

ACT NO. 12 OF 2016

I assent.

J. K. KONROTE
President

[6 June 2016]

AN ACT

TO AMEND THE PREVENTION OF BRIBERY PROMULGATION 2007

ENACTED by the Parliament of the Republic of Fiji—

Short title and commencement

1.—(1) This Act may be cited as the Prevention of Bribery (Amendment) Act 2016.

(2) This Act comes into force on a date or dates appointed by the Minister by notice in the Gazette.

(3) In this Act, the Prevention of Bribery Promulgation 2007 is referred to as the “Promulgation”.

Section 2 amended

2. Section 2 of the Promulgation is amended by—

(a) in the definition of “advantage”—

(i) deleting “an election donation within the meaning of the Electoral Act” and substituting “any donation permitted by the Political Parties (Registration, Conduct, Funding and Disclosures) Decree 2013 and Electoral Decree 2014”; and

(ii) deleting “that Act” and substituting “the Decrees”;

(b) inserting the following new definitions—

““appointing authority” means a person responsible for appointing or advising on the appointment of a prescribed officer, or a person with the authority to take disciplinary action against, or remove from office, a prescribed officer;

“Commission” means the Fiji Independent Commission Against Corruption established under section 3 of the Fiji Independent Commission Against Corruption Promulgation 2007;” and

(c) deleting the definition of “public servant” and substituting the following—

““public servant” means—

(a) any prescribed officer;

(b) any employee of a public body; or

(c) any public official as defined under section 4 of the Crimes Decree 2009.”

Section 3 amended

3. The Promulgation is amended by deleting section 3 and substituting the following—

“Soliciting or accepting an advantage

3. Any prescribed officer who, without the prior written permission of his or her appointing authority, solicits or accepts any advantage commits an offence.”

Section 13 amended

4. Section 13(3) of the Promulgation is amended by deleting “section 4 of the Income Tax Act” and substituting “section 52 of the Fiji Revenue and Customs Authority Act 1998”.

Section 13A amended

5. Section 13A of the Promulgation is amended by—

(a) in subsection (2)(c)(iv), deleting “Income Tax Act” and substituting “Fiji Revenue and Customs Authority Act 1998;” and

(b) in subsections (4) and (5), deleting “section 4 of the Income Tax Act” and substituting “section 52 of the Fiji Revenue and Customs Authority Act 1998”.

Section 13B amended

6. Section 13B of the Promulgation is amended by deleting “Income Tax Act” and substituting “Fiji Revenue and Customs Authority Act 1998”.

Section 13C amended

7. Section 13C of the Promulgation is amended in subsections (1)(a) and (6)(c) by deleting “Income Tax Act” and substituting “Fiji Revenue and Customs Authority Act 1998”.

Section 14 amended

8. Section 14(4) of the Promulgation is amended by deleting “section 4 of the Income Tax Act” and substituting “section 52 of the Fiji Revenue and Customs Authority Act 1998”.

Section 24 amended

9. Section 24 of the Promulgation is amended in the heading by deleting “Buren” and substituting “Burden”.

New section 30B inserted

10. The Promulgation is amended by inserting the following new section after section 30A—

“Failure to report an offence

30B. Any person, in respect of an offence under sections 3 to 9—

- (a) to whom an advantage is offered;
- (b) from whom an advantage is solicited or accepted; or
- (c) who knows or has reasonable cause to believe that such offering, soliciting or accepting of an advantage has taken place,

without lawful authority or reasonable excuse, fails to report such act to the Commission or to the Fiji Police Force as soon as reasonably practicable, shall be guilty of an offence and shall be liable on conviction to a fine of \$20,000 and to imprisonment for 5 years.”

Schedule amended

11. The Schedule to the Promulgation is amended by—

- (a) in item 1, deleting “The”;
- (b) in item 2, deleting “The Fiji Human Rights Commission” and substituting “Human Rights and Anti-Discrimination Commission”;
- (c) deleting item 3;
- (d) in item 15, deleting “Vodafone” and substituting “Vodafone Fiji Limited”;
- (e) deleting item 21; and
- (f) in item 27, deleting “Fiji Islands Visitors Bureau” and substituting “Tourism Fiji”.

Passed by the Parliament of the Republic of Fiji this 1st day of June 2016.