

**IN THE HIGH COURT OF FIJI**  
**AT SUVA**  
**ANTI CORRUPTION DIVISION**

**CRIMINAL CASE NO. HACD 007 of 2022**

**FIJI INDEPENDENT COMMISSION AGAINST CORRUPTION**

**vs**

**SALOTE VUIBURETA RADRODRO**

**Counsels:** *Mr. Aslam R. and Mr. Work J. with* - *for Prosecution*  
*Mr. Hickes D. and Mr. Nand A*

*Mr. Valenitabua S. and Mr. Karunaratne J.* - *for Defence*

*Date of Trial: 29.07.22 – 24.08.22*

*Date of Judgement: 06.09.22*

**JUDGEMENT**

**A. INTRODUCTION**

1. The accused in this matter, **SALOTE VUIBURETA RADRODRO**, was charged with one count of tendering **FALSE INFORMATION TO A PUBLIC SERVANT** and one count of **OBTAINING FINANCIAL ADVANTAGE** by the **FIJI Independent Commission Against Corruption**, as below:

**FIRST COUNT**

*Statement of Offence (a)*

**False information to public servant:** Contrary to **Section 201(a)** of the **Crimes Act No. 44 of 2009**.

*Particulars of Offence (b)*

**SALOTE VUIBURETA RADRODRO** between 01<sup>st</sup> August 2019 and 30<sup>th</sup> APRIL 2020 at Suva in the Central Division gave Viniana Namosimalua the

Acting Secretary General to the Parliament of Fiji, a person employed in the Civil Service, false information that her permanent place of residence is in Namulomulo Village, Nabouwalu, Bua, which she knows to be false, knowing it to be likely that she will thereby cause Viniana Namosimalua to approve allowance claims submitted by her, which said Viniana Namosimalua ought not to do if the true state of facts with respect to the permanent place of residence of **SALOTE VUIBURETA RADRODRO** was known to her.

## SECOND COUNT

### *Statement of Offence (a)*

**OBTAINING FINANCIAL ADVANTAGE**: Contrary to **Section 326(1)** of the **Crimes Act No. 44 of 2009**.

### *Particulars of the Offence (b)*

**SALOTE VUIBURETA RADRODRO** between 1<sup>st</sup> August 2019 and 30<sup>th</sup> April, 2020 at Suva in the Central Division engaged in conduct, namely, submitted allowance Claims to the office of the Acting Secretary General to the Parliament of Fiji and as a result of that conduct obtained a financial advantage amounting to \$37,921.13 from the Parliament of Fiji, knowing or believing that she permanently resides at Lot 41 Tacirua East, Suva which is a place less than 30 kilometers away from the place of Parliament or Committee as per **Parliamentary Remunerations Act 2014**, and therefore was not eligible to receive the said financial advantage.

2. When these charges were read over to the accused in open Court on 31/01/2022, the accused understood the charges and pleaded not guilty to the charges. The trial to this matter on the above counts commenced on 29/06/2022 and proceeded till 24/08/2022.
3. For the Prosecution case 23 witnesses gave evidence and **89 documents (PEX1 – PEX89)** were marked, which included agreed documents by both parties (**PEX1-PEX79**). At the end of the Prosecution case, in pursuant to **Section 231 (1)** of the **Criminal Procedure Act of 2009** Defense made an application claiming that sufficient evidence was not presented by the Prosecution to establish that the Accused committed the offences she is charged with.
4. At this juncture, since under established law the need was to examine whether there is relevant and admissible evidence on each contested element of the charged offences and not to determine whether the evidence is fundamentally imprecise or inconceivable, this Court was satisfied that a prima facie case has been established

against the accused and acting under **Section 231** of the **Criminal Procedure Act of 2009**, the Defense was called from the accused and the standard options available to the accused for her Defense were spelt out. For the Defense case, the accused opted to give evidence under cross-examination and **12 documents (DEX1 – DEX4 (a-i))** were marked, but no other witnesses were called. On both the Prosecution and the Defense making final oral submissions on 24/08/2022 and tendering final written submission on the law on 26/08/2022, this case was fixed for the judgement.

## **B. BACKGROUND**

5. The accused in this matter, **Mrs. SALOTE VUIBURETA RADRODRO**, is an honourable member of the current Parliament of the Republic of Fiji representing the SODELPA Party. She has been actively involved in political activity in the Republic of Fiji since year 2014. She has been the Shadow Minister for Women, Children and Poverty Alleviation and had been the Deputy Whip for the opposition, where she later she became the Chief Whip. Before commencing her political career, she had been in the Civil Service of Fiji for 36 years. She has started her Civil Service career as a clerical officer and retired as the Director of the Ministry of Women’s and Social Affairs.
6. To provide for remuneration and allowances for the Members of Parliament of Fiji, including His Excellency the President of the Republic of Fiji, the Legislature has passed and published in the Gazette of 03<sup>rd</sup> October 2014 the **Parliamentary Remuneration Act of 2014 (The Act)**. The Schedule to this Act provides provisions in relation to the SALARY, together with ALLOWANCES and BENEFITS available for the honourable members of Parliament at the time.
7. In this regard, under **Part B** of the **Schedule to the Act** , Allowances and Benefits available for the Members of Parliament are clearly highlighted as below:

***“Members of Parliament (including Deputy Speaker, Government/Opposition Whip and Leader of the Government in Parliament and excluding the Prime Minister, Ministers, Speaker and the Leader of the Opposition)***

1. ***Accommodation Allowance – For meeting of Parliament or Committee, if the member permanently resides at any place more than 30 kilometres away from the place of the meeting of Parliament or Committee, then the member shall be entitled to an allowance of \$350 per day plus \$30 per meal.***

2. **Traveling Allowance** – *For meetings of Parliament Committee, if the member permanently resides at any place more than 30km from the place of the place of meeting of Parliament or committee, then the member shall be entitled to cost of travel by the most direct route and from the meeting. Allowance in respect to motor vehicles shall be payable at the following rates-*
- (a) *Vehicles of up to and equal to 200cc – 50 cents per kilometer and;*
- (b) *Vehicles of 200cc or over -60 cents per kilometer.”*

8. To facilitate the execution of allowances and benefits available for the Members of Parliament under the **Parliamentary Remuneration Act of 2014**, subsequent to taking the oath of office and the oath of allegiance by the Parliamentarians to the New Parliament on 26/11/2018, the office of the Secretary General to the Parliament had conducted two induction programs for the Parliamentarians to detail Parliamentary procedures that should be followed in relation to swearing – in and the administrative procedure in day to day activities by Parliamentarians. At these inductions, Parliamentarians have been requested to provide a Declaration affirming their personal details that could assist the determination and calculation of their allowances and benefits under the **Act** by the Office of the Secretary General to the Parliament.
9. In compliance with this request, **Mrs. Salote Vuibureta Radrodro** had initially provided her first **Member of Parliament Declaration Form (MPDF)** dated 28/11/2018, certified by a Commissioner for Oaths, to the then Acting Secretary General to the Parliament. This Declaration was marked by the Prosecution as **PEX3**. In this initial **MPDF**, **Mrs. Salote Vuibureta Radrodro** had provided her permanent residence as **41 Tacirua East, Suva**.
10. Subsequently, **Mrs. Salote Vuibureta Radrodro** had withdrawn the initial **MPDF** and submitted an amended **MPDF** with the Permission of the Acting Secretary General to the Parliament, dated 13/06/2019 on the basis that she has changed her permanent residence to **Namulomulo Village, Nabouwalu, Bua**. This **MPDF** was certified by a Commissioner for Oaths and it was marked by the Prosecution as **PEX4**. Consequent to the information provided in **PEX4**, the Office of the Secretary General to the Parliament had made reimbursement payments to **Mrs. Salote Vuibureta Radrodro** on accommodation and traveling claims submitted by her.

11. The charges filed in this case by the **Fiji Independent Commission Against Corruption** against **Mrs. Salote Vuibureta Radrodro** revolves around the accommodation and traveling claims tendered to the Office of the Acting Secretary General to the Parliament by **Mrs. Salote Vuibureta Radrodro**, on the premise that her permanent place of residence was **Namulomulo village, Nabouwalu, Bua**, as per **PEX4**, and the resultant payments made to her by the Parliament.

**C. THE LAW**

**C (1) – BURDEN AND STANDARD OF PROOF**

12. In proceeding with the trial in this matter, this Court was mindful that as recognised by **Section 14 (2) (a)** of the **Constitution** of Fiji, the accused should be presumed innocent until proven guilty according to law.
13. Further, in establishing the charges tendered in the Information for trial, the burden was on the Prosecution to prove them beyond reasonable doubt. Each contested element of each count required to be proved beyond reasonable doubt by the Prosecution and this burden never changed and never shifted to the Accused.

**C (2) - ELEMENTS OF THE OFFENSES CHARGED**

12. In relation to the two counts against the accused in this trial, the elements of the offenses can be detailed as, below:

**Count 1 – *Tendering False Information to a Public Servant* – Section 201(a) of the Crimes Act 2009**

- i) The Accused person (**Mrs. Salote Vuibureta Radrodro**) gave information;
- ii) To a person employed in the Civil Service;
- iii) That she knew or believed to be false;
- iv) Knowing it to be likely that the Accused person will cause the person employed in the Civil Service to do anything which she ought not to do or omit if the true state of facts respecting which such information was given were known to her.

**Count 2 – *Obtaining Financial Advantage* - Section 326(1) of the Crimes Act 2009**

- i) The Accused person (**Mrs. Salote Vuibureta Radrodro**)
- ii) Engages in conduct, namely submitted claims; and

- iii) As a result of the conduct, obtains financial advantage for herself from another person; and
  - iv) Knowing or believing that she was not eligible to receive that financial advantage under the Parliamentary Remunerations Act of 2014.
13. In order to establish the guilt of the accused for Count 1 & Count 2, the Prosecution must prove beyond reasonable doubt all the elements as elaborated above. However, by the agreed facts between the parties and by submissions made by counsel for both parties in Court, parties have agreed to some of the elements of these two counts. As a consequence, under **Section 135** of the **Criminal Procedure Act of 2009**, such admitted elements need not be established by the Prosecution in this trial to prove the guilt of the accused.

### **C (3) – ELEMENTS OF THE COUNTS AGREED BY BOTH PARTIES**

14. The following elements of the Counts in the Information are agreed by the Prosecution and the Defense. Thus, Prosecution did not have to establish these elements.

#### **Count 1**

- i) The Accused person gave information;
- ii) To a person employed in the Civil Service.

#### **Count 2**

- i) The Accused person
- ii) Engages in conduct; and
- iii) As a result of the conduct, obtains financial advantage for himself from another person; and

### **C (4) - ELEMENTS OF THE COUNTS CONTESTED BY THE DEFENSE**

15. Consequent to following the pre-trial procedures laid down in **Section 289** of the **Criminal Procedure Act of 2009**, the Prosecution and the Defense have managed to narrow down the elements that need to be proved by the Prosecution beyond reasonable doubt to the elements below for the two counts in the information filed by the Prosecution.

#### **Count 1 – Tendering False Information to a Public Servant – Section 201(a) of the Crimes Act 2009**

- i) The accused knew or believed that the information she provided to the Acting Secretary General to the Parliament to be false;

- ii) Knowing it to be likely that the accused person will cause the person employed in the Civil Service to do anything which she ought not to do or omit if the true state of facts respecting which such information is given were known to her.

**Count 2 – Obtaining Financial Advantage - Section 326(1) of the Crimes Act 2009**

- i) The accused knew or believed that she was not eligible to receive that financial advantage consequent to the false information provided by her.

**D. PAYMENTS MADE TO THE ACCUSED BY THE PARLIAMENT PURSUANT TO CLAIMS MADE BY HER AND INFORMATION PROVIDED TO THE ACCUSED BY THE PARLIAMENT OF THE CLAIMING PROCESS**

16. To confirm the payments made to the accused, as per PEX37 to PEX56, which are agreed documents by the parties, the Prosecution led the evidence of **Mrs. Viniana Namosimalua**, who was the **Acting Secretary General of the Parliament of Fiji** during the time in issue. Since the charges filed in Court stems from the information received from the accused and payments made to the accused by the office of this witness, this Court considers it pertinent to succinctly stipulate the evidence given by this witness in Court, where she stated as below:

- *“I was the Acting Secretary General to the Parliament of the Republic of Fiji during the time in issue. Before taking this position, I was the Secretary to the Cabinet.*
- *I was first appointed in 2014 when the Parliament resumed, just prior to the election. There was an election in 2018 and thereafter I was the Acting Secretary General for that Parliament. I left this position in January 2021.*
- *I was appointed by the Constitutional Officers Commission (COC) as the Acting Secretary General, as per **Section 79** of the Constitution of Fiji. I was the Chief Admin officer of the Parliament. I reported to the Speaker.*
- ***PEX44** is my Appointment Letter from the President as the Secretary General, this is my first appointment to this office.*
- ***PEX45** is my second appointment letter dated 13/09/2017, as Acting Secretary General to Parliament from the President.*
- *After the election of Parliament in 2018, just before the sittings, there were 2 inductions for Parliamentarians. Swearing in took place in the chamber. First induction was at the GPH Hotel and the second induction was at the Warwick Hotel.*

- *At the first induction, members were told the swearing in procedure and admin procedure, I was present at this induction. Second induction was to introduce parliamentarians' to the admin processes like claims and allowances and what they are entitled to from the Parliament. This was done by heads of our units.*
- *In the absence of the Hon. Speaker, I presided at the swearing – in of Parliamentarians in 2018, where there was an oath of office and an oath of allegiance. Parliamentarians signed these oaths before me. Signed documents were kept in the Secretary General's office.*
- *By these oaths they stood-up to say that they are Honorable Members and they will abide by the responsibilities of that office as Members of Parliament.*
- *Documents marked **PEX1** is the Oath for taking office and **PEX2** is the Oath of allegiance, which were signed by myself and by **Mrs. Salote Vuibureta Radrodro** on 26/11/2018.*
- *In addition to these 2 document before the sitting of this Parliament we requested the MPs to provide a Statutory Declaration.*
- *This declaration was important, since it captured information, such as, where they live, the permanent residence, because we needed such information to follow the law, as per the **Parliamentary Remunerations Act of 2014**.*
- *The declaration was necessary because it had financial implications tied to it. We would not be able to pay any of the members if we didn't have information of where they resided.*
- *This declaration was provided to the Parliament Members by my staff. This was the same format used for all Parliamentarians, however, some MPs were given this draft declaration earlier.*
- *We conducted two inductions for Parliamentarians. One at GPH and one at Warwick hotel. The second one was a detailed one informing the MPs of their entitlements under **Parliamentary Remunerations Act of 2014**. Presentations were done at the second workshop by **Mrs. Atelaite Rokosuka** the Director of Corporate Services of my office. A Manual was also provided to MPs at the second workshop. Every participating MP was given a copy.*
- ***PEX6** – This is the manual given to MP at the second workshop. Page 10 of this manual provides for information on financial claims. This included accommodation and travelling allowances.*
- ***PEX8 (A&B)** are the documents that confirm the attendance of MPs on the 4<sup>th</sup> and 5<sup>th</sup> of December at the Warwick workshop.*
- *Further, I wrote a letter to each of the MPs about their entitlements as per **Parliamentary Remunerations Act 2014** in layman's terms.*
- ***PEX5 (A)** is the first letter, dated 10/12/2018 that was sent and withdrawn. **PEX5 (B)** is the second letter, dated 10/12/2018 that explains about entitlements in detail. These two letters were addressed to the **Mrs. Salote Radrodro**.*



- *Mrs. Salote Vuibureta Radrodro provided one or two MPDFs.*
- *PEX3 is one of the MPDF provided by Mrs. Salote Vuibureta Radrodro, dated 28/11/2018, where she had provided 41, Tacirua East, Suva as her permanent address.*
- *PEX4 is the updated MPDF provided by Honorable Mrs. Salote Vuibureta Radrodro to my office, dated 13/06/2019. In this she provided Namulomulo Village, Nabouwalu as her permanent address.*
- *With this MPDF we requested further confirmation from a community leader, where she provided a letter from a church leader and the letter contained the signature confirming the content. I didn't have any reason to further check this.*
- *With this second MPDF, Mrs. Salote Vuibureta Radrodro provided a letter confirming that she moved to Nabouwalu and the reasons for the move.*
- *As per PEX4, I was affirmed that Mrs. Salote Vuibureta Radrodro was permanently resident in Nabouwalu and to my understanding, when claims were tendered by Mrs. Salote Radrodro she was residing in Nabouwalu.*
- *I would not have approved the claims of Mrs. Salote Radrodro, if I knew that she was not living in the address provided by her in PEX4.*
- *The complaint against Mrs. Salote Radrodro and few others were made, since concerns were raised by the Prime Minister and few shortcomings were noticed.*
- *At this juncture, I wrote to the Solicitor General questioning what Permanent Residence means and to recognize whether I was making payments wrongfully.*
- *In fact, I went to the chamber of Mrs. Salote Radrodro and told her that there were some concerns.*
- *PEX9 (A) was my letter to the Solicitor General about my concern.*
- *PEX9 (B) was the response from the Solicitor General.”*

17. As it was divulged in the above evidence by the Acting Secretary General to the Parliament that consequent to 2018 elections was the first time the administration of Parliament requested Members of Parliament to tender a Declaration of their details required to provide allowances under the **Parliamentary Remuneration Act of 2014**, with the potential objective of demonstrating that the Parliament amply educated the Members of Parliament during inductions held of the need of a Declaration, Prosecution led the evidence of two witnesses who were instrumental in providing information to the Parliamentarians.

18. In this regard, Prosecution led the evidence of **Rukalisi Dileqa Vecena (PW14)**, senior protocol Officer of the Department of Legislature, Fiji. She testified that there were 2 inductions to Parliamentarians in 2018. First one was at GPH and the 2<sup>nd</sup> was a retreat induction at Warwick Hotel and she was involved in the second induction on the 4<sup>th</sup> and 5<sup>th</sup> of December 2018, where they introduced the Department of

Legislature to the Parliamentarians with the participation of all the elected members, as confirmed by the maintenance of an attendance register.

19. According to her, Parliamentarians had to sign a registration form on both days next to their name with the photograph and they were provided training packages on registration, which included administrative and finance documents as submitted in this trial as the agreed document **PEX6**. Referring to the documents marked **PEX8 (A&B)**, she stated that they were the attendance forms signed by **Mrs. Salote Vuibureta Radrodro** confirming her presence at the induction on the 4<sup>th</sup> and the 5<sup>th</sup> of December 2018. She confirmed that the former Director of Services of her Department, Mrs. Atalaite Rokosuka, made the presentation on the training package to the participants.
20. Giving evidence in Court **PW15 Mrs. Atalaite Rokosuka** informed that she was working at the Department of Legislature of the Parliament from 12/2014 to 03/2019 as the Director of Corporate Services. She further stated that she ensured the effective management of HR and management of Finance/Resources, which included training staff and she reported to the Secretary General of Parliament. She affirmed that in 2018 December there was a training done for the members of Parliament to educate them of processes and procedures utilized in Parliament and at that training she made a presentation to the Parliamentarians on allowances, their entitlements and electronic units given to them.
21. According to her, an Information Booklet marked **PEX6**, was given to the Parliamentarians at the workshop that laid out steps and procedures they needed to follow in applying for allowances. She further confirmed that the booklet was created since Parliament Administration had to inform the Parliamentarians of their allowances under the **Parliamentary Remunerations Act of 2014**. She affirmed that she made a presentation at this induction on the procedures' of payments and allowances and whom the Parliamentarians could contact, if they had problems. She testified that in her presentation she referred to allowances and claims and though there was a discussion with the involvement of the entire administrative team comprising managers, there were no questions about the Permanent Residency asked by Parliamentarians.
22. As stated above, by the information in the **Members of Parliament Declaration Form** tendered to the office of the Acting Secretary General of Parliament by the accused marked **PEX4**, which was also signed and witnessed by a Commissioner of Oaths, the accused informed the Parliament that her permanent place of residence was **Namulomulo village, Nabouwalu, Bua**. This location of permanent residence of the accused made her eligible to claim accommodation and traveling allowances under the **Parliamentary Remunerations Act of 2014**, since that locality was more than 30km away from the Parliament in Suva.

23. To confirm that the payments to the accused under agreed documents **PEX37** to **PEX56** were made consequent to the claims submitted on behalf of the accused, Prosecution led the evidence of **Peniasi Daveta**, who had been the constituency officer at the opposition office in 2019 and 2020. According to him, when Parliamentarians of the opposition come for official duties to Parliament he helps them to complete the forms, GP8 and GP21, needed for them to claim for reimbursements from the office of the Secretary General for the expenses incurred. He fills the forms, as per the information and supporting documents provided by the Parliamentarians, where these forms are also signed by the relevant Parliamentarians. After he fills the forms, these forms are also verified by the senior officer of the opposition office before submitting them to the Secretary General of Parliament.
24. He remembers filling claim forms for the accused, where the accused brought the required acquittals for him to fill the claim forms. He also has had access to the information in her MPDF (**PEX4**), since copies of the declarations made by opposition Parliamentarians were available at the opposition office, where he has considered the residence of the accused to be **Namulomulo village, Nabouwalu, Bua** as stated in the Declaration for her claims. He identified **PEX4** as the Declaration he referred to fill the claims of the accused.
25. In addition to the above witness, Prosecution led the evidence of **Mr. Saruwesh Narayan**, who was the Senior Finance Officer of the Parliament of Fiji during the time in issue, responsible for supervising the finance team and processing all allowance payments to Parliamentarians. According to him, this process starts from the Member of Parliament completing and submitting the required forms. Senior officer appointed by the party has to certify the GP8 form before the claim is submitted to the Secretary General's office. Then the Secretary General signs the claim form with acquittals and gives them to the Finance Unit.
26. Once the claim is received by the Finance Unit, they verify the Parliamentary sitting dates and travel acquittals with submitted GP21 form. If there are discrepancies in the GP8 and GP21 forms, Finance Unit amend the claims. Finally Finance Officer and the Senior Finance Officer sign the claims. Thereafter, the forms go to the vouchering clerk and then to the FMIS clerk to enter into the system. Lastly, it goes to the payment processing clerk and she will electronically transfer the money to the Parliamentarian.
27. According to this witness, the Declarations of Parliamentarians with their details are given to the Secretary General in the first instance and **PEX04** is the declaration of

the accused that they relied on. In this, the accused has given his permanent residence as **Namulomulo village, Nabouwalu**.

**E. EVIDENCE LED IN THE TRIAL IN RELATION TO THE CONTESTED ELEMENTS BY THE PROSECUTION AND THE DEFENSE**

28. From the evidence led in the trial by the Prosecution and the Defense, this Court needs to determine whether the Prosecution managed to prove each contested element of each count beyond reasonable doubt or whether the Defense created a reasonable doubt in relation to any of the contested elements in any of the counts, warranting the acquittal of the accused for that count. To achieve this objective, this Court intends to analyse the impact of the Prosecution and Defense evidence led in this Court on the contested elements of each count.

**Prosecution Case to Establish the Contested Elements**

29. It is the position of the Prosecution that during the material times to the information filed in Court, the accused had a residence that was owned by herself and her husband at **Lot 41, Tacirua Heights, Suva** as her permanent place of residence. Prosecution is of the view that this was the matrimonial home of the accused and her husband, which was readily available for the accused prior to, during and after the offending period. In addition, prosecution claims that the accused had knowingly provided details of this property as her permanent address to several official organisations to be included in official documents. Therefore, they intended to establish this position through the evidence of the below witnesses.
30. The first witness for the prosecution was **Monita Devi Ram (PW1)**, the Executive Officer at the Office of the Registrar of Titles. Giving evidence in Court she mentioned that she provided agreed document **PX12** to FICAC from her office, which is a document about a Native Lease also known as i-Taukei Lease No. 19418 of Lot 41, Tacirua Heights shown on Lot 7 on the plan R2080. She affirmed that the current owners of this land are Mr. Kitione Radrodro and Mrs. Salote Radrodro. This Lease had commenced on 1<sup>st</sup> January 1987.
31. The second witness for the Prosecution was **Sereana Tuisabeto (PW2)** from the i-Taukei Land Trust Board. She mentioned that **PEX13**, the lease for the native land, was issued on 01/01/1987 to Mr. Kitione Radrodro and Mrs. Salote Radrodro on the basis of tenancy in common for a lease of 99 years. This was residential property, so they could build a home on this property. This property was situated in Tacirua Heights, Stage 1, Lot 41 as shown as Lot 7 on Plan No. R2080.

32. Still, further, to establish that the accused knowingly provided false information to the Acting Secretary General to the Parliament that her permanent residence was in Namulomulo village, Nabouwalu, Bua, prosecution led the evidence of few representatives of government establishments to demonstrate that for all her other important day to day activities the accused provided her permanent residence as Lot 41, Tacirua Heights, Suva. On this premise, the prosecution intended to demonstrate to Court that the accused knowingly provided false information to the Parliament.
33. Prosecution **witness 3, Mesake Dawai**, and Prosecution **witness 4, Jasmine Kumar**, gave evidence in Court from the Fijian Elections Office. According to **PW3**, under **Section 24 of the Political Parties Registration, Conduct Finding and Disclosures Act of 2013**, upon filing nominations, contestants at elections are required to submit within 7 days a declaration of assets and liabilities to the Elections Office. In this regard, the accused had submitted the agreed document **PEX17** to the Fijian Elections Office declaring that she owns a residential house at Lot 41 Tacirua Heights, Suva. As per **PEX17**, accused had made this declaration on the 13<sup>th</sup> October 2018.
34. According to **PW4**, she had been responsible for the voter registration in the Fijian Elections Office. She recognized agreed document **PEX19** as a screenshot from their official database. She claims that **PEX19** information is about **Mrs. Salote Randrodro**. She confirmed that according to **PEX19** the address of Mrs. Salote Randrodro in their database is Lot 41, Tacirua Heights and the polling venue listed is Tamavua Primary School, Tacirua Heights. She further affirmed that **Mrs. Salote Randrodro** has registered in the Elections Office on the 10<sup>th</sup> July 2012 and she had provided this information to their database on 23<sup>rd</sup> July 2014 and had not changed this information until January 2021 when this document was taken from their database.
35. Next witness for the prosecution was **witness 6, Margret Grey-Raleqe**, from the Land Transport Authority (LTA). This witness gave evidence on two prosecution documents, **PEX21** and **PEX22**. **PEX21** referred to the details of the accused in the LTA database and **PEX 22** was her renewed license and renewal application form submitted by the accused on 05/12/2018. According to this witness, in the LTA database and in the license renewal application, the accused had tendered her address as Lot 41, Tacirua Heights, Suva. By this evidence, prosecution intended to assert that even though the accused claimed to the Parliament that she changed her permanent residence to Namulomulo village, Nabouwalu in June 2019, she had maintained her address as Lot 41, Tacirua Heights, Suva in the records of the LTA and her license, regardless of the regulatory requirement to change.
36. To further corroborate the interactions of the accused with statutory organizations during the time in issue, the next witness led by the prosecution was **Ms. Sanjana Mala Singh** from the Immigration Department of Fiji, as **PW12**. In giving evidence

in Court, she informed Court that in the Immigration Department she oversees the section that processes passport applications, including e-passport applications. She confirmed giving a statement to FICAC regarding **Mrs. Salote Radrodro**, where information regarding her application for an e-passport was provided. Referring to agreed document **PEX15A**, she recognized this as the receipt for receiving the e-passport application from the accused, which was issued on 02/10/2019, where the address mentioned in the application was 41, Tacirua Heights, Suva. Agreed document **PEX15B** was identified by the witness as the passport issued to **Mrs. Salote Radrodro** on 01/10/2019 containing the residential address 41, Tacirua Heights, Suva, as per the information provided by the applicant. Further, agreed document **PEX15C** was identified by this witness as the e-passport pre-application form that was filled by the accused, mentioning her residential address as 41, Tacirua Heights, Suva.

37. To further demonstrate the interactions of **Mrs. Salote Vuibureta Radrodro** with the Department of Immigration of Fiji, Prosecution led **PW13 Taraivini Savou**, Senior Immigration Officer, who has been working in the department for 30 years. According to her, she is responsible for overall operation of the border control section in the Suva division that includes the Nausori Airport. She mentioned that every citizen coming to Fiji has to provide an Arrival Card, designed for all passengers arriving into the country to provide information. According to her, in this card, in 1.3 you have to mention your permanent address and in 1.8 you need to mention your address in Fiji. In the second page of this Arrival Card, there is a declaration that needs to be made by the passenger. The declaration states that the information given in the arrival card is true and correct in every respect.
38. She gave evidence referring to several arrival cards given by **Mrs. Salote Vuibureta Radrodro** during the contested period in the information to the border control, dating to 10/11/2019, 19/10/2019, 22/10/2019 and 01/08/2019. In this regard, on the arrival card tendered by the accused on 10/11/2019, marked **PEX16A**, the permanent address mentioned is Lot 41, Tacirua Heights and the address in Fiji mentioned is Lot 41, Tacirua Heights, Suva. On the arrival card of 19/10/2019, marked **PEX16B**, the permanent address given is Lot 41, Tacirua Heights, Suva and the address in Fiji is Lot 41, Tacirua Heights. On the arrival card of 22/10/2019, marked **PEX16C**, the permanent address is Lot 41, Tacirua Heights and the address in Fiji is Lot 41, Tacirua Heights. On the arrival card of 01/08/2019, marked **PEX16D**, the permanent address mentioned is Lot 41, Tacirua Heights and the address in Fiji is also Lot 41, Tacirua Heights.
39. As per the evidence of the two witnesses from the Immigration Department, it was the contention of the prosecution that throughout the offending period, when the accused was renewing her passport and when the accused was returning home after foreign travel, she mentioned her permanent address as Lot 41, Tacirua Heights, Suva in the applications and statutory declarations tendered to the immigration

department without any hesitation. Therefore, it was asserted that it is evident that the accused was submitting false information to the Parliament by stating that her permanent residence as Namulomulo Village, Nabouwalu at the same point of time.

40. Further, with the intention of demonstrating that the accused had not changed her address of permanent residence to Namulomulo village, Nabouwalu with other important government organizations and maintained the address as Lot 41, Tacirua Heights, Suva, Prosecution led the evidence of representatives of Fiji Revenue and Customs Service and Fiji National Provident Fund. Still further, there were several other witnesses led by the prosecution to highlight the water consumption and electricity consumption of the residential premises owned by Mrs. Salote Radrodro in Namulomulo and Tacirua Heights.
41. In addition to leading evidence of these witnesses representing government and other organization with whom the accused had interactions to demonstrate the actual residence of the accused was Lot 41, Tacirua Heights, Suva, prosecution led the evidence of several lay witnesses with the expectation of confirming that the permanent residence of the accused during the time in issue was not Namulomulo village, Nabouwalu, Bua.
42. For this end, Prosecution led the evidence of the village headman of Nabouwalu, **Mr. Namua** as **PW17**, who had been holding that office since 2015. According to him, he resides in Namau, but as the Turaga ni Koro of Nabouwalu he looks after the wellbeing and cleanliness of several settlements, like Raviravi, Namulomulo, Namau, Savutalo, Natucago and Qereqere. He further stated that he conducts meetings with people in every settlement under him every month and after the meeting he goes around the village to deliver messages. However, if someone attends the meeting from a house, there will be no need to take messages to their houses. He confirmed that he knew **Salote Radrodro**, but since the son of **Salote Radrodro** attends the meetings, he had no need to go to their house. He stated that to his knowledge in 2019 and 2020 **Mrs. Salote Radrodro** and her husband resided in Suva, since he hadn't met her when he went to Namulomulo village once a month. However, he affirmed that he wouldn't know the movements of people of Namulomulo on a daily or monthly basis, since he lived in another settlement.
43. To further establish the Prosecution position that **Mrs. Salote Randrdro** was not living in Namulomulo, Nabouwalu, Prosecution led the evidence of **PW18 Ms. Litia Lewacoki**. Giving evidence in Court, she mentioned that she resided in Nabouwalu and had been residing there for all her life before moving. According to her, her husband had been a church elder and his name was Inoke Naviticoko , where as a church elder he had preached and visited members of church and conducted church meetings. She informed Court that her husband had passed away in 2020 and they had left Namulomulo in August 2019 for treatment for her husband. She

confirmed that she knows the accused, but only the son of the accused had been a member of their church. Referring to **PEX4 (C)** she identified the signature of her husband on this document, but informed that during this time he was unwell. She confirmed that they left Namulomulo in August 2019 and she only went back there in 2021 to get her stuff.

44. Throughout this trial, the contention of the prosecution was that the accused resided in Tacirua Heights during the time in contention. To affirm this stance, Prosecution led the evidence of **PW16 Mr. Maraiwai**, a resident of Tacirua Heights for 38 years. He informed Court that he operates a store with basic food items in the residential area of Tacirua Heights and that is the only shop in the area. He was of the view that he was well aware of the residents in the community. He confirmed that he knows **Salote Radrodro** and she is a close friend whom he had known for a long time. According to him, **Salote Radrodro** stays about 5 houses away from his place, which is about 100 meters apart. This witness affirmed that the accused comes to his shop about once or twice a week and in 2019 and 2020 the accused was buying stuff from his shop and she stayed at Tacirua with her husband. However, this witness agreed that unless **Salote Radrodro** comes to his shop to buy, he cannot confirm **Salote Radrodro** living in her house in 2019 and 2020.
45. Above mention witnesses were the main witnesses who gave evidence to establish the Prosecution claim that the permanent residence of the accused was not Namulomulo village, Nabouwalu and thereby to assert that the accused knew or believed that the information she provided to the Acting Secretary General to the Parliament of her permanent residence was false.

### **Defense Case to Challenge the Contested Elements**

46. In this trial, for the Defense case the accused gave evidence under oath and was cross-examined by the Prosecution. No other witnesses were summoned to give evidence for the Defense.
47. The foundation for the Defense case in this matter was built on the reasons for actions taken by **Mrs. Salote Radrodro**, as claimed by her in her evidence. This position was thoroughly questioned by the Prosecution during her evidence. Therefore, this Court find it pertinent to layout succinctly the evidence of the accused in detail, which was recorded in 3 days, as below:

### **“Evidence in Chief**

- I studied at Bouma District School and later joined the Adi Cakobau School. After that I joined the Civil Service, during which I obtained a degree in Public



Administration and Tourism. I did Postgraduate studies in Public Sector Reforms, where I have gone on various training programs overseas. During the time I was in employment, I did a Master's Degree in Governance.

- I was in the Civil Service for 36 years. In my Civil Service career, I first joined the Ministry of Transport as a clerical officer and was transferred to the Health Ministry. I did further studies and I joined the Ministry of Foreign Affairs in 1995, my post was Senior Administrative Officer. I worked in Brussels representing Fiji from 1996 to 1999 as the first secretary. From there I came to the Public Service Commission of Fiji. I retired from Civil Service as a director of the Ministry of Women's Affairs. In 2014 I became a Member of Parliament.
- I was the shadow minister for Women, Children and Poverty Alleviation. I was the Deputy Whip for the opposition, where I became the Chief Whip. In my first Parliament of 2014, I didn't make any claims.
- I was elected to the 2018 Parliament for SODELPA.
- In terms of new MPs there were training programs in which I participated.
- I didn't attend the first induction but attended the second one, where I was introduced to the MPDF.
- The highlight of the induction was the admin and financial aspect of work and there was a manual that was handed over. However, there was no detailed introduction of the MPDF and no prosecutorial authority explained repercussions of giving false information.
- I lodged my first MPDF in December 2018 and the second in June 2019. In the first one my address was Tacirua Heights.
- At that point in time that was my address. This was not outside the 30 km requirement and I was not entitled for transport and accommodation claims, but was entitled for sitting allowances for committees.
- In the second MPDF my address was Namulomulo village, Nabouwalu, Bua.
- I put this address because, the Parliamentary calendar was only 7 weeks, so for 45 weeks we had to plan our constituency meetings. Namulomulo was my home and I build a house there and my children grew-up there. At present I live there with my youngest son Alipate and his family and my work involves the Nabouwalu community. Personally, we wanted to connect with our community and church in Namulomulo.
- I wanted to relocate to Namulomulo because of family reasons and I wanted to do my political work in the village.
- When I was planning to re-locate, I asked my clerk to check with the Secretary General (S/G). I was instructed to write a letter to the S/G with few supporting documents. I got a letter from the church elder. Then I gave all those documents to the S/G.
- There was no rejection or further quarries from the S/G, all the documents were accepted.

- I prepared **DEX2** (2019 Parliamentary calendar) and **DEX3** (2020 Parliamentary calendar) with my knowledge of the sittings and events, together with **DEX1** (the Vodafone records).
- **DEX -1** is the Vodafone record for my phone given by Parliament, the number is 9907402. If not for these records it would have been very difficult to identify my movements. There is no contestation by me on Vodafone records.
- I have never questioned the calculations of my claims from the S/G's office, since I trusted that they will follow the correct procedure.
- My permanent station was Namulomulo village, Nabouwalu during the time in issue. My temporary station during this time was Tacirua Heights. That is where I would come for Parliamentary duties. I also had to come here for family functions and my husband was living there, since he was employed. There were times my husband came with me to Namulomulo.
- **PEX15 (A-H)**, is my passport application. In **PEX15 C&D** my permanent address was Tacirua Heights and since this was a renewal I didn't change this because this address was there in the immigration system. I left it for consistency, since I had problems in Sydney. Namulomulo is rural, there is no immigration office there in Nabouwalu. That is one of the reasons why I left the address as it is.
- **PEX16 A-F** are my arrival cards and I filled them. In these cards my permanent address is mentioned as Tacirua Heights. This is the address I have put in my all immigration documents, including my passport. This was an easily contactable address by authorities if they wanted to contact me, Namulomulo was rural without proper connections. My husband was always there at Tacirua Heights, so if needed authorities could easily contact me.
- In the arrival cards, to my knowledge, I was giving true information, since we had the property in Tacirua Heights and that was the address in the immigration system in Fiji. This was the address in the passport and this was the address I return to when I go abroad before going to Namulomulo.
- In my visa applications also I had mentioned Tacirua Heights as my address, since this was the address in the immigration system in Fiji and my passport.
- **PEX18 /PEX19/PEX20** are my data capture forms kept in the Elections office. I have given Tacirua Heights address to Fiji elections office since 2012 and I have not changed this. This was the address in the Election office data base and I haven't changed that and this was the address in my new voter card.
- As parliamentarians, we need to be on the ground and need to interact with the voter base. I gave priority to my constituency work and interact with the voters.
- **PEX22** is my current driving license after renewal, I gave Tacirua Heights as my address in my driving license. This is because driving license renewal can't be done in Nabouwalu.

- In **PEX23 & PEX24** for Fiji Revenue and Customs Services (FRCS) also I gave the Tacirua Heights address, since there was no office of FRCS in Nabouwalu. This is the same reason as for other statutory bodies.
- **PEX26** is an application to re-join FNPF after I retired.
- I was never told that providing false information would amount to a criminal offence and I was never informed by S/G. I agree that it is wrong to give false information to a government officer.
- I didn't receive anything I was not entitled to. My claims were supported by relevant evidence. I never had the intention to defraud the government or Parliament. I didn't dishonestly receive any money from Parliament.

### Cross-examination

- In my Civil Service career, I first joined the Ministry of Transport as a clerical officer and was transferred to the Health Ministry. I did further studies and I joined the Ministry of Foreign Affairs in 1995, my post was Senior Administrative Officer. I worked in Brussels representing Fiji from 1996 to 1999 as the first secretary. From there I came to the Public Service Commission. I retired as a director of the Ministry of Women's & Social Affairs.
- I am a member of Methodist Churches in Namulomulo and Tacirua. We are life-long members in Namulomulo church. We are also members in the Tacirua church. We are involved in both of these churches.
- We built a house in Namulomulo in 2000 and started farming there. This house is close to our immediate and extended family. Also, we have close connections with the church and vanua. Basically, that is where we come from and our forever home. During school vacations and Christmas our family visited Namulomulo when in Tacirua Heights.
- We bought a land in Tacirua in 1988 and build a house in 1992 that was home before June 2019. This house has 6 rooms and well furnished. We have plans to sell this house and down-size, but this is put on hold and under discussion at the moment. This is worth about \$ 160,000. This has quarter acre of land.
- Namulomulo home is a kit home. This is a wooden house. This was \$ 20,000 at that time we built, now this is worth about \$ 30,000. We have done extensions to this property. The extension of adding two rooms happened to the Namulomulo property after I went there. In this home there is no separate office, I use the Verandah. This house has six rooms now, but initially 2 rooms till 2019. Also a Verandah was done for my political work. My son has a canteen and B&B business in this property, 3 rooms are used for this. This B&B is called "Lote's" homestay.
- According to Vodafone records, **as per PEX82**, I agree that I only stayed 20% of the time in Namulomulo, and the rest, that is 80% of the time calls were from Suva or I was abroad.

- Even after I changed my residence to Namulomulo, I was living only 20% of the time in Namulomulo and most of the time I was living in Suva for my work.
- My presence in Namulomulo and Suva has to be looked at in consideration of my work, I lived in Suva because of the call of duty by Parliament.
- My party assigned Nasinu as my constituency. My party didn't assign Namulomulo as my constituency. In 2014 and 2018 Nasinu was my constituency and main water base. I wanted to build my voter base in other areas also and I was expanding my base.
- Apart from the letter I gave to Parliament, though I moved my residence, I have not produced any other documents in support of my movement.
- When I decided to move my residence to Namulomulo, I checked what needs to be provided as proof from the S/G. But I did not do the same with Fijian Election Office, Immigration Department, Land Transport Authority, FNPF, FRCS and Banks, since there was no need to do that. I never gave them information that I had changed my address.

### **Immigration Department**

- **PEX16 (e)** is the arrival card I filled on 29<sup>th</sup> June 2019 when I arrived in the country and this was 20 days after I changed my permanent residence to Namulomulo. In 1.3 I mentioned my address as 41, Tacirua Heights. This was true because I was coming back to this and it was in the system as my residence. My permanent address could have been both of these addresses. I mentioned Tacirua, since I wanted to maintain that is in my passport.
- For the purposes of Parliament my address was Namulomulo, but I mentioned Tacirua here, since it was a different purpose. For this specific purpose I didn't use Namulomulo as my address and used Tacirua, since it is in my immigration records.
- For 29<sup>th</sup> June 2019 my permanent address was Tacirua, since I will be going to this address before going to Namulomulo.
- The situation in filling these arrival cards is unique, since Tacirua Heights is in my immigration records, in my passport and my visa application. I will maintain this address in my immigration records until we sell-off the Tacirua property, since there is no infrastructure in Namulomulo to be able to facilitate a change
- I maintained 2 residences in Namulomulo and Tacirua.
- For immigration Tacirua Heights is in my records and I continued to use it. For immigration my state of mind tells me to put down Tacirua.
- I felt that there is a danger in not putting down Tacirua Heights address in immigration matters, since I was detained in Australia after I acquired my new passport.
- As mentioned on the arrival card, providing false information is an offense.

- **PEX16 (d)** is my arrival card on 01<sup>st</sup> August 2019. In this I have mentioned 41 Tacirua Heights as my permanent address. On the very next day I put a claim by **PEX37** to travel back to Namulomulo, since that was my permanent address to Parliament. This travel was paid by Parliament on the basis I was residing in Namulomulo, since that was my forever home.
- For state agencies, I never had the intention of changing my address with them, this was my conscious choice.
- **In Pex16 (e)** also my permanent address is Tacirua Heights.
- By **PEX15** I renewed my passport in October 2019 and I applied for an e-passport. For this I filed my details and visited the immigration office physically to provide my details like fingerprint. At that time I still maintained my Tacirua Heights address in all immigration records, including my passport. In this regard, after 2 month of changing the address in Parliament I went to renew my passport. At this point, though I had the opportunity to change my address in the immigration records, I did not want to change the address in those records and wanted to continue with the existing information. This is the address that I will be coming back to and I am easily contactable in this address.
- **15(b)** is my application for renewal of passport, address is 41 Tacirua Heights, Suva. Mobile number is 9907402. This was the number I had at that time and I got it from Parliament after 2018 election. I changed this number in the records when making the application in the immigration records, but not the address.
- I have not changed Lot 41 Tacirua Heights address with any of the statutory organizations, because there was no need to do that and all these organizations have no offices in Nabouwalu. Until and unless we sell and move out of Tacirua Heights, I will not change my address to the new address with the statutory organizations. It will come a time that will happen, but I do not know when.
- Consciously and deliberately, I didn't want to change my address with any statutory organization. It was right for me to maintain the Tacirua Heights address for them.
- I changed the address with the Parliament because this was an opportunity for me to undertake constituency work in Namulomulo, since we have a home there and we were connected to the church. Also there were personal reason, where my son was there.

### **Electoral Registration**

- Though under **Section 5** of the **Electoral Registration Act** I am due to notify the supervisor within 3 months of the change of my residential address, I did not advise the supervisor since it was not necessary, as it had nothing to do with my voter registration card. By not doing that, according to this Act, I did not obey the law. It depends how you interpret that law.
- Though the prosecution claims that I should have changed my address by the 9<sup>th</sup> of September in the Elections Office, since I changed my residential address

on the 9<sup>th</sup> of June, in fact change was not necessary, since I had my voter registration card.

- I am aware that if you're not a registered voter you can't become a candidate for an election, but I am a registered voter in Suva.
- Though the prosecution say under **Section 6** the grace period of 6 months is now over and I am not entitled to vote anymore, I have a valid voter registration card to vote.
- I am not a legal person to interpret and say whether this law should apply to a person holding a voter card. Though I am involved in making the law, laws are just rushed through and there was hardly any participation on the floor apart from voting.

### **Land Transport Authority**

- According to **Section 39 (1) (d)** of the **LTA Act**, any person who holds a license should notify the authority within 4 days of change of address. But I did not inform that, since Tacirua Heights was the address in the LTA records and there was no infrastructure in Nabouwalu to undertake the requirement of my license.
- Though I went to the LTA office to renew my wheel tax in 2019, 2020 and 2021, since I didn't want to change my address in the LTA records I didn't do that and wanted to leave it as 41 Tacirua Heights, Suva.
- So for other subjects like this I have not changed the address, though I relocated to Nabouwalu, but due to the nature of work I changed the address with the Parliament.

### **MPDF**

- **PEX6** was given to us at the Warwick training as a Manual. Though I read this, I didn't understand everything inside.
- I understand that the vital purpose of the **MPDF** was to provide our allowances. I signed the second MPDF submitted by me on 13/06/ 2019.
- I didn't inform my change of residence to any of my colleagues. I only informed Coccus clerk Mr. Daveta to check the procedure to follow.
- My husband, next of kin, was working in Suva and the address given is also 41 Tacirua Heights, Suva. So, my husband was living in Suva, while I started living in Namulomulo. My husband did not change the residential address with me.
- So in this situation, the husband and wife had two permanent residences due to work. Our marriage continued. When we retire we will be in the same place.

### **Claims**

- There were 20 claims done by me, out of that on 6 occasions I gave letters to the S/G that I wouldn't travel to Namulomulo. Out of the 14 times I traveled, on more than 11 times I only spend maximum 2 nights in Namulomulo, as

mentioned in the claims. On one occasion, I went to Namulomulo on Saturday morning by boat and left Namulomulo to Suva on the Saturday night boat.

- Though I have spent majority of the time in Suva in my own home and only 20% in Namulomulo, Tacirua was a temporary station for work purposes when I come to Suva.
- My short stay claims are:
  - **PEX42** I went on the 21<sup>st</sup> September and came back on the 22<sup>nd</sup> September.
  - **PEX43** I went on the 27/09 and came back on 28/09, just an overnight stay.
  - **PEX44** I went on 4<sup>th</sup> October and came back on the 5<sup>th</sup> October.
  - **PEX45** I went on the 15<sup>th</sup> November and came back on the 17<sup>th</sup> November.
  - **PEX46** I went on 23<sup>rd</sup> November and came back on 24<sup>th</sup> November.
  - **PEX47** I left Suva on 24/01/ and came back to Suva on 26/01, spent only 2 nights in Namulomulo.
  - **PEX51** I went to Namulomulo on the 15<sup>th</sup> February 2020 and came back to Suva on the 16<sup>th</sup> February, stayed one night in Namulomulo.
  - **PEX 52** I went to Namulomulo on the 22<sup>nd</sup> of February 2020 and came back on 23<sup>rd</sup> February 2020.
  - **PEX55** I went on 20<sup>th</sup> March 2020 and came back to Suva on the 22<sup>nd</sup> March 2020.
- You can't call above visits flying visits, the time maybe brief in the above visits, but I was returning to my forever home to visit the family and meeting people on the boat and hearing their grievances, which is very important to a Parliamentarian to interact with the people.
- Out of my 20 claims, I had given letters to Parliament on 6 justifying my stay back in Suva.
- Out of the remaining 14 claims, except for Christmas, I stayed in Namulomulo for longer than 2 days only on 2 occasions.
- Therefore, out of 14 on 11 occasions my stay in Namulomulo was overnight or two nights."
- **PEX82** - I agree that per Vodafone records, out of the 274 days between 1<sup>st</sup> August 2019 and 30<sup>th</sup> April 2020, I had spent 57 days in Namulomulo and 171 days in Suva.
- I have spent 3 times more time in Suva, than the time I spent in Namulomulo, but yet I call Suva a temporary station. That is 62.4% in Suva and 20.8% in Namulomulo.
- There were many things for me to attend in Suva, like funerals, weddings in my family or my husband's family. Also, I need to do my constituency work and Parliamentary work, including committee meetings in Suva. So I have many more reasons to be in Suva apart from the Parliamentary reasons, like personal, constituency and family.

48. With the above detailed evidence of the Prosecution and the Defense, followed by final submissions of counsel of both parties, this matter was concluded.

**F) DETERMINATION OF COURT OF THE LIABILITY OF THE ACCUSED FOR EACH COUNT**

49. In venturing to perform this formidable and responsible task, this Court needs to highlight at the very outset, that this duty will be performed by this Court on relying on the evidence led by the Prosecution and the Defence in the well of this Court and not by relying on mere speculations and suppositions claimed by parties that were not established, either on the basis of balance of probability or beyond reasonable doubt, as required by law, by the evidence led in this Court.

**COUNT 1**

50. As identified above, there are two contested elements in relation to Count 1, the proof of which needing determination by this Court. This Court will now venture to consider these two elements in relation to the evidence led in Court.
51. The first contested element of Count 1 is that **the accused knew or believed that the information she provided to the Acting Secretary General to the Parliament to be false.**
52. According to the Prosecution, the alleged false information of the **permanent residence** of the accused mentioned in the second MPDF submitted by the accused to the Parliament on 13/06/2019, marked **PEX4** at this trial, required the Office of the Acting Secretary General to reimburse accommodation and travelling claims of the accused, as per the Schedule to the **Parliamentary Remunerations Act of 2014**.
53. Therefore, before considering the evidence deduced by the Prosecution and the Defense to demonstrate the permanent place of residence of the accused during the time in issue, this Court needs to determine what is meant by the permanent residence of a person.

**Permanent Residence**

54. In identifying the required definition for the phrase “Permanent Residence”, this Court intends to rely on the definition pronounced by this Court in the case of **Fiji Independent Commission Against Corruption (FICAC) v Nawaikula [2022] FJHC 192; HACD005. 2022S (3<sup>rd</sup> May 2022)**, where the circumstances that led to



the prosecution in that matter were very much similar to the facts of this matter, with little variations.

55. Therefore, on relying on the case law and definitions available in Common Law legal literature discussed in the above case, this Court comprehends that the phrase “Permanent Residence” can be prudently defined as, *“a place where a person has his/her usual or settled abode continuously for a considerable period of time, where he/she is not less resident of the place due to his/her absence from time to time for the purposes of business or pleasure.”* However, as identified in **FICAC v Nawaikula [2022] FJHC 192**, this proposed definition will need to be applied strictly subjectively on the facts and circumstances of this case.

### **Analysis and Finding of Court in relation to the first contested element of Count 1**

56. As stated, in relation to this element, what the Court has to determine is **whether the accused knew or believed that the information she provided to the Acting Secretary General to the Parliament to be false.** In this regard, the contested information provided by the accused is her place of “Permanent Residence” submitted in **PEX4**, where she mentioned her permanent residence as **Namulomulo Village, Nabouwalu, Bua.**
57. In determining the falsity of the submitted place of residence by the accused to the Parliament, at the very outset, this Court intends to ascertain the locality **where the accused had her usual and settled abode continuously between 01/08/2019 to 30/04/2020** from the evidence led at this trial.
58. During the trial, Prosecution led direct and circumstantial evidence to establish the disposition of the Prosecution. On the contrary, by giving evidence under oath at this trial, the accused enunciated the Defense standpoint on her “Permanent Residence” during the relevant period. In this regard, as direct evidence for the Prosecution, two witnesses who had a connection to **Namulomulo Vilage, Nabouwalu, Bua** and one witness from **Tacirua Heights, Suva** were led in evidence to establish that the accused was not permanently residing in **Namulomulo Village**, but was residing in **Tacirua Heights** at the time in issue.
59. The first witness summoned for this end was the Village Headman (**Turaga-ni-Koro**) of the Namulomulo Village **Mr. Namua**, who had been holding that post since 2015. He mentioned that he looks after many settlements in Nabouwalu, though he lives in Namau village, which is about 2km away from Namulomulo. He claimed that he went to the Namulomulo Village once a month to meet the villages. He affirmed that he does not go to the house of the accused on these visits, since her son attends the meetings as required. Further, this witness mentioned that though he goes to the canteen run by the son of the accused on his visits to Namulomulo, no evidence was

led by the Prosecution to ascertain the size of the house the accused lived or the distance between the canteen and the house for this witness to claim noticing the presence or absence of the accused in the house conclusively. Still further, in cross-examination, this witness categorically mentioned that he wouldn't know the movements of people of Namulomulo on a daily or monthly basis, since he lived in another settlement. Therefore, he informed Court that he can only confirm the presence of **Mrs. Salote Radrodro** if he has met her in Namulomulo on his monthly visits. However, since this was the Covid-19 period with restricted movements, he couldn't confirm whether **Mrs. Salote Radrodro** resided in Namulomulo and went for Parliamentary sitting and returned to Namulomulo.

60. The second lay witness called for this purpose was **Ms. Litia Lewacoki**, the wife of the church elder of the Baptist church in Nabouwalu. She informed Court that her husband, **Inoke Naviticoko**, passed away in 2020 and they left Namulomulo in August 2019 for treatment for her husband, since he was unwell. She confirmed that she knew the accused, but only the son of the accused had been a member of their church. Referring to **PEX4 (C)**, the document the accused submitted in proof of her involvement in Namulomulo community to the Parliament, she identified the signature of her husband on this document. However, considering the fact that this witness had left Namulomulo in August 2019 and had returned to Namulomulo only in 2021, her evidence was not capable in making any reference to the availability or non-availability of the accused during the time in issue in the Namulomulo village.
61. The witness summoned by the Prosecution to demonstrate that the accused was residing in Tacirua Heights was **PW16 Mr. Maraiwai**, a resident in Tacirua Heights for 38 years. He informed Court that he operates a store with basic food items in the residential area of Tacirua Heights and he confirmed that he knows **Salote Radrodro** as a close friend. This witness affirmed that the accused comes to his shop about once or twice a week and in 2019 and 2020 the accused stayed at Tacirua Heights with her husband. However, this witness agreed that unless **Salote Radrodro** comes to his shop, he cannot see **Salote Radrodro** living in her house in Tacirua Heights during this time, since their houses were about 100 meters apart. In this light, the evidence of this witness was not capable in reaching the required standard of proof in a criminal trial in relation to his claim of the accused residing in Tacirua Heights.
62. In considering the above evidence of these three witness, this Court was confident that their evidence was not definitive for this Court to make a finding on the absence or presence of the accused in the Namulomulo Village or Tacirua Heights during the time in issue. Therefore, this Court was not satisfied with the evidence of above three witnesses to hold beyond reasonable doubt that the accused tendered false information to the Parliament by claiming her permanent residence as Namulomulo village in **PEX4**.

63. In analyzing the direct evidence led in this trial in relation to the permanent residence of the accused during the period in issue, this Court could not give less regard to the lengthy evidence given by the accused. In this regard, the accused informed this Court in detail, especially with reference to certain documents containing statistical analysis of her movements, the reasons for her movements during the 274 days in issue between 01<sup>st</sup> August 2019 and 30<sup>th</sup> April 2020. During the trial, both the Defense and the Prosecution admitted the Vodafone records of the phone used by the accused, bearing number 9907402, which was marked as **DEX1**. Further, the accused claimed that she drafted the documents marked **DEX2** and **DEX3**, which were the calendars for the years 2019 and 2020 respectively, with the help of **DEX1**, depicting her movements with the Parliamentary work and her stay in her forever home, Namulomulo village, Nabouwalu.
64. In highlighting her attachment to Namulomulo Village, the accused recalled that Namulomulo was where she met her husband and where she got married. She informed Court that she built a house there and her children grew-up there. She averred that her work in Namulomulo involved with the community and she started working with empowerment of women in the village. Personally, she claimed that she wanted to connect with her community and the church in Namulomulo. Further, she informed Court that only her youngest son now lives in Fiji and she wanted to connect with him and his family, including her only grandson living in Fiji by moving to Namulomulo.
65. Referring to the time she spent in Suva during the time in issue, the accused affirmed that she lived in Suva because of the call of duty by Parliament, prompting her to call Suva her temporary station. Nevertheless, she affirmed that in addition to attending Parliament, she had other reasons like personal reasons, involvement with Tacirua Methodist church, constituency work and family reasons to be in Suva. She further confirmed that her husband was living in Suva for his work during this time and when she comes to Suva she meets her husband in their home in Tacirua Heights.
66. In facing cross-examination from the Prosecution, in agreeing to the calculations made based on the Vodafone records marked **PEX82 (A&B)**, the accused confirmed that between 01<sup>st</sup> August 2019 and 30<sup>th</sup> April 2020 (274 days) she only spent 20.8% (57 days) in Namulomulo and spent 79.2% (217 days) of the time in Suva, in the West of Fiji or abroad. Moreover, the accused agreed that out of 274 days in contention in this trial, she spent 62.4% (171 days) in Suva. As a consequence, she confirmed spending more than 3 times the time she spent in Namulomulo in Suva. However, the accused retreated and constantly echoed during her testimony that her time spent in Namulomulo and Suva has to be viewed in consideration of her work in the Parliament and the call of duty by Parliament.
67. In the light of the accused agreeing in cross-examination to the document stipulating her spending only one third of the time Namulomulo, compared to the time she spent

in Suva during the offending period, the Court questioned the Defense counsel of his stance of this position. The reply of the counsel in verbatim was as below:

**“Judge:** In PEX82 there are 2 pages as a & b. Is the Defense agreeing to this document?

**Defense counsel:** She has admitted to them, My Lord, so (a) & (b).

**Judge:** So you’re agreeing to PEX82 (a) & (b)?

**Defense counsel:** Yes, Sir”.

68. The above enunciated evidence in relation to periods of presence of the accused in certain localities during the time in issue was further corroborated by her evidence in relation to the claims submitted by her to the Parliament. In this regard, the accused asserted that out of the 20 claims on 6 occasions she had given letters to the Acting Secretary General justifying her stay back in Suva without returning to Namulomulo, detailing the reasons, such as, participating in fund raising events for the Methodist church in Suva, attending a celebration event of a publisher in Suva and attending to other commitments in Suva. During cross-examination, she admitted that out of the remaining 14 claims, except for Christmas, she stayed back in Namulomulo village for longer than 2 days only on 2 occasions. Therefore, out of 14, on 11 occasions her stay in Namulomulo village was overnight or two nights. Nevertheless, the accused reiterated that her short stays can’t be called flying visits, since though the time maybe brief, by these visits she was returning to her forever home to see her family and meeting people on the boat and hearing their grievances and concerns. She further claimed that such meetings are very important to a Parliamentarian to interact with the people.
69. Considering the evidence analyzed above, it is perceptible to this Court that though the accused admits spending more time in her residence in **Tacirua Heights, Suva** than the time she spent in **Namulomulo village, Nabouwalu**, she informs with perseverance that her stay in Suva was only to attend Parliament and to perform duty related responsibilities, where her permanent residence was her home at **Namulomulo village, Nabouwalu**.
70. In order to make a determination on this claim, this Court intends to re visit the definition of “Permanent Residence”, as proclaimed in this matter, as below:

*“a place where a person has his/her usual or settled abode continuously for a considerable period of time, where he/she is not less resident of the place due to his/her absence from time to time for the purposes of business or pleasure.”*

71. In this matter, the accused admitted that she had spent 62.4% of the time in issue in Suva, and she alluded that apart from attending Parliament, she had other reasons, such as, personal reasons, constituency work, church work and family reasons like attending funerals and family functions while in her residence in **Tacirua Heights** and at this locality she continued with her usual hobby of gardening. In addition, as a married woman for several decades with a very healthy marriage, **Tacirua Heights** residence was the place where she stayed with her husband. Further, she claimed to be actively involved in the Tacirua Methodist church.
72. Considering the definition of “permanent residence” under these circumstances, it needs to be emphasized that for a Parliamentarian, the usual and settled abode will encompass the place you live your ordinary life and attend Parliament for work, especially when your spouse also lives there and when you engage in your usual day to day family/social/leisure activities from this place, though you could be absent from this place time to time for business or pleasure.
73. In this background one can only shudder to think, how can the accused claim **Namulomulo Village**, a place where she had stayed only for 20.8% during the time in contestation and a place where her visits had been very short for recognizable personal reasons like visiting her only son and grandson in Fiji, as her place of permanent residence, compared to her presence at the above described **Tacirua Heights** home. Moreover, though the accused claimed that **Namulomulo village** was her forever home, what was requested by parliament in the MPDF was the “Permanent Residence”, but not the forever home.
74. Furthermore, while giving evidence, the accused insisted that she maintained her permanent address as **41 Tacirua Heights** with all the other State Organizations, since that address was in the state records and it was convenient for her to keep that address as it is due to unavailability of branches of State Organizations in **Namulomulo village**. However, this position was challenged by the Prosecution in cross-examination that she maintained **Tacirua Heights** address, since she was permanently residing there.
75. In this background, when endeavouring to accept the above analysed evidence given by **Mrs. Salote Radrodro** (accused) in this matter for the Defense, this Court intends to apply the principle of “Divisibility of Credibility” as pronounced by the Fiji Supreme Court in the case of **Chandra v State [2015] FJSC 32; CAV21.2015 (10 December 2015)**. In this regard, **Justice Priyasath Dep** held as below:

*“In the past, the courts applied the maxim 'Falses in Uno Falses in Omnibus' - meaning "He who speaks falsely in one point will speak falsely upon all" - to a witness who gives false evidence. The present trend is instead of rejecting the totality of evidence, to act on that part of evidence which is true and reliable. This approach is known as **divisibility of credibility**.....the assessors should be informed*

*that they are free to act on his/her evidence provided he/she had given a satisfactory explanation or can act on parts of evidence corroborated by independent evidence.”*

76. Therefore, while accepting the evidence given by the accused in the most part, especially in relation to her admissions of her periods of presence in **Tacirua Heights** and **Namulomalo village**, as corroborated by the documents admitted and marked **PEX82, DEX1, DEX2** and **DEX3**, this Court finds the accused claiming the “Call of Duty” by the Parliament as the predominant/only reason for her to be in **Tacirua Heights, Suva** and her position of maintaining **Tacirua Heights** address in the data bases of state bodies, since it was already there, though she changed her residence to **Namulomulo** to be spurious and challenging common sense in the presence of other compelling and eminent reasons to the contrary. Therefore, these portions of her evidence are rejected by this Court.
77. In addition to the unfolding of above detailed direct evidence before this Court, Prosecution led the evidence of two witnesses representing the Fiji Immigration Department to demonstrate that even after tendering her permanent residence as **Namulomulo Village, Nabouwalu, Bua** to the Parliament under the Member of Parliament Declaration Form **PEX4**, the accused had continue to mention her permanent address as **41 Tacirua Heights, Suva** in pivotal documents tendered and obtained in the process of international travel.
78. In this regard, **PW12 Sanjana Mala Sing** giving evidence informed Court that **PEX15 (a-c)** were the documents the accused submitted to obtain an e-passport in October 2019, where her residential address was mentioned as **41 Tacirua Heights, Suva**. According to her, as per the information submitted by the accused, an e-passport had been issued to the accused on 01/10/2019 bearing the residential address **41 Tacirua Heights, Suva**.
79. This witness was followed by **PW13, Taraivini Savou**, a Senior Immigration Officer of the Immigration Department of Fiji. She gave evidence referring to several arrival cards given by **Mrs. Salote Vuibureta Radrodro** during the contested period in the information to the border control of Fiji, dating to 10/11/2019, 19/10/2019, 22/10/2019 and 01/08/2019. In this regard, on the arrival card tendered by the accused on 10/11/2019, marked **PEX16A**, the permanent address mentioned is Lot 41, Tacirua Heights and the address in Fiji mentioned is Lot 41, Tacirua Heights, Suva. On the arrival card of 19/10/2019, marked **PEX16B**, the permanent address given is Lot 41, Tacirua Heights, Suva and the address in Fiji is Lot 41, Tacirua Heights. On the arrival card of 22/10/2019, marked **PEX16C**, the permanent address is Lot 41, Tacirua Heights and the address in Fiji is Lot 41, Tacirua Heights. On the arrival card of 01/08/2019, marked **PEX16D**, the permanent address mentioned is Lot 41, Tacirua Heights and the address in Fiji is also Lot 41, Tacirua Heights.

80. As per the evidence of these two witnesses from the Immigration Department, it is evident to this Court that throughout the offending period, when the accused was renewing her passport or when the accused was returning home after foreign travel, she mentioned her permanent address as **Lot 41, Tacirua Heights, Suva**. Therefore, it is perceptible to this Court that the accused had continued to use **41 Tacirua Heights** as her permanent address after informing the Parliament that her permanent residence was at **Namulomulo Village, Nabouwalu**. When the facts are so compelling, this Court can't avoid noticing the falsity of the information provided by the accused to the Parliament in **PEX4** on 13/06/2019.
81. From the above analysis of direct and circumstantial evidence led in this matter, this Court is content that the accused knew or believed that the information she provided to the Acting Secretary General to the Parliament mentioning her "Permanent Residence" as **Namulomulo village, Nabouwalu, Bua** in **PEX4** to be false. Therefore, this Court is satisfied that evidence has been led in this Court to prove and establish this element beyond reasonable doubt.
82. The second contested element in Count 1 that needs to be proved by the Prosecution beyond reasonable doubt is that **the accused knowing it to be likely that she will cause the person employed in the civil service to do anything which she ought not to do or omit if the true state of facts respecting which such information is given were known to her.**

### **Analysis and Finding of Court in relation to the second contested element of Count 1**

83. In analyzing the evidence to consider the establishment beyond reasonable doubt of this element, this Court perceives that this element is very much interwoven with the first element of this Count. In this matter, the accused had admitted receiving the contentious payments from Parliament by **PEX37** to **PEX56**, which the Prosecution alleges to have been made by Parliament due to false information submitted by the accused by **PEX4**.
84. From the evidence led in Court, Prosecution established that the accused maintained her Permanent Residence as **41 Tacirua Heights** in the data bases of many Statutory Organizations without changing that to **Namulomulo village, Nabouwalu**, as done for the Parliament by **PEX4**, even disregarding legal obligations under the existing laws of the country. In this regard, there was not even an iota of evidence to show that the accused had claimed **Namulomulo village, Nabouwalu** as her Permanent Residence to any other organization, except the Parliament with ulterior intentions.
85. For this end, **PW4 Jasmine Kumar** from the Fijian Elections Office referring to **PEX19** confirmed, as per the database of the Elections Office, **Mrs. Salote**

**Radrodro's** address is **Lot 41, Tacirua Heights** and the polling venue opted was **Tamavua Primary School, Tacirua Heights**, which details the accused maintained without any amendment since 23<sup>rd</sup> July 2014 until when **PEX19** was extracted from the data base in January 2021.

86. In answering questions raised by the prosecution on this issue, the accused stated, *“though under **Section 5 of the Electoral (Registration of Voters) Act of 2012** I am due to notify the supervisor within 3 months of the change of my residential address, I did not advise the supervisor since it was not necessary.”* She further verified, *“by not doing that, according to this Act, I did not obey the law”*. Still further answering questions raised by the Prosecution, the accused stated, *“I am aware that if you’re not a registered voter you can’t become a candidate for an election, but I am a registered voter in Suva.”*
87. Hearing the above evidence of the accused, on one hand this Court was shocked to witness a seasoned politician and a civil servant for 36 years callously disregarding the need to adhere to the existing laws of the country, and on the other hand, this Court perceived that the accused had endeavored to maintain **Tacirua Heights** address in all her official records, regardless of her informing the Parliament that her permanent residence was in **Namulomulo village in Nabouwalu**, since she knew that she would be not entitle to claims, if she maintained the **Tacirua Heights** address as her permanent residence with the Parliament.
88. The next witness summoned by the Prosecution to show this approach of the accused of maintaining her address in government data bases as **41 Tacirua Heights, Suva** was **Margret Grey-Ralege** from the Land Transport Authority (LTA). She gave evidence referring to two prosecution documents, **PEX21** and **PEX22**, which referred to the details of the accused in the LTA database and the application for license renewal submitted by the accused on 05/12/2018. According to this witness, in the LTA database and in the license renewal application, the accused had mentioned her address as **Lot 41, Tacirua Heights, Suva** and has maintained the same details without change in the LTA data base.
89. During cross-examination by the prosecution, the accused admitted that though according to **Section 39 (1) (d) of the LTA Act**, any person who holds a license should notify the authority within 4 days of change of address, she did not inform, since **Tacirua Heights** was the address in the LTA records. She further confirmed that though she went to the LTA office to renew her wheel tax in 2019, 2020 and 2021, she didn’t want to change her address in the LTA records.
90. This Court sees from the above evidence, though the accused had promptly changed her permanent address with the Parliament to **Namulomulo village, Nabouwalu**, with all the other State Organizations she had maintained her address as **41 Tacirua Heights, Suva**. In this regard, apart from complying with



the cardinal responsibility of an honest citizen of adhering to law of the country, the accused was not gaining any other additional benefits by changing her address to the locality she claims to be her permanent residence with the other State Organizations. However, if she didn't change her permanent residence with the Parliament to **Namulomulo village, Nabouwalu**, she wouldn't have been entitled to claim \$ **37, 920. 13** from the Parliament. Therefore, it is evident that the accused changed the permanent residency in **PEX4**, knowing that the Acting Secretary General to the Parliament would not approve the payment of a large amount of public money to the accused, if she knew that the accused was residing in **41 Tacirua Heights, Suva**.

91. From the evidence analyzed above, this Court can confidently reach the conclusion that the accused knew that she was likely to cause the Acting Secretary General to the Parliament to authorize the reimbursement of claims she submitted on reliance of the information she provided by **PEX4**, claiming that her "Permanent Residence" was in **Namulomulo village, Nabouwalu, Bua**.
92. In scrutinizing the interlacing connection between the contested two elements in this Court, this Court intends to take guidance from a **Supreme Court** decision of Fiji in relation to an offence under **Section 135 (a)** of the then **Penal Code** of Fiji, which is a mirror reflection of **Section 201(a)** of the **Crimes Act 2009**. In the case of **Lane v Reginam [1970]**<sup>1</sup>, where it was alleged that the accused tendered false information to a police officer regarding a motor traffic accident, **His Lordship Moti Tikaram JA** stated as follows:

*"The essence of the last ingredient is an intention on the part of the maker to mislead or knowledge on his part that his false statement was likely to mislead the public servant into doing or omitting to do something. Insofar as the present charge is concerned the Prosecution had by inference satisfied the court that the accused knew the likely misleading consequences of his act. Whether the public servant was in fact mislead or not is immaterial."*

93. In this case also, Court is satisfied that the Prosecution has by inference proved beyond reasonable doubt that the accused knew, with the knowledge and information she was exposed to of the Parliamentary process, that she will cause the Acting Secretary General to reimburse her claims, which she wouldn't have done, if she knew that her permanent place of residence was not **Namulomulo village, Nabouwalu, Bua**.

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<sup>1</sup> Fiji Law Rp 33; [1970] 16 FLR 197 (16 December 1970)

94. In this light, this Court is content that the Prosecution has proved all the required elements of Count 1 beyond reasonable doubt. On this premise, this Court finds the accused guilty of Count 1 as charged.

## **COUNT 2**

95. In relation to this Count, this Court identifies that some of the elements of this Count are already established in the process of addressing the elements in the 1<sup>st</sup> Count beyond reasonable doubt, such as the fact of the accused providing false information in relation to her permanent residence to the Parliament.
96. Further, some of the elements of this Count have been agreed between the parties, such as the accused receiving payments from the Parliament for the claims marked **PEX37** to **PEX56** at this trial. Therefore, the only contested element in this Count that needs to be determined by Court is:

- 1) **Whether the accused knew or believed that she was not eligible to receive that financial advantage consequent to the false information provided by her.**

### **Analysis and Finding of Court in relation to the only contested element of Count 2**

97. With respect to this element also, Court needs to consider the facts available subjectively. In this regard, the alleged financial reimbursements had been provided by Parliament to the accused as per the **Parliamentary Remunerations Act of 2014**. By the time period in issue, the accused had been a seasoned politician, who had been a Member of Parliament since 2014 holding Shadow Ministerial Positions in Parliament. In that, she had been the Shadow Minister for Women, Children and Poverty Alleviation and the Chief Whip for the opposition in Parliament. In addition, before joining politics, she had been a civil servant for 36 years, where she retired from the civil service as a Director of the Ministry of Women's Affairs. Adding more silver to her credentials in public service, she had represented Fiji as a diplomat, where she had worked as the first secretary in the Fijian Embassy in Brussels for 3 years. Further, she holds a Master's Degree in Governance.
98. In view of this, this Court cannot consider the accused to be an amateur in relation to Parliamentary procedures and state regulations in relation to applicable laws in determining allowances and benefits for Parliamentarians. Therefore, it is reasonable

for the Court to presume that the accused was knowledgeable with time tested experience in this regard.

99. In giving evidence, **Mrs. Viniana Namosimalua**, the then Acting Secretary General to the Parliament of Fiji confirmed that just before the Parliamentary sittings in 2018, there were 2 inductions for Parliamentarians, where at the second induction administrative procedures for claims and allowances were explained.
100. As explained by **Mrs. Viniana Namosimalua**, in her evidence, consequent to these inductions, her office had handed over the letter marked **PEX5 (B)** dated 10<sup>th</sup> December 2018 to the accused, where it clearly detailed that a Parliamentarian would be only eligible for accommodation and traveling allowances if the Parliamentarian permanently resided 30 km away from the place of meeting of the Parliament.
101. Further, as elaborated by Prosecution witness **15 Mrs. Atalaite Rokosuka**, she had made a presentation to the Parliamentarians on their entitlement to allowances at the second induction, where she had referred to the procedure and requirements for allowances and claims under the **Parliamentary Remunerations Act of 2014**. She further confirmed that though there was a discussion with the involvement of the entire administrative team comprising managers at this induction, there were no additional questions about Permanent Residency or quarries about the claiming procedure raised by Parliamentarians.
102. Through the evidence of Prosecution witness 14 **Rukalisi Dileqa Vecena**, Prosecution marked **PEX8 (a)** and **PEX8 (b)**, where it was demonstrated to Court that the accused participated at this induction that highlighted the requirement for eligibility for reimbursement of claims tendered by Parliamentarians under the **Parliamentary Remunerations Act of 2014**.
103. Since the accused had all this information before submitting her claims to the Parliament and since it is now established in this trial that the accused was not permanently resident in **Namulomulo village, Nabouwalu, Bua** during the time period in issue, this Court can confidently reach the conclusion that the accused knew that she was not eligible to receive the subject financial advantage consequent to the false information provided by her to the Parliament.
104. On this premise, this Court confirms that the Prosecution has proved the required elements in the second Count beyond reasonable doubt and this Court hold the accused guilty of the second Count as charged.

## **Verdict of the Court**

105. On the evidence led in this trial, this Court finds the accused guilty for Count 1 and Count 2, as charged, and convict the accused on both Counts.

106. You have 30 days to appeal to the Court of Appeal of Fiji.



A handwritten signature in blue ink, appearing to read "Thushara Kumarage".

**Hon. Justice Dr. Thushara Kumarage**

*At Suva*  
*06<sup>th</sup> of September 2022*

*cc: Office of Fiji Independent Commission against Corruption*  
*Office of Valenitabua & Associates.*