

Danison Weerasuriya v. Department of Co-operative Development, Western Province

RTIC Appeal/07/2017 (*Order adopted as part of a formal meeting of the Commission on 16.10.2017 subsequent to consideration of the matter at a sub-committee of the Commission held on 27.09.2017*)

DOCUMENTARY PROCEEDING

Chairman: Mr. Mahinda Gammampila

Commission Members: Ms. Kishali Pinto-Jayawardena

Mr. S.G. Punchihewa

Dr. SelvyThiruchandran

This Appeal was considered as a documentary proceeding. The parties were directed to file written submissions and the matter was considered based on the said submissions by the parties. In the information request submitted to the Information Officer dated 27.02.2017 the Appellant had requested the following items of information for the Public Authority.

1. The amount of money spent from the Co-operative Society Fund by each Co-operative Development Commissioner during their period in office starting from 2006.
2. Whether the Rules pertaining to Co-operative Societies under 43 (i) (a) (b) (c) of the 1973 Act breached in spending money from the Co-operative fund and if so which rules were breached, the names of the officers who acted in breach and the details of such breaches.
3. Names of Co-operative Development Commissioners who served during the periods for which the information requested.
4. The amount of money received by the Co-operative Fund and the Account number of the account in which it has been deposited.
5. Name of the person/entity that has the legal right to audit the Co-operative Fund, a list of names of auditors who conducted the audits during the last ten years, their official designation and the names of the persons who appointed them.
6. Copies of the audit reports.
7. The deficiencies pointed out by the auditors and whether steps were taken to correct such.
8. Whether when spending the officers of the co-operative fund followed the proper procurement methods/ called for open tenders etc.
9. The amount spent on foreign trips during the last ten years and details as to which officers attended (with designation), the purpose of the visit, and the duration of the visits with dates.
10. The names of the persons who approved the trips and where the funds for such trips were obtained during such period.
11. The amount in to co-operative fund as at 31.12.2016.
12. The aid/ loans received by the co-operative fund during the years for which the information is requested and if interest was charged the interest rates.

13. If loans were given as aid whether such was appropriately collected and if not in which societies is it not so collected.

Since both the IO and DO did not provide the information within the time-frames stipulated under the Act the present Appeal lies to the Commission. The Commission issued notice to the parties and in response the Public Authority provided the Commission with the following in response to the Appellant's information request by letter dated 22.06.2017.

1. The Public Authority states that accounts are kept annually and not for the period during which the respective Commissioner held office.
2. The PA states that the rules were not breached and Act No 5 of 1972 and the rules formulated thereafter were followed.
3. The names have been attached.
4. While the amount of money received in 2016 is given the PA refused to disclose the official account the number due to security reasons.
5. The Auditor- General's Department audits the accounts of the Society.
6. Copies of the reports from 2006 are attached. The 2016 has not yet been released.
7. The PA states that they have corrected all the deficiencies point out.
8. The PA states that the powers of spending for these purposes have been turned over to the specific departments/ officers whose details are attached.
9. The amounts for the year 2016 are provided and not for the other years. Therefore this item of information is incomplete.
10. The trips were approved by circulars and provisions made there under.
11. This is provided.
12. No Loans/ aid received by the fund.
13. Not applicable by virtue of the response to 12.

Order

While the Appellant will be provided with a copy of the information provided to the Commission under cover letter dated 22.06.2017 by the Public Authority, the matter is to be taken up at an in-person hearing to be held on the 31 October 2017 at 2.00 p.m.

The appeal is hereby adjourned.
