



**STANDING COMMITTEE ON JUSTICE, LAW AND
HUMAN RIGHTS**

**REPORT ON THE PERSONAL PROPERTY
SECURITIES BILL 2017**

(BILL NO. 38 OF 2017)



**PARLIAMENT OF THE REPUBLIC OF FIJI
Parliamentary Paper No. 110 of 2017**

September 12, 2017

Published and Printed by the Department of Legislature, Parliament House, SUVA



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LIST OF ACRONYMS

ADB	-	ASIAN DEVELOPMENT BANK
PPS	-	PERSONAL PROPERTY SECURITIES
PSDI	-	ADB'S PRIVATE SECTOR DEVELOPMENT INITIATIVE
RBF	-	RESERVE BANK OF FIJI
SG	-	SOLICITOR GENERAL
UNCITRAL	-	UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW

CHAIR'S FOREWORD

The Personal Property Securities Bill is the Fijian Government's initiative to reform laws to facilitate the financing of movable or personal property in order to provide access to credit for micro, small and medium enterprises and individuals.

A personal property securities law allows people and entities to pledge their personal property to secure finance and for lenders to secure their interests in personal property. It also enables finance providers and other interested parties to determine without delay whether a proposed debtor has previously pledged particular property to secure a previous loan.

The aim of the Bill is to increase economic activity in the previously untapped market of financing where personal property such as livestock, crops, farm machinery, business equipment, personal effects (such as electronics, computers, furniture, jewellery, watches, etc.), attachments to buildings, and so on can be mortgaged to willing credit providers to raise funds to expand business or for personal endeavours.

This honourable Parliament tasked the Standing Committee on Justice, Law & Human Rights to scrutinise the said Bill in its July sitting and to return a report in this sitting of the House. The Committee straightaway commenced its work and read the Bill, called for public submissions, invited and consulted experts and relevant stakeholders and held a public hearing in Lautoka to obtain widest possible views on it.

The Committee after deliberations and consultations as part of its scrutiny consulted the drafters and their drafting experts and came up with amendments which the Committee resolved was essential to properly achieve the objectives of the of the Bill. Necessary amendments were made to various sections and subsections of the Bill which are marked in red in the copies of the Bill provided with this report.

This Report covers the Standing Committees' role in reviewing the *Personal Property Securities Bill* to ensure that all due processes regarding the Bill has been followed and that the provisions contained in the Bill would contribute to the achievement of the Bill's objectives.

Some of the important areas which the Bill addresses are as follows:

- a) Regulates the money lending regime in Fiji, which are secured by personal property;
- b) Modernises Fiji's system of liens and security interests on property that is not land;
- c) Provides for the filing of notices for priority lending and provides clear rules surrounding listing and enforcement;
- d) Reflects and is consistent with current law in other jurisdictions thus is in line with international best practices;
- e) Establishes a central, searchable registration system (Personal Property Securities Registry) which allows quick searches of liens and security interests on property;
- f) Provides a clear system for registration, perfection, disposal and prioritisation of liens and security interests;

- f) Provides a clear system for registration, perfection, disposal and prioritisation of liens and security interests;
- g) Expands on what can be used as collateral from just fixed assets of land and building to what is termed as movable assets;
- h) Ensures greater confidence in lenders in extending credit; and
- i) Enables the taking advantage of new financing procedures and products which in turn improve the lives of ordinary Fijians without administration restrictions to accessing credit.

At this juncture I would like to thank the Honourable Members of the Justice, Law and Human Rights Committee for their deliberations and input, the alternate members who made themselves available when the substantive members could not attend, the consultants, the staff and officers of the Research Unit and Secretariat, the entities who accepted the invitation of the Committee and made themselves available to make submissions and the members of the public for taking an interest in the proceedings of the Committee and Parliament.

I on behalf of the Committee commend the *Personal Property Securities Bill* 2017 to the Parliament and seek support of all the members of this August house for the Bill since it is designed for the greater good of all Fijians.



Hon. Ashneel Sudhakar
CHAIRPERSON, STANDING COMMITTEE ON
JUSTICE, LAW AND HUMAN RIGHTS

1.0 INTRODUCTION

1.1 Background

The Standing Committee on Justice, Law and Human Rights, hereinafter referred to as the Committee, mandated by Standing Orders 109 (2) and 110 of the Standing Orders of Parliament, was referred the *Personal Property Securities Bill 2017* for review, on July 14, 2017. The Committee was referred the Bill pursuant to Standing Order 51 and was tasked with scrutinising the Bill and to table a report on it in the September 2017 Parliament Sitting.

1.2 Objectives of the Bill

The objectives of the Bill can be found in the long title and the explanatory notes and these are;

- a) to regulate the lending of money secured by the personal property as collateral;
- b) to facilitate the financing of movable or personal property, in order to provide access to credit for micro, small and medium enterprises (MSMEs) and individuals;
- c) to enable lenders to secure their interests in collateral concurrent with disbursement of loan funds;
- d) to enable a lender to determine without delay whether a proposed debtor has previously pledged particular collateral to secure a previous loan;
- e) to set up and establish a Personal Property Securities Registry which sets out security interests over personal property and gives notification of when a secured party is claiming a security interest over a debtor's personal property;
- j) to ensure lenders are more confident in extending credit; and
- f) to improve the lives of all Fijians without administrative restrictions to accessing credit.

1.3 Procedure and Program

The Committee first met to deliberate on the Bill on Tuesday, July 18, 2017 and for three (3) weeks thereafter. It read through the Bill and did its own deliberation of the Clauses with the assistance of a UNDP consultant, Mr. Kevin Deveau. The Committee invited various stakeholders and called for submissions from the public and other interested parties by advertising through the local newspapers (Fiji Times and the Fiji Sun – Attached as Appendix A) on July 29 and August 1st, 5th and 15th, 2017 and the parliament website. The Committee was also briefed by the following officials who are the drafters of the Bill from the Solicitor General's (SG's) Office and their consultants:

- Ms. Tracy Wong, Deputy Solicitor General (SGs Office);
- Ms. Glenys Andrews, Senior Legal Officer (SGs Office);
- Ms. Priscila Singh, Legal Officer (SGs Office);
- Ms. Frances Nawaqatabu, Legal Officer (SGs Office);
- Mr. Ariff Ali, Acting Governor (RBF);
- Mr. Vereimi Levula, Acting Deputy Governor (RBF);

- Ms. Lorraine Seeto, Chief Manager, RMC (RBF);
- Ms. Wati Seeto, Manager Legal (RBF);
- Ms. Christina Rokoua, Manager Financial System Development (RBF); and
- Mr. Mervin Singh, Manager Corporate Communication (RBF).

Details of the Committee's deliberations are provided in this Report.

The Committee was mindful of the provisions in Standing Order 111(1)(a) and ensured that its meetings were open to the public and the media, except during deliberations and discussions to develop and finalise this Report.

1.4 Committee Members

The substantive members of the Standing Committee on Justice, Law and Human Rights are:

- Hon. Ashneel Sudhakar (MP) (Chairperson)
- Hon. Mataiasi Niumataiwalu (MP) (Deputy Chairperson)
- Hon. Lorna Eden (MP) (Member)
- Hon. Semesa Karavaki (MP) (Member)
- Hon. Niko Nawaikula (MP) (Member)

During the period for the deliberation on the Bill, the following change in membership arose and alternate memberships were made pursuant to Standing Order 115 (5) where necessary:

- Hon. Mikaele Leawere (MP) (Alternate Member for Hon. Niko Nawaikula)
- Hon. Alivereti Nabulivou (MP) (Alternate Member for Hon. Lorna Eden)

2.0 PERSONAL PROPERTY SECURITIES BILL 2017

2.1 Introduction

The Personal Property Securities Bill, hereinafter also referred to as the Bill, is a Fijian Government initiative which aims to bring into place secured transaction reforms to facilitate the financing of movable personal property. This initiative will also ensure the easy access to credit by micro, small and medium enterprises (MSME's) and individuals.

At the forefront of this initiative, the Reserve Bank of Fiji (RBF) took the lead role in the reform and the development of the Bill. The Bill has been an accumulation of three (3) years of extensive technical work and consultation with the drafters of the Bill, the Solicitor General's Office, the experts such as the Asian Development Bank's Private Sector Development Initiative (ADB's PSDI), and various key stakeholders in Fiji.

The Bill has been unanimously supported by all stakeholders that played a role in the development of the Bill.

Fiji is the eleventh country in South Pacific region to adopt such legislation. It is not something new but is a reflection of a well-established area of law that has been tested for over half a century.

2.2 Written and oral submissions received

As part of its deliberation, the Committee conducted public consultation and heard and received submissions on the Bill.

Submissions were received in writing and were heard from relevant stakeholders, on various dates falling between and including August 1 to 9, 2017. Organisations and individuals that made submissions to the Committee included:

- i. ADB
- ii. Fiji Chamber of Commerce and Industry;
- iii. Judiciary Fiji;
- iv. Ms Rohini Devi (a member of the public);

The Committee heard the oral submissions and read the ones in writing and took all pertinent matters raised into consideration.

The Committee would like to extend its gratitude to all those who participated and provided essential contribution to the Committee's work.

2.3 Submissions

Summary of submissions of the above-mentioned organisations and individuals are provided in this Report. Copies of the submissions are attached as 'APPENDIX B'.

3.0 COMMITTEE'S OBSERVATIONS, DELIBERATION AND ANALYSIS OF THE BILL

3.1 Impact of the Bill

The Committee noted that the Bill aims to modernise systems of security on personal property. Modernisation means reform of the personal property security system in Fiji. Personal property in the Bill does not cover land and fixed assets except for property that is detachable from the land or the fixed assets, for example removable housing materials and root crops.

The Bill will provide for the priorities for notices of securities filed with regards to funds lent and secured by personal property and provides clear rules surrounding listing and enforcement.

Increase access to credit will be a direct result of the enactment of the Bill. This means that firms and individuals who previously could not access loans due to the lack of acceptable collateral will now be able to access finance by easily pledging

previously unacceptable personal property as security for their loans. This would in turn benefit the people of Fiji socially and economically.

An online Collateral Registry will be established that lists out security interests over personal properties and is capable of notifying when a secured party is claiming a security interest against the personal property of a debtor. This makes it more efficient and convenient in terms of functionality and cutting down on time used in manual searches and checks.

The Bill will expand on what can be used as collateral from just fixed assets of land and building to movable personal assets or property. Such movable assets include vehicles, industrial/agricultural machinery and equipment, commodities, agricultural products (crops, livestock, fisheries, etc.); minerals and timber to be severed; inventory; intellectual property rights; negotiable instruments; accounts receivables; and bank accounts and insurance policies.

The enactment of the Bill is a positive step for Fiji as it will improve credit and in turn impact the economy and the nation as a whole.

3.2 Analysis of the Bill – First Reading of the Bill and Deliberation by the Committee

The Committee first analysed and deliberated on the Bill by reading through the Bill Clause by Clause and noting numerous issues which were then forwarded to the Committee's consultant, Mr. Kevin Deveaux for his input. Mr. Deveaux is a consultant assisting the Committee made possible by the support of the UNDP Parliament Support Project. Discussions with Mr. Deveaux resulted in pertinent matters being noted and these are as follows:

- The dates (years) for certain Acts referenced in the Bill are that of the principal legislation and not the consolidated or most recent amendment.
- The impact the Bill has on other pieces of legislation such as Sugar Industry Act; with respect to this, Clause 8(4) exempts payments and advances made by the Fiji Sugar Corporation Ltd. under the mentioned Act.
- Impact of the rights given by priority of security interest and rights of third parties, over a particular personal property.
- Establishment of the Registry, but does not clearly provide for the power of Registrar to delegate authority and powers to Deputy Registrar or staff.
- Enforcement of Security Interests, but the Bill does not exempt any property that may be necessary for household or personal use. The Bill does not mention any special provision related to when a receiver is engaged in liquidation of assets of debtor.
- There is limited reference to the role of the courts in addressing disputes under the Act. There is limited mention of access to damages (civil damages) for violation of the Act.

3.3 Analysis of the Bill – Synopsis of the submissions received

Submissions on the Bill were also received from key and interested stakeholders. The Committee took note of these submissions and the summaries of these are provided as follows:

i. Asian Development Bank's Private Sector Development Initiative

The ADB's PSDI provided a submission on the Bill and the pertinent matters noted are as follows:

- ADB's PSDI has, since 2014, provided technical assistance to the Reserve Bank of Fiji (RBF), Solicitor-General's Office (SGO) and the Secured Transactions Reform Taskforce on personal property securities (PPS) reform. This has covered policy issues, the content of the Bill, and the experiences of other countries that have implemented similar reforms.
- This reform aims to improve access to finance, particularly for businesses. This is achieved through (i) lenders having greater legal certainty in their interest over personal property taken as security, and (ii) enabling borrowers to more easily pledge personal property as security for loans.
- The underlying concept in the Bill is not new as it has been in place in numerous other jurisdictions for a considerable number of years. Fiji needs to take advantage of these international best practices through the enactment of laws that implement such reforms.
- The existing legal framework governing secured transactions in Fiji has deficiencies which increases risk and cost to lenders and therefore this reform gives greater legal certainty to lenders.
- These deficiencies include: costly legal forms; extensive physical searches which are not efficient or convenient; existing registries are cumbersome and offer limited information that may not be reliable; secured lender's priority against third parties is not established by registration, but rather by legal formality, which technically fails to consider all potential competing claims; enforcement is expensive and uncertain, and usually involves court-administered procedures.
- These deficiencies can be overcome when a well-functioning personal property securities framework is in place, which the law and associated online registry can achieve.
- The Bill will provide an easy real-time way to determine whether the movable property has been pledged as collateral.
- The Bill will ensure that lending secured by movable property will be simpler and affordable.
- Parties still have access to courts where the facts are in dispute, and lenders must respect other laws when seizing any collateral.
- The Bill will provide clear rules governing conflicting interests in movable property.
- The current trend is that financial institutions are often unwilling to lend unless borrowers provide fixed assets such as land and buildings as collateral. The new law will facilitate greater access to finance in that it opens the opportunity to expand lending using personal property as collateral.

- The new law will be impetus for borrowers to rely on personal property which are usually unable to be used as collateral.
- The Bill will provide clear rules on how lenders can proceed in the event of a debtor default.

ii. Fiji Chamber of Commerce and Industry

The Fiji Chamber of Commerce and Industry made a submission on the Bill and the pertinent matters noted are as follows:

- Efforts taken on the international level in terms of standardising and reforming Personal Property Securities Regulatory Regime are commendable.
- This is also important when it comes to private international law as it also comes under the United Nations Commission on International Trade Law (UNCITRAL).
- The Clauses are quite clear and straightforward in terms of the security and secured obligations, the rights of each party that is involved and even it looks after third parties and their interest in that.
- There is mention on the laws that will apply should there be a conflict, especially when looking at trade and international companies and companies that also have international interest.
- There is mention of the establishment of the Registry that will be recording all of the information.
- There is concern over the Registry which is in Part 7 of the Bill and how it will actually function. The securities in Fiji are currently registered in different Registries and the processes would be different from another, for example as provided in the Companies Act, the Properties Law and the Land Registry.
- It would be interesting to see how to marry the Registry with all that are in the Titles Office, the Registrar of Titles Office, Fiji Revenue and Customs, iTaukei Lands Trust Board when dealing with personal properties that are there.
- The Bill provides for movable property, but it should be noted how the obligations of the parties in terms of insurance, taxes are determined.
- Certain laws will have to be repealed or be amended as a result of this Bill. This raises the question of how the Companies Act will be affected with respect to the definition of “security interest” in the Definition section. This is very important because it highlights that any party can have an interest in this.
- There is concern about how this would affect Board Members and Board of Directors, in terms of the registration of interest and how this would affect them and their other business interests.

iii. The Judiciary

The Judiciary made a submission on the Bill and the pertinent matters noted are as follows:

- The use of the term ‘day’ may cause confusion, thus it is advised that the term ‘business day’ be used instead and that a specific interpretation of what the term ‘business day’ refers to.

- Possession and control is crucial in determining priority between security interests. Thus it is advised that a separate Clause be created to state what factors will determine as to whether anyone has the possession or control of a particular type of collateral.
- Intangible property should also be defined in the Bill.
- The Bill should provide for the registration of notice with respect to judgments or court orders.
- Certain laws regarding personal property which could be affected are not specifically mentioned in the Bill. Thus it would assist in clarity if such laws are also stated.
- There were also some drafting issues noted and needed to be addressed.

3.4 Analysis of the Bill – Further deliberation on the Bill

After hearing the submissions, the Committee consulted the drafting team (SG's Office) and the consultants. The following is a summary of those discussions:

SG's Office and Consultants' views:

The Committee was briefed on the Bill by the representatives from the SG's Office and their consultants, the representatives from the Reserve Bank of Fiji (RBF). They assisted the SG's Office in the drafting of the Bill. The following are the pertinent matters noted from those discussions:

- this Bill is an important development for our financial system as it is the cornerstone of the reform for secured transactions and it addresses the current financing gap and unlocks access to finance for private sector growth.
- the Bill aims to increase economic activity by making it easier and less expensive to obtain credit and is directly correlated to higher economic activity which in-turn leads to job creation, reduction in poverty and higher tax collection which is then channeled back to all Fijians through improved or better services.
- the Bill increase debt but it should be noted that debt is not a bad thing if it is managed well and within sustainable levels. A point that should be stressed when the issue of debt is raised is that many would not have been able to own homes, cars and other items if there was no hire-purchase credit.
- this Bill, in simple terms, allows those without land holdings to obtain credit and when such credit goes for productive purpose, it will assist in more inclusive economic growth.
- the Bill has been in the making for almost three (3) years with consultation with all the relevant key agencies from the public sector such as the Ministry of Economy, Ministry of Industry, Trade and Tourism, Solicitor General's Office, Association of Banks in Fiji (ABIF), Finance Companies Association (FCA), Fiji Development Bank (FDB), Public Service Credit Union, Women in Business and the Fiji Council of Social Services who formed the Secured Transaction Taskforce. The consultation resulted in the coming up of a draft of the Bill that is suitable for Fiji.
- Further consultation had been conducted with the Sugar Industry which included the Fiji Sugar Corporation, Sugar Cane Growers Fund, Sugar Cane Growers Council, Fiji Development Bank and the Ministry for Sugar, which lead to completion of the consequential amendments of the Bill.

- the bill expands the collateralisation base from just fixed assets of land and building to what is termed as movable asset, such as vehicles, industrial/agricultural machinery and equipment, commodities, agricultural products (crops, livestock, fisheries, etc.); minerals and timber to be severed; inventory; intellectual property rights; negotiable instruments; accounts receivables; and bank accounts and insurance policies.
- the Bill is envisaged to not only improve access to credit, but will also lower the cost of credit.
- the Bill provides for filing of notices for priority lending and provides clear rules surrounding listing and enforcement and establishes an online Collateral Registry that lists out security interests over personal properties. The registry flags if a secured party is claiming a security interest against the personal property of a debtor. The Registry will make filing and retrieval of information efficient and convenient.
- the Bill does not require that the full loan documents be filed, but only enough information to give notice to a searcher that a particular debtor and particular property may be subject to a security interest.
- there will be a transition period of six months for filing Notices, where pre-existing transactions that will now fall within the ambit of this legislation. These must be migrated into the registry in a fair way so as not to prejudice the rights of the parties in these earlier secured credit transactions.

Other pertinent matters noted:

- certain things will also need to be carried out towards the implementation of the legislation and launch of the Online Registry and these are:
 - a) Enactment of the PPS Act;
 - b) Raising Public Awareness;
 - c) ADB-PSDI team to procure the Online Registry and will need to customise it;
 - d) ADB-PSDI team to train financial institutions on product development and lending;
 - e) Training and walkthrough of RBF on Registrar role;
 - f) Setup/launch of Online Registry;
 - g) Training the financial institutions on the use of Registry;
 - h) Commencement of the Act and
 - i) Six month transition period.

3.5 Analysis of the Bill – Looking at other jurisdictions

The Committee considered the impact of the Bill on the country and thus resolved to look at other jurisdictions with similar laws. The Committee relied on the advice by the consultants and the views of submitters, as the information provided by them were an accumulation of extensive research on the impact of such law in other jurisdictions.

According to ADB and RBF, the principles of personal properties securities reform were first developed in the United States of America (USA) in the 1940s, and implemented state-by-state in the 1950s. Canadian provinces implemented the reform in the 1960s and 1970s. With the advent of electronic registries and online capabilities, the PPS framework in the USA was reformed in the early 1990s to take

advantage of these technologies. New Zealand was the first country in the South Pacific to pass a Personal Properties Securities Act in 1999, and it established its online registry in 2002. Since then, most of ADB's Pacific Developing Member Countries, and Australia, have implemented the reform.

Fiji's Personal Property Securities Bill closely follows the approach taken in the New Zealand Personal Property Securities Act 1999, and has a similar structure, in terms of complexity and detail, as the Papua New Guinea Personal Property Security Act 2011. The governments of the Cook Islands and Timor-Leste are working with ADB's PSDI to draft new PPS legislation.

PPS reforms have been adopted throughout the world, including in countries as diverse as Cambodia, Vietnam, China Slovakia, Romania, Palestine, Jamaica and even Afghanistan. On a larger scale, proposals for reforming the UK PPS laws are likely to be put to the government in 2018.

The Fiji Chamber of Commerce and Industry advised that it was very significant that PPs reforms have been given international attention. Other countries like New Zealand, USA, Canada and Australia have also taken the lead in this and even our African counterparts such as Kenya.

3.6 Outcome of deliberation

Following the deliberation, the following additional issues were noted which were then considered with the assistance of the drafting team and the consultants. This ensured that all relevant issues raised before the Committee are appropriately addressed.

The following are the issues raised (stated in italics) and the direction the Committee will take regarding these issues:

1. The Bill mentions "day" in certain parts. Should the word "day" be defined as "business day" since the period to perform an act in 5 or 7 days seem short? Most businesses are expected to be shut on Saturdays, Sundays, a public holiday, a day which falls in between Christmas Day and New Year's Day which will further shorten the period. Consideration should also be given to the days on which the Registrar has refused access to the Register or suspended operation of the Register in whole or in part.

The Registry is online and will be available 24 hours a day. The use of the Registry does not depend upon the availability of staff as filings are directly committed to the database.

With regard to other time frames within which certain actions must occur, most of these are found in the clauses regarding enforcement. While one might think that a longer period would be good for lenders, in truth they almost always prefer shorter periods so that they can act more efficiently in enforcing their loans against borrowers that are in default, for each day that passes means that the lender is losing additional money and the collateral is at risk of being devalued. Further, there is always

significant planning that occurs prior to declaring a default, so the time frames that apply in these cases are easily met as they are anticipated.

There is also an implementation impact on using “business days” as opposed to calendar days. What constitutes “business days” is subject to the laws that govern what a “working day” is, which can change from year to year, including when a public holiday is declared.

This would cause lenders to have to track “business days” within their own IT systems that track loan status so as to comply with the law. It would also require the Registry to be changed each time there is a date change to holidays, which means, every year. To perform these changes would be costly each year.

Therefore it is advisable that the term “day” be retained in the Bill.

2. It is noted that possession and control are crucial when determining priority between some security interests. Therefore should the Bill be amended to provide a separate provision that would state what factors will determine whether anyone has possession or control of a particular type of collateral?

Generally, the term “possession” itself is not defined in a personal property securities law. The risk in trying to define what constitutes “possession” is that the law may limit the circumstances that constitute possession, to the detriment of a lender.

For this reason, none of the personal property securities laws in the Pacific have such a definition, nor does American or Canadian law but they instead set out what constitutes possession in certain situations.

The Bill follows this approach, and there are a few categories of collateral for which the term “possession” is defined such as in Clause 3 which sets out what constitutes “possession” for investment property (such as share certificates) and instruments. Clause 3(3) provides the following text intended to help clarify this point:

“For the purposes of this Act, a secured party is not in possession of collateral that is in the actual or apparent possession or control of the debtor or the debtor’s agent.”

Further clarification on what constitutes possession in particular circumstances is provided under clauses 23 and 35.

A similar approach is taken with “control” which is described in clause 24 and elaborated on in clause 58 with respect to perfection of security interests in deposit accounts.

Therefore it is advisable that the text of the Bill encompasses the meaning of “possession” and “control” in different situations and that to have actual definitions of the terms would not fulfil the objectives of the Bill and the secured transactions reform.

3. Should the Bill be amended to include a definition of “intellectual property” (IP)? Other types of property are defined in the Bill.

It should be noted that there need not be a fixed definition of the term “intellectual property” as this in effect would be limiting what may constitute intellectual property given the broad sense of the term. It would therefore not be useful where intellectual property is used as collateral in a security agreement.

4. Concerns have been raised by the public that some people may pledge their personal property to a financier to save a court judgement from being enforced on such property such as Family Court orders, fisa etc. Thus should the Bill be amended to provide for registration of notice in respect of Judgments or Court Orders and priority of Judgment or Court orders over secured credit providers?

It should be noted that the Bill allows judgment winners to file their notices on the Register to protect their interests, as “execution creditors” which inter alia means — “a person who causes or may cause personal property or fixtures to be seized under legal process to enforce a judgment or legal obligation, including execution, attachment or garnishment, or who has obtained or may obtain a charging order or equitable execution that affects or relates to the collateral.”.

Clause 32 also provides the general rule on priority, that is, an execution creditor’s interest defeats a secured party that has not registered, but a prior secured party that has registered before the execution creditor wins. The first 3rd party to file has priority in the collateral.

5. It is noted that there could be instances where property subject to security interests are located in rented premises which are subject to distress for rent. Therefore should the Bill be amended to provide for matters concerning the Distress for Rent Act?

It should be noted that the Bill provides for the definition of “execution creditors” who are persons/entities whose rights arise by operation of law. A landlord under the Distress for Rent Act 1961 would be an execution creditor and therefore be subject to the Bill to perfect his or her interests in goods that may be used to levy the distress for rent. Accordingly, no amendment to the Bill is required.

However, in order to provide further clarity it is advisable that the following consequential amendment to the Distress for Rent Act 1961 be added as a new paragraph in the Schedule to the Bill:

“Distress for Rent Act 1961

6. The Distress for Rent Act 1961 is amended after section 3 by inserting the following new section—

—Application of Personal Property Securities Act 2017

3A. Notwithstanding anything in this Act, a bailiff shall levy any distress for rent in accordance with the provisions of the Personal Property Securities Act 2017.”.

Subject to the amendment mentioned above being made to the Bill, any subsequent paragraphs in the Schedule to the Bill will need to be renumbered accordingly.

6. Should provisions be made to allow registration of security interests and statutory interests such as tax liability to be included in the provisions of the Bill?

It should be noted that the Bill provides for the registration of security interests and statutory interests under the definition of “execution creditors” which are persons/entities whose rights arise by operation of law:

““execution creditor” means—

- (a) a person who causes or may cause personal property or fixtures to be seized under legal process to enforce a judgment or legal obligation, including execution, attachment or garnishment, or who has obtained or may obtain a charging order or equitable execution that affects or relates to the collateral;
- (b) a trustee in bankruptcy;
- (c) a receiver or manager;
- (d) a liquidator;
- (e) any taxing authority under the laws of Fiji, where a person liable to pay a tax neglects or refuses to pay the tax after demand, and the amount, including any interest and assessable penalty, together with any costs that may accrue, is a charge in favour of the taxing authority for the State upon all collateral belonging to the delinquent taxpayer, subject to this Act; or
- (f) the Fiji National Provident Fund where a lien arises as a result of the failure to pay a contribution under section 108 of the Fiji National Provident Fund Act 2011.”.

7. Should the Bill be amended in Clause 9(1)(c) by replacing the word “Act” with the word “subsection”?

It is advisable that the text of the provision remain as is, given that clause 9 provides for transactions that are not subject to the Act as a whole and therefore to use “subsection” in paragraph (c) would not reflect the intention of clause 9.

8. Should the Bill be amended in Clause 15 by adding a new subclause after subclause (1) to read as follows:

“(1A) Debtor must take reasonable care in the custody and preservation of collateral in the possession and control of the debtor.”

It should be noted that there has been much discussion and debate in other jurisdictions on the issue of debtors’ care and preservation of collateral in their possession however, given the overall intention is to promote economic growth, the practicalities of monitoring a debtor’s care of collateral while in possession may not be realistic.

It is therefore advisable that the text of the provision remain as is without further amendment.

9. Should the Bill be amended in Clause 15(5) by adding a new paragraph after (c) to read as follows:

“(d) under any law, by law or regulations”

While it is noted that the requirement to comply with other written laws applies as a matter of law, the Committee believes that in order to provide further clarity to the provision, the following paragraph as redrafted below be added to Clause 15(5):

“(d) in accordance with any written law”.

10. Should Clause 19(2) of the Bill be amended by adding after the word “received” the words “of the debtor’s request”?

While it is noted that the insertion of the words “of the debtor’s request” after “receipt” will not change the meaning of the clause, it is believed that this amendment be made to the provision to provide clarity.

11. Should the heading of Clause 33(2) be amended to read, “Priority in advance and future advances”?

It was noted that for clarity purposes, that the heading of Clause 33 be amended as follows:

“Priority in future advances and the interests of transferees of the debtor”

12. (a) Clause 33(2) is not clear on whether it deals with the transfer of rights in advances and further advances or with any collateral.

Clause 33(2) may remain as currently drafted and given the amendment to the heading as set out in the answer to question 12 above, that is:

“Priority in future advances and the interests of transferees of the debtor”.

Even if subclause (2) is separated out from clause 33, this would not change the meaning of the clause and may be done.

(b) The drafting of Clause 33(2) seems vague as the word “that” used in the second line after the word interest makes it unclear, when first read, whether it is referring to the initial security interest or a new interest. Is there a possibility of drafting the clause in a clearer way to make it easy to understand?

Given the amendment to the heading as suggested above, the text of subclause (2) should remain as is.

Additionally, this wording is the same language used in section 88(a) of the New Zealand Personal Property Securities Act 1999.

13. Should Clause 34(1) be amended by adding the words “in the collateral” after the words “security interest”?

A secured party may subordinate their interest in both the collateral and in the right to repayment (i.e. could grant another lender preferential rights to paid first while still holding a priority position in collateral). Therefore, it is advisable that the text remains as is in the Bill as the inclusion of the suggested text would be limiting on the secured party's ability to subordinate its security interest.

14. Should Clause 60(5) be amended to replace the word “futures” everywhere it appears with the word “future”?

Advice received by the Committee was that the term “futures” is intentionally used as it is a term used to refer to pricing of the right to buy/sell various commodities that arises at a later point in time at a price to be determined at the present day/today. Therefore it is advisable that this term remain in the provision as is.

15. Should Clause 66(7) be amended in the 3rd line by replacing the word “whole” with the words “other goods”?

It is the person with an interest in the whole that is reimbursed when the removal of the accession causes harm to the whole.

Therefore advice was received by the Committee that that the words “other goods” be deleted instead and substituted with the word “whole” for consistency in the terms used throughout the provision. The amended provision would then appear as follows:

“(7) A person, other than the debtor, who has an interest in the whole at the time when the goods subject to the security interest become an accession, is entitled to reimbursement for any damages to the interest of the person in the whole that is caused during the removal of the accession, but is not entitled to reimbursement for reduction in the value of the whole that is caused by the absence of the accession or by the necessity of replacement.”

16. Should Clause 66(9) be amended by adding a new paragraph “(d)” to read as follows:

“(d) an Order postponing removal of the accession”?

As a matter of practicality, a secured party who does not want to remove the accession would simply not seek its removal in their enforcement action or seek an order from the court to that effect. We therefore advise that the text of the provision remain as is without amendment.

17. Should Clause 66(11) be amended by adding a new paragraph “(a)” to read as follows:

“(a) who is the debtor”.

And then (a) and (b) to be changed to “(b)” and “(c)”?

It should be noted that the secured party would have already commenced enforcement against the debtor at this stage and the debtor would be aware of the circumstances. The intention in subclause (11) is to notify others who also have an interest in the collateral. Additionally, the debtor is a person who has an interest in the whole. Therefore it is advisable that the text of the provision remains as is without amendment.

18. Should Clause 66 be amended by adding new sub clauses as “(14)” and “(15)”, which provides when a secured party can refuse permission to remove accession and when notice is not required in the event of pending court cases?

It is advisable that there is no further need for additional subclauses to clause 66.

Where a person who has an interest in the whole which is subordinate to a security interest in an accession, the person may pay off the secured party and retain the accession before the accession is removed from the whole by the secured party. This is provided for under subclauses (10) and (11).

Further advice received was that a secured party who has a right to remove an accession from the whole is required to notify other known persons who have an interest in the accession before removing the accession. We advise that in the event of pending court cases, notification would have already been given and a provision requiring no notification to that effect would not reflect the intention of the provision.

19. Should Clause 75 be amended as follows:

“(1)(b) be amended by adding the words “and the passport number” after the word “passport”;

(1)(f) be amended by adding the words “with registration numbers of entity” after the word “organised”?

In regards to subclause (1)(b), it is advisable that the text remains as is, given that only the name of the person is required for the purposes of conducting a search of filing a notice.

In regards to subclause (1)(f), it is advisable that the text remains as is, given that not all foreign entities may have a company number. It may also be difficult to search for the foreign company in jurisdictions which do not have an online registry of their own.

20. Should Clause 100 be amended by replacing the words “agrees to sell” with the words “enters an agreement to sell” to give some sort of formality to the sale?

It is not certain whether smaller trade creditors will be entering written agreements and may instead work with verbal commitments, although bigger trade creditors would most probably have this formal requirement. This however may be restrictive of an “agreement” in the technical sense of the term therefore it is advisable that the text remains as is in the Bill.

21. Should Clause 100 be amended in the fourth line by adding after the word “section” the numerals “94(1)”? *The Clause seems incomplete.*

It was noted that the sentence is incomplete thus it is recommended that amendment to the provision be made by inserting the reference to section “94(1)”.

22. Should Clause 101 be amended by replacing the words “agrees to sell” with the words “enters an agreement to sell”?

It is not certain whether smaller trade creditors will be entering into written agreements and may instead work with verbal commitments, although bigger trade creditors would most probably have this formal requirement. This however may be restrictive of an “agreement” in the technical sense of the term therefore it is advisable that the text of the provision remains as is in the Bill.

23. Should Clause 104 be amended as follows:

(a)(ii) amend by replacing the word “persons” with the word “debtors”?

(a) amend by adding a new paragraph (iv) to read as follows:

“(iv) sent by electronic mail or any other approved electronic means.”

(b) amend by adding a new paragraph (iii) to read as follows:

“(iii) sent by electronic mail or any other approved electronic means.”

(c)(iii) amend by adding the words, “or delivered at” after the words “posted to”;

(c) amend by adding a new paragraph (v) to read as follows:

“(v) sent by electronic mail or any other approved electronic means.”

(d)(ii) amend by adding the words “or delivered at” after the words “posted to”;
and

(d) amend by adding a new paragraph (iv) to read as follows:

“(iv) sent by electronic mail or any other approved electronic means.”

This is so, since a notice to a company can also be hand delivered to the registered office of a company.

It is recommended that the suggested changes be made to the provision including the following:

In clause (1)(a)(ii), it is recommend that the word “person’s” be substituted with the word “debtor’s”.

Amendments recommended for the Bill

Therefore the Committee resolved to make amendments as follows:

Current provision	Recommended amendment
<p>Clause 15(5): <i>“Secured party’s duty to preserve collateral</i> 15. ...</p> <p>(5) Subject to subsection (1), a secured party may use the collateral—</p> <p>(a) in the manner and to the extent provided in the security agreement;</p> <p>(b) for the purpose of preserving the collateral or its value; or</p> <p>(c) under an order of the court.”</p>	<p>Amendment to Clause 15(5) by inserting a new paragraph after paragraph (c): <i>“Secured party’s duty to preserve collateral</i> 15. ...</p> <p>(5) Subject to subsection (1), a secured party may use the collateral—</p> <p>(a) in the manner and to the extent provided in the security agreement;</p> <p>(b) for the purpose of preserving the collateral or its value; or</p> <p>(c) under an order of the court; or</p> <p><i>(d) in accordance with any other written law”</i></p>
<p>Clause 19(2): <i>“Debtor’s request for accounting</i> 19.— ...</p> <p>(2) A secured party must comply with a request under subsection (1) within 14 days after receipt.”</p>	<p>Amendment to Clause 19 by inserting the words “of the debtor’s request” in subclause (2):</p> <p>19. ...</p> <p>(2) A secured party must comply with a request under subsection (1) within 14 days after receipt of the debtor’s request.”</p>
<p>Clause 33: <i>“Priority in future advances</i></p> <p>33. (1) Subject to subsection (3), the time of priority that a security interest has under section 30 applies to all advances, including future advances...</p> <p>(2) ...”</p>	<p>Amendment to Clause 33 by amending the heading of the Clause to read as follows:</p> <p><i>“Priority in future advances and the interests of transferees of the debtor</i></p> <p>33. ...”</p>
<p>Clause 66 (7): <i>“Priority of security interests in accessions</i> 66.— ...</p>	<p>Amendment to Clause 66 (7) by replacing the word “other goods” with the word “whole” in the first line of the Clause to appear as follows:</p> <p>(7) A person, other than the debtor, who has an</p>

<p>(7) A person, other than the debtor, who has an interest in the other goods at the time when the goods subject to the security interest become an accession, is entitled to reimbursement for any damages to the interest of the person in the whole that is caused during the removal of the accession, but is not entitled to reimbursement for reduction in the value of the whole that is caused by the absence of the accession or by the necessity of replacement.”</p>	<p>interest in the whole at the time when the goods subject to the security interest become an accession, is entitled to reimbursement for any damages to the interest of the person in the whole that is caused during the removal of the accession, but is not entitled to reimbursement for reduction in the value of the whole that is caused by the absence of the accession or by the necessity of replacement.”</p>
<p>Clause 70: This Clause provides for the Regulations.</p>	<p>Amendment to Clause 70 by shifting the Clause to the end of the Bill to be part of the Miscellaneous Part/provisions.</p>
<p>Clause 100: <i>“Debtor’s right to redeem collateral</i></p> <p>100. At any time after the secured party has taken possession of the collateral but before the secured party sells or agrees to sell the collateral or is deemed to have taken the collateral in satisfaction of the obligation secured by it, the debtor and any a person who is entitled to receive a notice of disposition under section may, unless otherwise agreed in writing after default, redeem the collateral by—</p> <p>(a) ...”</p>	<p>Amendment to Clause 100 (which would be renumbered as Clause 99 due to the amendment to Clause 70) by inserting the word “94(1)” into the Clause to appear as follows:</p> <p><i>“Debtor’s right to redeem collateral</i></p> <p>100. At any time after the secured party has taken possession of the collateral but before the secured party sells or agrees to sell the collateral or is deemed to have taken the collateral in satisfaction of the obligation secured by it, the debtor and any a person who is entitled to receive a notice of disposition under section 94 (1) may, unless otherwise agreed in writing after default, redeem the collateral by—</p> <p>(a) ...”</p>
<p>Clause 104:</p> <p><i>“Manner of notification to debtors, secured parties and other persons</i></p> <p>104.—(1) Where a provision of this Act requires or permits the communication of a demand or notification to a person, the notification is effective—</p> <p>(a) in the case a natural person who is a debtor, when the notification is—</p>	<p>Amendment to Clause 104 (1) (which would be renumbered as Clause 103(1) due to the amendment to Clause 70), as follows:</p> <p><i>“Manner of notification to debtors, secured parties and other persons</i></p> <p>104.—(1)—</p> <p>(a)(ii) amend by replacing the word “persons” with the word “debtors”?;</p> <p>(a) amend by adding a new paragraph (iv) to read as follows:</p> <p><i>“(iv) sent by electronic mail or any</i></p>

<p>(i) ... (ii) posted by registered mail to the person's last known postal address; or (iii) ...</p> <p>(b) ...</p> <p>(c) in the case of a person who has requested the notification, when the notification is—</p> <p>(i) ... (ii) ... (iii) in the case of a company, posted to the company's registered office; or (iv)...</p> <p>(d) in the case of any other person, when the notification is—</p> <p>(i) ... (ii) in the case of a company, posted to the company's registered office; or ...</p>	<p><i>other approved electronic means."</i></p> <p><i>(b) amend by adding a new paragraph (iii) to read as follows:</i> <i>"(iii) sent by electronic mail or any other approved electronic means."</i></p> <p><i>(c)(iii) amend by adding the words, "or delivered at" after the words "posted to";</i></p> <p><i>(c) amend by adding a new paragraph (v) to read as follows:</i> <i>"(v) sent by electronic mail or any other approved electronic means."</i></p> <p><i>(d)(ii) amend by adding the words "or delivered at" after the words "posted to"; and</i></p> <p><i>(d) amend by adding a new paragraph (iv) to read as follows:</i> <i>"(iv) sent by electronic mail or any other approved electronic means."</i></p>
<p>Schedule - Consequential Amendments</p>	<p>Addition of new Clause in the Schedule to read as follows:</p> <p><i>"Distress for Rent Act 1961</i></p> <p>6. The Distress for Rent Act 1961 is amended after section 3 by inserting the following new section—</p> <p>—Application of Personal Property Securities Act 2017</p> <p>3A. Notwithstanding anything in this Act, a bailiff shall levy any distress for rent in accordance with the provisions of the Personal Property Securities Act 2017."</p>
<p>Other amendments to be made to the Bill, which are grammar related.</p>	

3.7 Gender analysis

The Committee took into account the provisions of Standing Order 110(2), where a committee conducts an activity listed in clause (1), the committee shall ensure that full consideration will be given to the principle of gender equality so as to ensure all matters are considered with regard to the impact and benefit on both men and women equally.

The Committee considered that the personal property securities framework is not discriminatory and is open to all regardless of gender. The Committee was satisfied with the gender analysis conducted on the Bill.

4.0 CONCLUSION

After adhering to due process and the requirements of the Standing Orders of Parliament, the Committee in its deliberation believes that this Bill is beneficial for Fiji. It also made observations on the Bill as highlighted above. These observations were carried out with consultation with the drafters and consultants so as not to upset the objectives of the Bill. As a result it was recommended that certain amendments are made and these are captured in red text in the Bill that is provided with this Report.

The Committee through this report commends the *Personal Property Securities Bill* (Bill No. 38) 2017 to the Parliament.

APPENDICES

APPENDIX A

COPIES OF ADVERTISEMENTS



PARLIAMENT STANDING COMMITTEE ON JUSTICE, LAW AND HUMAN RIGHTS

CALL FOR SUBMISSIONS

The Standing Committee on Justice, Law and Human Rights has been established pursuant to Standing Order 109 of the Standing Orders of the Parliament of Fiji.

Pursuant to Standing Order 110 (1) (a), the Standing Committee has been tasked with examining and making necessary amendments to the under-mentioned Bill, which was referred to the Committee by the Parliament.

The Personal Property Securities Bill, 2017 (S.B. No. 38 of 2017) aims to ensure secured transactions reforms which facilitate the financing of movable or personal property, in order to provide access to credit for micro, small and medium enterprises and individuals. A personal property securities law allows lenders to secure their interests in collateral acquired with disbursement of loan funds, and also to determine without any delay whether a proposed debtor has previously pledged particular collateral to secure a previous loan. It allows for taking advantage of new financing procedures and products which in turn improve the lives of ordinary Fijians without administrative restrictions to accessing credit.

The Committee invites members of the public and law stakeholders wishing to express their views on the above-mentioned Bill to lodge written submissions through email addresses: committee@parliament.gov.fj or via correspondence addressed to:

The Chairperson
Standing Committee on Justice, Law and Human Rights
PO Box 2382
Government Buildings
SUVA

Members of the public and stakeholders wishing to make oral submissions may express their interest by emailing the above mentioned email addresses. Oral submissions will be limited to 15 minutes per individual/group/organisation with 5 minutes allocated for questions. Copies of the Bill are available on the Parliament website: www.parliament.gov.fj.

Written submissions should be submitted to the Secretariat no later than 4pm on 04/08/2017. Oral submissions on the Bill will be heard by the Standing Committee on the following dates:
(1) 01/08/2017, 02/08/2017, 03/08/2017, 04/08/2017, 07/08/2017 and 08/08/2017

For further information, please contact Committee Secretariat staff, Iva Komalawati or Jackson Colacakis on the above mentioned email or telephone 328 5885.

[Signature]
Hon. Rameeti Rameeti
Chairperson,
Standing Committee on Justice, Law and Human Rights

Standing Committee on Justice, Law and Human Rights

CARPENTERS FINANCE

TENDER

Carpenters Finance a division of Carpenters (Fiji) Limited as Mortgage Lender written offers for the sale of the following motor vehicles on "as is where is basis".

A. LOCATION: Carpenters Finance Warehouse Tarama, Suva

As Advertised:

S/N/Chassis No.	Vehicle Description	Est. No.
1. Ratu Manasa Deventashvili 10 Raggi Avenue, Nambali Heights Suva	1 X Pre-owned Hyundai Sonata Engine No. G4KDA64440 Chassis No.: KMHCA18M8A266260 (Mobile State)	FJ 668
2. Ashveel Navrooz Chand T/A Waste Management Services P O BOX A253 Centarpoint Laucala Beach	1 X Pre-owned Nissan Navara Engine No. YD25115534T Chassis No.: MNIVCUD402D010235 (Mobile State)	FJ 670

For further information and any vehicle inspection arrangements please contact Mr. Manaseh Das on mobile: 8986152 or 8228120 during office hours.

B. LOCATION: Carpenters Motors (Laucala)

S/N/Chassis No.	Vehicle Description	Est. No.
1. Late Chand T/A S Marlin Liberty Nadi FJ P O BOX 9925 Nadi Airport	1 X Hyundai H-1 Station Wagon Engine No. D4CDD18965 Chassis No.: MNVA37KLDJ540662 (Mobile State)	HD864

For further information and any vehicle inspection arrangements please contact Mr. Nishit Das on mobile: 8986728 during office hours.

Tenders are to be in sealed envelopes marked "Private & Confidential" and should be sent to the undersigned. All tenders should be sealed and marked "Tender Number 05/17 MV".

Tenders can also be dropped in the Tender Box provided at the Carpenters Finance Office, located at 18 Elery Street, Suva.

Highest tender or any tender may not necessarily be accepted and conditions apply.

Tenders close at 4.30pm on 07th August 2017 and should be addressed to the:

Tender Committee
Carpenters Finance
P O Box 412
SUVA



TENDER NO. 2/2017 PCL SERVICE CONTRACTORS

Pacific Cement Limited (PCL) tender closing date has been extended for a week and as a subsidiary company of Fijian Holdings Limited invites written tender from reputable and qualified companies to provide contractor's service for Pacific Cement Limited on the following:

1. Air Condition services
2. Cleaning services
3. Hygiene and Sanitation services
4. Pest Control services
5. Security services
6. Tied services
7. Medical Doctors services
8. Furniture services
9. Office Carriage Contract
10. Bulk Cement Cartage
11. Export Container Cartage
12. Compressor Services
13. Motor Winding

For detailed scope of work, tender submission specifications and requirements or any further details, please contact: Pooja Vaidyanathan on: telephone: 3361153 or Office mobile on: 8931000 or e-mail: procurement@pacificcement.com.fj

Completed tender submissions must be signed, sealed and dropped into the Tender Box provided at Level 7, 8a Marawa, 91, Gordon Street, Suva.

The Tender closes on Friday, 4th August 2017 at 4.00pm. Late tender submissions will not be accepted.

The Tender should be addressed to:

"TENDER NO. 2/2017 PCL SERVICE CONTRACTORS"
The Chairperson
PCL Group Tender Committee
Fijian Holdings Limited
Level 7 8a Marawa
91 Gordon Street
Suva
and for an electronic submission to be sent to: procurement@pacificcement.com.fj

Pacific Cement Limited reserves the right to accept or decline any or all tender without any reason. The lowest tender may not necessarily be accepted.



REQUEST FOR PROPOSALS

Koronubu Sector Cane Access Roads Rehabilitation Phase 1 (3 Packages)

(RFP 17/068, RFP 17/069, RFP 17/067)

The Pacific Community (SPC) is undertaking a Rural Access Roads and Associated Infrastructure project (RARAI Project) in the Suva region.

The expected key results of the RARAI project are: (i) improved watershed management in specific sugar-cane sectors through rehabilitation and maintenance of cane access roads, including associated rural infrastructure; (ii) increased community/household income through inclusion in the rehabilitation and maintenance of cane access roads, including associated rural infrastructure; and (iii) establishment of a road maintenance system.

The targeted areas under this project are 3 sectors – Malolo, Koronubu and Dram.

The unsealed road rehabilitation of Cane Access Roads in the Koronubu Cane sector Phase I in the Wamona Division, Suva, will be carried out in 3 Packages.

The Pacific Community (SPC) would like to invite interested companies to submit comprehensive proposals for the unsealed road rehabilitation of Cane Access Roads in the Koronubu Cane Sector Phase 1.

SPC is using its Crisis Response Procurement Policy, whereby the timelines and due dates for the submission of proposals are shorter than normal.

Copies of the Request for Proposals (RFPs) can be downloaded from the SPC website (<http://www.spc.int/>) under procurement notices. Please contact Reception on 8970733 for hardcopies of the RFPs.

For any additional information or clarification on the RFPs, send an e-mail request to procurement@spc.int quoting RFP17/reference number in the subject line.

Completed proposals should be sent with the heading:

"RFP (17/reference number) – Koronubu Sector Cane Access Roads Rehabilitation Phase I",
by courier to:

Pacific Community (SPC)
Procurement Unit – RFP 17/reference number
Private Mail Bag
Suva – FJ

or
Hand delivered to:

Pacific Community (SPC)
Procurement Unit – RFP Box
Lulu Street, Nalusu
Suva – FJ

All proposals should reach SPC before 12pm FJ Time, 8 September 2017.

No submission shall be made or communication undertaken directly with SPC staff on this procurement.

\$2m pipeline project

By MANASA KALDUNIVITI

AS PLEDGE given to four months of dedicated work by the team of engineers from China Railway First Group (CRF) Co., Ltd and consultants of the Water Authority of Fiji (WAF), the repairs to the Marawa settlement sewer pipeline is finally complete.

And it has brought relief to the residents of Marawa with their health concerns now laid to rest.

Harish M.V. of Wapoco Ltd from India, the WAF's consultant for the project said, the work on the Marawa pipeline was completed within three to four months and had cost about \$2m in total (\$2m).

"Before, the condition here was critical; there was an existing steel pipe which was open from the top and even the bottom was corroded and people around here were facing a lot of health issues, which is a big problem," Mr Harish said.

The steel pipe was in critical danger to the pipeline and had to be replaced with a new one. It was found that the steel pipe was in a very poor condition and it was not safe to use.

"There were two pipes which were used from the 1970s and there was a problem with the pipes which were used. The pipes were very old and they were in a very poor condition. The pipes were in a very poor condition and they were in a very poor condition."

"They then put out this plan of work and we were very happy to see the work on the pipeline. The work on the pipeline was very good and we were very happy to see the work on the pipeline. The work on the pipeline was very good and we were very happy to see the work on the pipeline."



China Railway officials are met by Gang Wang (right), the chief of the China Chamber of Commerce in Fiji, at the site of the new sewer pipeline at Marawa settlement at Lautoka Beach Estate in Nadi.

Picture: ELIJAH NGUTABU

pipe could stand on its own.

"This is a new pipe which is being used for the first time in Fiji. It is a 1000mm reinforced pipe and it can be used for 100 years. It is a 1000mm reinforced pipe and it can be used for 100 years."

"And it is a 1000mm reinforced pipe and it can be used for 100 years. It is a 1000mm reinforced pipe and it can be used for 100 years."

The authority over the land was not a problem. It was a 1000mm reinforced pipe and it can be used for 100 years.

"We completed the project on June 20 and since then, it has been running smoothly and there has been no problem faced by the residents," he said.

Mr Harish said after the main

contractor China Railway successfully completed the project, all the work was being done on the Koro Waterworks Treatment Plant.

Meanwhile, China Railway project manager Mervyn Thang said they expected to complete the work within the next six

months and they also employed 20 local workers from Marawa settlement.

"We are also pleased to be involved in making a positive contribution to the Marawa settlement and the community. We are also pleased to be involved in making a positive contribution to the Marawa settlement and the community."



PARLIAMENT STANDING COMMITTEE ON JUSTICE, LAW AND HUMAN RIGHTS

CALL FOR SUBMISSIONS

The Standing Committee on Justice, Law and Human Rights has been established pursuant to Standing Order 108 of the Standing Orders of the Parliament of Fiji.

Pursuant to Standing Order 110 (1) (a), the Standing Committee has been tasked with receiving and making necessary amendments to the under-mentioned Bill, which was referred to the Committee by the Parliament.

The Personal Property Securities Bill, 2017 (Bill No. 22 of 2017) aims to ensure secure transactions between parties which facilitate the financing of commerce and personal property, in order to provide access to credit for micro, small and medium enterprises and individuals. A personal property securities law allows lenders to secure their interests in collateral commercial with replacement of the bank, and also to provide without any delay whether a proposed debtor has previously granted particular collateral to secure a previous loan. It allows for taking advantage of new financing products and products which in turn improve the lives of ordinary Fijians without administrative burdens to accessing credit.

The Committee invites members of the public and any stakeholders meeting functions they want to be shown to the Bill to submit written submissions through email address: submissions@parliament.gov.fj or submissions@parliament.gov.fj or by the correspondence address to:

The Chairperson
Standing Committee on Justice, Law and Human Rights
PO Box 3382
Government Buildings
SUVA.

Members of the public and stakeholders wishing to make oral submissions may show their interest by sending the above mentioned email addresses. Oral submissions will be invited in 15 minutes per individual submission with 5 minutes allocated for questions. Copies of the Bill are available on the Parliament website (www.parliament.gov.fj).

Written submissions should be submitted to the Secretariat no later than 4pm on 04/08/2017. Oral submissions on the Bill will be heard by the Standing Committee on the following dates:
(01/08/2017, 02/08/2017, 03/08/2017, 04/08/2017, 05/08/2017 and 06/08/2017)

For further information, please contact Committee Assistant staff, 1st Committee or Justice Committee on the above mentioned email or telephone 322 8888.

[Signature]
Hon. Ashwin Bhatnagar
Chairperson,
Standing Committee on Justice, Law and Human Rights



Marawa settlement by preacher Enosi Baniwa (third from left) is joined by Water Authority of Fiji consultant Harish M.V. (second from left) and China Railway officials at the new sewer pipe at Lautoka Beach Estate in Nadi.

Picture: ELIJAH NGUTABU

Residents happy with work on sewer line

By MANASA KALDUNIVITI

RESIDENTS of Marawa settlement in Lautoka Beach Estate in Nadi are overjoyed after the sewer line was replaced by China Railway First Group (CRF) Co., Ltd. The work on the sewer line was completed within three to four months and had cost about \$2m in total (\$2m).

The work on the sewer line was completed within three to four months and had cost about \$2m in total (\$2m). The work on the sewer line was completed within three to four months and had cost about \$2m in total (\$2m).

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The work on the sewer line was completed within three to four months and had cost about \$2m in total (\$2m). The work on the sewer line was completed within three to four months and had cost about \$2m in total (\$2m).

"They had to remove a lot of things from the site and it was a big job. They had to remove a lot of things from the site and it was a big job."

"Now we are happy to see the work on the sewer line. The work on the sewer line was completed within three to four months and had cost about \$2m in total (\$2m)."

"All that remains now is to see the work on the sewer line. The work on the sewer line was completed within three to four months and had cost about \$2m in total (\$2m)."

"We are happy to see the work on the sewer line. The work on the sewer line was completed within three to four months and had cost about \$2m in total (\$2m)."

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"We are happy to see the work on the sewer line. The work on the sewer line was completed within three to four months and had cost about \$2m in total (\$2m)."

Public Notice

WATER SUPPLY TO INDIVIDUAL HOUSES IN LAUKA AREA
WILL BE DISCONTINUED DURING THE PUBLIC HEARINGS FOR THE
PERSONAL PROPERTY SECURITIES BILL, 2017
ON 5 SEPTEMBER 2017.

We are contacting customers with above warning so that they
can make other arrangements for storage of their
valuable items before the service ceases.

For questions or to discuss requirements, contact your
respective Area Manager or Westpac Customer Services
Call Centre on 132 032.



Banking for generations



Order of the Council of the Republic of Fiji, 2017

This is to inform the electorate that Council will be providing collection of white goods,
fridges, tyres and green waste in all three (3) wards per the schedule below.

QUARTER	TOWN WARD	MARTINTAN WARD	NAMAKA WARD
3rd Quarter	7th - 9th August	7th - 12th August	14th - 16th August
4th Quarter	30th & 1st October	12th - 14th October	14th - 16th October

Residents and property owners are requested to take advantage of the free "Environment Clean-up Campaign"
by thoroughly cleaning up their compounds taking special care in removing any rubbish, containers or
items likely to retain water and harbor mosquitoes. This will eliminate all breeding grounds for mosquitoes
and pests.

NOTE

"All waste (consisting of trunk & branches) shall be cut in its full length for safe handling during these
clean-up campaigns".

Refuse should be placed on roadside on the 1st date of the respective quarter in front of the premises
before 7.00am away from the fire hydrants, water valves, water meters, sewerage chambers, telegraph and
electrical pillar boxes and still avoid blocking driveway or access ways. No refuse shall be placed on access
driveway or along Queens Road except where unavoidable.

The collection team will go through each ward from 8.00am to 12.00pm. Any person found obstructing or depositing
refuse/litter after the collection schedule will be issued with a spot fine of \$40.00 under the Litter
(Prohibition Act) 2010 and Litter Act 2006.

DATED this 15th day of August, 2017.

[Signature]
RICKS
Special Administrator



TENDER FOR SUPPLY OF NEW VEHICLES

Telecom Fiji Limited invites proposals for supply of Twenty (20) New Vehicles,
comprising of:

Vehicle Type	Quantity
4 X 2 Twin Cab	2
4 X 4 Twin Cab	3
4 X 4 SUV	1
Panel Van	12
Sedan Car	2

Bidders are requested to give detailed specification of vehicles and full purchase price
including warranty and support.

These vehicles will be used for TFL's Technical Operations requirements.

Submissions are to be marked 'New Vehicles' and placed in the Tender Box located at
the New Wing 4ayer, GPO Building Edward Street, Suva.

Tender closes 3.00pm Monday 31 August 2017.



STANDING COMMITTEE ON JUSTICE, LAW AND HUMAN RIGHTS

PUBLIC HEARINGS/CONSULTATION

PERSONAL PROPERTY SECURITIES BILL, 2017

(BILL NO. 38 of 2017)

The Standing Committee on Justice, Law and Human Rights will be conducting public
hearings/consultation on the above mentioned Bill in Lauka as follows:

DATE	TOWN/CITY	VENUE
Lauka		
Wednesday 9th August, 2017	Lauka (10:30am)	Sugar Cane Growers Council Hall

The Bill aims to benefit micro-small and medium enterprises (MSME), increase credit
improvement and ensure efficiency gains through the establishment of the On-line Registry.

A copy of the Bill can be found on the Parliament website: www.parliament.gov.fj

All those wishing to make submissions as to the above mentioned Bill are requested to contact
Committee Secretary (Ms Komalavalli) through email ms.komalavalli@parliament.gov.fj or
telephone 679 3000000 or mobile 679 3000000.



REQUEST FOR TENDERS

The National Fire Authority (NFA) is responsible under the National Fire Service
Act, 1994 for the establishment and maintenance of an efficient and effective fire
rescue service to protect life, property and economic activities. In
accordance with this mandate, NFA seeks to secure potential service providers for
the following:

Tender No.	Tender
01/1718	Strategic Planning Consultant - NFA seeks the services of a registered and professional Consultant or Consultancy Firm to provide consultancy services to the NFA for the development of the new Strategic Plan for five years from 2018 to 2023.
02/1718	Customer Feedback Survey - NFA seeks the services of a registered and professional Consultant or Consultancy Firm for the conduct of Customer Feedback Survey and for staff Climate Survey.
03/1718	NFA Emergency Communications Network - NFA seeks the services of a registered and professional Consultant or Consultancy Firm to drive the implementation of NFA's Emergency Communications network in accordance with its Emergency Communications Roadmap.
04/1718	Provision of Mobile Phone Services
05/1718	Supply of Corporate Uniforms
06/1718	Supply of Dressing or Formal Shoes
07/1718	Supply of Safety Boots

For all tenders, terms and reference or specifications can be obtained through email
to tenders@nfa.com.fj

All tenders should contain detailed proposals including timelines and cost quotes. All
tenders are to be placed into the Tender Box at NFA's HQ, Watu Bay, Suva no
later than 3pm on Friday, 18 August 2017. Late submissions may not be considered.

For multiple Tenders, Bidders are requested to provide separate proposals for each
Tender.

NFA reserves the right to reject or accept any offer including negotiations with
Bidders. The lowest offer may not be necessarily selected.

Tender No. 01/1718
The Chief Executive Officer
National Fire Authority
Argo Street, Watu Bay, Suva

Classifieds

330 4111

<http://classifieds.fijitimes.com>

In Memoriam



Late Pundit Ram
Prasad Sharma 6 years



Late Mrs Sultu Raj
Sharma 30 years

Our dear ones, Till now, we all miss you everyday & wonder why our lives had to be changed in this way. You were our rock, our confident, our support. In death we love you as much as living.

Always missed by your sons Sachdev Sharma & Dr Ashwini Sharma and all families in Fiji and abroad.

Birthdays



HAPPY BIRTHDAY
JAMES
Put on your party
hat and party.

To Let

3 BEDROOM flat at 21 Gander Road, Mariner, Mad. 340000
7773742

Situations Vacant

Housekeeper / Guest Liaison

We are looking for an experienced housekeeper to create quality home properties in Suva. This is a full time position. The pay is from \$3.50 - \$4.50 an hour. Please provide 2 professional references.

Contact: jobs.fiji@gmail.com

Public Notices

Dr Sanmogan Gounder MBBS, FRACGP (Australia), has recommenced General Medical Practice at Makal Medical Centre, Lot 5, Matanikoro Road, 8 Miles, Nasinu.
Phone 3340197, 3340269.

Situations Vacant



CHIEF ENGINEER

Suitable candidate must have the following:

- FULL TIME
- Minimum of (10) **Ten years of Aircraft Maintenance Experience**
- Minimum of (5) **five years of experience as Chief Engineer**
- Working on **DHC 8 and Bombardier CRJ on Flights**

Successful candidate please email your CV & qualifications to: recruitment@fijiaviation.com

Find your
dream
career today!

Browse through Fiji's largest choice of Situations Vacant in our Classifieds Online Go to <http://classifieds.fijitimes.com>

Situations Vacant



HEAD CHEF

Kokomo Travel Island is seeking an experienced qualified Head Chef to work in conjunction with our Executive chef to assist in the development of this brand new island resort. Kokomo's vision is to be a natural leader and in the forefront of new kitchen facilities along with pioneering the other sustainable kitchen F&B outlets in conjunction with the Executive chef.

The Role:

- Proven experience as head chef - multi outlet experience an advantage
- Exceptional proven ability of kitchen management
- Ability in instilling responsibilities quality control and maintaining kitchen standards at all times
- Outstanding communication and leadership skills
- Up-to-date with culinary trends and advanced kitchen processes
- Orderliness in health and safety training
- Degree in Culinary science or related certificate
- Stock rotation, ordering and financial management
- Can write a la carte and large event as per need

Responsibilities:

The duties and responsibilities of the Head Chef include, but are not limited to:

- Direct report to the resort's Executive Chef & F&B Manager
- Control and direct the food preparation process and any other relative activities of our main restaurant, production kitchen and satellite kitchens
- Plan orders of ingredients according to identified shortages
- Inspection "polling" & approve all dishes before leaving the kitchens
- Maintain and store our food products properly ensuring our cuisine is of a consistent five star quality

Your experience:

- Previous experience as an executive or head chef, in a 5 star quality operation
- Proficient in all aspects of preparing, cooking quality creative cuisine daily
- This is hands on role, not a desk job. You will need to be prepared to get amongst our staff to help them. You will be willing to collect fresh eggs from our free range chicken farms, selecting and pick fresh green herbs and vegetables with our head gardeners, though too conversing with our high end guests, train our cooks while you cook are all part and parcel of this demanding life in a resort.

Send your detailed CV, a cover letter and recent PP size photo

We email to recruitment@kokomoresort.com

Only shortlisted applicants will be contacted for an interview

Applications will close on 12th August 2017. www.kokomoresort.com

NEWS AS IT HAPPENS

www.fijitimes.com.fj

Public Notices



STANDING COMMITTEE ON JUSTICE, LAW AND HUMAN RIGHTS

PUBLIC HEARINGS/CONSULTATION PERSONAL PROPERTY SECURITIES BILL, 2017 (BILL NO. 38 of 2017)

The Standing Committee on Justice, Law and Human Rights will be conducting public hearings/consultation on the above mentioned Bill in Lautoka as follows:

DATE	TOWN/CITY	VENUE
Lautoka		
Wednesday 6th August 2017	Lautoka (10:30am.)	Sugar Cane Growers Council Hall

The Bill aims to (b) assist micro-small and medium enterprises (MSME) increase their improvement and ensure efficiency gains through the establishment of the On-line Registry.

A copy of the Bill can be found on the Parliament website: www.parliament.gov.fj

All those wishing to make submissions at the above mentioned venue are requested to contact Committee Secretary (Mr. Kprakash) through email ksprakash@parliament.gov.fj or telephone 672 322555 or mobile 672 990888.

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PARLIAMENT STANDING COMMITTEE ON JUSTICE, LAW AND HUMAN RIGHTS

CALL FOR WRITTEN SUBMISSIONS

The Standing Committee on Justice, Law and Human Rights has been established pursuant to Standing Order 109 of the Standing Orders of the Parliament of Fiji.

The Standing Committee is reviewing the Personal Property Securities Bill, 2017 (Bill No. 36 of 2017), which aims to ensure secured transaction systems which facilitate the financing of enterprises or personal property, which in turn provides access to credit for micro-small and medium enterprises (MSMEs) and individuals. A personal property securities law allows lenders to secure their interests in collateral (documented with documentation of loan funds). It also determines what any debt holder a proposed debtor has previously pledged a particular collateral to secure a previous loan. It allows for taking advantage of new financing procedures and products which in turn improves the lives of ordinary Fijians without administration restrictions to accessing credit.

The Committee invites members of the public and key stakeholders wishing to express their views on the above-mentioned Bill to lodge written submissions through email addresses stc@parliament.gov.fj or stc@parliament.gov.fj or via correspondence addressed to:

The Chairperson
Standing Committee on Justice, Law and Human Rights
PO Box 2252
Government Buildings
Suva

Copies of the Bill are available on the Parliament website (www.parliament.gov.fj).

Written submissions should be submitted to the Secretariat no later than April 10, 2018.

For further information, please contact Committee Secretariat staff, Ms. Romaniwa or Jackson Okekeke on the above mentioned email or telephone 3304111.

Hon. Matsileli Niumekolu
Deputy Chairperson

Standing Committee on Justice, Law and Human Rights



FFA

PACIFIC ISLANDS FORUM FINANCE AGENCY

1 FFA Head, Honiara, Solomon Islands

FFA VACANCY ANNOUNCEMENT

1. EXECUTIVE OFFICER

FFA is seeking applications of persons from suitable qualified candidates for the position of Executive Officer. The position is responsible for providing effective and efficient support services to the Executive Management Team and for coordination, administration and support of Country Service Unit Agreements (CSUAs). Key Areas of Responsibility for the position include the effective coordination, organisation of meetings of the Executive, taking of minutes of meetings, drafting briefs and correspondence for the Director-General and Deputy Director-General, coordination of high-level delegations visiting FFA, issuing and monitoring government reports CSUA activities and providing technical assistance within FFA information on CSUA activities.

Interested candidates are encouraged to apply online through the link: <http://www.parliament.gov.fj/stc>

Closing Date: Monday, August 21, 2017.

2. MEDIA OFFICER

FFA now has an exciting opportunity for an experienced Media Officer to join our team in Honiara, Solomon Islands.

Reporting to the Director-General through the Deputy Director-General, the successful applicant will be responsible for providing communication support to ensure understanding and support of the work of the Pacific Islands Finance Agency and the performance of the communication systems of FFA. The successful applicant will also be responsible for the efficient management of the FFA's information dissemination and publication services.

Some of the Key Responsibilities for this position include, the review and implementation of FFA's Communication Strategy, providing technical advice in developing and implementing communication initiatives, writing and compiling content for FFA brochures, newsletters and media releases, ensuring accurate and timely release of key news and updates for approved public information and assist with briefing of media personnel on information.

The successful applicant must possess a Degree in IT, Communication, Public Speaking or Journalism and must have extensive experience in journalism, publication media public relations.

- Interested candidates are encouraged to apply online through the link: <http://www.parliament.gov.fj/stc>
- Closing Date: Monday, August 21, 2017.

Closing Date: Monday, August 21, 2017.



HAVE YOU SEEN A PHOTO YOU LIKED IN
ONE OF OUR PUBLICATIONS OR ONLINE?

ANY PHOTO YOU SEE IN

The Fiji Times Sunday Times
Kaila! Nai Lalakai or Shanti Dut

THAT WAS TAKEN BY A STAFF PHOTOGRAPHER IS AVAILABLE FOR PURCHASE.

Contact The Fiji Times on 3304111 for picture sales.

IN THE ESTATE OF JUNE DORIS
late of Taveuni, deceased.
Fiji, Decedent, Domicile,
Taveuni.

NOTICE is hereby given that after the expiration of twenty one (21) days an application will be made to the High Court of Fiji for the grant of Letters of Administration in the Estate hereinafter described.

AND FURTHER NOTICE is hereby given, enabling Creditors and other persons having claims in respect of the Estate of JUNE DORIS of Taveuni, deceased, who died on 14th March, 2017 at Taveuni, to send particulars of their claims in writing to the undersigned by 30th day of September, 2017 after which date the undersigned Administrator may convey or distribute the assets having regard only to the claims of which the undersigned Administrator then has notice of.

And all persons indebted to the said deceased are required to pay their accounts to the said undersigned Administrator by the said 30th day of September, 2017.

DATED at Lautoka this 15th day of August, 2017.



LEGAL AID COMMISSION
TAVEUNI BRANCH
LAUTOKA
Solicitors for the intended Administrator.

IN THE ESTATE OF KALIAMBA
late of Kororua, deceased.
Fiji, Decedent, Domicile,
Taveuni.

NOTICE is hereby given that after the expiration of twenty one (21) days an application will be made to the High Court of Fiji for the grant of Letters of Administration in the Estate hereinafter described.

AND FURTHER NOTICE is hereby given, enabling Creditors and other persons having claims in respect of the Estate of KALIAMBA late of Kororua, deceased, who died on 18th day of March, 2014 at Kororua, to send particulars of their claims in writing to the undersigned by 30th day of September, 2017 after which date the undersigned Administrator may convey or distribute the assets having regard only to the claims of which the undersigned Administrator then has notice of.

And all persons indebted to the said deceased are required to pay their accounts to the said undersigned Administrator by the said 30th day of September, 2017.

DATED at Suva this 15th day of August, 2017.



LEGAL AID COMMISSION
LEVEL 1, YAN HANIFF
ARCANE
LOT 36, MAIN STREET
NAUSORI
Solicitors for the intended Administrator.



LAND TRANSPORT AUTHORITY
P.O. BOX 9877
NASSAU

**APPLICATION FOR RE-
ISSUE & CHANGE OF NAME
OF TAXI PERMIT - 13742**

An application for Re-issue & Change of Name of Taxi Permit 13742 has been received as follows:

Applicant: 10/08/2017
Applicant: Chandra Chan
Address: Lot 22, Drive Road
Nassau
Postal Address: P.O. Box 11273, Suva
Permit Expiry Date: 28/01/2018
Existing Name: Teaga Road
Existing Permit: 13742
Proposed Name: Suva Road

Local Authority: Proposed Suva - Mayoral
Taxi: Yes
Vehicles to be Used (LTMS): Grounds of Basic Operator: Partially Closure of Road / Relocation of Roadside
Permit to be changed: In accordance to the schedule under Regulation 20 of Land Transport Authority (Public Service Vehicle) Regulation 2010.

Date received for Advertisement: 14/08/2017

Within 14 days from the date of this Notice, the Authority will receive written representations "for" or "against" the application addressed to the:

**ACTING REGIONAL
MANAGER CENTRAL
EASTERN**
P.O. BOX 9877
NASSAU



LAND TRANSPORT AUTHORITY
P.O. BOX 9877
NASSAU

**APPLICATION FOR
TRANSFER OF TAXI
PERMIT - 11873**

An application for transfer of Taxi Permit 11873 has been received as follows:

Applicant: 10/08/2017
Applicant: Kaniat
Address: Lot 1, Drive Road
Nassau
Postal Address: P.O. Box 17019, Suva
Permit Expiry Date: 28/12/2018
Existing Name: Suva Road

Local Authority: Proposed Suva - Mayoral
Taxi: Yes
Vehicles to be Used (LTMS): Grounds of Basic Operator: Partially Closure of Road / Relocation of Roadside
Permit to be changed: In accordance to the schedule under Regulation 20 of Land Transport Authority (Public Service Vehicle) Regulation 2010.

Date received for Advertisement: 10/08/2017

Within 14 days from the date of this Notice, the Authority will receive written representations "for" or "against" the application addressed to the:

**ACTING REGIONAL
MANAGER CENTRAL
EASTERN**
P.O. BOX 9877
NASSAU

IN THE ESTATE OF KALIAMBA
late of Kororua, deceased.
Fiji, Decedent, Domicile,
Taveuni.

NOTICE is hereby given that after the expiration of twenty one (21) days an application will be made to the High Court of Fiji for the grant of Letters of Administration in the Estate hereinafter described.

AND FURTHER NOTICE is hereby given, enabling Creditors and other persons having claims in respect of the Estate of KALIAMBA late of Kororua, deceased, who died on 18th March, 2014 at Kororua, to send particulars of their claims in writing to the undersigned by 30th day of September, 2017 after which date the undersigned Administrator may convey or distribute the assets having regard only to the claims of which the undersigned Administrator then has notice of.

And all persons indebted to the said deceased are required to pay their accounts to the said undersigned Administrator by the said 30th day of September, 2017.

DATED at Suva this 14th day of August, 2017.

MCGILVER'S
Solicitors & Settlements
Suite 34, Lane Trading
Complex
Ratu Dore Road
P.O. Box 44, Corner point
Solicitors for the Administrator

DATE at Suva this 14th day of August, 2017.

MCGILVER'S
Solicitors & Settlements
Suite 34, Lane Trading
Complex
Ratu Dore Road
P.O. Box 44, Corner point
Solicitors for the Administrator

Public notice | 31

EXTENSION OF STORM DATE

Please be advised that the closing date for the following tender has been extended to 14:00pm on Wednesday 27th August, 2017

NO 17020	Supply of Civil Roadwork to various FMA Road Schemes
-------------	--

Please contact Mr. Hasty Osho Department at the FMA Head Office in Suva on 0785 520000/0001 for more information or to view the tender documents.

For further details and specifications visit FMA Website - www.fma.gov.fj

Fiji Roads Authority

TRAFFIC ALERT

Fiji Roads Authority is advising motorists on Suva of the following rolling road closure:

Area: Queen Elizabeth Drive, Lautoka Bay Road, (My Suva Park to Vodolots Arena)

Date: Wednesday 16th August, 2017.

Time: 9:00am to 12:00pm

Activities: Children's Procession for the Hibiscus

The travelling public is advised to take this notice into account when planning their travel plans in and around the area.

Robert Sen
ACTING CHIEF EXECUTIVE



PARLIAMENT STANDING COMMITTEE ON JUSTICE, LAW AND HUMAN RIGHTS

CALL FOR WRITTEN SUBMISSIONS

The Standing Committee on Justice, Law and Human Rights has been established pursuant to Standing Order 54 of the Standing Orders of the Parliament of Fiji.

The Standing Committee is reviewing the Personal Property Securities Bill 2017, which aims to ensure secured transactions system in Fiji. The Bill provides a framework of rights and remedies for secured creditors, which is a key step towards the development of a modern secured transactions system. A personal property security system is essential for the growth of the private sector and the economy. The Committee is seeking written submissions from the public and key stakeholders to assist it in its review of the Bill. Submissions should be addressed to the Committee by 15th August 2017.

The Committee invites members of the public and key stakeholders wishing to express their views on the Bill to submit written submissions to the Committee by 15th August 2017. Submissions should be addressed to the Committee by 15th August 2017.

The Chairperson:
Standing Committee on Justice, Law and Human Rights
PO Box 1234
Government Buildings
SUVA

Copies of the Bill are available on the Parliament website (www.parliament.gov.fj).

Written submissions should be submitted to the Secretariat no later than 15th August 2017.

For further information, please contact Committee Secretariat Unit, by telephone or by email. Contact details are available on the Parliament website or by visiting the Parliament website.

Mr. Hasty Osho
Deputy Chairperson,
Standing Committee on Justice, Law and Human Rights

APPENDIX B

COPIES OF SUBMISSIONS RECEIVED BY THE STANDING COMMITTEE ON JUSTICE, LAW AND HUMAN RIGHTS



**Pacific Department
Pacific Subregional Office**

25 August 2017

Hon. Ashneel Sudhakar
The Chairperson
Standing Committee on Justice, Law and Human Rights
Parliament of Fiji
Government Buildings
Suva
Fiji

Dear Chairperson,

Personal Property Securities Bill 2017

Please find attached a submission on the Personal Property Securities Bill 2017 prepared by the Asian Development Bank's Pacific Private Sector Development Initiative (PSDI).

PSDI has provided technical assistance to the Reserve Bank of Fiji, Solicitor-General's Office and the Secured Transactions Reform Taskforce since 2014 on personal property securities reform in Fiji, including for the drafting of the Personal Property Securities Bill 2017.

PSDI is a regional technical assistance facility cofinanced by the Asian Development Bank, the Government of Australia, and the Government of New Zealand.

Yours sincerely,

A handwritten signature in blue ink that reads 'Robert Jauncey'.

Robert Jauncey
Regional Director

attachment: as stated

ASIAN DEVELOPMENT BANK
Pacific Subregional Office (PSO)
5th Floor, Ra Marama Building
91 Gordon Street, Suva, Fiji
Tel. +679 331 8101
Fax. +679 331 8074

Personal Property Securities Bill 2017

Submission to the Parliamentary Standing Committee on Justice, Law and Human Rights by the Asian Development Bank's Pacific Private Sector Development Initiative

Introduction

The Asian Development Bank's (ADB) Pacific Private Sector Development Initiative (PSDI) is pleased to make this submission on the Personal Property Securities Bill 2017 ('the Bill') in response to the call for submissions by the Parliamentary Standing Committee on Justice, Law and Human Rights.

Since 2014, ADB, through PSDI, has provided technical assistance to the Reserve Bank of Fiji (RBF), Solicitor-General's Office (SGO) and the Secured Transactions Reform Taskforce on personal property securities (PPS) reform. This has covered policy issues, the content of the Bill, and the experiences of other countries that have implemented similar reforms.

PPS reform is targeted at improving access to finance, particularly for businesses. This is achieved through (i) lenders having greater legal certainty in their interest over personal property taken as security, and (ii) enabling borrowers to more easily pledge personal property as security for loans.

Brief History of Reform

The principles of personal properties securities reform were first developed in the United States of America (USA) in the 1940s, and implemented state-by-state in the 1950s. Canadian provinces implemented the reform in the 1960s and 1970s. With the advent of electronic registries and online capabilities, the PPS framework in the USA was reformed in the early 1990s to take advantage of these technologies. New Zealand was the first country in the South Pacific to pass a Personal Properties Securities Act in 1999, and it established its online registry in 2002. Since then, most of ADB's Pacific Developing Member Countries, and Australia, have implemented the reform:

Country	Relevant Act
New Zealand	Personal Property Securities Act 1999
Federated States of Micronesia	Secured Transactions Act 2006
Marshall Islands	Secured Transactions Act 2007
Vanuatu	Personal Property Securities Act 2008
Solomon Islands	Secured Transactions Act 2008
Australia	Personal Property Securities Act 2009
Tonga	Personal Property Securities Act 2010
Papua New Guinea	Personal Property Securities Act 2011
Palau	Secured Transactions Act 2012
Samoa	Personal Property Securities Act 2013

Fiji's Personal Property Securities Bill closely follows the approach taken in the New Zealand Personal Property Securities Act 1999, and has a similar structure, in terms of complexity and detail, as the Papua New Guinea Personal Property Security Act 2011. PSDI is also working with the

governments of the Cook Islands and Timor-Leste to draft new PPS legislation, and once the legislation is passed online registries will be implemented.

PPS reforms have been adopted throughout the world, including in countries as diverse as Cambodia, Vietnam, China Slovakia, Romania, Palestine, Jamaica and even Afghanistan. On a larger scale, proposals for reforming the UK PPS laws are likely to be put to the government in 2018.¹

Reform Gives Greater Legal Certainty to Lenders

The existing legal framework governing secured transactions in Fiji has deficiencies which increase risk and cost to lenders.² That framework has its roots in legal forms established by either statute or common law derived from English law. Deficiencies include:

- Lending has been organized around various costly legal forms, some of which are subject to registration while others are not;
- Security interests in different types of assets are filed in different and unlinked registries, requiring extensive physical searches to determine if assets have been pledged to another lender (e.g. charges over motor vehicles are currently recorded at the Land Transport Authority, while company charges are recorded at the Office of the Registrar of Companies);
- Stakeholders have expressed concerns that existing registries are cumbersome and offer limited information that may not be reliable;
- The secured lender's priority against third parties is not established by registration, but rather by legal formality, which technically fails to consider all potential competing claims;
- Enforcement is expensive and uncertain, and usually involves court-administered procedures.

These deficiencies can be overcome when a well-functioning personal property securities framework is in place. The law and associated online registry provide a single framework that covers all the security interests in personal property that lenders or businesses need to record. It enables lenders to ensure that they have priority as the secured creditor, while reducing the costs of processing loans, and allowing for more rapid enforcement of collateral agreements in the case of default.

The reform establishes a simplified "notice filing" registry, which will operate electronically and without government registrar intervention. Registrations will be paperless, online and instantaneous, eliminating uncertainty about the exact time and date of recording the security interests. Registration serves only two purposes: (i) to provide notice to the public to inquire further before buying or taking a security interest in property of the same nature described in the notice; and (ii) to establish a priority date (the registration date) by which competing claims to collateral can be settled. Documents submitted for registrations do not need to be examined, and no certificates are issued to provide evidence of the existence or validity of a security interest. Thus, the operation and maintenance of the registry requires minimal personnel, which greatly reduces costs.

¹ See <http://securedtransactionslawreformproject.org>.

² In this submission, the terms "personal property securities reform" and "secured transactions reform" are used interchangeably. The terms "personal property" and "movable property" and "movable assets" are also used interchangeably.

The reform reduces the cost and uncertainty of enforcements against collateral. It allows lenders, after a default by the debtor, to seize collateral by any method provided by law, sell it, and apply the sale proceeds of the debt, including without first having to obtain court permission for acting against certain collateral types. Since the value of movable property can decline rapidly over time, a streamlined enforcement process optimizes the value realized from the collateral. This reduces the costs to lenders, as well as reducing the demands on national courts with respect to standard enforcements. There are, nevertheless, provisions to protect debtors who find themselves in difficult times by giving them a means to buy-back their seized collateral before it is sold to third parties. Parties still have access to courts where the facts are in dispute, and lenders must respect other laws when seizing any collateral.

Reform Facilitates Greater Access to Finance

As noted above, the reform gives lenders greater legal certainty over secured interests. This is a significant reform objective that stands on its own merits, and one which significantly reduces risks to lenders. But the reform also opens the opportunity to expand lending using personal property as collateral.

Financial institutions have often been unwilling to lend unless borrowers were able to provide fixed property (land and buildings) as collateral. Most land in Fiji (as in the broader Pacific region) is communally owned, however, and this restricts borrowers' ability to pledge land as security for loans, and its value to lenders as collateral.

Businesses do have movable assets that could be pledged as collateral — movable assets comprise most of the asset value of small businesses — but these assets have not been accepted as collateral by lenders because legal frameworks are outdated and lenders have not adapted their product offerings to unlock the collateral value of these movable assets. In countries with unreformed secured transactions frameworks, there is a significant mismatch between actual enterprise assets and those that lenders are willing to accept as collateral: in the developing world, around 80% of the capital stock of businesses is typically in movable assets, and only around 20% is in immovable property.³ While no such data is available for businesses in Fiji, it can be expected that the situation in Fiji is similar.

As a result, many smaller businesses, people in rural areas, and many women cannot access finance. This has reduced their ability to invest and expand. But it has also weakened incentives to formalize, so that a significant portion of economic activity still takes place in the informal sector.

The absence of a secured transactions framework also encourages borrowers to seek unsecured credit from both formal and informal lenders, which often carries more onerous credit terms. Research consistently finds that loans secured by collateral have more favourable terms than unsecured loans, for any given borrower or size of loan. A borrower able to offer collateral can

³ A. Alvarez de La Campa. 2011. *Increasing Access to Credit through Reforming Secured Transactions in the MENA Region*. Policy Research Working Paper 5613. Washington, DC: World Bank.

obtain a larger loan relative to the borrower's income, with a longer repayment period and a lower interest rate.⁴

A well-functioning PPS framework will also give impetus to the development of lending products which are not readily available but which are well-suited to the financing needs of Fijian businesses, such as:

- *Accounts receivable finance*: Many transactions in Fiji are still mainly cash-based, and this constrains this type of finance. But there are still opportunities. The standard industry starting point, as it was in Asia, is to commence activity around very strong entities, such as government and state-owned enterprises.
- *Plant and equipment finance*: This should be a standard product in any financial market but, to date, few lenders are doing a comprehensive job reaching the potential market. Further growth can be expected.
- *Working capital/seasonal finance*: The seasonality of the agri-economy means that financing is needed to cover particular periods within the production and sales cycles. For example, cocoa exporters need to buy beans from small collators and aggregate them prior to shipment. Products can be based around contract orders and trade finance, using the commodities and accounts receivables as collateral.
- *Value chain finance*: The agri-sector throughout Fiji and the Pacific is characterised by thousands of smallholder farmers, who supply their goods through multi-layered supply chains. A value chain finance model uses the strength of an anchor business, usually an exporter or processor, to give comfort to the lender to finance smaller and financial weaker participants in the chain. This model holds the greatest potential for financing small and medium enterprises in the Pacific, as demonstrated through the secured transactions applications developed/under development in several markets that have already implemented secured transactions reform, including Tonga (vanilla), PNG (palm oil, cassava and vegetables) and Solomon Islands (coconut oil). New value chain finance systems with a range of financial technology and digital finance solutions are emerging, all of which benefit from a robust registry of secured interests.
- *Warehouse finance*: Rural households often rely on the agri-sector. The seasonality of agricultural production and the delays in reaching markets create opportunities for warehouse financing. Farmers and traders need working capital finance that can be secured against their inventory, whether it be grain in a silo or yaqona in a secure storage facility. We are aware of opportunities to use this type of finance for cocoa, coffee, and copra in several countries in the region, and there will be other applications other donors have identified. This type of finance grows faster when there are various levels of private sector and public warehousing with financially strong, reputable operators. The size of Fiji's economy and agriculture sector lend themselves to the development of warehouse financing.

⁴ H. Fleisig, M. Safavian, and N. de la Pena. 2006. *Reforming Collateral Laws to Expand Access to Finance*. Washington, DC: World Bank.

Reform Lessons from Other Countries

Research undertaken by the World Bank found that the introduction of movable collateral registries “is associated with an increase in the likelihood that a firm has a bank loan, line of credit or overdraft, a rise in the share of the firm’s working capital and fixed assets financed by banks, a reduction in the interest rates paid on loans, and an increase in the maturity of bank loans.”⁵ That research also provided evidence that smaller firms in particular benefit when secured transactions reforms are completed.

Fiji is the 8th ADB Pacific Development Member Country to introduce PPS reforms. PSDI’s observations of the collective experience of those other 7 countries is that:

- Second-tier lenders (development banks, smaller banks, and finance companies) typically introduce movable assets products before first-tier lenders.
- Finance companies have embraced the reforms more than any other class of lender, as they are already active in asset-backed finance.
- Large international banking groups are reluctant to grow their small and medium enterprise (SME) ‘book’ in the Pacific. They are controlled by overseas head offices and adopt a very conservative approach to Pacific lending i.e. they attach a high “country risk” factor to Pacific countries; introducing new products is a lengthy process in these banks; and the lending culture of these banks is based on taking real assets as collateral.
- Borrowers are very comfortable with this type of financing, and see it as a real solution to the difficulties they have had in accessing finance.
- The various agriculture value chain financing applications worked on to date have demonstrated how readily this type of financing can be adapted to all types of agriculture financing.
- Pilots facilities build lenders’ confidence in the instruments, while minimizing the risks to the lender through this learning phase.
- In the initial stages, movable assets financing is typically used to finance motor vehicle purchases but, over time, lenders gradually expand their product offering to the working capital and investment needs of business. The Australian and New Zealand experience was similar: around 80% of initial registrations in New Zealand were for motor vehicles.

These lessons suggest that the role of second-tier lenders needs to be encouraged, but also that first-tier lenders can play a much more prominent role in financing Fiji’s economic development if they embrace the reform.

Summary

PPS reform will:

- Simplify and reduce the cost of lending that is secured by movable property;

⁵ I. Love, M. Soledad Martina Peria, and S. Singh. 2013. *Collateral Registries for Movable Assets: Does Their Introduction Spur Firms’ Access to Bank Finance?* Policy Research Working Paper 6477. Washington, DC: World Bank.

- Clarify rules governing conflicting interests in movable property;
- Provide an easy and real-time way to determine whether movable property has already been pledged as collateral; and
- Provide clear rules on how lenders can proceed in the event of a debtor default.

The combination of greater legal certainty and greater scope for using personal property as collateral will increase the availability of finance, while also reducing the risks to lenders. It will promote investment and entrepreneurship, increase financial intermediation, and deepen financial markets, all of which will spur Fiji's economic development.

Please contact Peter Dirou or Terry Reid on +61 2 8270 9444, or peter.dirou@adbpsdi.org or terry.reid@adbpsdi.org, for any queries or clarifications in relation to this submission.



HIGH COURT OF FIJI

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Our Ref: P90

9 August 2017

Hand Delivered

The Hon. Ashneel Sudhakar
Chairperson
Standing Committee on Justice, Law and Human Rights
Parliament of Fiji
SUVA

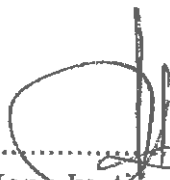
Dear Sir,

Re: Observation of Personal Property Securities Bill

Reference is made to your correspondence dated 27 July 2017.

Attached, please find our response to the Submission as requested.

Yours faithfully,


.....
Hon. Justice Kamal Kumar

cc: Hon. CJ
CR

SUBMISSION - PERSONAL PROPERTY SECURITIES BILL NO. 38 OF 2017

- A. It is noted that certain tasks are to be done within five or seven days which is very short period.

As such it will be appropriate and to avoid confusion and for parties to always refer back to Interpretation Act 1967 “day” be defined as “business day” and “business day” be defined as a day other than:-

- (a) a Saturday or Sunday or a public holiday in Fiji; or
- (b) a day that falls between a Christmas day and New Year’s day; or
- (c) a day on which Registrar has refused access to the register or has suspended operation of the register in whole or in part.

This is in line with PPSA 2009 (Commonwealth).

- B. Possession and Control is very crucial when determining priority between security interests. Therefore what would amount to Possession and Control of various types of collateral should be stated in the Act.

It is noted that what amounts to possession and control has been defined in respect to few collaterals.

It is suggested that a separate section be inserted to state what factors will determine as to whether anyone has possession or control of the particular type of collateral.

- C. Clause 2 defines “Intangible Property” to “include **account receivable, a deposit account, intellectual property and a licence.**” Accounts receivable, deposit account and licence have been defined but there is no definition of what is intellectual property. *
- D. Judgment and Court Orders - There should be a provision for registration of notice in respect to Judgments and Court Orders and registration of judgment or orders and/or any enforcement proceedings taken in respect to the Judgment or Order prior to any security interest being registered should take priority.

- E.** There is no provision which deals with Distress for Rent Act. In some cases the items subject to security interest would be located in rented premises. If the lessor/landlord levies distress for rent then priority issues may arise in this regard.
- F.** Statutory Interest: It is suggested that Priority in respect to Security Interest and Statutory Interest be included in line with s73 of PPSA (Cth).
- G.** In respect to the clause of the Bill we submit as follows:-

Clause 9:

(1)(c): Second last line

- **"Act"** be replaced with **"subsection"**

(1)(k): Second line

- word **"other"** before **"written"** be deleted.

Clause 15:

Suggest that clause **1A** be added as follows:-

"Debtor must take reasonable care in the custody and preservation of collateral in the possession and control of the debtor."

(5)(a): last line

- Suggest that after the word **"collateral"** and **"costs and expenses for commingling of fungible"**
- Add (d) - **"any law, by-law or regulations."**

Clause 19:

(2): Second line

- After **"receipt"** add **"of debtor's request"**.

Clause 33:

Heading to read **"Priority in Advance and Future Advance"**

Clause 33(2):

- It is not clear whether this clause deals with transfer of rights in advances and further advances or any collateral;
- (If it deals with any collateral then it should be under separate heading with clause 33(3) becoming Clause 33(2).
- If however clause 33(2) deals in respect to transfer of rights in advance and further advances then it should say so.

Clause 34(1): second line

Suggest the words **"in the collateral"** be added after the words **"security interest"** and **"any other collateral"**.

Clause 39(1):

Correction: last word should be **"perfected"**.

Clause 54(3): first line.

Word **"assignee"** be changed to **"assignor"**.

Clause 60(5): first line

Word **"futures"** (3 times) be changed to read **"future"**.

Clause 66:

(7) This section talks about damages to other goods and as such word **"whole"** in third line needs to be replaced with **"other goods"**.

(9) Suggest clause (d) be added as follows:-

"(d) an Order postponing removal of the accession"

(11) Suggest clause (a) to state **"who is the debtor"** and then (a) and (b) be changed to (b) and (c) respectively.

- Suggest sub-clauses (14) and (15) be added to state that when security party can refuse permission to remove accession and when notice is not required in line with sections 94 and 95(5),(6) and (7) of PPSA (Cth).

Clause 75:

(1)(b): Second line

☐ Suggest **“and passport number”** be added after the word **“passport”**

(1)(f): Third line

- Suggest **“with registration numbers of entity”** be added after the word **“organized”**.

Clause 94:

Suggest following clause be added:-

(e) - **“the mortgagee whose same obligation is secured by an interest in real property and a security interest in the personal property”**.

Clause 95(2): second last line

- Suggest **“subsection (1)”** be changed to **“section 94(1)”**.

Clause 100: First line

- Suggest after words **“under section” “94(1)”** be inserted.
- We are of the view the word **“agrees to sell”** would create confusion and dispute.
- We therefore suggest that those words be removed and replaced with **“enters into written agreement to sell”**.

Clause 101:

Repeat comments in respect to the words **“agrees to sell”** in respect to Clause 100 and make same suggestion.

Clause 104:

(1)(a)(ii) - Suggest replace **“person’s”** to **“debtor’s”**

(1)(c)(iii): Suggest add **“or delivered at”** after words **“posted to”**

(1)(d)(iii): Suggest add **“or delivered at”** after words **“posted to”**