricity or water that they should take it to the relevant organisations and institutions that are available. Thank you.

MR. G. LANGMAN.- Can I just add on to that? We have also established link with the Government Information Referral Centre. So most of the complaints we receive that is non-corruption related, we refer them to the GIRC and from then onwards they proceed with whatever Government Departments that can address the complaints. And that is becoming very effective.

MR. CHAIRMAN.- Yes, I do note that and in fact that was the question that actually I had missed earlier. It is coming out from Honourable Lal's question. The primary objective of FICAC is to investigate complaints against Government officials and Government offices, am I right on that?

MR. R. ASLAM.- The primary objective is to tackle corruption within the public sector, but that does not mean that FICAC has no jurisdiction to investigate other areas as well within the private sector. Even if it is a bribery, for example, within banks, FICAC has jurisdictions to conduct investigations.

MR. CHAIRMAN.- And that comes under what Section?

MR. R. ASLAM.- Section 9 of the Prevention of Bribery Act.

MR. CHAIRMAN.- Alright. So apart from the FICAC Act, the Prevention of Bribery Act also comes into play?

MR. R. ASLAM.- That is right.

MR. CHAIRMAN.- So, that was the second part of the question, I think you have already answered that. If someone has made a complaint against a particular private person for a contempt of court, et cetera, or there are two people, here on the list that do not represent Government department but there is an allegation of corruption, so that is where the Prevention of Bribery comes in?

MR. R. ASLAM.- That is right.

HON. M.A. NIUMATAIWALU.-Thank you, Mr. Chairman, through you. Deputy Commissioner, the FICAC has come in leaps and bounds, with amount of people knowing the work of FCAC now; do you have enough staff to carry the load or are you still looking forward to getting heard in the legal and all those other departments we have seen in your report? Is that enough for FICAC, moving forward?

MR. G. LANGMAN.- Well, Mr. Chairman, I will answer the question. We have now a strength of a 154. The bulk of it is in Suva.

I believe in the concept of small, powerful and effective, and that is the concept, rather than having too many and being idle. So, that is the concept that we have developed and it has

been very effective and we are getting good responses as well from the public. We do not openly advertise in everything we do; we keep it as close as possible.

In our cases for investigation, we do not usually tell the public, not until the case appears in court. These are some of the things we believe in and we protect the organisation we investigate, we protect the individual we investigate, we are not in the process of victimising organisations and people very early. We do that in a very professional manner. By having a small team, we are able to get expertise from overseas to come and do specialist training. So people are being specialised in certain areas and we also believe in the concept of multitasking people. One person can do two or three jobs at a time. So, in the absence of one person, the job does not stop. So, this is the process that we have developed and it has been very effective, small and powerful.

HON. M.A. NIUMATAIWALU.- Thank you, Deputy Commissioner. The reason why I say that because in our Parliament, we will have to pass the budget for FICAC as well. So, you might have people who are here knowing that you need the equipment, the people for your working, moving forward so that was the reason for the question. Thank you.

MR. CHAIRMAN.- I am really impressed by the multi skilling part because we have had instances where we have received complaints as MPs and as officers as well and I have received a lot of complaints, where people say, "I went there, the officer was on leave. So, for two weeks, no one was handling my file." FICAC actually has a means to address that. If one officer is away, the other one can handle.

MR. G. LANGMAN.- That is correct, Mr. Chairman, that is the concept that we have developed that nothing stops when that person leaves. Someone else can take over the job.

MR. CHAIRMAN.- This one should be taken up by other Ministries as well, especially Lands, I think. Just the information question, Mr. Aslam. I understand that apart from the FICAC Act, the jurisdiction of FICAC actually comes from other Acts as well and you have already mentioned Prevention of Bribery. I think Electoral Act is also prosecuted by FICAC. Under which other laws does FICAC exercise its powers?

MR. R. ASLAM.- Thank you Honourable Chair. The laws that FICAC governs or have jurisdictions are stated in Section 2 of the FICAC Act. That includes any mode of corruption under any laws. The main laws would be Crimes Act, and previously the Penal Code, Prevention of Bribery Act, the Electoral Act, Political Parties Registration Conduct and Disclosure Act. Those are the few Acts that I can state at this point, but Section 2 is very clear on that, what FICAC can do.

MR. CHAIRMAN.- All right. Income tax and tax laws also?

MR. R. ASLAM.- Those are beyond our jurisdictions.

MR. CHAIRMAN.- All right. That was an information question actually, it was not put in the list but I thought because you mentioned some laws, I thought for record purposes we can note that down as well. Members?

HON. S.D. KARAVAKI.- Mr. Langman, maybe with the help of the others, what are the impediments that are there, including legal impediments that would prevent you from becoming the Commissioner? I know this for a long time now you have been acting.

MR. CHAIRMAN.- I think he has already answered that, the President is the only person, but

MR. G. LANGMAN.- Mr. Chairman, I find it hard to answer that question. But, probably the high executives may answer that question for you, Honourable Karavaki. But for me alone, I do not know whether I can manage a legal impediment.

MR. R. ASLAM.- Thank you, Mr. Chairman. The question was whether there could be any impediment. There is no impediment at all because the Deputy Commissioner is given equal powers as the Commissioner in his acting as a Commissioner. That is not an impediment for the functions of the Commission.

HON. S.D. KARAVAKI.- So what is the problem?

MR. R. ASLAM.- Honourable Chairman, the question was whether there was an impediment. So there was no impediment to function. With regards to the allowance. I believe it is a separate matter to be looked into but the law says that when you are taking the position of the Deputy Commissioner, you have to be ready to be active to take the acting position as well.

In the event the Commissioner's position is vacant so that responsibility comes naturally, I believe. That is the reason why our Deputy Commissioner is not receiving or obtaining any acting allowance. It comes by way of responsibility.

HON. M.R. LEAWERE.- Mr. Chairman, just a matter of clarification. To that effect, does he receive an acting appointment letter that he is doing the job as Commissioner? Thank you.

MR. CHAIRMAN.- It is automatic I think but ...

MR. G. LANGMAN.- The appointment letter I received from the President was appointing me in my position as Deputy Commissioner, currently for an indefinite period.

MR. CHAIRMAN.- All right and for acting in that position, it is an operation of law that you by the virtue of being the Deputy Commissioner, you also become the Acting Commissioner in the absence. So that is by law. He can, he can earn some of that.

MR. G. LANGMAN.- Probably, it is just my passion for work. I have not really raised the issue.

MR. CHAIRMAN.- We noted from the Constitution and the respective FICAC Act that the position is not relied upon on any qualification like for example, to be the Commissioner of the Independent Legal Services Commission (ILSC) you have to be qualified to be a judge or you have to be able to, act as a judge as well. But in this one, there is none. So I do not see any impediment, it is probably at a later date probably you can answer that one easily. Well Members, those were all the questions we had for the team, FICAC. Any final comments Deputy Commissioner before we conclude or anyone from the team?

MR. G. LANGMAN.- Thank you so much, Mr. Chairman. Thank you so much for the questions and I hope we have answered as best as we can, to have a better understanding but feel free if the Committee decides to visit FICAC, you are most welcome to visit and see what we have. We are ready to accept you. I made a similar invitation to the Public Accounts Committee (PAC) when they came and visited us last year so the invitation is also open to the Committee, you are more than welcome to show you what we have and it will surprise you. Thank you so much, Mr. Chairman.

MR. CHAIRMAN.- Well Members thank you very much. That was Mr. George Langman, the Deputy Commissioner for FICAC. Mr. Rashmi Aslam, the Manager Legal, is also a fellow legal practitioner. Ms. Kolora Naliva, Manager Corruption Prevention, Ms. Lisa Elaisa, Manager Administration and Ms. Loreen Singh, the Senior Accounts Officer, who are present here before our Committee this afternoon to present to us the questions and the answers to their report which we were scrutinising.

On behalf of the Committee, I thank you Deputy Commissioner and team for your thorough answers, written as well as oral. We will consider all of that in our written report which we intend to table in the Parliament in the coming session and we will accept that invitation to visit you as time permits, We will make arrangements to visit your office and see how the operations are going on and I hope you do not hold some of us back, do not let us go anywhere there. With that, thank you very much once again.

MR. G. LANGMAN.- Thank you very much.

MR. CHAIRMAN.- Members, let us adjourn for five minutes.

The Committee Interview adjourned at 2.54 p.m.