PARLIAMENT OF THE REPUBLIC OF FIJI



PARLIAMENTARY DEBATES

DAILY HANSARD

FRIDAY, 26TH MAY, 2017

[CORRECTED COPY]

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(Adjourned to 29th June 2017 at 7.30 p.m.)

FRIDAY, 26TH MAY, 2017

The Parliament met at 9.36 a.m., pursuant to adjournment.

HONOURABLE SPEAKER took the Chair and read the Prayer.

PRESENT

All the Honourable Members were present, except the Honourable Prime Minister and Minister for iTaukei Affairs, Sugar Industry and Foreign Affairs; the Honourable Minister for Health and Medical Services; and the Honourable Minister for Youth and Sports.

MINUTES

HON. LEADER OF THE GOVERNMENT IN PARLIAMENT.- Madam Speaker, I move:

That the Minutes of the sitting of Parliament held on Thursday, 25th May, 2017, as previously circulated, be taken as read and be confirmed.

HON. A. SUDHAKAR.- Madam Speaker, I second the motion.

Question put.

Motion agreed to.

COMMUNICATIONS FROM THE CHAIR

Welcome

HON. SPEAKER.- I welcome all Honourable Members to the final sitting day of Parliament for this month of May, and members of the public joining us in the gallery and those watching proceedings on television and the internet and listening to the radio.

I welcome the Fiji National University (FNU) law students and our special group of visitors who are here with us today; all the way from around the Pacific region and they are here in Suva for the National Deaf Games, which is underway at the Australia and New Zealand (ANZ) stadium. Honourable Members, please join me in welcoming them to Parliament. Point of Order

(Acclamation)

At this juncture, let me acknowledge and wish the Honourable Deputy Speaker, Happy Birthday! And many happy returns of the day.

(Acclamation)

MPs Medical Check-up

Honourable Members are also reminded that the Ministry of Health team will be here today (and they are already there) and I encourage us all to take advantage of this opportunity.

Daily Hansard – Thursday, 25th May, 2017

I have been advised that yesterday's *Hansard* Reports will be circulated to Honourable Members as soon as the Secretariat finishes the printing. Thank you.

Time limitation – Question & Answer Session

Before I go on to the Oral Questions, we are aware that today is a limited day for us, and with questions and answers, please be succinct and be very focused. Thank you.

I now call on the Honourable Dr. Brij Lal to ask his questions.

POINT OF ORDER

Withdrawal of Question No. 175 of 2017

HON. RATU S.V. NANOVO.- Point of order, Madam Speaker.

HON. SPEAKER.- Point of order.

HON. RATU S.V. NANOVO.- Referring to the first question this morning and based on Standing Order 44(11), the issue raised here has already been addressed on Wednesday 24th May, 2017 this week, so it should not be appearing in today's Order Paper. Thank you Madam Speaker.

HON. SPEAKER.- Thank you. Let us have a look at this question. The point of order has been raised, do you agree to the point of order, to the issue that is raised that the issue had been addressed?

HON. J. USAMATE.- There were some questions on mediation.

HON. SPEAKER.- All right, I will not accommodate that question then.

I will now move on to second oral question and I ask the Honourable Jilila Kumar to ask her question.

QUESTIONS

Oral Questions

Selection of Fijian Seasonal Workers (Question No. 176/2017)

HON. J.N. KUMAR asked the Government, upon notice:

Can the Honourable Minister for Employment, Productivity and Industrial Relations advise the House as to how the Fijian Seasonal Workers are selected for New Zealand and Australia, and the possibility of being a returning worker?

HON. J. USAMATE (Minister for Employment, Productivity and Industrial Relations).- Thank you, Madam Speaker. The Seasonal Work Programme is now something that we have been part of since 2015, as opposed to other countries that have been there from 2006.

We have a system. Initially, what we did was, we advertised in the media and whoever wants to be part of the Seasonal Work Programme would have to apply and once they apply, then they will be put through some tests.

First of all, they will have medical examinations to make sure that their eyes and hands are working, their backs and hearts are all right, as well as their blood pressure, so that they can stand up to the kind of strenuous work that they will have to do in Australia and New Zealand.

If they had passed that successfully, they also need to do the fitness test. The fitness test in terms of press ups, chin ups, and all those things because some of this work that they have to do on the farms can be quite strenuous. Those that passed those tests will then be put into a pool that is called the `Work-ready Pool'. Then employers will come from Australia and New Zealand to pick from that Work-ready Pool.

Then we have the problem that we found in Australia, where there were quite a number of people who were from the Work-ready Pool, when they went to Australia, in particular, some of them absconded and ran away from work and all sorts of issues happened that led to the drop in the reputation of our seasonal workers from Fiji. And because of that, the former Minister had decided that we change our policy and orient this programme more towards those out in the rural and maritime areas; those who are far away from the urban centres that do not have any other way of getting a formal income.

So, since that time, we have looked at working and focusing on those in the rural areas. We have set up *tikina*-based teams. So, for each of the *tikina*s that are outside, that are not close to the urban centres, we ask all of the villagers to nominate people who want to go, that have the gumption, the capacity to persevere and to be able to stick by the work that needs to be done.

So, since that time, we have established *tikina*-based teams by each of the villages and also each of the settlements, where we work with the district advisory councillors to select people from the settlements who wants to go, and they screen them to make sure they will go there and deliver the work.

So, currently it is still open; you still have to pass your medical examination and fitness test but there is a focus on those away from the urban areas.

We have found that in the past, too many people from the urban areas did not have the perseverance to be able to work consistently for a few months. So, we have had a few people who have absconded in Australia and I think it was in 2015, we have had some more cases this year and this has worried us greatly, so we will be reviewing our processes to make sure that we get the right kind of people who can work.

Some of them can save up to \$20,000, bring that money back into the community, upgrade their lives, upgrade their communities and continue to assist in enhancing their quality of life. Thank you, Madam Speaker.

HON. SPEAKER.- Thank you. Honourable Prem Singh.

HON. P. SINGH.- Madam Speaker, supplementary question. Can the Honourable Minister please advise the House whether the sourcing of seasonal worker opportunities is being done with a gender parity component, in line with SDG 5 on Gender Equality, and whether he is also synergising with the Ministry of Women in that regard?

HON. SPEAKER. - Thank you. Honourable Minister?

HON. J. USAMATE. - Yes, Madam Speaker. I think it is open; anyone can come and be registered with the programme but ultimately the decision of who they want depends on the employers. If the employer comes in and he wants all males, he will pick all males, but we have had groups of women who have gone and come back. I think we had a group of women from Vaturova who have just come back, so that group was entirely made up of women.

So, it is open to anyone to be able to be part of the scheme but they have to meet the requirements, which is to pass the medical examination and also the physical fitness test. Ultimately, the selection is not made by the Ministry, it is made by the employers who come and take up their services.

HON. SPEAKER. - Thank you. Hon. Mikaele Leawere?

HON. M.R. LEAWERE. - Madam Speaker, I just want to ask the Honourable Minister, are there any deductions made from what the workers earn when they are in Australia and New Zealand to Government? Thank you.

HON. SPEAKER. - Thank you. Honourable Minister?

HON. J. USAMATE. - I suppose that means the Fijian Government or the New Zealand Government. The deductions that you make to the New Zealand and the Australia Governments are the tax that you normally have, like we have the "Pay As You Earn" sort of taxation. Those taxation rates, you also have to make to the Governments of Australia and New Zealand, but you do not make any other deductions to the Government here in Fiji.

When you go on these seasonal work, if you go for instance to New Zealand, \$500 of your return air fare is paid by your employer. Once you are there in New Zealand, the balance of your air fare, say if its \$700, the \$200 will be deducted from your pay. If you go to Australia, half of your air fare is paid by the employer, for the other half, deduction will be made.

So there are other deductions made in terms of accommodation and superannuation and those sorts of things, but in terms of direct deductions to Government, there is only the tax that you pay to the Governments of Australia and New Zealand. There is no taxation paid to the Government here in Fiji.

HON. SPEAKER. - Thank you. I am limiting supplementary questions to only three this morning and I now give the floor to the Honourable Aseri Radrodro.

HON. A.M. RADRODRO. - Thank you, Madam Speaker. Just a question to the Honourable Minister in terms of monitoring those who have undertaken this scheme, does the ministry have the necessary infrastructure to monitor that the workers who were sent out on this scheme are not abused by employers overseas?

HON. SPEAKER. - Thank you. Honourable Minister?

HON. J. USAMATE. -Thank you, Madam Speaker. Like any other responsible government, we want to be very sure that when our workers go overseas, they are not exploited. The good thing that we have about this Seasonal Work Programme is that we have with New Zealand and Australia, if there is any company or any farm in Australia and New Zealand that wants to hire people from Fiji, they first of all have to apply to the Ministry of Labour in their country. So, they apply for instance to the New Zealand Ministry of Business, Innovation and Employment (MBIE), that is what the Ministry is called. That Ministry then goes and assesses them to make sure they meet basic requirements. It looks at accommodation, their record of paying people and so forth.

So, we feel a bit assured because our counterparts in Australia and New Zealand are doing some sort of assessments. Once they pass that assessment, they then get the right to come and recruit. So that gives us some semblance of security that things will work well.

Over and above that, our High Commission staff have been going around and talking to our workers who are in Australia and New Zealand but now the Government is also considering how we can have more permanent people in Australia and New Zealand to walk around and work with employers to make sure that there is compliance with basic labour standards.

HON. SPEAKER.- Thank you. I now give the floor to the Honourable Prem Singh to ask his question.

Chiefs vs Crusaders – Super Rugby Match Monetary Gains (Question No.177/2017)

HON. P. SINGH asked Government, upon notice:

Would the Honourable Attorney-General and Minister for Economy, Public Enterprises, Civil Service and Communications inform Parliament the value of monetary returns gained directly by Fiji from the \$2 million allocated to host the Super Rugby match between the *Chiefs* and the *Crusaders*.

HON. A. SAYED-KHAIYUM (Acting Prime Minister, Attorney-General and Minister for Economy, Public Enterprises, Civil Service and Communications). -Thank you, Madam Speaker. Madam Speaker, I thank the Honourable Member for this question.

I think no one would argue against the fact that promoting and having such high caliber rugby teams play in Fiji provides numerous benefits to Fiji, not just to the fans, but also to our economy and also increasing our footprints internationally, Madam Speaker.

The questions are asked about the returns gained directly, but I would venture to say that we also gained indirectly from this match.

Let me first start off, Madam Speaker, that by having such two high profile teams, being able to attract them with the monetary value of about \$2 million, we are able to bring the *Super Rugby 15* game into Fiji. What it does firstly, of course is we have a live television coverage; that television coverage approximately goes to about two million viewers in the three predominately Super 15 countries, which are South Africa, Australia and New Zealand.

Also, like we are not a Super 15 country in the sense that we do not have a team, we also watch those matches when those games are played in the parks from those three countries. So, similarly we have people from other countries who actually watch this game; people in USA, Canada, Latin America, United Kingdom, Ireland, South Africa, France, Italy, Middle East, North Africa, Japan and various parts in the Pacific region also.

This game, Madam Speaker, is actually televised through 14 TV Channels, including *Sky Sports, ESPN* (Entertainment and Sports Programming Networks), *FOX Sports Australia, SKY New Zealand, Japan Sports, Sky Italia, OSMS Court and Canal.* These are the network or the footprints with Sky Sports. Well it does, Madam Speaker, of course is firstly, and many Fijians who have watched the actual game live on *TV* have said, "we can't even tell this is Fiji"; many people have said that.

Firstly, essentially it lifts up our profile as a destination that actually can host internationally events.

Secondly, it gives your footprints into those countries.

Prior to the game, Tourism Fiji, Madam Speaker, have a slot of 27 minutes specifically dedicated to Tourism Fiji and actually during the game too, to be able to promote Fiji. We had, Madam Speaker, also a 8 minutes segment prior to the game that

had a short documentary on the *Fijian Crusaders* team members; Setaraki Tamanivalu and Manasa Mataele.

These people were again promoted; they talked about their humble beginnings from Fiji and how they have ended up in the *Super 15s* Team, again, it lifts up our profile. So, what it does, it also says to other rugby scouts that Fijians are actually good rugby players and therefore, there are economic opportunities for the rugby players if they get picked up by these teams.

Now, the other point of course, Madam Speaker, is that it feeds into the tourism market. The way Fiji to the tourism markets, of course, like just for these games specifically, directly speaking, the Fiji Airways actually ran three extra direct flights from Auckland to Suva, just specifically for this game. Apart from of course other seats being filled in on the normal scheduled flights that would actually run from Auckland to Suva, Auckland to Nadi, Christchurch to Nadi, and of course Wellington to Nadi too.

So that is one aspect of it. When they come here, of course, it goes without saying, it would be trite for me to say and educate Members of this House, but when they come here they approach you for a taxi; they use our hotels where they pay Service Turnover Tax (STT); they pay Value Added Tax (VAT); they pay environmental levy; all of those things feed into that. They buy our food; they drink our beer; they eat our chips; they eat our food; whatever the case may be.

On the day itself, Madam Speaker, the gate-takings (of course it has to be audited) it is a game which was held last week, the ticket sales amounted to \$722,928 and the share that Fiji Sports Council gets is 25 per cent, which is \$180,732. That is the direct result of those ticket sales.

The Sports Council also generated \$24,246 on the sales of merchandise, liquor and car park fees. This of course would need to be verified but they are the preliminary figures that we do have.

So, Madam Speaker, in terms of directly, these are the direct figures, in terms of the sales of tickets, in terms of the sales of food and drinks, et cetera on this itself, but of course, it also builds capacity in the Fiji Sports Council, it also requires them to lift up the game, to be able to host such an international event.

Now this is a second year running, I have been to both of the events, both during the game and also proposed game function and both of the teams, the managers, their coaches and these people are highly professional people. They all commended the manner in which the Sports Council and all the organisers involved have actually rallied together to be able to provide such a professional atmosphere.

Now, what does this do? It means that Fiji has the ability to be able to say to other international event organisers that we have the capacity, come and host the games. It is obviously a potential for us to be able to host one of the legs of the Seven's Series - the international legs.

So this is how we are also trying to position ourselves, and as a matter of interest for the Members, recently it went through the Ministry of Sports, through the Sports Commission, we have been funding regional events also.

So we have the regional weight lifting competition that was held, I believe last year, and the head of the Weight Lifting Federation Commission actually came to Fiji and he was very impressed in the manner in which it was organised. And in fact, he said, "Fiji has the potential to actually host the World Weightlifting Competition." So here is a Pacific island nation in the middle of

HON. RATU K. KILIRAKI.- Point of order.

HON. SPEAKER.- Point of order.

HON. RATU K. KILIRAKI.- I think under Standing Order 45 (4); the question is not answered. The Honourable Minister is digressing from the original question, which requires the monetary returns gained directly. I think that is a straight forward question, Madam Speaker. Thank you.

HON. SPEAKER.- Thank you. Honourable Minister, please note the issue that has been raised.

HON. A. SAYED- KHAIYUM.- Thank you, Madam Speaker. Madam Speaker, the value of monetary returns also needs to be identified, not just by dollars and cents, but also the potential of the monetary returns. That is what I was trying to elucidate, but if they want me to round it off, the fact of the matter is that these kinds of events, including the weightlifting competition does give us the ability to be able to showcase our country and be able to host more events and therefore, it provides enormous economic benefits to our country. Thank you Madam Speaker.

HON. SPEAKER.- Honourable Parmod Chand, you have the floor.

HON. P. CHAND.- Thank you, Madam Speaker, supplementary question. Can the Honourable Minister outline whether this initiative is also emphasised to be budgeted in the next year's budget for the Ministry of Sports?

HON. SPEAKER.- Thank you. Honourable Minister.

HON. A. SAYED-KHAIYUM.- Madam Speaker, the Honourable Member who has also been in Parliament previously knows that Government never reveals what is going to be in the Budget, but of course, we had various legal obligations, and which of course will be fulfilled in the Budget. HON. SPEAKER.- Thank you. Honourable Viliame Gavoka.

HON. V.R. GAVOKA.- Madam Speaker, rugby is very important to Fiji, and one of our weaknesses is that our players do not have the exposure against top teams to make them compete in international levels. Would the Government consider spending this kind of money, to bring in top teams, to give our boys the exposure and experience to play against top sides? Thank you Madam Speaker.

HON. A. SAYED-KHAIYUM.- Madam Speaker, this is how disconnected the Opposition is. You have one Member objecting to me answering when I was actually going down that path, saying it is about monetary value and we have the other Member not talking about the monetary value pertaining to this actual hosting of this game. They do not know what they want.

HON. N. NAWAIKULA.- Answer the question.

(Chorus of interjections)

HON. SPEAKER.- That question was not relevant to the original question. Thank you. There be no other supplementary question, I will now give the floor to the Honourable Ratu Sela Nanovo to ask his question.

> Update - EU aid to schools damaged by *TC Winston* (Question No. 178/2017)

HON. RATU S.V. NANOVO asked the Government, upon notice :

Can the Honourable Attorney-General, Minister of Economy, Public Enterprises, Civil Service and Communications give us an update on the European Union (EU) aid that was channelled through to the South Pacific Community, to assist the schools that were damaged by *TC Winston?*

HON. SPEAKER.- Thank you. Before I ask for a response, we will note Honourable Members that we have here a group of very important visitors who have come from Arizona State University. There 14 of them and they are studying Psychology. You are very welcome.

Thank you. I now give the floor to the Honourable Acting Prime Minister.

HON. A. SAYED- KHAIYUM.- Honourable Attorney-General, Minister of Economy, Public Enterprises, Civil Service and Communications.- Thank you, Madam Speaker. Madam Speaker, I would like to thank the Honourable Member for this question.

Madam Speaker, an agreement was signed on 11th October 2016, less than a year ago, between the Fijian Government and the South Pacific Community or SPC, to allocate \$2.71 million from the Water Sanitation and Hygiene Programme, commonly

known as WASH, to construct, upgrade and repair ablution blocks and water storage facilities for schools located in the sugarcane belts that were damaged by *TC Winston*.

The WASH programme is funded by the European Union through SPC. A total of 32 schools were identified to be assisted under this programme. As agreed by the parties, the Construction Implementation Unit of the Ministry of Economy manage the upgrading work of 19 schools because of the extent of damage and complexity of engineering work that would be required.

While the remaining 13 schools with minor damage to facilities will be managed by the Ministry of Education, Heritage and Arts. Madam Speaker, for the 13 schools managed by the Ministry of Education, contracts have been awarded for 9 schools.

These 9 schools include: Tavota Sanatan Primary School; Drasa Public Primary School; Navoli Sangam Primary School; Navunibitu Catholic Primary School; Nukuloa Sanatan Dharam School; Qerelevu Hindu Primary School; Raviravi Sangam Primary School; Talaiya Muslim Primary School; and Veisaru Sanatan Primary School.

The contracts for Buloaloa Sanatan Dharam School; Saint Teresa Primary School; Tavarua Primary School and Sabeto Muslim School are in the process of being awarded.

The Ministry of Education has also engaged three project officers to coordinate and monitor the progress of work under this programme. In addition, a dedicated vehicle has been provided to the Ministry to support effective monitoring.

Madam Speaker, for the 19 schools being managed by the Construction Implementation Unit, the tender for construction was advertised this month on 6th May and was closed on Wednesday 24th May. The tender evaluation and awarded contracts is expected to be completed by the end of June and construction works will commence soon after.

Madam Speaker, the 19 schools managed by the Construction Implementation Unit include: Fulton Primary School; Nalaba District School; Nalawa District School; Rakiraki Methodist School; Waikubukubu Primary School; Vatuyaka Primary School; Arya Kamya Partshala School; Ratu Rusiate Memorial School; SGN (Shri Guru Nanak) Khalsa School; Sri Sanatan Dharam Kamya Partshala School; Vaturu District School; Ahmadiyya Muslim School; Drasa Avenue School; Lautoka Delana School;Lautoka Methodist School; Vitogo District School; Masimasi Sangam School; Nadele Primary School; and Sabeto District School.

Madam Speaker all projects are expected to be completed by the end of October this year. Thank you Madam Speaker.

HON. SPEAKER.- Thank you. Honourable Parmod Chand.

HON. P. CHAND.- Supplementary question, Madam Speaker.

HON. SPEAKER.- Supplementary question.

HON. P. CHAND.- Is the Honourable Minister satisfied with the rate of progress of this initiative of EU assistance channelled via SPC because we would not want it to have the same fate as the EU sugar assistance, also via SPC?

HON. SPEAKER.- Thank you. Honourable Acting Prime Minister?

HON. A. SAYED- KHAIYUM.- There have been questions raised about SPC's ability to implement and as the Honourable Member talks about the cane access roads that was supposed to be implemented by SPC, yes, it has been publicly stated that whilst we are digressing from the actual question itself, it has been publicly stated that SPC actually was not very good in implementing that EU funded where they were actually directly doing it. They directly were actually giving up contracts themselves.

A lot questions about that, this is why in this respect, we have now asked SPC that the Ministry of Education and the Construction and Implementation Unit will do it themselves. So, we have a lot more control over it as opposed to grand statements being made by SPC but they are actually not implementing it on time.

HON. SPEAKER.- Thank you. There be no other supplementary question, I will now give the floor to the Honourable Balmindar Singh to ask his question.

HON. B. SINGH.- Thank you Madam Speaker.

HON. SPEAKER.- Point of order.

HON. A.T. VADEI.- Under Section 44(11), the next question came yesterday, Question No. 179/2017. Thank you, that has been asked yesterday.

HON. SPEAKER.- Yes, I agree that I have heard answers to this question and I think these schools programme has been very well covered in our Parliamentary sitting in the week and therefore, I agree with the point of order and will withdraw this question from today's Order Paper.

(Question No. 179/2017 is withdrawn)

I will now ask the Honourable Aseri Radrodro to ask his question.

HON. A.M. RADRODRO.- Thank you. Madam Speaker, before I ask this question can I seek your leave to just correct one typing error that instead of "employee" levy it should be "employer levy" of 1 percent.

MADAM SPEAKER.- Thank you.

1 percent Employer Levy - payable to TPAF (Question No. 180/2017)

HON. A.M. RADRODRO ask the Government, upon notice:

Can the Honourable Minister for Education, Heritage and Arts inform this House, what has happened to the 1 percent Employer Levy that was previously paid towards the Training Productivity of Fiji?

HON. DR. M. REDDY (Minister for Education, Heritage and Arts).- Madam Speaker, I thank the Honourable Member for asking the question.

Madam Speaker, formally known as TPAF (Training and Productivity Authority of Fiji), now merged with FNU on 29th November 2010 and the section was named as National Productivity and Training Centre (NPTC).

The Centre has three departments mainly Technical Training, Executive Management and Hospitality Services, Businesses and IT, which are the incomegenerating sections of the Centre.

Madam Speaker, section 37(3) of the Fiji National University (Amendment) Act states that:

"(3) The funds collected under the Levy Order shall be used primarily for in-service training of employees of levy payers, managing apprenticeship schemes, trade testing, productivity promotion, and education and training in the national interest."

Madam Speaker, there are two categories of levy payers; the first category called Method A and the second category is called Method B.

Madam Speaker, as stated in the question, all those employers who fall under these 2 categories are required to pay one percent of their wages and salaries bill to NPTC, to assist these employers to undertake training and upgrading of their employees, so it was clearly serviced. It gives details of what is Method A, who are in Method A and employers, and who are in Method B.

Madam Speaker, Method A employers are the large firms which have their own training departments. There are about 60 employers who fall in this category and Government Ministries also fall under this category.

Madam Speaker, the Method A employers have their own training section, own training officers and they claim up to 90 percent of the levy that they pay, which is called grants. So, they undertake the training and they claim up to 90 percent of the levy which includes tuition fees, travelling and accommodation of participation and fees of the consultant. So, Madam Speaker, there are 60 employers who fall in this category, plus the Government Ministries.

Madam Speaker, the Method B employers are over 6,000 of them. All those businesses from the village, interior, all those shops who have a wage bill, who are registered as a business entity and are required to pay one percent, Madam Speaker. They fall under the category of Daily Grants Scheme, they do not have a dedicated training department and a dedicated training officer. They can undertake a training, they can invite an accredited trainer, they can invite a trainer, let us say a private trainer, whoever is registered as an accredited trainer by the NTPC can be sourced or hired to undertake training. So, the outside trainer will undertake the training and the employer can claim the 100 percent of wages equivalent of the study hours of the students.

Madam Speaker, if an employee of a Method B employer undertakes studies at HCC registered institutions, let us say, USP, FNU, et cetera, then they have a formula of the number of hours it took the study and the wages, equivalent of it, then the employer can claim 100 percent of it, Madam Speaker.

Madam Speaker, under the Method B and A also the apprenticeship programme, the employer can claim the tool allowance, food, accommodation, transportation and tuition fee - 90 percent of the total cost.

Madam Speaker, all employers are required to register any business with the Wage Bill, which employs a person. Regional and international organisations do not pay the one percent levy, Defence Force, Police, Prison, Military are all exempted from paying levy and any training institutions, USP, FNU, et cetera, the teaching staff wage is not subjected to the levy, it is the admin category of the staff whose 1 percent is deducted and paid to NPTC for levy.

Madam Speaker, the NPTC of FNU manages the employers levy for the training and productivity development in Fiji. The use of these funds are as follows, as per law and policies made within the law by the Council.

Of the total levy collected, 10 percent of the funds is used for administration of the levy and grants.

So, NPTC's operational cost should come from the 10 percent of the levy and nothing more.

Madam Speaker, 90 percent is restricted for grant payments undertaking productivity promotion, administration of trade testing, managing the national apprenticeships training scheme and subsidising Methods A and B employers in raising their skill levels and also all the in-service training levies.

Madam Speaker, the 2 Categories: Method As and B; Method A the ones which has got the large well-established training departments, they are able to claim 80 percent of the levies as grants.

HON. OPPOSITION MEMBER.- (Inaudible)

HON. DR. M. REDDY.- Yeah! Yeah. Madam Speaker, for Method B, unfortunately these are...

HON. A.M. RADRODRO .- Point of order!

MADAM SPEAKER.- Point of order!

HON. A.M. RADRODRO.- The Honourable Member is already telling us what we already know about the mechanics of this. What we are trying to get is; what happened to the fund? Where is the fund going to?

MADAM SPEAKER.- Thank you. You have just a few minutes left, Honourable Minister, please just be succinct to that answer.

HON. DR. M. REDDY.- Madam Speaker, I believe this question is now, what has happened to the funds?

(Chorus of interjections)

HON. DR. M. REDDY.- So, Madam Speaker, if I get it right, he is asking what has happened to the fund? The fund is collected by FNU.

HON. V.R. GAVOKA.- Good, take a seat.

HON. DR. M. REDDY.-Vinaka, No!, No!, No!, I have to answer the question that was asked.

(Chorus of interjections)

HON. DR. M. REDDY.- So, Madam Speaker, for example, in 2015, \$16.7 million was collected, out of this Method A, 80 percent was paid out, whatever they contribute because they have a well-established training department. They undertake structured planned training. Method A; they are able to pay 80 percent claim and whatever they pay, the one percent, they are able to claim 80 percent.

So, to answer the question; from Method A, 80 per cent goes back to the employers, now Method B, I will answer that. So, Madam Speaker, in Method B, which

has over 6,000 employers. Method A – 60 employers, plus the Government Ministry, now Method B....

HON. OPPOSITION MEMBER.- (Inaudible)

HON. DR. M. REDDY.- I have to answer the question, Madam Speaker, why did you ask the question then?

(Laughter)

HON. DR. M. REDDY.- In Method B, Madam Speaker....

(Honourable Members interject)

HON. DR. M. REDDY.- No, I need to take time and explain, this is important, you have asked an important question.

MADAM SPEAKER.- Honourable Minister, you have limited time left.

(Chorus of interjection)

MADAM SPEAKER.- Limited time left, please just remain focussed.

HON. DR. M. REDDY.- Thank you. So, Method B, Madam Speaker, as I said over 6,000 employers, they are only able to claim back 20 percent.

So, again Madam Speaker, the question is; where is the money? Ten percent goes to admin, then they are required to claim back 90 percent; Method A, they are claiming 80 percent and Method B - 20 percent. Do you want me to elaborate more?

(Chorus of interjections)

HON. SPEAKER.- Thank you, Honourable Minister. I will allow only one supplementary question, if any. Honourable Ratu Kiliraki, you claim the one.

HON. RATU K. KILIRAKI.- Madam Speaker, supplementary question.

HON. SPEAKER.- Supplementary question.

HON. RATU K. KILIRAKI.- One of the main challenges from the employers is that they do not see the value in the levy to their institution because they feel they are not getting any returns from it. The question is; why should they pay the levy only to lose their employees to their competitor? Thank you. HON. SPEAKER.- Honourable Minister?

HON. DR. M. REDDY.- Madam Speaker, the better question should have been, how can they better utilise the levy that they pay.

(Chorus of interjections)

HON. DR. M. REDDY.- Madam Speaker, I want to help them.

HON. SPEAKER.- Order! You are killing time actually, we do not have much time.

HON. DR. M. REDDY.- All right, Madam Speaker. The question is, why should they train their employees who would then go to their competitor? Madam Speaker, it is important that in the changing global labour market, we continuously update our employees. Everyone is paying levy; whether it is a competitor, everyone is paying levy, so it is coming to a pool. So, it is important that we upgrade the skills of our employer so that they can better contribute to perform competitive ability, Madam Speaker.

Now, there are cases where the upgraded worker whose skills have been upgraded, qualification has been upgraded, may go to the competitor. Madam Speaker, why would they go to a competitor, if the terms and conditions are better in this firm, the original firm of the business?

There may be an issue that the competitor better recognised the skills, capability and qualification of this employee. So, I think the firm may have to look internally that once you have upgraded the skills of the worker or employee, then what can be done to ensure that the recent upgrading of qualifications and skills are rewarded?

So, it is a competitive market and I do hope that the Honourable Member understands that in a competitive market, all factors of production are mobile, Madam Speaker. There are not many barriers to movement of factors of production within the country or cross-countries, Madam Speaker. So, I can explain more, if the Honourable Member wants.

HON. SPEAKER.- Thank you. I now give the floor to Honourable Alivereti Nabulivou to ask his question.

HON. A. NABULIVOU.- Madam Speaker, I withdrawn the question 181/2017.

(Question 181/2017 is withdrawn)

HON. SPEAKER.- Thank you. I now give the floor to the Honourable Viliame Gavoka to ask his question.

Repairing of Bridges – post *TC Winston* (Question No. 182/2017) HON. V.R. GAVOKA asked the Government, upon notice:

Can the Honourable Minister for Local Government, Housing and Environment, Infrastructure and Transport explain when can rural bridges affecting the whole communities that were damaged by cyclones previous to *TC Winston* be repaired?

HON. P.B. KUMAR (Minister for Local Government, Housing and Environment, Infrastructure and Transport).- Madam Speaker, I thank the Honourable Member. Madam Speaker, prior to *TC Winston*, there were 13 bridges and crossing requiring repairs as a result of cyclone previous to *TC Winston*.

Madam Speaker, one must understand that all these bridges are of old age.

Madam Speaker, as at April, 2017, FRA has completed repairs and replacement on 10 out of the 13 bridges and crossings.

Madam Speaker, FRA is utilising \$23 million from its 2016-2017 Budget allocation to conduct the repair works on our bridges and crossings that were damaged by the *TC Winston* and previous cyclones. Madam Speaker, the recent adverse weather condition has affected FRA's programme to undertake permanent repair of our bridges and crossings.

Madam Speaker, currently, the large number of structures have been identified, it has been in critical or high priority for repair or replacement. The plan has been established to manage these critical infrastructures with works on hand to be carried out on the 20-30 bridges or crossings in the coming years.

Madam Speaker, let me also state that there has been serious neglect of our bridges and crossings in past years. Madam Speaker, you will be surprised to hear that our inspection reveals that some of the bridges, where the steel beam that runs across were not even protected with the relevant rust guards, were a total neglect, Madam Speaker. So, now we have plans in progress and the works are underway.

Madam Speaker, I have mentioned in this House before about the MOU that was signed between the stakeholders. The whole objective of this MOU was to work together. Before, there was lot of blame game as to who will be responsible for the repair works.

For example, most of the bridges and crossings that we have, there are tramlines crossing and the old Public Works Department (PWD) used to blame Fiji Sugar Corporation (FSC) and FSC used to say "PWD or Government" and that is how all the bridges were not taken care of but let me assure this august House, Madam Speaker, that we are taking care of all the bridges that have been around and gradually we are going to improve all the bridges and crossings that have been raised. Thank you.

HON. SPEAKER.- Thank you. Supplementary question, Honourable Dulakiverata?

HON. J. DULAKIVERATA.- Thank you, Madam Speaker. There has been a lot of discussions in this House regarding the increase of cane production to meet the requirement. One of the bridges that had been damaged but is still not being repaired is the Sigatoka Bridge which runs with the tramline, which leads to a very good cane lands in Kavanagasau, the Suva side of the Sigatoka river. When will this bridge be repaired? Thank you.

HON. SPEAKER.- Thank you. Honourable Minister?

HON. P.B. KUMAR.- Madam Speaker, I also thank the Honourable Member. Madam Speaker, FRA has initially inspected the bridge and has done some ground works in terms of geotech and just last week when we had a meeting with the stakeholders, we were briefed by the FRA that that bridge will be in the programme, but I am not going to disclose the exact time when it will commence and that is in our programme. Thank you.

HON. SPEAKER.- Thank you. Honourable Gavoka?

HON. V.R. GAVOKA.- Madam Speaker, just to put things on balance, can I ask the Honourable Minister when he is going out there talking about roads and bridges not to forget the Government who cut those roads. Can he just make sure that when he talks to people that he is fair on the way he also recognises because they are sealing roads that were cut by Alliance, by SVT, Labour & SDL? Thank you

HON. SPEAKER.- Thank you.

HON. A. SAYED-KHAIYUM.- Supplementary question time, he is asking him to make some kind of policy statement. It is irrelevant.

HON. SPEAKER.- Honourable Minister, you do not have to ask that question. I give the floor to Honourable Aseri Radrodro.

HON. A.M. RADRODRO.- Thank you, Madam Speaker. I thank the Honourable Minister for advising this House on the updates. Can he inform this House whether his planning and assessment on bridges also includes Emori Bridge in Nadroga?

HON. SPEAKER.- Honourable Minister?

HON. P.B. KUMAR.- Thank you, Madam Speaker and I also thank the Honourable Member. Only yesterday, I said that we, as a Government, when we deal with bridges, crossings, roads, it is across the country, not just one, that old constituency has gone. We have already done that Honourable Member, so all in all, what I can say, Madam Speaker, those projects are in the programme. Thank you.

HON. SPEAKER.- Thank you. There be no other questions, we now move to written question. I now give the floor to Honourable Ro Teimumu Kepa to ask her question.

WRITTEN QUESTIONS

Street Light Improvement Programme (Question No: 183/2017)

HON. RO T.V. KEPA asked the Government, upon notice:

Can the Honourable Attorney-General and Minister for Economy, Public Enterprises, Civil Service and Communications provide this House with the following –

- a) Status of the Street Light Improvement Programme of which \$10.7 million was allocated in the 2016-2017 Budget; and
- b) a list of urban and rural areas that have been earmarked for this particular programme.

Thank you, Madam Speaker.

HON. A. SAYED-KHAIYUM (Honourable Attorney-General and Minister for Economy, Public Enterprises, Civil Service and Communications).- Thank you, Madam Speaker. Madam Speaker, I will table my answer at a later sitting date, as permitted under Standing Order 45 (3). Thank you.

HON. SPEAKER.- Thank you. I now invite the Honourable Salote Radrodro to ask her written question.

HON. S.V. RADRODRO.- Thank you Madam Speaker.

Computers in rural secondary schools (Question No. 184/2017)

HON. S.V. RADRODRO asked the Government, upon notice:

Can the Honourable Minister for Education, Heritage and Arts provide a list of secondary schools in rural areas that-

- a) Have computer laboratory and are functional with computers, electricity and computer teachers; and
- b) those that do not have computer laboratories?

HON. DR. M. REDDY (Minister for Education, Heritage and Arts).- Madam Speaker, I will table my written question now.

(Written response handed to the Secretary-General)

(Acclamation)

HON. SPEAKER.- Thank you. Honourable Members, although not on the Order Paper, the secretariat has received notification from the Minister for Local Government, Housing and Environment, Infrastructure and Transport; and the Minister for Agriculture, Rural and Maritime Development and National Disaster Management to table their written responses. Now, I call upon the Minister for Local Government, Housing and Environment, Infrastructure and Transport to table his response.

HON. P.B. KUMAR.- Thank you Madam Speaker. Madam Speaker, pursuant to Standing Order 45 (5), I hereby table my written response, as requested by Honourable Aseri Radrodro.

HON. SPEAKER.- Please hand your written response to the Secretary-General.

(Written response handed to the Secretary-General)

I now call on the Honourable Minister for Agriculture, Rural and Maritime Development and National Disaster Management to table his response.

HON. LT. COL. I.B. SERUIRATU.- Thank you Madam Speaker. Pursuant to Standing Order 45 (5), I hereby table my written response to Question 156/2017, as requested by the Honourable Aseri Radrodro.

HON. SPEAKER.- Please hand your written response to the Secretary-General.

(Written response handed to the Secretary-General)

Thank you and question time is now over.

HON. SPEAKER.- Before I call on the Honourable Mosese Bulitavu, I wish to advise the House that pursuant to Standing Order 35 (2), we will have to commence with the end of week statement at 11.50 am., therefore the vote on this motion will be taken before that. Thank you, and I now call on the Honourable Mosese Bulitavu to move his motion.

APPOINTMENT OF A JUDICIAL COMMISSION OF INQUIRY INTO THE BRUTALITY BY THE POLICE AND MILITARY OFFICERS IN THE PAST DECADE AND ALSO TO IMPLEMENT THE SAID RECOMMENDATIONS

HON. M.D. BULITAVU.- Thank you Madam Speaker. Madam Speaker, I beg to move:

That this House hereby appoints a Judicial Commission of Inquiry into the cases of brutality by the Police and Military officers, resulting into the injury and/or death of several citizens in the past decade and further to that, implement recommendations of the said Judicial Commission.

HON. SPEAKER.- Thank you.

HON. J. DULAKIVERATA.- Madam Speaker, I second the motion.

HON. SPEAKER.- I now invite the Honourable Mosese Bulitavu to speak on his motion.

HON. M.D. BULITAVU.- Thank you Madam Speaker.

First of all, I would like to thank the Business Committee for allowing this motion, Madam Speaker. It is a very important motion and it is a fact that no Honourable Member in this House will ever condone any acts of brutality, as we are all custodians of law in this august House.

Madam Speaker and Honourable Members, I rise with a heavy heart to open a debate of this motion, remembering all those who have passed away in the last one decade, or who have been injured by brutal acts of Police and Military officers. I join their families, relatives, friends and the people of Fiji, Madam Speaker, to deplore the

irresponsible and unnecessary action which has done no good than enough bad to create a bipolarised political structure that it is now finding it hard to reconcile.

They have not only been tortured or killed people but left behind mental trauma and a divided nation. The call for a judicial enquiry, Madam Speaker, does not affect or will not affect the immunity granted in the Constitution. It does not seek to punish or paint people involved in the bad light or to avenge any bad faith. It has a clear cut aims and objectives.

It seeks to find facts and enable people of Fiji to know the full truth. We want a judicial enquiry so that people appear to make oath and make statements which are going to be the best thing that can be done under this circumstances, to extract the truth that is needed to establish issues or facts relating to various cases.

Furthermore, Madam Speaker, it is not the first time the Parliament of Fiji has been requested to resolve to institute a judicial enquiry. It was done in 1982 when the Sir John White Judicial Commission of Inquiry and the Parliamentary Paper 74 of 1983 was appointed to enquire into the allegations that the Alliance and the National Federation Party made against each other in relation to the conduct of the General Elections of 1982. That enquiry managed to clear all speculations, misgivings and propel Fiji into the future.

In another request, Madam Speaker, in 1992, the Parliament resolved to institute a Judicial Commission of Inquiry into the alleged Deed of Statement regarding the Anthony Stephen's Affair and the Kermode Enquiry Report came into being, implicating several politicians. It revealed the truth and the people of Fiji had every right to know the truth.

Similarly, Madam Speaker, there is a case to answer as the highest Court of the land, Parliament is answerable to the people of Fiji. I am raising this motion, whose intents are seeking answers to an issue on which there is public interest, suspicion and let me not hasten to add, the grudges and grievances of those directly affected by the acts of torture. By impressing the need of an inquiry into the alleged cases of brutalities meted out to the Fijian people by their own Police Force, which is there to secure their lives and properties and their own Military which is there to protect the people of the nation.

I am seeking to make us all realise the value of human life, human dignity, and human rights and together with it, the needless torture of our fellow beings. Madam Speaker, these are the kind of things that make us afraid, it instils fear, fears away potential investors and visitors and negates sense of belongingness and ownership of citizenry. It creates an environment of animosity and depression, not conducive to engage to facilitate dialogue or to see eye to eye on, as far as the fundamental founding political force of the bipolarised society that has been created since the past decade.

Madam Speaker, Fiji is not the only country where such acts of violence and torture has been committed. It has been committed in other democratic countries and in all other autocratic countries relating into pain, suffering, division and strife. It is not the end that you do see these things and forget and continue with pride as if nothing happened. This is in fact the beginning of the process that we can call resolving conflict situation and reconciling as a nation to much forward.

This is a forward-looking motion that seeks to bring out the truth and pave the way forward to reconcile and unite the Fijian people. In country after country, Madam Speaker, where acts of violence and torture has resulted in injuries, death, uprooting of families and other geopolitical and social economic problems, governments have taken responsibility to institute judicial enquiries to find why it happened, who were involved, how it happened and the means and ways to avoid the reoccurrence of the same thing over and over again in the future.

In the recent path, a Report titled "*Beating Justice in Fiji*" was widely published and roundly condemned by the FijiFirst Government. Madam Speaker, Amnesty International is no ordinary organisation. Madam Speaker, Amnesty International is a global movement of more than seven million people, who campaign for a world where human rights are enjoyed by all.

The vision for Amnesty International is for every person to enjoy the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards. It is an independent organisation, free of any government political ideology, economic interest or religion and are funded mainly by their membership and donations.

Amnesty International has stood up to defend the Human Rights around the world in each and every place where it is violated, where such rights are preserved, promoted and the organisation seeks to promote a culture of human rights, something that the late Vice President of Fiji, the late Honourable Ratu Joni Madraiwiwi spoke of throughout his distinguished legal and short political career.

I find it rather flabbergasting, Madam Speaker, that the Government more recently actually rubbished that report, namely beating justice in Fiji on acts of violence and torture resulting into mental trauma, injury and death. It is simply an act to cover up to save those responsible and evade public probity as if nothing happened at all. To rub salt in the injury, Madam Speaker, we have *coupist*, *coup* apologists, supporters and their like describing these acts of brutalities as isolated cases. That is shameful and an insult to the people of Fiji and their intelligence. It is not as simple as throwing stones at barking dogs or slaughtering a sheep or goat or tying an animal and subjecting it to ill-treatment.

Madam Speaker, allow me to say, we have laws and policies in this country to protect animals from degrading treatment, so why not humans? We have human rights or rather the Decrees at that time prescribed to protect basic human rights but yet several men and women and youths were picked up from their homes, workplaces, streets, villages and public places, whisked away to face the music in the camp, in the jungle and isolated places.

They were tortured, injured and killed or left to die because they questioned the authority because they were embarking on the path that was their right to hold the actions and conduct of those who had imposed to themselves as the government of this country or were part of a larger scheme of things to question relating the ethics and morality.

Madam Speaker, the UNO Declaration for Human Rights prescribed "every person is born as a free person". The Declaration goes to mention that no human beings shall be subject to torture". These rights, despite Fiji being a party to several international conventions and treaties, which encompasses civil and political rights were all set aside, swept under the carpet, suppressed by the Decree Raj to witch-hunt people like in the days of Idi Amin Dada of Uganda, the military rulers in Bangladesh and Burma, Kermal Ataturk in Turkey and Augustus Pinochet in Chile.

I have obtained the Report of the Amnesty International "*Beating Justice in Fiji*" and there are other number of cases I can cite or rather quote in this report to say that there were involvement of police and military officers in intimidating people, torturing them and in some cases killed them, as I have said, left behind a bad mark of torture where people's lives have been taken.

Madam Speaker, let me give a few examples of how people were taken away and tortured and killed.

On January 5, 2007, a citizen of Fiji, who was 41 years old was taken into a military custody and his dead body was returned. One of the military officers was convicted in the incident.

In the same month, Madam Speaker, another citizen of Fiji was severely beaten, sexually assaulted and forced to do military exercise by joint taskforce of the Military

and the Police. He later died and the injuries received at the Black Rock military base in Nadi.

Half way in 2007 in June, Madam Speaker, another Fiji citizen was beaten to death at the Valelevu Police Station, where three officers were convicted in 2008.

Madam Speaker, in another case where an escaped prisoner was again beaten to death by the police and prison officers. There is no evidence where the incident was ever investigated by police. This incident occurred on 23rd of July, 2008.

Madam Speaker, in 2012 proved to be another brutal year for the people of Fiji. In September that year, five people were beaten up and arrested in Lami after they escaped from prison where they were held on remand.

Two months later in November, 2012 another prisoner, Madam Speaker, was beaten up and sexually assaulted by the police. The military officers were also involved in this incident.

In February, 2013, Madam Speaker, a video was released on *You Tube* showing officials in uniforms and otherwise brutally beating and sexually assaulting a half-naked men at the back of a utility truck.

Madam Speaker, another Fiji citizen, 30 years old. He was severely injured by injuries he sustained during arrest and passed away. It was the 5th birthday of his daughter, this happened in August 2014.

Last year, Madam Speaker, two incidents happened in one month alone in October 18th, 2016. Videos were released in the social media showing these officers beating suspects by the side of the road in Pacific Harbour.

On 24th October, another citizen claimed that he was beaten by the police and left unconscious in Suva. The most sad part of this incident were, as I have said, *coupist, coup* apologists and *coup* makers describing these as isolated incidents and to rub salt in the injury, a statement made by the Honourable Prime Minister himself on these incidents in October 2016 and I quote:

"We have had a culture in Fiji of people resorting to violence and it is against women in the home, instilling discipline in our children or police attempting to extract confessions from criminal suspects. The culture of what we call *buturaki*, the beating is deeply ingrained in parts of the Fijian people". Madam Speaker, I leave it to the people of Fiji to judge and deliver their judgement when we go to Elections in 2018.

Allow me to conclude, Madam Speaker, by making the following statements:

- Fiji is a country whose national life since the Deed of Cession has been built on pillars of respect for parliamentary democracy, human rights, rule of law and good governance. It has made us what we are today as a nation. It is only natural when the ideals and principles of these ingredients of a nation building is withheld by ransom, by people who do not really care for democracy. People who have the courage and brave and those who have a sense of duty and obligation because of their leadership role to question the morality authority of few men to impose their ideas on citizens. The people who were injured or killed were in their course of duty.
- The political culture of Fiji is deeply built upon the foundations of peacebuilding, dialogue, consensus, building, reconciliation and tolerance. We have had political impasse, *coups* and our big and little political warfare's but each time fell short of the culture of cooperation. We rekindled that spirit by way of soul-searching, truth-seeking, honest engagement that has made Fiji a proud nation. Today, we read in the social media where people are saying, "I am proud of my country but ashamed of my government".
- Human Life and the place of truth in human life is based on the ideals and principles of morality. Torture, injuring people and killing them is totally unacceptable. These are laws and the courts to deal with those who break a law or act immorally. If everyone takes law in his or her hand especially those who are paid from the taxpayers of this country, it sets up a very dangerous precedent for younger and future generation.

With those few words, Madam Speaker, I commend this motion to the House for its favourable consideration.

HON. SPEAKER.- Thank you. The motion is up for debate and I invite input from Honourable Members. Honourable Viliame Gavoka.

HON. V.R. GAVOKA.- Madam Speaker, I wish to speak to support the motion before the House today and I believe we have come a long way and yesterday I highlighted in this House about the draconian laws that we need to remove from our midst and we are told by the Honourable Attorney-General that most of them have been removed and that Fiji is beginning to feel free again and the sense of positive development. HON. A. SAYED-KHAIYUM.- Point of Order. Madam Speaker, I did not say "most of them are removed" but I said they are `no draconian laws'.

HON. SPEAKER.- Thank you, would you like to withdraw?

HON. SPEAKER- The Honourable Member did not hear.

HON. A. SAYED-KHAIYUM.- The Honourable Member said that I had said yesterday that I informed Parliament that most of the draconian laws had been removed, but I had said that they were no draconian laws.

HON. SPEAKER.- Thank you, the issue has been clarified.

HON. V.R. GAVOKA.- Thank you. Suggesting that we no longer live under those draconian laws that most believe are still in force today. If indeed we all live in a society with draconian laws, we should take the next step to air our concern, our views, whatever that is deeply embedded in us to bring out in the open and go through a process of cleansing.

I think we all agree that the community has been living in fear for quite some time. Since the event of 2006, fear has been a dominant factor amongst our people and especially the relationship with the security forces. We should not fear our Police Force, we should not fear our Military people, they are there at our pleasure, they are our people who protect the laws of this country and protect the nation. However, unfortunately with the events of December 2006, fear has crept in to our midst and is now fully embedded. We need to purge ourselves from this fear and we need to look at all the process that is available to us to cleanse ourselves from all this.

In the *iTaukei* community we have what we call the *matanigasau*. The *matanigasau* is to present gifts to people you have hurt and say "I am sorry let's move forward together." Virtually removing whatever animosity that was there on a platform that we all know is part of us: A platform of friendliness; of peace coexistence; and especially a platform where we do not have any fear in our midst.

We were a free country, right from the beginning, up to Independence in 1970 but we have had *coups* in between which were regrettable but we have always managed to find a way to forgive, find a way to free ourselves from that and live in a free community and a free society.

I believe we need to purge ourselves from the fear that has been there for quite some time since 2006. I know that we, in this party, when we go out and ask people for their opinion, a lot of them say "yes we agree with you but we cannot give you our names, we might lose this, we might lose that, we might be victimised." This is prevalent in our community and it is still there, no matter what it is.

Even when this Parliament was established, even when we started sitting in 2014, there were still questions, "Do I live in a free country or not"... This is

HON. SPEAKER.- Point of order.

HON. F.S.KOYA.- Madam Speaker, I fear that the Honourable Gavoka has actually steered completely clear of what the motion is. The motion is with reference to the implementation of a Judicial Commission, I think he has gone way off the mark on this one.

HON. SPEAKER.- Thank you, please Honourable Member, if you can note that point of order.

HON. V.R. GAVOKA.- Thank you. I think we have broad latitude to try and discuss this and bring it into the open and justify the setting up of a commission, I guess.

Well certainly, Madam Speaker, I hate to see, to hear our Police people as brutal, I do not want to see our Military people to also be tagged as brutal, but this is what is there in the community and we need to, as I say, purge ourselves from this.

So I think a Judicial Commission on this would enable people to speak freely, come out of what is deeply embedded in them, the fear that is there, that darkness that is there and then bring it out in the open, so that we live as a people freely without any animosity towards each other.

I mean it is not vindictive. We are not talking about people already under Military but it cannot remove what is psychologically there, unless you have a platform like this where you can speak freely and bring out what you have inside you.

It is pretty much like what Nelson Mandela did in South Africa, when he went around holding this kind of meetings and people spoke freely: with tears people hugged each other when they found out that there was really nothing that separated them, but they allowed the policy of apartheid to be part of them.

Now, Mandela realised that to be quite very useful and very pivotal in setting a platform for a new South Africa; Fiji needs to do that. Whether we like it or not, you may not agree with me, people need to speak freely in this country and purge themselves of that fear; that sense of darkness that is within them and I believe this is the way to go about it and I support this motion, Madam Speaker, Thank you.

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HON. SPEAKER.- Thank you. Honourable Attorney-General you have the floor.

HON. A. SAYED-KHAIYUM.- Madam Speaker, I think the only thing that needs to be purged in this Parliament is the lack of direction by the Opposition and their social amnesia that I spoke about yesterday that exists on the other side of Parliament, Madam Speaker.

Madam Speaker, you know before I actually go in to the motion itself, which Honourable Bulitavu has raised, I want to address a couple of issues that has been raised by the other side.

It reminded me when I was listening to the other side of Parliament and Honourable Viam Pillay raised yesterday about when you talked about the farmers and why they were thinking that the Honourable Prime Minister had brought about this great sense of relief for them.

All the issues, apart from all the ones that I had elucidated yesterday was that a lot of the people, even prior to the formulation of the Constitution, had great sense of relief because this is the first time in Fiji's history we actually have a Prime Minister that actually had the audacity to say that everyone is a Fijian. First time...

(Honourable Members interject)

HON. A. SAYED-KHAIYUM.- ... and that was premised on the idea of common and equal citizenry of everyone having equal rights and the law being applied equally to everyone.

(Honourable Member interjects)

HON. A. SAYED-KHAIYUM.- There was one thing, Madam Speaker, a lot of people forget and Honourable Member Prasad and members of his party will actually verify to this is that a lot of people in Fiji felt that they did not have the level of respect and dignity that should be accorded to them as equal citizens of this country. And what they failed to talk about, and not think about, is the events of 1987 and 2000, people left Fiji in droves, they left in droves because they were absolutely no recourse, no morale legal recourse in terms of a lot of their grievances, in the manner in which they were treated; that is what they do not want to address and that is the hard core reality.

This is why when you had the Honourable Prime Minister when he came in 2000 when he offered that to every citizen of this country, many people were actually relieved and that is now being enshrined in our Constitution of the Republic of Fiji, and that is what a lot of people are saying, it actually gives them the impetus of confidence to be

able to participate equally into the market economy of Fiji, into the political landscape of Fiji and the social spaces of Fiji.

Many of things we have discussed about, many social spaces in Fiji, the public social spaces many people were left out of it the fact that we celebrated the 100-year anniversary of the last arrival of *Sutlej*, the day that we celebrated on 14th May, the Museum celebrating the atrocities that the women that went through in the Girmit system, what they went through; the sexual exploitation and the abuse. All of those things that have never been highlighted nor spoken about in public space ever before in that manner, Madam Speaker.

So, Madam Speaker, the maturity of any country depends on one's ability to be able to truly and in a very factual manner and in a very authentic manner discuss what actually happened in your history and to be able to recognize that and to come to terms with it and move forward because that is how you build a better future, and to be able to recognise that; and to come to terms with it; and move forward because that is how you build a better future.

Madam Speaker, the reality is this: when you have a system and that opens up the door on this; when you have a system that is predicated on provincialism; a system that is predicated on ethnicity, it leads to a system, criminal justice system, the legal system to be fundamentally based on that, that is what happens; whether it is the Police Force, whether it is any other agency, that is precisely what will happen in their application of the law.

You can go and talk to the ordinary citizen of this country and what they went through because of that. Today, we have a system that does not discriminate nor any electoral system on that basis and therefore, it filters down in a very positive sense. It creates an atmosphere of true democracy.

What they all harp about is the lack of ability for people to speak about, everyone speaking about what they want to say. They need to get out of their time war, this is now 2014, things have changed, get on with the programme.

Madam Speaker, let me get into the substantive motion now. The Honourable Bulitavu has raised this issue. In fact, Madam Speaker, the Business Committee probably overlooked this but in fact, there was a question that was asked by Honourable Niko Nawaikula (I understand in the February sitting) about the Amnesty International Report and about torture, et cetera, and the Amnesty International Report that talked about the First Hour procedure. And in fact, we had addressed this, but I will reiterate that. Just listening to all the Honourable Members from the other side on the previous intervention kind of reminded me of Albert Einstein's definition of insanity. He said "Insanity is like doing the same thing over and over again and expecting different results."

Madam Speaker, the fact of the matter is, that the only person that does come out of public official and actually admitted and spoken about the culture *buturaki* is the Honourable Prime Minister. When we have that....

(Chorus of interjections)

HON. A. SAYED-KHAIYUM.- Yes, you have copied me my friend. He addressed this gathering when the UN actually organised a forum at Natadola when they brought across all these people from the other Pacific Island countries, to see how to ratify UNCAT, which Fiji has already ratified. No other Government in Fiji has ever ratified UNCAT, it was there before, why did they not ratify UNCAT? In the same way, no other government ratified UNCAC (Convention Against Corruption) this Government did it.

So realities, Madam Speaker, that the Honourable Prime Minister has publicly stated and as many other agencies have stated, including the Commissioner of Police, there is no State sanction policy on torture in Fiji. There is absolutely none.

Torture actually occurs also in USA, in Australia, in New Zealand and various other countries in various times. It has happened, if you read up all the Human Rights Reports, you will see that from time to time it has happened. The famous incidents of the Aboriginal death in custody for say, even until today in various other places, it happens both as the Honourable Member, I agree with him, he also gave us history lesson on various other aspects of torture and public societies, it happens in democratic societies, it happens in autocratic societies, accept that.

The reality, Madam Speaker, is how do we deal with it? Are there redress mechanisms? Are there preventative measures put in place in those agencies to ensure that it does not happen? That is what we should be talking about.

Madam Speaker, Honourable Bulitavu in fact elucidated all the facts pertaining to this particular topic, then he would have identified that the Government has highlighted in this Parliament and highlighted outside this Parliament that we are now working with the Scotland Yard of the London Metropolitan Police, First Hour Procedure, training and up-skilling our people. It is already been stated that lawyers should go and actually give their services, I hope the Honourable Bulitavu is doing those, so if he so interested in that. I hope these law students will also offer their services. We need lawyers to go in there, essentially to represent people. The First Hour, as they actually say, Madam Speaker, is when the Police comes an arrest you, when they question you. This is apparently, as all studies have shown, this is where, if any breaches can take place actually does take place.

We have already implemented that policy. We now have pilot programmes on video recording in terms of the interviews, Madam Speaker. This is what we should be talking about, how we can improve the system. Yes, some of the incidences that Honourable Bulitavu highlighted did take place but what he did not highlight that some of these people have actually been charged. They have been charged in the court of law. If they had not been charged, then you can say that something is wrong with the system. They have been charged, they have been prosecuted and they have been sentenced.

(Honourable Members interject)

Madam Speaker, and as we all know, what do you mean by main culprit?

HON. OPPOSITION MEMBER.- (Inaudible)

HON. A. SAYED-KHAIYUM.- What main culprit?

(Laughter)

HON. A. SAYED-KHAIYUM.- Please, I will stand down, please inform me.

HON. SPEAKER.- Whoever said that?

HON. A. SAYED-KHAIYUM.- Honourable Vadei said it.

HON. SPEAKER.- If you are not able to clarify, would you like to withdraw that statement?

HON. A.T. VADEI.- I withdraw the statement.

(Laughter)

HON. GOVERNMENT MEMBER.- Shame.
HON. SPEAKER.- I would appreciate Honourable Members not to say things only to withdraw. You know that it is not right, it is unparliamentarily to bring up such statements, please refrain from doing it. Thank you. Honourable Attorney-General.

HON. A. SAYED-KHAIYUM.- Madam Speaker, the fact of the matter is, sometimes, yes, you can have individual people who can abuse the powers given to them but there is no State sanction policy on that.

Let me also inform this House, Madam Speaker, our Fijian Constitution, Section 11, unequivocally states:

- (1) "Every person has the right to freedom from torture of any kind, whether physical, mental or emotional, from cruel, inhumane, degrading or disproportionately severe treatment or punishment.
- (2) Every person has the right to security of a person, which includes the right to be free from any form of violence from any source at home, school, work or in any other place."

It is a very wide definition and a very wide application in terms of the location of where the torture can take place or cruel or degrading treatment.

The previous Constitution did not have such provisions, it is very wide, it also recognises, Madam Speaker, torture is not only physical, it is also emotional, it is really a very wide provision.

So, Madam Speaker, this provision allows individual citizens of this country, allows their legal representatives to seek recourse should this occur. It also means that the Human Rights Commission has a duty to ensure, to create an awareness about these provisions so it does not occur in the first place. The preventative measures, not just curing, but preventative measures, Madam Speaker.

Madam Speaker, also the Crime Act of 2009 has a provision related to torture and Section 87 of the Act states " a person commit an indictable offence by:

- (a) inflicts severe physical or mental pain or suffering upon one or more persons who are in the custody or under the control of the perpetrator; and
- (b) the pain or suffering does not arise only from, and is not inherit in or incidental to, lawful sanctions; and

(c) the perpetrator's conduct is committed intentionally or knowingly as part of a widespread or systematic attack directed against a civilian population."

Madam Speaker, if the Honourable Member did look at the website of the Office of the Director of Public Prosecutions, which is an independent body, I do not want to highlight all those specific provisions of the DPP, but I refer the Honourable Members of this Parliament to Section 117(8) which talks about the powers of the DPP, Madam Speaker. If you went to the website, Madam Speaker, you will see in the websites some facts and figures:

- On February 2017, it says, there were 60 people charged with the total of 43 separate incidences in February. Of the 60 people charged, include 11 Police Officers of these 11, one Police Officer has been charged with "Theft of a Laptop", while 10 Police Officers have been charged with "Assault Causing Actual Bodily Harm."
- On March 2017, there were 50 people charged with a total of 43 separate incidents in March. The 50 people charged include four police officers, of these four one former police constable has been charged with one count of "Perverting the Cause of Justice", one police officer has been charged with "Assault Causing Actual Bodily Harm" and one police officer has been charged with "Making a False Representation in relation to *TC Winston* assistance" while another police officer has been charged with one count of "Theft of \$14,000".

Madam Speaker, we have these figures available. In the very famous now wellknown case on 11th November 2016, the High Court convicted eight former police officers and a military officer on all charges in relation to rape and sexual assault. The very famous <u>State vs Manasa Telala and Others -</u> criminal case. The recent judgment, coupled with the fact that since February 2017, 11 police officers have been charged with "Assault Causing Actual Bodily Harm" clearly shows that laws and our legal system is working and indeed, that the law is not being applied selectively because this is what this motion is trying to imply, that somehow or the other that the law is not being applied. Somehow or the other, therefore, we should have a Commission of Inquiry.

Madam Speaker, even the Commissioner of Police has come out openly and said; "We will actually discipline these officers and any officer who conducts such behaviour."

Madam Speaker, it also is now a well-known fact that should it be proven in a court of law, Honourable Bulitavu, is a practising lawyer, he would know that your evidence can be thrown out. Your confessions can be thrown out if those evidence is

adduced because of some form of external pressure being put on the person who is being interviewed. Obviously, the Police want their cases to succeed but if their evidence would be thrown out because of the fact of a supposed brutality, they are not going to do that. This is why the Police is actually working with the Honourable Chief Justice to ensure there is video recordings, to ensure that proper procedures are actually being adhered to, the First Hour Procedures are also being adhered to, Madam Speaker.

Madam Speaker, as I had mentioned, Section 13 of the Fijian Constitution also highlights, and I quote:

"Every person who is arrested or detained has the right –

- (a) to be informed promptly, in a language that he or she understands, of -
 - (i) the reason for the arrest or detention and the nature of any charge that may be brought against that person;
 - (ii) the right to remain silent; and
 - (iii) the consequences of not remaining silent;
- (b) to remain silent;
- (c) to communicate with a legal practitioner..."

All of these provisions are put in place, Madam Speaker, and again because of the fact that we have now ratified UNCAT, the Legal Aid Commission embarked on a pilot programme for the First Hour Procedure, in collaboration with the Fiji Police Force.

The First Hour Procedure, Madam Speaker, ensures the provision of counsel to every suspect in the police station within an hour of arrest, with the protocol guiding the conduct of both, police and lawyers in relation to the implementation of this right. The initial period of this First House Procedure is from 1st November, 2016 to April 2017. I do not necessarily want to go into all the details regarding what the First Hour Procedure involves, the Honourable Member, knows that and we, of course, want to reduce and the courts want to reduce the *voir dire* applications that we have, the *voir dire* hearings that we do have.

Now, we have started also, Madam Speaker, in select police stations, recording interviews of arrested and detained persons, as I highlighted earlier on besides providing counselling, we are also dealing with Scotland Yard and the British Government. I would like to publically acknowledge, Madam Speaker, the British Government for coming forward and helping us with this. In fact, the Australians and Kiwis were not forthcoming and the British actually were the first ones to come forward, and we accepted that and we actually recognised them. Scotland Yard, of course, has a very good reputation. In fact, I met one of the facilitators, who was very, very delighted to be here and, of course, with the connection that we have had with Britain, they are very keen to be here and to help us to get out of this situation.

Madam Speaker, the issue that we have, of course, is that the Government has a number of systems in place, the law has a number of systems in place, to have a Commission of Inquiry as this states to inquire into the cases of brutality, we submit that these matters that have been brought or any case of brutality are dealt with independently and, in fact, even prior to that, we do not want cases of brutality.

We also have to recognise the fact that at times, many Honourable Members would know and many law offices would also understand when you are actually going out and sometimes skirmishes between the persons who are needed to be arrested and those who are the arresters, of course skirmishes can also take place and that has also happened in the past but regarding brutality itself, Madam Speaker, we, as a Government, are committed to ensuring that the specific provisions of the Constitution will be adhered to.

We have the Fiji Human Rights and the Anti-Discrimination Commission that has been resourced well, they are actually carrying out a number of training courses, and they are liaising with the Fiji Police Force. In fact, they are also liaising with the Fiji Corrections Service because they also need to look at how prisoners are treated and they also have constant meetings with the Fiji Corrections Services and go and visit people should there be any complaints. We also have an independent functioning DDP's Office that carries out its own investigation and, indeed, carries out its own laying of charges.

Madam Speaker, we believe that this Commission of Inquiry is, in fact, unnecessary. We already have a system in place. What we all should be doing, including lawyers and others, need to actually commit to the system. The legal provisions are there, and as demonstrated by Honourable Bulitavu in his statement, those countries sometimes with the best of laws will have cases of brutality because you have one or two people going renegade.

If they have done that and the idea is to remove the incidents of that, if one or two have done that, then the question that we need to ask; is there a proper redress mechanism? Does the system actually allows for independent investigation? Does the system allow for independent prosecution? And what we submit, Madam Speaker, is that, it does. What we also do submit, Madam Speaker, is that Government has recognised that there has been problems. We have to address that, Madam Speaker. I can highlight many cases of brutality post-1987. Honourable Professor Prasad would know individual members, academics from USP who were picked up and taken to Colo-i-Suva, the famous case of Professor Anirudh Singh. I can tell many incidences of what happened in 1987, I have many incidences of what happened in post-2000, many things, but they, of course, do not talk about that. But what we are saying; "Yes, it happened then, it happened in 2000. Yes, incidents have happened post-5th December, 2006, but the issue is; what are we doing now to address it? Let us work together to make this system work because now it has the legal provisions.

We are fully armed with the legal provisions, let us all work together to make it work. Let us create that community awareness and let us not obfuscate the issues, where we talk about this fear of oppression, et cetera, but none of that exists. It is only in their minds. It is a political ploy. Absolutely, Madam Speaker, it is a fact!

You talk to the young people today, Madam Speaker, they will tell you that they have more freedom today than ever before. The ability to elucidate on issues and subject matters, they we not able to elucidate before, they can do that now. Thank you, Madam Speaker.

HON. SPEAKER.- I now give the floor to the Honourable Nawaikula.

HON. N. NAWAIKULA.- Madam Speaker, truly, there are people out there who feel that when the right time comes, some of us here would be sitting next to George Speight and they say that exactly because of the Constitution. The Honourable Attorney-General wants us all to feel that we have accepted the Constitution. No! No! No! And I wanted to say this for the record, that the juries are still out there, for many reasons.

There is a decision by the Court of Appeal that still says that the 1997 Constitution is still paramount and the Constitution ultimately depends on the will of the people. And if you want to test that, you get out here, let some other people come here and they will decide for themselves whether to throw this Constitution out or what. So it is wrong for us to say and we are thankful to him for trying to legitimise his position, his Government upon this population. That will never, never happen, not in my life time, not ever!

This motion here is trying at its best to remove that, to take that away, to bring us together, to bring us to a closure, so that we can forgive them. That is the reason for this. That primarily is the reason for this because we have to face our own devils, we have to do that, in which case we have to go back and talk to the 13 CRW people who were killed, we have to listen to the anger of their families, to the anger of their children, to the anger of their wives and we have to face it. We have to face Rabaka and his

family, we have to face the women who were removed and taken up to the military barracks. They have to come forward, they have to shed their tears, they have to shed their fears and we have to face it, Madam Speaker, and this is what this motion is asking for. We have to bring a closure to this because otherwise, it will go on and on and on.

Worse of all, Madam Speaker, the Honourable Attorney-General talked about social amnesia and he asked; are we happy with the 2013 Constitution? We are not happy! We are not happy!

HON. A. SAYED-KHAIYUM.- You're not!

HON. N. NAWAIKULA.- This is a document that has been imposed on us. This is a document that is imposed on us, Madam Speaker.

HON. A. SAYED-KHAIYUM.- Point of order!

HON. N. NAWAIKULA .- No, you sit down!

HON. A. SAYED-KHAIYUM.- Madam Speaker, a point of order!

HON. SPEAKER.- Point of order!

HON. A. SAYED-KHAIYUM.- Madam Speaker, the point of order is that the Honourable Nawaikula has said that I asked; "Are we happy with the 2013 Constitution?" I never asked that question, Madam Speaker.

HON. SPEAKER.- Thank you.

HON. N. NAWAIKULA.- Then, Madam Speaker, he said provincialism leads to injustice, no, no, no. What this Government is trying to say, what the two people in this Government is trying to do is to decimate the cultural identity of a people, that is what they are doing. They are trying to remove our cultural manifestation. They are trying to steal our cultural identity and they are trying to impose their will firstly on Honourable Members on that side and on the whole nation, only two people. This is the view of only two people in this country, none of those people will agree with you.

(Chorus of interjections)

HON. F.S. KOYA.- Point of order, Madam Speaker.

HON. SPEAKER.- Point of order.

HON. F.S. KOYA.- I think that is rather a serious insinuation that there are only two people doing this, that is completely wrong and I think he should retract that. Our view is that we are one, Madam Speaker, we do not just rely on two people.

HON. N. NAWAIKULA.- (inaudible)

HON. SPEAKER.- Thank you.

HON. F.S. KOYA.- (inaudible)... Madam Speaker, to the intelligence of these people in the House.

(Chorus of interjections)

HON. SPEAKER.- Honourable Nawaikula, I want you to withdraw.

HON. N. NAWAIKULA.- I withdraw but...

(Chorus of interjections)

HON. SPEAKER.- Order! You withdraw unreservedly, the statement that you made indicating two people.

HON. N. NAWAIKULA.- I withdraw it.

HON. SPEAKER.- That is the statement.

HON. N. NAWAIKULA.- We must know. This House must know...

HON. SPEAKER.- Withdraw!

HON. N. NAWAIKULA.- I withdraw.

HON. MEMBER.- Loudly!

HON. N. NAWAIKULA.- I withdraw it, but moving on, Madam Speaker...

HON. SPEAKER.- No buts.

HON. N. NAWAIKULA.- ... moving on, Madam Speaker...

HON. SPEAKER.- Yes, but no buts. Withdraw and continue.

HON. N. NAWAIKULA.- ... we must know and this world must know that what your side is trying to do is decimate the cultural identity of a people. And I tell you, I have been to Geneva and I have been to New York, and that is the common view ...

HON. SPEAKER.- Order! You had withdrawn the statement and yet, the statement you made, although you are generalising, everyone knows that you are really targeting the same two people. So, please stop.

HON. N. NAWAIKULA.- Madam Speaker, I withdrew the statement made with reference to those two people and I have moved on from there.

HON. SPEAKER.- Yes, I know but the statement after that, everyone knows that you are actually referring to the two people. So, stop referring to Honourable Members decimating the cultural identity, that was the statement that you withdrew.

HON. N. NAWAIKULA.- The point I wish to say is that, we have a right to our cultural autonomy. We must know that, we have a right to be consulted. We must know that, and we were not consulted when they removed Section 185 from the previous Constitution which require previous consultation for us, the indigenous people, before you do anything - pass any law, do any policy that affects our rights, and that is what they have done.

(Hon. Government Member interjects)

HON. N. NAWAIKULA.- No, I am not finished! Probably it hurts you, and we expected you as an indigenous person a lot more.

HON. SPEAKER.- Order!

(Chorus of interjections)

HON. SPEAKER.- Order! Please, address the Speaker.

(Hon. Government Member interjects)

HON. N. NAWAIKULA.- Yes, but do not interject because this affects you too.

HON. SPEAKER.- Order! Please, address the Speaker.

HON. N. NAWAIKULA.-Maybe not you but your children. You should think of them.

HON. A. SAYED-KHAIYUM.- Get real!

HON. S.B. VUNIVALU.- Madam Speaker, Point of Order.

HON. SPEAKER.- Point of order. HON. S.B. VUNIVALU.- The Honourable Member is not mentioning the name.

HON. P.B. KUMAR.- Don't worry about that Member!

HON. S.B. VUNIVALU.- And I would like to know...

HON. OPPOSITION MEMBER.- He's already withdrawn.

HON. S.B. VUNIVALU.- ... why he is mentioning in this august House that only two people.

(Chorus of interjections)

HON. SPEAKER.- Order, order!

HON. S.B. VUNIVALU.- I know it.

(Chorus of interjections)

HON. SPEAKER.- Order, order! The issue that you are saying really does not qualify under the point of order process. Honourable Niko Nawaikula, please continue.

HON. N. NAWAIKULA.- They passed a law, a decree, to take away from us our right to manage our native land and it is still there.

(Hon. Opposition Members interject)

HON. N. NAWAIKULA.- It is still there.

HON. A. SAYED-KHAIYUM.- Point of Order, Madam Speaker.

HON. SPEAKER.- Point of order?

HON. A. SAYED-KHAIYUM.- That is ultimately and absolutely false. That is false.

The *iTaukei* landowners, the individual landowning members of those units have absolute power of their rights in terms of ownership and this Constitution, Madam

Speaker, guarantees it. He cannot simply stand up and say whatever he likes, even though it is actually not the truth. Legally, he is incorrect, and he is trying to use this opportunity to weep up ethnic division, trying to create discord.

(Hon. Opposition Member interjects)

HON. A. SAYED-KHAIYUM.- Yes, he is!

This, Madam Speaker, motion regarding a Judicial Commission of Inquiry into the cases of brutality has now gone into a constitutional argument, has now gone into ethnic representation, has now gone into indigenous rights and now into reconciliation.

(Hon. Opposition Member interjects)

HON. A. SAYED-KHAIYUM.- And based on that, Madam Speaker, because of a false legal representation, I know Honourable Nawaikula's acumen is not exactly very good when it comes to legal matters, but it does not give him the ability, Madam Speaker, to lie about what is contained in the Constitution.

HON. N. NAWAIKULA.- A point of order, Madam Speaker.

HON. A. SAYED-KHAIYUM.- I think, Madam Speaker, based on that, he should withdraw that.

HON. SPEAKER.- Honourable Member, please withdraw the statement.

HON. N. NAWAIKULA.- Let me explain.

HON. SPEAKER.- Withdraw the statement.

HON. N. NAWAIKULA.- Which statement, Madam Speaker?

HON. SPEAKER.- The statement where you referred to the Constitution.

HON. A. SAYED-KHAIYUM.- (inaudible)

HON. N. NAWAIKULA.- Which statement?

HON. A. SAYED-KHAIYUM.- The statement that you stated that indigenous landowners do not have any control over their land anymore.

HON. N. NAWAIKULA.- Cultural management, you do not know.

HON. A. SAYED-KHAIYUM.- Sorry?

HON. N. NAWAIKULA.- They do not have...

HON. A. SAYED-KHAIYUM.- He did not say management!

HON. N. NAWAIKULA.- ... control.

HON. SAYED-KHAIYUM.- He did not say management. Now he is changing it!

HON. N. NAWAIKULA.- They do not have control or for the management of everything they have.

HON. A. SAYED-KHAIYUM.- Now, he is changing it!

HON. N. NAWAIKULA.- No!

HON. A. SAYED-KHAIYUM.- He said they have no control over their land....

HON. N. NAWAIKULA.- ... the law.

HON. A. SAYED-KHAIYUM.- Now, he is saying management.

HON. N. NAWAIKULA.- You do not know because you do not go to court, that is the difference.

HON. SPEAKER.- Order!

(Laughter)

HON. SPEAKER.- Order!

(Chorus of interjections)

HON. SPEAKER.- Please, withdraw that statement.

HON. N. NAWAIKULA.- Which statement, Madam Speaker?

HON. SPEAKER.- The statement that you are referring to the Constitution, that is not factual. We want facts to be stated in Parliament.

HON. N. NAWAIKULA.- I will withdraw that.

HON. SPEAKER.- Thank you.

HON. N. NAWAIKULA .- Then they passed another law to take away our name...

HON. GOVERNMENT MEMBER.- Which law?

HON. N. NAWAIKULA.- ... so that we can now call ourselves 'Fijian'.

HON. A. SAYED-KHAIYUM.- Madam Speaker, a point of order.

HON. SPEAKER.- Point of order?

HON. A. SAYED-KHAIYUM.- Madam Speaker, no one has taken away anyone's name. The word 'Fijian' which he is referring to, refers to the citizenship of anyone who is the citizen of this country who can be called a Fijian. No one has taken away anyone's name.

Madam Speaker, unfortunately, this is now spiralling into a particular completely new area.

HON. N. NAWAIKULA.- What is your point of order?

HON. A. SAYED-KHAIYUM.- Madam Speaker, the point of order.

HON. SPEAKER.- Actually, he is making a very important clarification on the statement that you have made and I am allowing that.

HON. A. SAYED-KHAIYUM.- Madam Speaker, the point of order...

HON. N. NAWAIKULA.- What's your point of order?

HON. A. SAYED-KHAIYUM.- ... is that no one has taken anyone's name, nor did he from what he is implying, was there any proprietary rights over those names? And it is legally correct to say that anyone who is a citizen of a country will actually have the name of their country. The indigenous people have not been denied from being called '*iTaukei*'.

(Chorus of interjections)

HON. SPEAKER.- Thank you.

HON. A. SAYED-KHAIYUM.- That is the main name for them, Madam Speaker.

HON. N. NAWAIKULA.- Do you know how to speak our language?

HON. A. SAYED-KHAIYUM.- Madam Speaker, I know more than what you may know my friend. I know more than what you may know.

You see, Madam Speaker, what it has actually deteriorated into, is this personalisation.

HON. N. NAWAIKULA.- No!

HON. A. SAYED-KHAIYUM.- So, he comes up with; "you do not go to court, you do not know our language, you are not our ethnicity, you are not from our province", therefore, you cannot speak. Is this the narrow minded perspective of these people who are supposed to run a 21st modern century country?

HON. GOVERNMENT MEMBER.- Very poor!

HON. A. SAYED-KHAIYUM.- Madam Speaker, it has deteriorated into a situation now where he is making all sorts of claims, all sorts of allegations, and I want him to withdraw the fact through you, Madam Speaker, that we have taken away anyone's name which is not factually correct.

HON. SPEAKER.- Thank you. The point of order really is the fact that has been mentioned today based on the Constitution. I would like you to withdraw what you had said because it really is not true, based on the Constitution. I will only allow you to continue if you withdraw.

HON. N. NAWAIKULA.- I withdraw it.

HON. SPEAKER.- Thank you.

HON. N. NAWAIKULA.- Then they passed another law to take away...

HON. A. SAYED-KHAIYUM.- Awh, here we go again.

HON. N. NAWAIKULA.- Yes, you listen. You listen!

HON. J. USAMATE.- I'm listening!

HON. N. NAWAIKULA.- Yes, you better listen because I am not even sure whether you are indigenous.

HON. GOVERNMENT MEMBERS.- Awh!

HON. SPEAKER.- Thank you.

Honourable Members, the whole debate is getting out of hand, we are running out of time as well. I will now give the floor to the Honourable Bulitavu to make his right of reply. In that case, we will reduce your time, you accept that? I am asking Honourable Bulitavu.

HON. M.D. BULITAVU.- Very well, Madam.

HON. SPEAKER.- Thank you. Therefore, I now give the floor to the Honourable Professor Biman Prasad.

HON. J. USAMATE.- Madam Speaker, can I speak? I have been accused of not being an indigenous.

HON. GOVERNMENT MEMBERS.- Yes!

HON. J. USAMATE.- I mean, for me, that is an offensive issue.

HON. SPEAKER.- Could you withdraw that?

HON. N. NAWAIKULA.- I withdraw it, so that we can move on.

HON. GOVERNMENT MEMBERS.- Awh!

HON. N. NAWAIKULA.- Madam Speaker, I withdraw it but unreservedly.

(Hon. Government Members interject)

HON. SPEAKER.- Please, can you just repeat that withdrawal.

HON. N. NAWAIKULA.- I withdraw it unreservedly and I apologise to you my friend.

HON. SPEAKER.- Thank you.

Honourable Professor Biman Prasad, you have the floor.

HON. PROF. B.C. PRASAD.- Madam Speaker, if I can get back to the actual motion before the House; the National Federation Party, in our March Sitting wanted to move a motion for the establishment of a Special Committee of Parliament to independently investigate cases of alleged Police brutality and by various breaches of human rights because the current procedures for an investigation, in our view, may have been compromised. So, with this motion by Honourable Bulitavu, we want to support that.

I want to raise the issue of the redress mechanisms. I agree with the Honourable Attorney-General that there are redress mechanisms. Madam Speaker, having redress mechanisms does not necessarily mean that there are no cases of Police or Military brutality. We have received many complaints over the last several months and this, I am about talking recent cases. We can go back into history, we can go back to 1987, 2000 and 2006. We know a lot of things happened at that time, Madam Speaker, but I want to confine myself with the recent cases of abuse and brutality.

In that sense, Madam Speaker, having a Judicial Commission of Inquiry is not necessarily a bad thing, it is not about a witch-hunt. I think what will come out of a Judicial Commission of Inquiry is really an opportunity for everyone, not only the State institutions, but the people who were affected and those who probably do not have much understanding of the redress mechanism.

I think ordinary people out there do not necessarily have all the understanding of the laws, mechanisms, processes and the procedures because, Madam Speaker, when they come to us and just last week, a person from Nadi came and actually felt emotionally traumatised because he kept going to the Police, the Police kept telling him; "This is not what we are dealing with" or "we will come and deal with this on a particular day". So really, I mean, the Honourable Attorney-General is right that they are not only physical abuses or brutality but there are emotional brutality in terms of what people get as a redress from the police or other State institutions.

So, really in this particular case, if we did have a Judicial Commission of Inquiry, I think it will allow both, the Police, the Military and other State institutions as well as the people to actually get together to understand where the pitfalls might be. I know there are things that are being put in place, for example, video recording of interviews, but this is going to be more helpful, Madam Speaker.

I think in terms of getting the people, the whole country to understand what is there because I think what has happened over the last so many years is that, people have actually lost confidence in the system. I think that is also important for us to understand. The laws might be there, the Constitution is there, but the confidence that people actually have in the system, in the institutions, those who work for those institutions or those who are charged with the responsibility of delivering that justice, people need to have confidence in them as well. That, Madam Speaker, I think can be brought out very clearly in terms of having this inquiry.

The other issue, Madam Speaker, is officers working for the DPP, for the Police and other State agencies. When they deal with these, they get traumatised so they need assistance, they need counselling, they need to understand how the redress mechanisms are being applied and whether they would be able to deal with those.

Madam Speaker, in terms of the motivation for the motion, I do not see any problems. I do not necessarily agree with a lot of things that has been said but in terms of the motion itself, I think a Judicial Commission of Inquiry into the cases of brutality by both, the Police and the Military can bring out important areas for improvement. It can create that confidence in the people, in the citizens of the country, that there are mechanisms and provisions in the Constitution, there are State institutions that they can go to, and the inquiry itself could bring out and be helpful to all sides because it will bring out very clearly what has happened in the past, what is happening currently, and what could be done to improve the situation for the future.

So, from that point of view, Madam Speaker, I would urge the Government to support the motion and have a Judicial Commission of Inquiry to bring out a positive way forward for the future. I think that would be very, very useful, Madam Speaker. Thank you.

HON. SPEAKER.- Thank you, Honourable Samuela Vunivalu.

HON. S.B. VUNIVALU.- Madam Speaker, I also want to say a few comments on this in contributing to the motion. Today, the Police Force as a whole are listening. As a former policeman, they are being trained on what to investigate. There are sections in the Police Force

(Honourable Member interjects)

HON. SPEAKER.- Order! There seems to be a lot of conversation in the House so, we are not able to hear what is being said. Please, let us hear out Honourable Vunivalu.

HON. S.B. VUNIVALU.- Madam Speaker, one thing that has been forgotten by the Opposition are the true victims of certain cases that had been reported to the Police. The victims of rape, break-ins and other criminal offences which are being reported to Police and later the accused run away. This is a major cause of this. I am not going to take long, Madam Speaker. In every court of law, I think Section 14(2)(b) states "... until proven guilty". Madam Speaker, one thing they do not realise is that after the judgment in a court of law, there are lawyers there, the prosecutors, the accused and the witnesses. After the judgment has been given, they will be given 14 days to appeal and all those necessary things have been done, and they appeal. Some will be increased for further years in prison and some acquitted.

What has been said by the Honourable Bulitavu, Madam Speaker, those are serious offences committed. All those offences, as already mentioned by the Acting Prime Minister, have been lodged in police stations. There are report books there and been dealt with, either with CID or whichever section that deals with that certain offence.

It is not an easy task for the Police who is investigating the case. It does not take one day, Madam Speaker. They work 24 hours for an offender to be arrested, charged and taken to court. We have to look for witnesses and evidence in order to have a case for the offender to be charged and dealt with in court, and this has already been done. An appeal has been done.

Madam Speaker, the court is there. All judges cannot be challenged in accordance to court of law. They have completed the cases. I know that there are offences been committed but the accused have been charged as well. So, Madam Speaker, I do not think we should appoint another Commission of Inquiry and I do not support this motion. Thank you, Madam Speaker.

HON. SPEAKER.- Thank you. I give the floor to the Honourable Jiosefa Dulakiverata.

HON. J. DULAKIVERATA.- Madam Speaker, I would like to pay tribute to our colonial masters, our pioneer politicians which we can truly despite as Statesmen.

Over the years, Madam Speaker, unfortunately, we have had, what we had and some are not palatable at all and that is why we have this motion before the House. I would like to repeat some of the things that had been said by my colleagues.

I think early last year, Madam Speaker, I had already recommended to this House that after what had happened previously, that we should have a Truth and Reconciliation Commission because to move forward, we need to look into these issues. As Honourable Niko Nawaikula had said, people are still out there, who are still hurt, they need to be heard, and they need to come out with all these things. So the Truth and Reconciliation Commission is a way to address all these issues. We cannot move forward, if we have all these things lingering over our heads. I believe what the Honourable Leader of the National Federation Party had said, even though we have a Constitution, we have a legal system, we have the Police, the Military and we have the Corrections Services, but whether all these issues had been fully addressed. I think that is one of the reason why the Honourable Member had brought in this motion.

I also agree with what the Honourable Acting Prime Minister had said that there may be inadequate legislation to address all these issues. For that, Madam Speaker, because this motion will only be a one-time solution to address some of the pending issues that is affecting our country, I think there should be a Police Complaints Authority which should independently investigate and address these issues rather than the Police or the Military doing the internal investigations.

In New Zealand, Madam Speaker, they have the New Zealand Police Complaints Authority, so as in Australia, the Australia Police Complaints Authority and also in England where they have the Crown Entities Act 2004. It is independent, making its decision entirely independently of the Police and the Government. This is what we should have.

Madam Speaker, when the Police and the Military do their internal investigations, it always takes a long time and in the end, some of the witnesses would have died before the end of the investigation. As we all know that justice delayed is justice denied.

I think, Madam Speaker, that it is important to look into the development of this legislation to address this issue, to relieve all internal investigations and to make sure that these authorities are given the power to fully investigate all the complaints against the Security Forces.

With that, Madam Speaker, I fully support the motion before the House.

HON. SPEAKER.- Thank you. I now give the floor to the Honourable Semesa Karavaki.

HON. S.D. KARAVAKI.- I acknowledge, Madam Speaker, that there is a very good provision we have in the Constitution of the Republic of Fiji by way of Section 11 which refers to the prevention of torture. But I must also acknowledge that here in Fiji, we have a culture of torture that already existed in the work of the security officers. The question is; how can we, as a nation, translate what is within the Constitution to be reflected in the work of the security officers? That is the challenge, and that is the issue, Madam Speaker.

At the moment, while we have this provision in the Constitution, we hear of stories about a few men walking home from Lautoka, picked up by the Police, taken to the Police Station and beaten up, for no reason at all. That is sad because we have in the Constitution a provision that says that, that should not happen but it is happening. And we ask the question; how can we bring reform into the work of the security officers so that the provision in the Constitution truly reflects the work that they do? That is the ultimate desire that we have as a nation.

Madam Speaker, where there is a culture that is already in place, it is not easy to address that culture or change it by just cutting the branches, we have to go to the root of it. When we go to the root of it, Madam Speaker, there must be discussions, there must be identifications of what are the issues or factors that need to be corrected. We cannot continue saying that there are those who have already been taken to court and they had been penalised because of what they did, that will not address it, Madam Speaker. It will not. Torture will continue to go forward, every day that they do their work. As a deterrence, that is not sufficient, we must find the root cause of this and address that problem. That is the reason why this motion is being brought to this House, the purpose of finding the root causes of this and correct it.

HON. A. SAYED-KHAIYUM.- 1987!

HON. S.D. KARAVAKI.- It is not even 1987, this had already existed before 1987!

HON. A. SAYED-KHAIYUM.- It can be institutionalised.

HON. S.D. KARAVAKI.- But the root cause is there, we cannot institutionalise these things to eradicate it. No, we cannot! This involves a lot of factors that need to be identified. Maybe, the review of the Police Act which contains the processes of dealing internally with disciplinary matters. There are a lot of issues involved and we cannot sit down and say that the Constitution is here, it has to be done at the workplace. No! It is not simple as that.

I went to a boarding school, Madam Speaker; there is a culture of bullying in there. It still exists - Queen Victoria School (QVS), Ratu Kadavulevu School (RKS). Before I came to Marist, I was at QVS and RKS. There is a culture in there that still exists now, and it is very difficult to address it because there is no proper inquiry to be done about it, so that they can look at it and know what to be done.

(Honourable Members interject)

HON. S.D. KARAVAKI.- You will not finish that culture.

Madam Speaker, I believe that the Government should reconsider its position in this matter and support this because this is going to be the nation altogether moving forward as one. This is the desire of this motion, and unfortunately if we, in this House, look at this motion as something that we can just make into point scoring at the peril of the citizens of this nation, it is so sad, Madam Speaker.

I believe that there are a lot of issues to be looked at because it is the welfare of the citizens in this country that is at stake. I say this, Madam Speaker, I was subjected to an issue, I was looking for my boy and I could not find him. That was during one of the days in the last sitting when I had to leave this august House to go and look for him and he was actually at the Police Station. He was actually beaten up running on the road and because he did not answer the questions, he ended up in the cell and beaten up.

These are the issues that we have to look at. It is serious! It is serious Madam Speaker, and I hope that the Government can look at that because the basis of putting into place an inquiry is there for the welfare of the citizens of this nations. That is the basis. Is it in the Commission of Inquiry yet?

If the Government and the President believes that this is in the interest and the welfare of the citizens of this nation, then there should not be any obstacles at all. No opposition of going forward, and move together as one, trying to get rid of this, once and for all so that we can become a united nation, a united people. Thank you, Madam Speaker.

HON. SPEAKER.- Thank you. Honourable Minister for Labour?

HON. J. USAMATE.- Madam Speaker, I think this has been a very interesting debate. It is a pity that the debate has tended to deviate from what the topic of the debate is which is the issue of the Commission of Inquiry. If I think about this, I think none of us likes to see people getting hurt. There is no one in this House or no one in this country that condones or encourages torture, brutality or anything for that matter. There is no one in Fiji that wants that. I am sure that is also true for us in this House and is true for those outside of this House. But I also believe that if we are going to look into this issue of brutality, we have to look at it in very general terms and looking back at our history. Unfortunately, whenever we start talking about brutality and all of these things, we tend to look at it by just focusing on one segment of the community or so.

If you look back at the history of brutality, it is something that has been part of our history for a very long time. It has been part of our history before the colonial masters came in, it has been since that time and a lot of the issues that lead to this brutality comes from the issue of separation of different communities. It has been part of that divide and rule mentality that the British brought into our country where our *iTaukei* people were expected to remain in our villages with their own little regulations, to observe their own rules and regulations while the other communities were kept apart and because we had this failure to be able to understand the cultures and what was important to different people, we kept this amongst ourselves and we still see it today.

I believe that ultimately the kind of messages that we have in the Constitution which calls for us all to be united and for us to see ourselves as one country, is the heart of stopping this idea of seeing ourselves continuously as victims. In this country, we like to see ourselves as victims. Everyone sees themselves as a victim. We, the *iTaukei*, when we talk amongst ourselves, we like to see ourselves as victims. All the other communities tend to see themselves as victims and in a way, we are all true, we are all victims in some way or the other. But ultimately the way forward is to see ourselves as one and that is what this Constitution does.

The Honourable Nawaikula talked about the fact that the concept of Fijians should be limited to the *iTaukei*. That does not augur well with what the Honourable Kepa had said that the term 'Fijian' can be applied to all of us. Ultimately, if you want to take out these notions of violence and between different parties, that is what we need in this country, for us to be able to see ourselves as one. And when we talk about issues like brutality, we should not see it as something like brutality from one community to another. Brutality in a large sense is a brutality between different classes of people, whether you are *iTaukei* or whether you are a Fijian of Indian decent, the real discriminations in our country are between different classes of people.

The poor in this country are poor, whether they are *iTaukei* or Fijians of Indian decent or any other race, it is not a matter of ethnicity, it is a matter of different classes. Increasingly in the world, we are seeing increasing inequity, wealth being concentrating into the hands of a few. Those few are not demarcated along racial lines, they are demarcated along class lines. Those are the kinds of issues that we need to focus on. I get a bit worried whenever we talk about something as it begins to degenerate into this ethnic, sort of, discussions.

The statement has been taken back that may be I am not an *iTaukei*, but what is an *iTaukei* in today's modern world? Is it just the person who was totally subservient and wait to be told what to do, to be told to stand up, then stood up or to bow, then bow, and keep on doing what he is being told to do? No! The world has changed. Society is always changing. Culture is not something that is static.

Culture, just like language is something that is dynamic. If you look at the language of *iTaukei* today and you go back 150 years ago, the language has completely changed. There have new words introduced. What was proper today in our *iTaukei* culture is now changed. Madam Speaker, 150 years ago when a warring party would

go to a village and they defeated that party, they would take the children and hang them on the mast of the ships. When a chief died, they would take all their wives and kill them, and they would call this the *i-coco* so that the chief could lie on top of the wives that had been killed. Those cultures have changed, so the way that we intend to see ourselves, we cannot just look back and see ourselves in the glass cage as the *iTaukei* of 150 years ago.

Today's *iTaukei* live in today's world. The world has changed. All over the world we, used to have a feudalist system where we had people that were ruling by virtue of their birth but all of those are breaking down all over the world. We see now in the United Kingdom, we have the Royal family that is in place but only as a symbol. The same has happened in India, China and all over the world. That is happening in Fiji. That is the reality that is happening now.

HON. SPEAKER.- Honourable Minister, would you like to make concluding remarks, we are really running out of time?

HON. J. USAMATE.- That is what I wanted to say at the heart of all these talks about violence, et cetera. I believe that the Constitution has provisions for it, that the secret to it will be strong Government procedures, strong execution within the different institutes whether it is the Judiciary or the Police. We have had very good strong messages from the current Commissioner of Police that he does not want to see any of this brutality.

We have heard the comments from the Honourable Prime Minister talking about these things, and I believe that is the secret to it; have good governance procedures, good execution, good leadership, and that will then drive the culture throughout the Police Force and the Military, to make sure that we protect the people of our country. At the end of the day, our people's lives today and their future is going to be most important for us. That is important for people on that side, that is important for the people on this side and I believe just making sure that these ideals become permeated so that it becomes the culture of the Police and the Army will be the way to handle this one. Thank you.

HON. SPEAKER.- Honourable Members, you would have noted that the mover of this motion, the Honourable Mosese Bulitavu, had given away his time to allow the debate to continue. Now, we have run out of time, so we will now move on to the voting part of this motion.

Question put.

Parliament will now vote on the motion. The question is: That this House hereby appoints a Judicial Commission of Inquiry into the cases of brutality by the Police and Military Officers, resulting in the injury and/or death of several citizens in the last decade and further to that, implement recommendations of the said Judicial Commission.

Does any Member oppose the motion?

(Chorus of "ayes" and "noes")

HON. SPEAKER.- There being no opposition, Parliament will vote on the motion.

Votes Cast:

Ayes	:	17
Noes	:	27
Not voted	:	6

The motion is defeated.

Motion lost.

HON. SPEAKER.- We will move on to the next item.

END OF WEEK'S STATEMENTS

HON. SPEAKER.- Honourable Niko Nawaikula and Honourable Semesa Karavaki have given notice to make End of the Week's Statements under Standing Order 35. Each Member may speak up to 10 minutes with a 10 minute response. Please, note that we are now getting on to 12 o'clock, so we have about 30 minutes to complete this End of Statements and I would really like to give just 15 minutes for each statement so that both statements are covered.

I now call on the Honourable Niko Nawaikula to deliver his statement.

Savusavu Airport – Gateway to Vanua Levu

HON. N. NAWAIKULA.- Madam Speaker, I wish to thank this House for giving me the opportunity to present an End of the Week Statement on Savusavu Airport. The intent of this Statement is to present a case on suitability and viability of Savusavu Airport being the gateway to Vanua Levu.

Madam Speaker, Savusavu is literally the 'hidden paradise'. By that, I mean, when you compare it to Nadi (everyone knows Nadi and everyone has been to Nadi) but it is like when Suva when Suva was 16 years old. That is what Savusavu is now. It is currently the trading point of the province of Cakaudrove, as far as its economy is concerned. It has an international port of call and processing centre for its copra, fisheries, tourism, mining, agriculture and the real estate industry. It is a developing town with potential and centrally placed, to empower the Northern region of Fiji and add value to the national economy.

Savusavu serves and links up Cakaudrove West, Natewa Bay area, Taveuni, Qamea Island, Northern Lau, Northern Lomaiviti and Rabi and Kioa. There are a large number of people in these areas, who are local citizens, tourists, foreign residents and investors. If you consider these areas as you should, together with Taveuni that is recently linked now to a two-hour travel distance, and Nabouwalu and Labasa, you will see that in terms of proximity, Savusavu is centrally located in Vanua Levu, and even to link up Northern Lau and Lomaiviti.

Madam Speaker, feasibility studies have been conducted by previous Governments and have taken all into account, Savusavu was selected as the ideal airport gateway to Vanua Levu. The SDL Government had also conducted a feasibility study on the expansion of the airport. The solution was to acquire the land from the current highway moving up towards the mountain, and then to reconstruct the runaway, angling it towards the South-East trade winds that is slightly to the direction of Naidi Village and pushing it forward to the reef edge at the sea. With that expansion, the airport can easily handle Boeing 737 and ATRs. The SDL Government, under the former Prime Minister, was going to build this airport extension but the plan curled into nothing because of the *coup* of 2006.

Madam Speaker, together with proximity costs, critical mass and name recognition are important factors and in all these, Savusavu scores the highest mark, in comparison to any other area in Vanua Levu. On costs, some observers, including the present Government are saying that this project will cost \$30 million, but business people of Savusavu are of the view that the expansion can be built with \$13 million, and they are willing to help in any way they can. By contrast, Madam Speaker, it will cost far more if you carry out that nature of project anywhere else within Vanua Levu.

The other factors that should not be ignored are the critical mass, proximity and name recognition which are all positive for Savusavu. Name recognition is a very important factor and it refers to the recognition of a name and place by others who can easily relate to it. The name, 'Savusavu' or its mention rings the bell instantly to all international and national tourists and travellers alike, and this is a very important selling point.

On critical mass, let me say a few words, Madam Speaker. Savusavu has all the necessary services, such as Customs, port of entry, schools, hospitals, government agencies, shopping areas, hotels, cruise liners, port of call, et cetera. All these will supplement the new development. By contrast, these are the things that we need to build when you think of other places other than Savusavu in Vanua Levu.

In simple economic terms, Madam Speaker, Savusavu has two other factors which is production, land and labour. After Navua and Pacific Harbour, Savusavu is the second district with an abundance of freehold land open for development, with skilled labours who are primarily engaged in doing menial work because of lack of industrial development in the town and surrounding areas.

What Savusavu needs Madam Speaker, are capital investments and enterprises to grow as a regional centre. Many people will ponder over the thought as to why Savusavu needs an airport with the longer run-a-way. Well, there are many reasons for us, and let me highlight the major ones, to:

- 1. enable bigger domestic airlines to take off and land at Savusavu, and gradually evolve in an international airport, like Nausori;
- 2. enable large number of tourists travelling to Savusavu, Taveuni and Qamea Island through the international dateline region and in general, to have ease of transportation;
- 3. ensure businessmen, civil servants, farmers and labourers have ease of access by air transportation to the North-Eastern region;
- 4. enable cargo planes to deliver fittings and equipment, plant, and transport cargo and produce from Savusavu to Viti Levu;
- 5. enable farmers engaged in export-related activities to have ease of access to air transportation to cart farm inputs to the farms and likewise, cart produce from the farms;
- 6. enable the general public of the province of Cakaudrove and surrounding areas and islands, the ease of access by airway transportation; and
- 7. provide the people of Vanua Levu alternative air transportation with another gateway to Vanua Levu, as opposed to Labasa because economic basis, demographics and social needs vary from Savusavu.

Madam Speaker, in conclusion, I wish to say that I have seen in many Government policy recommendations the need and the effort for Government departments and stakeholders to work together to locate an airport site in Vanua Levu. I am not sure whether it is long term or short term, the extent of the services required but what I know is that, Savusavu Airport badly needs to be extended in this current location, not only for the region but to serve its own needs, and that has been pending for a long time.

Tourism is currently suffering, and the potential for expansion is being held back because of that. Madam Speaker, trust me when I say \$13 million or \$14 million, this is good investment for Savusavu, for the whole of Vanua Levu and Fiji, and I sincerely hope that this will be an item in this year's Budget with those figures to develop and expand Savusavu Airport.

With those words, Madam Speaker, I commend this Statement to the House.

HON. SPEAKER. Thank you. I now give the floor to the Honourable Attorney-General, Minister for Economy, Public Enterprises, Civil Service and Communications, to speak in reply.

HON. A. SAYED-KHAIYUM.- Madam Speaker, just a quick response to the Honourable Nawaikula's comments in respect of extending the runway in Savusavu. The current Savusavu Airport consists of a 970 metre x 23 metre chip seal runway. One side of the runway is the sea and on the other side, of course, is the mountainous terrain, Madam Speaker. Therefore, there is little room for expansion of the Savusavu Airport. It is not only through the runway length that is considered for airport development, but various other factors, Madam Speaker, and safety measures are also included, such as obstacle clearance requirements.

In 2014, Madam Speaker, an Obstacle Limitation Survey (OLS) was jointly commissioned by Airports Fiji Limited (AFL) and Fiji Airways to explore possible runway options and the suitability of ATRs to land in Savusavu. An aerodrome specialist company back in New Zealand was also engaged in this project. An OLS provides details of obstacles, such as mountains, wind factor, houses, trees, et cetera, affecting the aerodrome. The OLS data was collated and reported to ATR and Air New Zealand which confirmed that even with those extensions, Savusavu Airport will still not be able to accommodate ATRs flying into at optimal capacities. Therefore, even if Government spends tens of millions of dollars extending the Savusavu runway into the sea, Madam Speaker, it cannot go towards the mountains. The reality is that Fiji Link, nor any other company with a bigger aircraft will not be able to operate the ATRs into Savusavu.

Northern Air, Madam Speaker, has also recently been granted inclusion of additional routes in the Air Services Licence by the Air Traffic Licensing Board to Vanua Levu which includes two flights per day to Nadi-Labasa-Nadi, two flights per day to Nadi-Savusavu–Nadi, two flights per day to Nadi-Taveuni-Nadi and one flight per day to Labasa-Taveuni-Labasa.

Madam Speaker, of course, this will add capacity in competition to Savusavu offering better connectivity to the travelling public and tourists. In fact, this was also raised during the Budget consultation in Savusavu. Some of the tourism operators were there, and they also recognised the fact that we cannot have this expansion. There is no point in having an expansion if the big aircraft will not land, and we already talked about the alternative sites for the airport. Of course, as Honourable Nawaikula had highlighted, when you do build an airport you need to have the services. As we have spoken about the alternative sites in Vanua Levu - Seaqaqa and Nasarawaqa had been discussed, and if you look at the place at Nasarawaqa, it is about 70 kilometres away from Savusavu and also about 70 kilometres away from Labasa, so those are various options.

We need to look at the size of the area, the flat land available and indeed, for expansion in the future. As we had mentioned a couple of days ago in Parliament, you need to be able to have a site for a runaway where one day it can land one of the biggest aircrafts because that is the kind of forward-looking that we need to have, as Honourable Parmod Chand had highlighted about the limitations in Labasa Airport, given the fact that it was put between the bend of a creek.

Madam Speaker, of course, the Government has also invested, however, \$342,000 in 2014 to build a gabion wall at the Savusavu runaway to improve the safety standards of Savusavu Airport. Of course, no one (I think) will disagree that we need bigger aircrafts to go to Vanua Levu overall, because by getting bigger aircrafts to fly to Vanua Levu, you not only land to capacity, but you also get better pricing of tickets, and I think that is very important. A lot of people do complain about the fact that the air pricing of tickets is fairly expensive comparatively, but the fact of the matter is, both the competitors - Northern Air and Fiji Link, try and bring the airfares down. Both of them are competing with each other and offering different services, but at the end of the day we need to be able to have this runway to be able to allow the aircraft to run to full capacity. The bigger aircraft, the more pricing that we will get.

Madam Speaker, I just want to take this opportunity to just highlight one particular issue that came out in the *Fiji Times* today, which is why I keep on saying; "Don't necessarily read this paper". It says; "Opposition MP Samuela Vunivalu with Minister for Women, Children and Poverty Alleviation..." We have to set it for the record that Honourable Samuela Vunivalu is actually not an Opposition Member, he is actually a Government Member, and so we need this to be corrected. Thank you, Madam Speaker.

(Laughter)

HON. SPEAKER. - Thank you. I now call on the Honourable Semesa Karavaki to deliver his statement.

<u>Relativity of Rates Paid by Employers to Security Firms and its Impact to Security</u> <u>Officers</u>

HON. S.D. KARAVAKI. - Madam Speaker, I would like to thank this House for giving me this opportunity to make an End of the Week Statement on the issue of security officers working in security firms in Fiji. The issue actually, Madam Speaker, is the relativity of the rate paid by the employers with the minimum wage that is paid by the contractors to the individual security officers.

There are, Madam Speaker, more than 10,000 security officers employed in different security companies in Fiji. In terms of families, there are more than 7,000 families that are covered under the more than 10,000 employed as security officers in Fiji. The challenge that these security contractors are going through, Madam Speaker, is that the minimum wage they are given to pay which is \$2.51 to the security officers when related to the rate paid by the employers, the difference is very insufficient to take care of the expenses that need to be taken care of. So, the challenge that they are going through right now is the risk of closing up their security companies.

We know that the security service is a global industry and it is very important, Madam Speaker. It will increase in its importance in the years to come, it will not dwindle because we know that things are not going to get better, things are going to get worse. The only way that we, in our physical protection, know that there are police officers and security officers in the Military, who provide security to the nation so that we can be able to feel safe in our own homes. That is the work of the Police Officers and the Military Officers.

However, they do not have the authority of the allowance that is given to them to go work for businesses. But in the security companies, Madam Speaker, there are Territorial Force officers, who are being employed as security officers and the level and skills that they have, they have been trained from the Military and they are trained by the contractors of security firms, and they have the skills that should commensurate with a reasonable remuneration they should be getting, Madam Speaker.

Now, because the Government has already legislated the minimum wage which is \$2.51, the problem is not providing for a minimum rate to be paid by the employers, and there are different rates paid by the employers, some pay \$3.15. So if they pay \$3.15, Madam Speaker, and we compare that with the \$2.51, we see the difference that is left which is about 60 cents. That is the challenge that these security contractors are facing right now. But there are some employers who pay \$6.00 and that gives them a leeway or space to be able to take care of the workers. What I am trying to put before the House at the end of this week, Madam Speaker, is a very simple issue, to look at how can the Government ensure that there is a minimum rate to be paid by the employers, and then it can increase from there on the basis of negotiation between the contractors and the employers. That will provide some kind of justice and be able to help the contractors look after their workers and then continue to provide this kind of service.

In 2000, Madam Speaker, there was a robbery at the Westpac Bank and through investigation, security officers were charged and brought to court. Their reason for doing that was, they were being paid so little. This is an issue that needs to be taken up, to be considered seriously. That was their reason, their pay was too little.

When we look at the \$2.51, the security companies can pay that, but the challenge that they have is the low rate given by the employers. I hope a lot of these people, more than 7,000 families, rely on the money that their father or their breadwinner will get from their work and I think the Government should consider looking at that. Probably, it did not really think of looking at the whole industry in totality because this is a very important industry, Madam Speaker.

I remember there was a story recently in the US where there were some veterans who had formed a group and they were robbing banks. And the police were trying to find any leads but they could not find leads, so they had to bring people from the Military because they saw that the routine was like a military-type of operation and that was how those veterans were found to be the ones that were robbing the banks.

I hope, Madam Speaker, that we do not go to that extent where security officers, in wanting to survive would resort to that kind of situation which will bring a totally different kind of landscape to the security service that we have in this country. I hope this would be taken up, Madam Speaker, because this is very important. It is just a simple matter, just to legislate the minimum rate that the employers should pay. And I suggest, even if they pay \$4.50 and leave the rest for negotiation, it depends on the importance of the work that they will do in relation to the business of the employers.

I hope that the security officers will listen to what is being said from that side. Go and tell the employers, they do not want to fix it! I am raising this matter, if there is no interest in looking at this kind of issues, then we do not need a government. That is the purpose, Madam Speaker, of having a government and I hope that the Government will take care of that. Thank you, Madam Speaker.

HON. SPEAKER.- I now give the floor to the Honourable Minister for Employment, Productivity and Industrial Relations to speak in response.

HON. J. USAMATE.- Thank you, Madam Speaker, and I thank the Honourable Karavaki for his End of the Week Statement. I hope he is not advocating for a total anarchy in our country, in terms of people taking things into their own hands. It seemed to appear at the end of his statement that, that was what he was implying because, of course, if you do not have the Government in place, then everyone does whatever they want to do. However, I would like to assure Honourable Members of this House and also the people of this country that Government pays a lot of attention to the people who work in this country, the work conditions that they have, to try to make sure that they can earn a decent life.

(Honourable Member interjects)

HON. J. USAMATE.- A lot of these issues in terms of protection of our people who work in the security industry are covered by the Wage Regulation Orders that have been placed in our country for some time. And it was the Bainimarama-led Government that fast-tracked all these legislations that passed and gazetted these modern legislations to set these minimum employment standards.

Recently, we have established the National Minimum Wage. We have the Wage Regulation Orders and the only ones that are missing out of these minimum conditions are the Military, Police and Corrections Officers but everyone else is covered by the Employment Relations Act of 2007. So the minimum standards are in place, covering our people.

I think the reason why the Honourable Karavaki has been mentioning this issue is because, we are now seeing that over the past few years, there has been quite a lot of security companies that are being taken up to the Tribunal or Mediation because of the fact that they have not been able to meet their obligation, their requirements, the things that they should pay for their staff. I am looking here at one particular security company that has a whole lot of cases, another one has five cases, another one has seven cases, 35 cases, 10 active cases, and a lot of them to do with not being able to pay the wages that they need to pay for their people.

As the Honourable Karavaki had mentioned, the minimum wage for security officers is \$2.51 per hour. When we put in the first minimum wage back in 2014, the issue that he had raised was also discussed in Parliament. If we establish a minimum

wage for people who are working in the security companies, how can we make sure that the companies that hire them actually pay that minimum wage? One of the problems that we have in Fiji at the moment, and this is a simple economics equation, when you have excess supply and demand, the relationship between supply and demand will determine the level at which it will be paid. For instance, if you have a lot of *tavioka* in the market, the price of *tavioka* will fall. If you do not have all that *tavioka* and everyone wants to eat *tavioka*, the *tavioka* price will go up also. So in terms of security, this is one of the issues that we have in our country, we have a lot security companies and sometimes because they are so many and they are all competing for the same market, the price needs to go down, and that is simple economics.

What the Honourable Karavaki is talking about is for Government to tell every company that when they hire a security officer, they must pay at a particular level. I need to be advised by the Solicitor-General and legal experts whether it is alright for Government to step into a contractual arrangement between two different parties because that is a private contract. That is something that I need to look at, but I will not take the step of plucking a figure out of the thin air, like what Honourable Karavaki has done in saying; "Get them to charge \$4.50", because as a Government we need to govern for the whole country.

When you are thinking about governing the whole country, you will look at the interest of the people who are working in the security company and you want to uplift their salary. At the same time, you have to ask yourself; if I do this, what are its implications to the whole country in terms of inflation, labour cost and its competitiveness? If you just raise labour cost all of a sudden, where will that extra labour cost go? It will go into the products and services that that company produces. If I have, for instance, a company that produces biscuits and I increase the labour cost of the security services by almost 100 percent, where will that go? That will be passed on to the cost of the product, so we have to take into consideration all those things.

What I can assure the House is that at the moment, we are revising the Wage Regulation Orders, together with the National Minimum Wage. Consultations have been taking place these past two or three weeks, and as part of that consultation we are also looking at the Wage Regulation Order for those who are working in the security companies.

Back in 2014, Cabinet had discussed this particular issue, to look into whether it is possible for us to impose a minimum rate by which companies should hire security officers, that is something that has been addressed.

Adjournment

We will need further advice on this but ultimately, at the end of the day we will consider to continue to look at how we can make sure that if we set a National Minimum Wage or Wage Regulation Order for people in the security sector, then that can be applied because Government is in the interest of governing the country.

When you govern the country, you do not just look at one particular group. In every decision that you make, you look at the implication of that decision on the whole country and not just for the short term but for the long term as well, and not just for our current generation but for those in the future. So, I agree that there are issues to try to make sure that once a National Minimum Wage is put in place that the companies actually pay. I think it is important also for all the companies, if there are people that run these companies at the security force, you have an obligation to society to make sure that when you pay for these security firms, you pay them at a level that allows them to pay at the National Minimum Wage, which is about \$2.51 at the moment.

If you add the 8 percent FNPF and you add another 10 percent profit margin, maybe another 10 percent for office administration cost, then probably the minimum wage comes to around \$3.20, that is something we can work out, and I think if there are responsible organisations in this country that are hiring security officers, they should make sure that they can pay, at least, around \$3.20 or \$3.30. Over and above that, whether we have something that we impose on security companies, that is something that we have to look for and we will have to seek legal advice from the Solicitor-General's Office. Thank you, Madam Speaker.

MADAM SPEAKER.- Thank you. We will now move on to the last item in the Order Paper.

ADJOURNMENT

HON. LT. COL. I.B. SERUIRATU.- Madam Speaker, I move:

That Parliament adjourns until Thursday 29th June, 2017 at 7.30 p.m.

HON. LT. COL. N. RIKA.- Madam Speaker, I beg to second the motion.

Question put.

HON. SPEAKER.- Parliament will now vote on the motion. The question is:

That Parliament adjourns until Thursday 29th July, 2017 at 7.30 p.m.

Does anyone oppose the motion?

HON. MEMBERS.- No.

HON. SPEAKER.- There being no opposition, the motion is agreed to unanimously.

Motion agreed to.

HON. SPEAKER.- Just before we adjourn, I would like to remind Honourable Members of the Workshop for Members of Parliament on: "Sharing Knowledge and Inter-Parliamentary Events and Fiji Parliament Committees". That is happening on Monday 29th May, 2017 at 8.30 a.m. to 4.00 p.m. at the Holiday Inn.

The Speaker's Debate Programme is also on Monday 29th May, 2017 from 5.00 p.m. to 7.00 p.m. at GPH. The topic for this debate is: "Do communities in Fiji value the voices of our youth?"

I would like to thank the UNDP Fiji Parliament Support Project and their donors, the Governments of Australia and New Zealand, for their support for the Workshop and Speaker's Debate which has enabled Parliament to raise the profile of the SDGs in Fiji.

Thank you, Honourable Members. Parliament is now adjourned until Thursday 29th June, 2017 at 7.30 p.m.

The Parliament adjourned at 12.28 p.m.