

# STANDING COMMITTEE ON FOREIGN AFFAIRS AND DEFENCE

Consolidated Review Report of the Fiji Independent Commission Against Corruption 2018-2019 and 2019-2020 Annual Reports



## PARLIAMENT OF THE REPUBLIC OF FIJI

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# **Acronyms**

DPP's Office - Office of the Director of Public Prosecutions

FICAC - Fiji Independent Commission against Corruption

GK - Good Kiddo

SCFAD - Standing Committee on Foreign Affairs and Defence

SDG - Sustainable Development Goal

SO - Standing Order

UNCAC - United Nations Convention Against Corruption

# Chairperson's Foreword

The Standing Committee on Foreign Affairs and Defence (Committee) hereby submits to Parliament the Consolidated Review Report of the Fiji Independent Commission Against Corruption 2018-2019 and 2019-2020 Annual Reports

The Fiji Independent Commission Against Corruption (FICAC) was established in 2007 under the Fiji Independent Commission Against Corruption Act 2007 (Act) and continues in existence by virtue of section 115 of the Constitution of Fiji (Constitution).

FICAC was established to eradicate the prevalence of corruption and systematic abuse, and the misuse of public funds and office throughout the public sector. The Act gives FICAC investigatory, advisory and prosecutorial powers covering inter alia corruption, election, bribery and fraud related offences.

The Committee was referred to the Fiji Independent Commission Against Corruption 2018-2019 and 2019-2020 Annual Reports on 06 December 2024.

The Committee had called for a face-to-face public submission from the Fiji Independent Commission Against Corruption on 22 January 2025. This session was broadcast live on the Parliament Facebook page and aired on the Walesi Parliament channel. The report captures the trends in the various activities reported in the reporting period. This report contains four (4) recommendations for consideration.

I wish to thank FICAC for compiling and submitting its Annual Reports from 2018-2020.

I thank the members of the Standing Committee on Foreign Affairs and Defence for compiling this bipartisan report and also thank the Secretariat for their invaluable support.

On behalf of the Standing Committee on Foreign Affairs and Defence, I submit this report to Parliament.

Hon. Lenora Qereqeretabua

Chairperson

#### Recommendations

- 1.0 The Committee recommends that FICAC in collaboration with the Ministry of Education consider implementing a national anti-corruption curriculum in schools as soon as practicable and collaborate with teacher training institutions to include an anti-corruption module in their programs (refer to paragraph 3.3.1).
- 2.0 The Committee is of the view that there should be adequate training and stringent systems in place for corruption risk assessments and strengthening policies to be looked into by relevant ministries and departments based on PSC Circular 9/2008 (refer to paragraph 3.3.2).
- 3.0 The Committee emphasized the power of social media in shaping awareness, pointing out the challenge of balancing entertainment and educational content given that social media often exposes harmful behavior, especially to young people. The Committee suggests that anti-corruption messages should be promoted not only in universities but also in primary and secondary schools. The Committee urges FICAC to evaluate and enhance its social media efforts to raise awareness about corruption, stressing the importance of this work in educating the public (refer to paragraph 3.3.3).
- 4.0 To address staffing challenges and ensure continuity of expertise, the Committee recommends that FICAC should develop a succession planning strategy to retain key knowledge within the organization. This could involve identifying senior staff or digital forensics experts to mentor junior staff, ensuring that critical knowledge is passed on (*refer to paragraph 3.3.4*).
- 5.0 While matching overseas salaries may not be feasible, the Committee suggests that FICAC should aim to provide **competitive compensation packages** that recognize the specialized skills of its staff, particularly in areas like digital forensics (*refer to paragraph 3.3.5*). This could include:
  - i. **Specialized skill allowances** for employees working in high-demand areas like digital forensics.
  - ii. **Annual performance-based incentives** or bonuses linked to key performance indicators (KPIs) to reward outstanding performance.
  - iii. **Reviewing salary structures regularly** to ensure they remain competitive within the public sector and in comparison, to private sector offerings.

# 1.0 Committee Remit and Composition

Under Standing Order 109(2)(e) the Standing Committee on Foreign Affairs and Defence is mandated to look into matters related to Fiji's relations with other countries, development aid, foreign direct investment, oversight of the military, and relations with multi-lateral organizations. The members of the Standing Committee on Foreign Affairs and Defence are as follows:



Deputy Speaker of Parliament Assistant Minister for Foreign Affairs



Hon. Rinesh Sharma Deputy Chairperson



Hon. Penioni Ravunawa Member

Assistant Minister for Health and Medical Services



Hon. Ratu Isikeli Tuiwailevu Member

Assistant Minister for iTaukei Affairs, Heritage and Arts



Hon. Virendra Lal Member

#### 1.1 Committee Secretariat Team

Supporting the Committee in its work is a group of dedicated Parliament Officers serving as the Committee Secretariat. These officers are appointed and delegated by the Secretary-General to Parliament by Standing Order 15(3)(i). The Secretariat officers are as follows:

- Mrs. Susana Korovou Senior Committee Clerk
- Mrs. Elesi Tabuyaqona Deputy Committee Clerk

# 2.0 Background and Terms of Reference

The Standing Committee on Foreign Affairs and Defence (the Committee), was referred to the Fiji Independent Commission Against Corruption 2018-2019 and 2019-2020 Annual Reports on 06 December 2024. The referral of the Annual Reports was done in accordance with SO 38(2), whereby the Committee was assigned to investigate the contents of the report and provide a report to Parliament at a future Sitting. This report is outside the usual mandate of the Committee, but the referral was made to help ease the workload of the other Standing Committees.

## 2.1 Procedure and Program

# Public Submission (written submission and oral submission)

In relation to Standing Order 111 (1), the Committee is committed to upholding public trust in Parliament, by ensuring that there is public participation and that all such participation is given due consideration. The Committee had called for an oral public submission from the Fiji Independent Commission Against Corruption on 22 January 2025. This session was broadcast live on Parliament Facebook page and aired on the Walesi Parliament channel.

A summary of the submission is provided in a later part of this report, under the heading 'Committee's Deliberation and Analysis'. Copies of the written submission and the verbatim from the meeting can be obtained from the online Appendices of this report, which can be accessed from the Parliament website: www.parliament.gov.fj.

# 3.0 Committee Deliberation and Analysis

#### 3.1 Introduction

The Fiji Independent Commission Against Corruption (FICAC) was established in 2007 under the Fiji Independent Commission Against Corruption Act 2007 (Act) and continues in existence by virtue of section 115 of the Constitution of Fiji (Constitution).

FICAC was established to eradicate the prevalence of corruption and systematic abuse, and the misuse of public funds and office throughout the public sector. The Act gives FICAC investigatory, advisory and prosecutorial powers covering inter alia corruption, election, bribery and fraud related offences.

In 2008, Fiji further fortified its stance against corruption by acceding to the United Nations Convention Against Corruption of 2003 (UNCAC). Under the Act, FICAC is guided by UNCAC standards, which canvass a broad spectrum of powers in fighting corruption.

FICAC comprises the following functional departments, namely:

- 1.0 **Investigation**: This department is responsible for investigating the suspected or alleged occurrence of an offence to which the Act applies and investigate any conduct of a prescribed officer, which, in the opinion of the Commissioner is connected with or conducive to corrupt practices and to report thereon to the President.
- 2.0 Legal and Prosecution: This department is responsible for the provision of sound legal advice to the Commission and prosecuting cases on behalf of the Commission. It is also responsible for assessing complaint files, providing legal opinions for recommending cases either for preliminary investigations to be conducted or to be referred to the relevant authorities.
- 3.0 **Corruption Prevention**: This department is responsible for executing the Commission's corruption prevention programs and initiatives. This is aimed at deterring individuals from indulging in corrupt practices. It is a continued effort from the Commission to empower Fijians through various anti-corruption programs so as to establish a corruption free culture in Fiji.
- 4.0 **Corporate Services:** This department is responsible for receiving and considering complaints alleging corrupt practices and investigating complaints as practicable. The department controls, directs and administers the Commission through appointments, termination, training and promotion of its officers.

# **3.2** Summary of the 2018-2019 and 2019-2020 Annual Reports

#### 3.2.1 Investigation Department

For the reporting periods, the Department processed a total of two-hundred and sixty-two (262) new cases in 2018-2019 and one hundred and forty-four (144) new cases in 2019-2020. Table 1 shows a summary of cases received during the reporting periods.

Case Status	2018-2019	2019-2020
Newly registered cases	262	144
Cases carried forward from the previous year – 2017-2018	163	303
TOTAL	425	447

Table 1: Summary of cases received in 2018-2019 and 2019-2020

Of the total of four-hundred and twenty-five (425) cases in 2018-2019, the department charged a total of thirty-nine cases (39), closed sixty (60) cases and referred twenty-three (23) cases to the Legal and Prosecution Department for further assessment whilst a total of three hundred and three (303) cases were carried forward to the new financial year, 2019-2020.

However, in 2019-2020 reporting period, with a total of four-hundred and forty-seven (447) cases, the department charged forty-three (43) cases, closed seventy-two (72) cases, with forty-nine cases being referred to the Legal and Prosecution Department whilst a total of two hundred and eighty-three (283) cases were also carried forward to the next financial year. Table 2 shows the summary of the cases during the reporting periods.

Case Status	2018-2019	2019-2020
Charged Cases	39	43
Closed Cases	60	72
Cases with Legal and Prosecution Department	23	49
Pending/Ongoing Investigation	303	283
TOTAL	425	447

Table 2: Breakdown of case status from 2018-2019 and 2019-2020

#### 3.2.1.1 Completed Files/Cases

The 2018-2019 reporting period highlighted that there were ninety-nine (99) completed cases, of which thirty-nine (39) cases equivalent to 39 percent of the total cases were charged with sixty (60) cases accounted for 61 percent were recommended for closure as a result of insufficient evidence to institute criminal procedure.

The Committee noted that the total number of completed files/cases slightly increased during the 2019-2020 financial year to one hundred and fifteen (115) completed cases, of which forty-three (43) resulted in charges being laid while

seventy-two (72) cases were recommended for closure due to insufficient evidence. Table 3 shows the breakdown of the completed cases.

Case Status	2018-2019	2019-2020
Charged cases	39	43
Closed cases	60	72
**Insufficient evidence to institute a criminal proceeding		
TOTAL COMPLETED CASES/FILES	99	115

Table 3: Breakdown of Completed Cases/Files for 2018-2019 and 2019-2020

#### 3.2.1.2 On-going Investigations

Table 4 shows the breakdown of on-going investigations during these reporting periods.

Case Status	2018-2019	2019-2020
Cases with Legal and Prosecution Department	23	49
Pending/On-going Investigation	303	283
TOTAL	326	332

Table 4: Breakdown of on-going investigations during the reporting period

#### 3.2.2 Legal and Prosecution Department

The Legal and Prosecution Department continued to achieve their deliverables earmarked for the reporting periods. FICAC reported that in 2018-2019, a total of one hundred and seventeen (117) cases were pending before Courts whilst in 2019-2020, there were a total of one hundred and forty-seven (147) cases.

In 2018-2019, the Department reported that there was a total of thirty-five (35) new Investigation files of which nineteen (19) were scrutinized and taken to Court while the remaining sixteen (16) cases were still pending with the Department for further tasking and investigation at the time of the writing of this annual report. The Department in 2019-2020 assessed and analyzed a total of forty-nine (49) Investigation files of which thirty-four (34) files were assessed and taken to Court while fifteen (15) files were still pending for further assessment and research. Table 5 shows the summary of assessment of Investigation files for the reporting periods.

Investigation Files/Cases	2018-2019	2019-2020
Cases scrutinized and taken to Court	19	34
Cases pending for further tasking, assessment and research	16	15
TOTAL INVESTIGATIONS	35	49
Summary of Disposed Court Cases		
No. of cases successfully convicted	18	14
No. of acquitted cases	6	4
No. of withdrawn cases	6	1
No. of Nolle Prosequi	-	2

TOTAL NO. OF DISPOSED CASES	30	2.1
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Table 5: Summary of Investigation and Disposed Court Cases for 2018-2019 and 2019-2020

#### 3.2.2.1 Statistics on New Cases Taken to Court

For the 2018-2019 reporting period, the Department charged a total of thirty-nine (39) cases of which two (2) cases were consolidated by the Department which resulted in thirty-seven (37) being taken to Court. A total of forty-four (44) accused persons and one (1) company were charged. Of the 45 accused, private individuals recorded the highest numbers, followed by Water Authority of Fiji and Land Transport Authority.

During the 2019-2020 reporting period, a total of forty-six (46) accused persons and eleven (11) companies resulting in a total of fifteen-seven (57) being charged of which private companies were still reported the highest, followed by the Land Transport Authority and Ministry of Local Government officials.

For the years under review, the Committee noted that the six (6) most common offences seen to be committed are tabulated below in Table 6:

Offences	2018-2019	2019-2020
Falsification of documents	26	10
Obtaining Financial Advantage	15	26
Bribery	8	25
General dishonesty – causing a loss	13	7
Abuse of Office	8	1
General Dishonesty – Obtaining a gain	7	4

Table 6: Breakdown of the 5 most common offences committed from 2018-2019 and 2019-2020

#### 3.2.3 Corruption Prevention Department

The Corruption Prevention Department during the reporting periods rolled out a number of different programs with a goal to empower Fijians through various anti-corruption activities in order to establish an anti-corruption culture in Fiji and to be able to administer sustainable growth and developments for all Fijians. These programs included the following:

#### 3.2.3.1 Awareness Trainings

Awareness training is the basic anti-corruption program executed by the Department to provide vital information on corruption with brief references on forms of corrupt activities.

#### 3.2.3.2 Good Kiddo Sessions

The Good Kiddo (GK) program is an awareness package for primary school students. The GK focuses on four (4) important moral values: respect, obedience,

honesty, and trust. This program is delivered in a fun-filled manner with suitable teaching aids to capture young minds towards the core of the program.

#### 3.2.3.3 Anti-bribery, Ethics and Values Workshop

This is a full day program covering anti-bribery, ethics and values. This program is primarily for individuals who wish to be educated of bribery laws in Fiji for public and private sectors.

#### 3.2.3.4 Corruption Impact Assessment (CIA) Workshop

As per mandate under the FICAC Act Section 12, the Corruption Prevention Department conducts the Corruption Impact Assessment (CIA) workshop to the public and private sectors which identifies corruption risks within an organisation. Using the Corruption Prevention Risk Reduction (CP2R) tool, four domains are covered which are (i) People Management; (ii) Resource Management, (iii) Operations Management and (iv) Anti-Corruption Measures.

#### 3.2.3.5 Corporate Integrity Pledge

The Corporate Integrity Pledge (CIP) is a voluntary declaration where a private sector company pledges their commitment to adopt and uphold the five (5) anti-corruption principles which are as follows:

- i. Committing to promoting values of integrity, transparency and good governance;
- ii. Strengthening internal systems that support corruption prevention;
- iii. Complying with laws, policies and procedures relating to the fight against corruption;
- iv. Fighting any form of corruption; and
- v. Supporting corruption prevention initiatives by the Commission.

#### 3.2.3.6 National Anti-Corruption Curriculum (NACC)

The Commission in conjunction with the Ministry of Education, Heritage & Arts launched the National Anti-Corruption Curriculum (NACC) on 29 July 2019 aimed at educating the younger generation to develop a culture of resilience towards corruption. The vision was to develop integrity and a sense of determination amongst the younger generations to fight corruption.

Corruption Prevention Program	2018-2019	2019-2020
Awareness	220	158
Good Kiddo	8	9
Anti-Bribery, Ethics and Values Workshop	16	19
Corruption Impact Assessment Workshop	11	1
Corporate Integrity Pledge	1	-

TOTAL	256	187

Table 7: Summary of Activities Accomplished for 2018-2019 and 2019-2020

#### 3.2.4 <u>Corporate Services Department</u>

## 3.2.4.1 Complaints

For the reporting period 2018-2019, the Commission received and processed a total of two thousand, two hundred and three (2,203) complaints compared to one thousand, one hundred and fifty (1,150) complaints in 2019-2020. Table 8 shows an overall classification of complaints for the reporting periods.

	2018-2019	2019-2020
Political Parties	0	0
Majority/Minority Owned Entities	7	9
Government Commercial Companies	13	18
Government Statutory Authorities	155	200
Government Ministries and Departments	159	369
Private Entities	1,614	816
TOTAL	2,203	1,150

Table 8: Overall Classification of Complaints for 2018-2019 and 2019-2020

#### 3.2.4.2 Human Resources

In 2018-2019, a total of one-hundred and forty-six (146) officers were employed compared to one hundred and thirty-nine (139) officers in 2019-2020. The Commission reported on gender representation of its employees as tabulated below:

Unit Distribution	2018-2019		2019-2020	
	Male	Female	Male	Female
Executive	1	-	1	-
Investigation	50	26	43	28
Legal and Prosecution	6	11	5	11
Corruption Prevention	1	9	7	5
Corporate Services	22	20	21	18
TOTAL	80	66	77	62
TOTAL OFFICERS	146		139	
<b>EMPLOYED</b>				

Table 9: Gender Distribution in the Respective Departments for 2018-2019 and 2019-2020

## 3.3 Committee Findings

The Committee's findings are outlined below:

#### 3.3.1 Awareness Outreach

The Committee was informed that given the list of awareness programs conducted locally, FICAC reported that they still have not met their target due to limited manpower to cover the whole of Fiji. While they made efforts to reach as many areas as possible, more efforts are needed to reach the remaining parts of Fiji, particularly the outer islands and rural areas.

The Committee is also concerned that despite reporting on several awareness programs, a few of the programs have yet to be established or revamped, for instance, the Youth Ambassador program, and the National Anti-Corruption Curriculum (NACC). The Committee is of the view that the Commission be provided with appropriate funding to allow for these important aspects of the Commission's work.

The Committee recommends that FICAC in collaboration with the Ministry of Education consider implementing a national anti-corruption curriculum in schools as soon as practicable, and collaborate with teacher training institutions to include an anti-corruption module in their programs.

#### 3.3.2 Changing Human and Instilling Ethical Behavior

FICAC highlighted that one of the challenges it faces is the cultural perception of showing appreciation. In some cases, people often view acts like giving an official a gift as a way of showing appreciation for their work, rather than as bribery. FICAC's challenge lies in changing this mindset, as the public tends to see such actions as a cultural norm, the deep-rooted behaviors that have been passed down through generations, such as offering small gifts or payments to officials for performing their duties which are then not declared by officials.

The Committee is of the view that there should be adequate training and stringent systems in place for corruption risk assessments and strengthening policies to be looked into by relevant ministries and departments based on PSC Circular 9/2008.

#### 3.3.3 Other Avenues of Public Awareness

The Committee was informed that FICAC actively uses social media platforms like Facebook, Twitter, Instagram, YouTube, and LinkedIn to promote anti-corruption messages by producing animated videos targeting a wide age range, with the aim of educating and informing people about corruption. The videos, which feature familiar local landmarks, are being released in multiple languages and are scheduled to be posted every three months.

The Committee emphasized the power of social media in shaping awareness, pointing out the challenge of balancing entertainment and educational content given that social media often exposes harmful behavior, especially to young people. The Committee suggests that anti-corruption messages should be promoted not only in universities but also in primary and secondary schools. The Committee urges FICAC to evaluate and enhance its social media efforts to raise awareness about corruption, stressing the importance of this work in educating the public.

#### 3.3.4 <u>Introducing Artificial Intelligence into Digital Forensic Investigations</u>

The Committee was updated on FICAC's recent investment in a digital forensic lab which has greatly improved the quality of digital evidence used in court, enhancing case outcomes and supporting successful prosecutions. However, FICAC currently faces staffing challenges, leaving FICAC short on expertise. Another area highlighted was the need for capacity building when new legislation comes into effect.

To address staffing challenges and ensure continuity of expertise, the Committee recommends that FICAC should develop a succession planning strategy to retain key knowledge within the organization. This could involve identifying senior staff or digital forensics experts to mentor junior staff, ensuring that critical knowledge is passed on.

#### 3.3.5 <u>High Staff Turnover – Lower Salary Range</u>

The Committee was informed that FICAC cannot implement retention initiatives. The Commissioner reported that FICAC pays its staff higher rates than other government employees while stating that it cannot match overseas salaries. Efforts like promotions and pay increases are made, but the budget limits what can be done. For specialized units like digital forensics, FICAC struggles with staffing due to limited resources and competition with both overseas and private sector job offers. Despite these challenges, FICAC is exploring creative solutions while staying mindful of budget constraints.

While matching overseas salaries may not be feasible, the Committee suggests that FICAC should aim to provide **competitive compensation packages** that recognize the specialized skills of its staff, particularly in areas like digital forensics. This could include:

- **Specialized skill allowances** for employees working in high-demand areas like digital forensics.
- **Annual performance-based incentives** or bonuses linked to key performance indicators (KPIs) to reward outstanding performance.

• **Reviewing salary structures regularly** to ensure they remain competitive within the public sector and in comparison, to private sector offerings.

#### 3.3.6 Re-introduction of a FICAC Court System

The Committee is concerned with the high number of pending cases being 303 in 2019-2020 and 283 cases in 2018-2019 and one of the major contributing factors to the pending cases is the backlog of cases in the Courts. The Committee was informed that the delayed in court proceedings have contributed to a low completion rate of corruption cases by the Courts.

The prosecution powers of the Commission are outlined under Sections 12A and 12B of the FICAC Act No. 11 of 2007. These provisions empower the Commission to independently institute and conduct criminal proceedings for offences that fall within its investigative and prosecutorial mandate.

The specialized Anti-Corruption Court was established in 2021 but was removed in 2023. The Commission strongly supports re-establishment for the following reasons:

- I. Trial dates are fixed promptly, preventing unnecessary delays;
- II. Cases are handled more effectively and expeditiously receiving focus and attention as delayed trials risk the loss of crucial evidence due to witness unavailability caused by death, migration, aging, memory loss, or illness. Also, over time, original documents may deteriorate or become illegible due to wear and tear, impacting the integrity of evidence.
- III. Enhances uniformity in legal interpretations, rulings, and sentencing, and strengthening the consistency of anti-corruption jurisprudence;
- IV. Helps dedicated judges and magistrates to develop specialized knowledge in anti-corruption laws, leading to more informed and effective judgements;
- V. Swift case resolution ensures fairness for both the victim and the accused, minimizing undue hardship caused by prolonged legal battles; and
- VI. Reduce expenses by minimizing or eliminating frequent adjournments, unlike the current trend of repeatedly incurring costs for witness allowances, flights, transportation, and accommodation.

Given the above justifications and considering the reporting periods, the Committee will take note of FICAC's request in its future review.

# 4.0 Sustainable Development Goals

#### 4.1 Relevance to SDG 16 – Peace, Justice, and Strong Institutions

SDG 16 states that justice must be accessible to all and should be accessible at all stages of the criminal justice process in all matters involving vulnerable groups such as women, children, and rural people. It must also be non-discriminatory in that it is available to anyone in need, regardless of background. The Commission's role targets these aspects of SDG 16.

# 4.2 Gender Equality in Parliamentary Scrutiny

The Parliament of Fiji Standing Orders 110 (2) requires the Committee to give full consideration to the principle of gender equality so as to ensure all matters are considered with regard to the impact and benefit on both men and women equally.

# 5.0 Conclusion

The Standing Committee on Foreign Affairs and Defence has conducted a thorough review of the Fiji Independent Commission Against Corruption 2018-2019 and 2019-2020 Annual Reports. The Committee report is bi-partisan and has five (5) recommendations for consideration. The Committee is grateful and commends the Commission for being up to date with its Annual Reports.

# 6.0 Committee Members' Signatures

Hon. Lenora Qereqeretabua Chairperson

Hon. Rinesh Sharma

**Deputy Chairperson** 

Hon. Ratu Isikeli Tuiwailevu **Member** 

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Hon. Penioni Ravunawa **Member** 

Hon. Virendra Lal **Member** 

# 7.0 Annexure

### **Published evidence**

Written evidence, transcripts, and supporting documents can be viewed on the Parliament website at the following link:

https://www.parliament.gov.fj/committees/standing-committee-on-foreign-affairs-and-defence/