



SUBMISSION BY THE FIJI INSTITUTE OF ACCOUNTANTS

TO THE PARLIAMENTARY STANDING COMMITTEE ON JUSTICE, LAW AND ORDER

“Na Dina Ga” (Only the Truth) is the motto of the Fiji Institute of Accountants, and we believe that this is a maxim that should apply to all those who offer their accounting services to the public. Accountants should be truthful, ethical and professional in all their dealings with their clients, employers and the general public, and they should be held to account if they fail to live up to those principles. Honesty and Truth are not mere words, nor should they be subject to manipulation on the basis of legal argument. If accountants are to be respected, they must earn that respect through their conduct.

However, these principles should extend well beyond those who may be described as professional practitioners – whether they be accountants, doctors, lawyers, engineers or teachers. They should apply equally – if not more importantly – to those who hold any public office – whether as civil servants, employees of statutory institutions or politicians.

We believe that no institution or individual should hold or be granted unfettered powers, nor enjoy unlimited authority to make decisions that will affect, positively or adversely, the public or public institutions. Conversely, no institution or person should be immune to criticism, or to prosecution, if that is warranted. The rules of slander and defamation should be upheld, as they are for all citizens of Fiji at present, but those holding public office should be prepared to answer for their actions or statements – if necessary before a Court of Law.

Those who are elected to the Fiji Parliament by the people of Fiji are already protected by virtue of the provisions of section 3 of the Parliamentary Powers and Privileges Act against any civil action that any member of the public might like to take against them for any statements made within the Parliament premises. If any such statements are repeated outside those premises those making them can be subject to the civil laws relating to libel and defamation.

Clause 24 of Bill 28 of 2016, however, introduces the concept of making criticism of Parliament, the Speaker or Committees of Parliament, and, by implication those who serve in that institution, under definitions that can be interpreted within a virtually unlimited context, to be a criminal offence with punitive and vindictive penalties. Such a provision constitutes the very antithesis of democracy, by denying to the very people who, in theory, established the institution, and also elected those who serve within its aegis, the right publicly to question either the institution or their representatives. A well-known English novelist, E M Forster (1879-1970) commented “Two cheers for democracy; one because it admits variety and two because it permits criticism.”

Parliament, by definition, is a conference or deliberative assembly, derived from the French word ‘*parler*’, to speak or debate. The exchange of ideas, within its premises, is encouraged and ideas from outside – whether in the form of comment or criticism – should also be encouraged. Such contributions could quite possibly enrich consideration of any issues being debated. Certainly criticism should never be criminalised; unfair criticism is already covered under civil procedures.

Therefore, Clause 24 of Bill 28 of 2016 must be removed.