

**Honourable Mr Ashneel Sudhakar**  
Chairman  
Standing Committee on Justice, Law and Human Rights  
Parliament of the Republic of Fiji  
PO Box 2352  
Government Buildings  
Suva

Dear Honourable Chairman

**RE: CLARIFICATION ON ISSUES NOTED FROM THE FIJI INDEPENDENT COMMISSION AGAINST CORRUPTION ANNUAL REPORT 1 JANUARY – 31 JULY 2016 AND THE FIJI INDEPENDENT COMMISSION AGAINST CORRUPTION ANNUAL REPORT 1 AUGUST 2016 – 31 JULY 2017**

1. We acknowledge receipt of your letter dated 25 May 2018 pertaining to the above subject.
2. Please find enclosed, the Commission's response to the questions raised by the Standing Committee on Justice, Law and Human Rights.

Thank you

Yours faithfully



**George Langman**  
Deputy Commissioner

29 May 2018

**Enclosure:** Commission's response to the Standing Committee on Justice, Law and Human Rights

*cc: Members of the Standing Committee on Justice, Law and Human Rights*

***Specific questions on the FICAC Annual Report 1 January 2016 – 31 July 2016***

1. The Committee seeks clarification on why there was a delay in the Report being endorsed by the Deputy Commissioner, given the Report period was for 1 January to 31 July 2016, more than a year before the actual endorsement? **The Commission's annual report is depended on the completed audit of accounts from the office of the Auditor General. Since the OAG submitted its report on July 2017 (for the above period), the Commission presented its AR within 3 months of the audit as required under Section 17 of the FICAC Act.**
2. Please clarify what does 'miscellaneous income' comprise of as shown on page 52 of the AR/1 Jan – 31 July 2016). **Miscellaneous income as at 31 July 2016 was paid to the Commission on account of providing extra set of disclosures to the Defendant.**
3. With respect to the structure of the Commission, the Committee notes that FICAC has been operating without a Commissioner or an Acting Commissioner for the last 10 years. Is the Commission/Deputy Commissioner in a position to comment on this? **According to Section 5 of the FICAC Act No 11 of 2007, the responsibility of appointing a Commissioner is vested with His Excellency the President. The Commission has no say in this as it is the direct responsibility and discretion of H.E. the President.**

**However, it would not be correct to say that there is no Acting Commissioner available. Under Section 7 (1) of the FICAC Act, the Deputy Commissioner becomes the ex-officio Acting Commissioner in the event the office of the Commissioner is vacant. For the past 10 years, the Deputy Commissioner has been exercising his statutory powers to act as the Commissioner pursuant to Section 7 of the FICAC Act.**

**Therefore, the Commission has never been defunct although the office of the Commissioner is vacant.**

***Specific questions on the FICAC Annual Report 1 August 2016 – 31 July 2017***

4. Why is there an inconsistency in the listing under the 'Cases recommended for closure' as shown on page 13-20 of the AR/1 Aug 2016 – 31 July 2017? The Committee notes that some cases have names specified and some do not. Clarification is sought for this? **Cases without specific names are complaints received against organisations or unidentified employees of the organisation. In most cases complaints are received from anonymous writers complaining against an organisation or position holder. For cases with names specified, these are complaints received and the accused person is named in the complaint.**

**The brief case details stated under that column is actually derived from the original complaint. When the Complaint is lodged, sometimes they refer to the names of the alleged suspects and sometimes the complaint is general without specifying the names of any suspect. When the details were taken from the complaint and if the complaint specifies the names of the alleged suspect, then it would also appear in the Annual Report details.**

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 insufficient evidence or

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

The 204 cases stated from page 13 to 20 in the AR have been subjected to investigations, legal analysis and the decisions have been taken to close the cases due to insufficient evidence.

6. With respect to the Good Kiddo programme – the Committee requests for information pertaining to this, specifically with regards to:

i. Whether the goals of setting up this programme has been achieved? The goal of the Good Kiddo programme was to ensure that students have a basic understanding of the function of the Commission; the concept of good values and how having good values leads to being a better citizen.

The second objective of the programme is to act as a buffer for the National Anti-Corruption Curriculum (NACC) which will be going into full implementation in January 2019.

The Good Kiddo programme has been able to meet both of its objectives. As we currently speak, the NACC is in its pilot phase at 32 schools (16 primary and 16 secondary) around the country, chosen by the Ministry of Education and we will be successfully going into full implementation by January 2019.

We have had numerous requests from Head Teachers of various schools to bring the programme to their schools as they believe the Good Kiddo programme is engaging and enhancing towards the child's learning process on social base issues.

ii. What is the status of this programme? Currently, this programme is one of the Corruption Prevention Department's sustainable products for schools. We are continuously reviewing the product to improve our output and ensure what we deliver to the students is current, relevant and engaging.

It is an on-going programme for us and one of our best programmes in the school sector.

7. Please clarify what 'Current liabilities' and 'non-current liabilities' comprise of as shown on page 55 of the AR/1 Aug 2016 – 31 July 2017?

**Current liabilities** comprise of:

- Outstanding supplier payments for which goods and services has been provided but not paid at financial year end (i.e. 31/07/2017)
- Accruals as at 31/07/2017 as per IFRS for SMEs requirement. These refer to expenses that has been incurred but not invoiced by the suppliers as at financial year end.
- Annual Leave liability – the annual leave in monetary terms which employees are entitled to as at financial year end.

**Non-current liabilities** - comprise of the Provision 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 or paid to date.

8. Please clarify what 'miscellaneous income' comprises of as shown on page 62 of the AR/1 Aug 2016 – 31 July 2017? Miscellaneous income comprises of:
  - cost paid to the Commission by the defendant as per the Court Order; and,
  - auction of obsolete items.