

PARLIAMENT OF THE REPUBLIC OF FIJI



PARLIAMENTARY DEBATES

DAILY HANSARD

THURSDAY, 23RD MARCH, 2017

[CORRECTED COPY]

C O N T E N T S

	<u>Pages</u>
Minutes	918
Communications from the Chair	918-919
Presentation of Petitions	919-923
Presentation of Papers & Certain Documents	924
Questions	924-952
 <u>Oral Questions</u>	
1. Dumping of Chemical Waste into Sewerage System <i>(Question No. 80/2017)</i>	
2. Digitisation of the <i>Vola ni Kawa Bula</i> (VKB) <i>(Question No. 81/2017)</i>	
3. Tourism Arrivals - Australia <i>(Question No. 82/2017)</i>	
4. Fiji National Provident Fund Act <i>(Question No. 83/2017)</i>	
5. Sports Tourism <i>(Question No. 84/2017)</i>	
6. National Fire Authority – Capacity of Staff <i>(Question No. 85/2017)</i>	
7. Update on Astana Expo 2017 <i>(Question 86/2017)</i>	
8. Health Facilities - Progress on the Extended Opening Hours <i>(Question No. 87/2017)</i>	
 Ministerial Statements	 952-967
1. Responses to Ministerial Statements	
2. Plans on Addressing NCDs – Ministry of Health	
 Employment Relations (Amendment) Bill 2017	 967-975
Income Tax (Amendment) Bill 2017	975-980
UN Convention on the Contracts for the International Sale of Goods	980-983
Hague Convention on Parental Responsibility & Child Protection	983-987
UN Convention against Transnational Organised Crimes	987

THURSDAY, 23RD MARCH, 2017

The Parliament met at 9.32 a.m. pursuant to adjournment.

HONOURABLE SPEAKER took the Chair and read the Prayer.

PRESENT

All Honourable Members were present, except the Honourable Minister for National Security and Defence; the Honourable Minister for Women, Children and Poverty Alleviation; the Honourable Minister for Fisheries; Honourable Assistant Minister for Youth and Sports; and the Honourable A. Sudhakar.

MINUTES

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

That the Minutes of the sitting of Parliament held on Wednesday, 22nd March, 2017 as previously circulated, be taken as read and be confirmed.

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

Question put.

Motion agreed to.

COMMUNICATIONS FROM THE CHAIRWelcome

HON. SPEAKER.- I welcome all Honourable Members to today's sitting of Parliament and I also warmly welcome the members of the public joining us in the gallery.

Furthermore, I acknowledge the presence of children from the Early Learning School, who will be joining us at 10.30 this morning.

Finally, I warmly welcome members of the public who are watching the proceedings on television, the internet and listening on the radio. Thank you for taking interest in your Parliament.

Condolence - Westminster Attack

Honourable Members may be aware of an attack at Westminster, which resulted in a number of deaths and injuries. As you know, we have a close relationship with the UK Parliament and I will be writing to the House of Commons Honourable Speaker and the Lord Speaker in the House of Lords to offer my condolences.

On behalf of the Fijian Parliament, I offer our condolences to the families of those killed and injured. Our prayers are with them.

Petition

Honourable Members will recall from yesterday's sitting that I wanted further time to look at a petition to be moved by Honourable Prem Singh and several points of order and requests for clarification were raised which I will now rule upon.

When the matter of the petition was raised yesterday, my attention was drawn to my previous rulings on this issue which gave me guidance pursuant to Standing Order 2(2) b) and (c). To remind Honourable Members, a similar issue arose on Wednesday, 8th July, 2015, where the Honourable Attorney-General raised a point of order regarding the capacity of the House to refer a petition relating to the Rotuma Bills to the Standing Committee on Social Affairs which would ultimately deal with the Bills. I wish to quote at length from my previous ruling and I quote:

“In his Point of Order, the Honourable Attorney-General claimed that because the two Bills are currently before the Standing Committee, the referral of the petition to the Committee would usurp the role of the Committee.

The right of citizens to petition their Parliament and the power of Parliament to deal with petition is an ancient right and was affirmed by the House of Commons in 1669. It is a fundamental right of the citizen, which is preserved in our Standing Orders. It is the only means by which individuals can directly place grievances before the Parliament on matters which the Government has jurisdiction”

The ruling went on to conclude and I quote:

“In the future, there is no reason why the Committee cannot consider both the Bills and the petition. It is then up to the Committee to determine how to deal with them and report back to the House.”

It should be noted in the current scenario, the decision on whether or not the petition will be referred will be taken by Parliament when the referral motion is put to the vote. Therefore, if the referral motion passes, then the Standing Committee on Economic Affairs is free to determine how it will deal with the petition and I therefore, rule accordingly.

I will now call on the Honourable Prem Singh to move his petition.

PRESENTATION OF PETITIONS

Petition by Cane Growers of Rakiraki

HON. P. SINGH.- Thank you, Madam Speaker. I am pleased with your ruling.

Madam Speaker, pursuant to Standing Order 37(5), I move that the petition be referred to the Standing Committee under which the subject matter of the petition falls.

HON. SPEAKER.- Do we have a seconder?

HON. PROF. B.C. PRASAD.- Madam Speaker, I second the motion.

HON. SPEAKER.- I now call on the Honourable Prem Singh to make his statement.

HON. P. SINGH.- Madam Speaker, I move that pursuant to Standing Order 37(5), this petition be referred to the relevant Parliamentary Standing Committee, in this case the Standing Committee on Economic Affairs under which the subject matter falls.

Madam Speaker, a total of 303 registered cane growers from the total number of growers in the Penang Mill area of four sectors producing sugarcane and whose livelihood is dependent on the vitality of the industry and the operation of the country's oldest sugar mill – Penang – have signed this petition. They have provided their farm numbers and the harvesting gangs they belong to.

The petition is dated 15th March and it was brought by the representatives of growers and handed to me on 18th March. The fact that in less than 72 hours, over 300 growers have signed the petition illustrates the gravity of their situation.

The growers have basically exhausted all avenues to ensure that their grievances are heard. They approached me to table their petition in Parliament, in the genuine hope that we as a legislators of the highest court of the land, hear and deal with their concerns with the sincerity and the seriousness it deserves.

Madam Speaker, 13 months after severe *Tropical Cyclone Winston* wreaked havoc, the Penang Mill, the lifeblood of the economy of Rakiraki that was destroyed by *TC Winston* is now a relic, cannibalised by its owners - the Fiji Sugar Corporation.

Many a Minister, Madam Speaker, and senior officials from Government, including the Honourable Prime Minister himself visited Ra and met the growers over the past 13 months. But the once grand old mill, established in 1878, continues to remain in a state of disrepair and a daily reminder of the tragedy being faced by the growers of Ra and the sugar industry generally.

As a result, Madam Speaker, the economy of Rakiraki is taking a battering, even 13 months after *Cyclone Winston's* destructive winds passed over Ra. To make matters worse, recovery after *TC Winston* has been slow and the district and town itself have been affected by flooding seven times since December 2016. And amidst this, growers are being basically pushed from pillar to post.

Madam Speaker after *TC Winston*, Government and the FSC decided not to repair and reopen the mill and initially the then FSC Executive Chairman announced plans to replace Penang with a new syrup mill to be ready for operation in 2017, but this remains a piped-dream. Even the then Executive Chair has exited FSC.

As the growers stated in their petition, Madam Speaker, last year, the Honourable Prime Minister also held consultations with growers. This was more than two weeks after the 2016-2017 Budget Debate, after we pointed out that FSC was stripping the mill, taking parts away to other mills and had even shipped locomotives to Labasa.

On 23rd July, 2016, the Prime Minister stated at Penang Sangam School in his meeting with the growers that apart from allocating \$2 million for transportation of cane to Rarawai Mill in Ba, Government was assessing the future of the mill.

The Honourable Prime Minister said, and I quote:

“We are currently assessing whether Penang Mill should be rebuilt as a syrup mill or a full sugar mill that it was before the cyclone. Many sugar producing countries have smaller mills that produce only syrup. It reduces the time it takes for crushing and the syrup is taken to a bigger mill where it is crystalized into sugar.

We have been given some assistance by the Indian Government to assess the best course of action and we will be making a decision on Penang in the next two months. But whichever way we go - a full mill or a syrup mill - it will not affect your ability to supply cane. And the work will commence immediately when the assessment is completed.”

Madam Speaker, the two months’ timeframe came and went in September 2016. Until now, there has been no word from the Government as to what is the future of the mill. The 2017 harvesting and crushing season is three months away and growers are naturally worried that just as the last season, they will be forced to transport their crops to the Rarawai Mill in Ba. The growers want to know whether any assessment was done. If yes, what is the outcome? If no, why not? What has happened to the assistance provided by the Indian Government? Was it financial assistance or technical expertise? And if it has not been used for Penang, then where has it been channelled to?

Madam Speaker, growers suffered losses due to cartage of harvested sugarcane to Rarawai Mill in Ba. Last week, the new Chief Executive Officer of FSC, Mr. Graham Clarke revealed that 35 percent of the crop were lost during the transfer from Penang Mill yard to Rarawai Mill.

The *Fiji Times* reported Mr. Clarke on Thursday, 16th March as saying that handling of cane firstly at Penang, where it was stockpiled, and re-handling of cane at Rarawai resulted in loss in tonnage.

Madam Speaker, a total of 92,000 tonnes of cane was harvested in Penang Mill during the last harvesting season. If 35 percent was lost in transfer, then this was equivalent to 32,200 tonnes. In monetary terms, with three cane payments, so far totalling \$61.84, this amounts to a loss of almost \$2 million. This is as a result of non-operation of the Penang Mill. It is a direct loss suffered not only by cane growers but the economy of Ra as a whole.

Madam Speaker, the growers clearly say in the petition that if the mill is not operational this year, then many more will exit the industry from next year. Madam Speaker, we cannot afford this.

The year 2016 will be yet another season of poor cane price. Growers were expecting more than \$13 a tonne as the third cane payment, but their expectations have been dashed with the announcement of \$9.28 per tonne.

The decision by FSC to bring forward the payment by more than a week from the end of this month is of no consolation to them, Madam Speaker. The amount of \$61.84 has been paid so far and growers will be highly fortunate if they receive \$10 to \$12 more in the fourth and final payments this year for 2016. The price of a tonne of cane for last year will definitely not exceed \$73 unless Government intervenes and tops up the payment by more than \$7 per tonne to ensure growers receive over \$80 per tonne.

Tragically, Madam Speaker, deductions from the proceeds of the third cane payment for fertilizer and other expenses have left many growers, particularly those producing an average of 150 tonnes of cane, with no income at all. How are they expected to survive until the next payment towards the end of May, without getting into further debt, because they will have to borrow to sustain their livelihood?

Madam Speaker, the plight of growers, particularly in Ra, has been worsened by the fact that no special payment was advanced this year. The Honourable Prime Minister told Parliament that no request was made to him, but FSC and the Permanent Secretary for Sugar are reported by both daily

newspapers as telling the growers in Ra that FSC did not have any money to advance a special payment because the Corporation had made a huge loss.

We can also confirm that a request was made on 6th January for a special payment but nothing eventuated. This fact, Madam Speaker, is well-known to growers in Ra and indeed elsewhere in Ba and Tavua where the meetings were held by FSC.

Madam Speaker, the depletion of income of growers means a loss to the economy as a whole because every single cent paid earned from the industry circulates in our local economy in the cane belts, and Rakiraki is no exception.

The closure of the mill and the perception that it will remain closed, the effects of *TC Winston* and flooding have broken their backs. They are disenchanted and the last thing they need is for us, as legislators, to ignore their plight. We have seen the transfer of their crops to Rarawai, which has resulted in major losses and this is not viable.

We believe, Madam Speaker, that the Penang Mill, before it was cannibalised and stripped by the FSC, would have been definitely repaired at a far cheaper cost than what was spent to transport cane and the value of losses incurred in doing so, which was at least \$4 million.

In addition, growers who had lorries and wanted to transport their own crops were also paid cartage but at a rate \$3 less than what the operators hired by FSC received. This rate was only implemented following the intervention of the Permanent Secretary for Sugar as earlier growers were offered a rate more than \$12 less than what FSC hired operators were getting.

Furthermore, payments were made for machinery hired to load cane into trucks at the Penang Mill. We believe this was at the rate of \$120 an hour. Therefore, we are altogether looking at \$5 million loss which in the view of both growers and ourselves would have been more than sufficient to fix the mill. Therefore the closure of the Penang Mill was either simply a case of bad economics or a deliberate decision by Government and the FSC. It is not too late to salvage the situation.

On behalf of the growers, I plead with the Honourable Members, particularly the Government side, to view the plight of growers from at least a humanitarian point of view. Let us refer this petition to the relevant Standing Committee and then formulate outcomes from the work of the Committee for the betterment of growers and Ra as a whole. Let us strive towards positively impacting their lives and the local economy of Ra.

Madam Speaker, with these words, I commend the petition.

HON. SPEAKER.- Thank you. Honourable Prime Minister your have the floor.

HON. J.V. BAINIMARAMA.- Thank you, Madam Speaker. Madam Speaker, I stand to endorse the feelings by this side of the House not to accept this petition into Parliament for the simple reason that you have simply addressed, and he has mentioned the fact that this petition or part of it or even what his talked about is in the Sugar Bill, and it is going to come up. It is part and parcel of everything that has been talked about in the sugar industry for a long time and we all know that.

I think the Honourable Prem Singh is playing politics in this area. Everything in the petition that he has talked about is going to be talked about in the Sugar Bill. There is a review on, a new Chairman, a new Board and a new CEO. They will have the opportunity to talk about this and let the public know about what the sugar industry is heading towards.

I do not think he understands the fact that he talked about the destruction in Penang Mill after *Winston*. I visited Penang Mill after *Winston* and I talked to the farmers on a regular basis. This is a different story. When I explained to them the fact about Penang Mill, they understood. I do not know who is talking to him.

The fact of the matter, Madam Speaker, is that this mill is 140 years old. I do not think he understands that and it is a total write-off and he is talking about putting a mill together in one year. I do not know what planet he is from but you cannot put a mill of that size together in one year. On one hand, everyone on that side of the House, except for that bit, ran around and wanted to jump off the balcony when we talked about putting money into Fiji Sugar Corporation (FSC) and yet now all of a sudden, they want to put a new mill in which is part of the discussion that I said is going to be put together by the Sugar Bill. The mill is a total write-off and it will take a lot of money to get it back up and running. You cannot just put a band-aid solution to this type of mill, Madam Speaker, because it will keep falling apart and that is what he is telling us to do.

The FSC Board is meeting next week on the 27th March to discuss exactly these issues that has been raised in this topic that is brought about, that we really do not need to bring into Parliament. FSC, together with Government, committed farmers will be compensated for the cartage, so there is really no big deal. If the mill is down, we have told the farmers that we will take care of the cartage of cane to Rarawai. The workers are still there, they have been utilised in other mills in Lautoka and in Ba, so there is really no sense in coming up with this petition, just to look at this particular issue when it is going to be discussed in the Sugar Bill.

At the end of the day, the issue is how will the non-operation of the mill affect, because the bottom line here are the farmers, and we have, Madam Speaker, taken an undertaking that it will not affect the farmers. I have spoken to them at large and they understand me, so there is really no need for this petition to be brought up in Parliament. Thank you, Madam Speaker.

HON. SPEAKER.- Thank you. Parliament will now vote and the question is that the petition be referred to the Standing Committee under which the subject matter of the petition falls.

Does any Member oppose the motion?

(Chorus of “ayes” and “noes”)

HON. SPEAKER.- There being opposition, Parliament will vote on the motion.

Votes cast:

Ayes	-	16
Noes	-	26
Not Voted	-	8

HON. SPEAKER.- There being 16 Ayes, 26 Noes and 8 Not Voted, the motion is defeated.

PRESENTATION OF PAPERS AND CERTAIN DOCUMENTS

HON. SPEAKER.- I call upon the Honourable Attorney-General and Minister for Economy, Public Enterprises, Civil Service and Communications to table his reports.

HON. A. SAYED-KHAIYUM.- Madam Speaker, in accordance with Standing Order 38, I present the following reports to Parliament –

1. Appropriation Statement – Mid-Year Fiscal Statement 1 August 2016 to 31 January 2017;
2. Volume 1 – Audit Report on Whole of Government Financial Statements and Annual Appropriation Statement 2015 (*Parliamentary Paper No. 58 of 2017*);
3. Volume 2 – Audit Report on the General Administration Sector (*Parliamentary Paper No. 59 of 2017*);
4. Volume 3 – Audit Report on the Social Services Sector (*Parliamentary Paper No. 60 of 2017*); and
5. Volume 4 – Audit Report on the Economic & Infrastructure Sector (*Parliamentary Paper No. 61 of 2017*).

HON. SPEAKER.- Please hand the reports to the Secretary-General.

(Reports handed to the Secretary-General.)

HON. SPEAKER.- Under Standing Order 38(2), I refer the following reports to the Standing Committee on Public Accounts –

1. Appropriation Statement – Mid-Year Fiscal Statement 1 August 2016 to 31 January 2017;
2. Volume 1 – Audit Report on Whole of Government Financial Statements and Annual Appropriation Statement 2015 (*Parliamentary Paper No. 58 of 2017*);
3. Volume 2 – Audit Report on the General Administration Sector (*Parliamentary Paper No. 59 of 2017*);
4. Volume 3 – Audit Report on the Social Services Sector (*Parliamentary Paper No. 60 of 2017*); and
5. Volume 4 – Audit Report on the Economic & Infrastructure Sector (*Parliamentary Paper No. 61 of 2017*).

I have been informed that there are no Committee reports to be presented today, we will therefore, move on to the next item of business on the Order Paper.

QUESTIONS

Oral Questions

Dumping of Chemical Waste into Sewerage System (Question No. 80/2017)

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

Last month, the media highlighted that the trade waste dumped into the Kinoya Treatment Plant resulted in the overflow, sometimes we see in the Rewa River of untreated sewage into the environment.

Can the Honourable Minister for Local Government, Housing, Environment, Infrastructure and Transport inform the House on how his Ministry is dealing with industries who are dumping chemical waste into the sewerage system, thus contributing to the overloading and ineffectiveness of the Kinoya Treatment Plant?

HON. P.B. KUMAR (Minister for Local Government, Housing, Environment, Infrastructure and Transport).- Madam Speaker, I rise to respond to the question asked by the Honourable Honourable Leader of the Opposition and I also thank her for the question.

Madam Speaker, I will take some time to explain this because there are some new developments and new policies coming in place and it will be good if I can respond in detail rather than the Honourable Opposition Members saying that I am making a Ministerial Statement.

Madam Speaker, Water Authority of Fiji (WAF) is responsible for the management of waste water and its treatment in Fiji. The Liquid Trade Waste Policy and the Liquid Trade Waste Customer Management Plan were recently approved by Cabinet on 14th February, 2017. The objective of the policy and the customer management plan are to facilitate the provisions of an effective and efficient management system.

Madam Speaker, this system will provide the mechanism for liquid trade waste from industrial and commercial entities including waste chemicals to discharge into Water Authority's waste water facilities with the intention to protect the environment and human kind.

Madam Speaker, the policy and the management plan further states the acceptance standards in which all liquid trade waste customers must comply in order to attain a liquid trade waste permit from WAF.

Madam Speaker, in an effort to provide awareness on the Liquid Trade Waste Policy, consultations were undertaken in the three divisions namely Central, Northern and Western. Nationwide consultations were undertaken to cater for smaller companies such as restaurants and hair salons while individual consultations on a one-to-one basis were undertaken with larger companies.

Madam Speaker, following the endorsement of the policy by Cabinet, an amnesty period of three months will be given upon the announcement of the Liquid Trade Waste Policy approval. This amnesty period would give the opportunity for all customers to comply. All liquid trade waste customers are required to install pre-treatment facilities to initiate waste management at source. The intention is to review cost and impact associated with treating chemical waste and its impact upon discharge into the environment.

Madam Speaker, Government, through the Fiji Commerce Commission, is also in the process to determine the fee to those who will be in breach. In terms of technical intervention and capacity building, Water Authority of Fiji continues to undertake regular inspections and laboratory tests to determine the level of chemical waste components.

Madam Speaker, Water Authority of Fiji has established a Liquid Trade Waste Unit, based in the Central, Western and Northern Divisions.

Furthermore, a total of 12 officers have undergone specialised training on Liquid Trade Waste Management. These officers are currently posted to the three divisions with seven in the Central Division, four in the Western Division and one in the Northern Division.

Madam Speaker, the upgrading works are currently being planned for Water Authority of Fiji's waste water facilities to be able to meet the increasing demand of liquid waste that are being discharged to its reticulation network. Thank you, Madam Speaker.

HON. RO T.V. KEPA.- Supplementary question.

HON. SPEAKER.- Supplementary question, Leader of the Opposition.

HON. RO T.V. KEPA.- Supplementary question to the Minister, Madam Speaker. Thank you Honourable Minister for your response but the people in the lower Rewa River who go to the river for their livelihood and sustenance would like to know how soon would this problem be rectified as they depend on the river for their livelihood; *dio, mana, moci* and everything there is in the river and the spillage is going in there. So how soon will that be rectified?

HON. SPEAKER.- Thank you. Honourable Minister.

HON. P.B. KUMAR.- Madam Speaker, as I have stated in terms of policy, Cabinet has already endorsed that, now it will be gazetted and after that, Water Authority will allow three months but in terms of capital development, I have also stated that it will take place in 2017.

HON. SPEAKER.- Thank you. Honourable Karavaki.

HON. S.D. KARAVAKI.-- Thank you, Madam Speaker, my question is all that the Honourable Minister has at the moment is a plan. You actually do not have anything now to control the release of these chemicals into the system. Is that correct?

HON. SPEAKER.- Thank you. Honourable Minister.

(Laughter)

HON. P.B. KUMAR.- That is why I am saying that now Cabinet has endorsed the policy with....

(Inaudible interjection)

HON. P.B. KUMAR.- You do not want to listen?

HON. GOVT. MEMBER.- Listen and learn.

HON. P.B. KUMAR.- I am not going to say “yes” or “no”. You have to listen to what I am going to say.

Madam Speaker, as I have said that Cabinet has endorsed the policy and it will be implemented in three months’ time after the gazette. They will then have legal means of taking actions against those who offend. Thank you.

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

HON. N. NAWAIKULA.- Madam Speaker, the Honourable Minister will know that his Government has been there for 10 years now and this is a very old problem.

HON. OPPOSITION MEMBER.- 11 years.

HON. N. NAWAIKULA.- Yes, 11 years. Even three years now, this new Government is 11 and a half years old and the problem is very very old. This policy is only coming on 14th February

so can you explain to us what is the reason for the delay when you had this problem there all this time?

HON. SPEAKER.- Thank you. Honourable Minister.

HON. N. NAWAIKULA.- Well next year you will be out.

(Laughter)

HON. GOVT. MEMBER.- Dream on, dream on.

HON. P.B. KUMAR.- Thank you, Madam Speaker. He has a habit of saying “next year you people will be out, you people will be out.”

(Laughter)

I think he has got the message and the message is that he would not be on this side or that side, he will be out there.

(Laughter)

Now coming back to this 10-year and 4-year thing, Madam Speaker, it is only this Government who is putting serious money into this waste water system.

HON. GOVT. MEMBERS.- Yes.

HON. P.B. KUMAR.- He is talking about 10 years and 4 years; that treatment plant has been there for ages. This is the only Government (FijiFirst Government) that cares about the environment.

HON. GOVT. MEMBERS.- Yes.

HON. P.B. KUMAR.- So, Madam Speaker, it is about our environment and definitely this Government will look after everyone. Thank you.

HON. GOVT. MEMBER.- Bravo.

HON. SPEAKER.- Honourable Aseri Radrodro.

HON. A.M. RADRODRO:- Thank you, Madam Speaker. I am very impressed with the answers given by the Honourable Minister. The roles and the activities that have been currently carried out.

The question to the Minister is, how has Water Authority of Fiji managed or controlled the odour from the sewerage plant especially for residential areas around Nadera, Kinoya and Laucala Beach?

HON. SPEAKER.- Honourable Minister.

HON. P.B. KUMAR.- Thank you, Madam Speaker and I thank the Honourable Member. There is a mechanism within the treatment plant that takes care of it, so that is how they do it. But as I have said earlier on, let me explain this, according to Water Authority of Fiji, the plans that they

have for 2017 and 2018 is major upgrading works that will take care of all these things because this is very important for our environment, Madam Speaker. Thank you.

HON. SPEAKER.- Thank you. Honourable Ratu Kiliraki.

HON. RATU K. KILIRAKI.- Thank you, Madam Speaker. The sewerage system in Suva is very old and the rate of development has increased and so as the settlements. We have informal settlements, squatters and probably 30 percent to 40 percent of these settlements are not in the sewerage system in Suva so they are using other disposals. My question is, how can they address that in regards to those who are not connected to the sewerage system?

HON. SPEAKER.- Honourable Minister.

HON. P.B. KUMAR.- Thank you, Madam Speaker and I thank the Honourable Member for admitting that the treatment is very old. In other words he is saying that it has been there for ages. I think I made this statement earlier on that the Ministry of Squatter and the Ministry for Lands, whichever subdivision we are going to take, we will make sure that there is a sewerage system in place. That is the progress that we are making here. In those squatter areas which have been developed, the sewerage system is not there, definitely there has to be a sewerage system and they will get it.

HON. SPEAKER.- Thank you. Honourable Leawere.

HON. M.R. LEAWARE.- Thank you, Madam Speaker. I just want to ask a simple question to the Honourable Minister. Because of the spillage coming out from the sewerage system, the danger it poses on the fishermen in the surrounding areas, are there any programmes being conducted to alert or make these people aware about the dangers posed in terms of fishing in these areas? Thank you, Madam Speaker.

HON. SPEAKER.- Honourable Minister.

HON. P.B. KUMAR.- Thank you, Madam Speaker. This question has come up because of Water Authority's consultation and awareness programme and I assure this House that whenever there are cases like that, Water Authority will always goes out and conduct awareness programmes.

HON. SPEAKER.- Thank you and lastly, Honourable Vadei.

HON. A.T. VADEI.- Thank you, Madam Speaker. From the report of USP regarding the research of our sea area where they disposed of this water, there are a lot of contaminants. How can the Minister be rest assured that the chemical disposal or waste disposal is compatible to the environment or to the food chain in our country?

(Laughter)

HON. SPEAKER.- Thank you. Honourable Minister.

HON. P.B. KUMAR.- Thank you, Madam Speaker. This issue is not under Water Authority of Fiji, if there is an issue such as this, this comes under the Ministry of Environment. I am not aware of the report that he is talking about but if there is such a report, he can always give it to me and we will work on it. Thank you.

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

Digitisation of the *Vola ni Kawa Bula* (VKB)
(Question No. 81/2017)

HON. M.D. BULITAVU asked the Government, upon notice:

Can the Honourable Prime Minister and Minister for *iTaukei* Affairs, Sugar Industry and Foreign Affairs explain the process involved in the update of the *Vola ni Kawa Bula* (VKB) through the new digitised system.

HON. J.V.BAINIMARAMA (Prime Minister and Minister of *iTaukei* Affairs, Sugar Industry and Foreign Affairs).- Madam Speaker, I rise to respond to the question asked by the Honourable Member and I thank him for his question. I hope that his name is in the VKB.

(Laughter)

As we all know, Madam Speaker, the *Vola ni Kawa Bula* (VKB) as we all know is a comprehensive register containing all information relating to members of landowning units in Fiji. The new digitised VKB is revolutionary computerisation system that is moving information on *iTaukei* landowning units into the modern era by making such information in Fiji the most secure and most accessible to the people of Fiji it has ever been.

The process of manually updating the VKB register in the *iTaukei* Lands and Fisheries Commission (ILFC) in Suva has remained largely unchanged since 1918. I want that emphasised to the Members of this House and the public and the information itself has been vulnerable to wear and tear, the gradual degradation and there were no backup mechanism in the event that they were disaster such as fires which would permanently destroy the records in the VKB. We would not want to have that and that was something my Government was no longer prepared to tolerate.

Madam Speaker, we live in a world driven by the latest trends and development in digital technology, a global environment where the nation's success is determined by our ability to capitalise on digital opportunities and more importantly put technological advancements direct into the hands of our people, this has never happened before in Fiji.

So it is a major victory for Fiji that information vital to the security and prosperity of the Fijian people, that of landowning units is being made available in an electronic system. My Government has always embraced the enormous benefits that technology can bring to Fiji. While the international community welcomes prosperity on the back of technological revolution, past leadership in our country failed to extend that opportunity to the Fijian people.

But over the last 10 years we have made up that lost ground, we have extended digital services, laid down capable and modern technology infrastructure and harnessed the power of free enterprise and innovation to work for Fiji. We are now more connected to each other and to the outside world than ever before. We can add this new computerising project to that proud list of achievements, Madam Speaker.

We have already successfully moved all entries into the VKB into an easy to access and efficient electronic database that will soon be accessible in all the provincial offices throughout the country. As of now, that information can be accessed in the Suva office and in the five pilot provinces, the Nausori and Korovou offices of the Tailevu Provincial Council, and the Rewa, Lau, Serua and Namosi Provincial Offices. This computerisation project simply makes information on landowning units more accessible.

It is now easier and faster to retrieve VKB records as opposed to going through the paper records and services that are decentralised to the provincial office. The information contained in the digitised VKB has also been essential to the efficient and equitable payments of leased money to the iTLTB, to the individual members of landowning units. The iTLTB has opened more than 50,000 bank accounts, Madam Speaker, for the members of the landowning units who are directly receiving the land lease monies.

For our young people under the age of 18, this land lease monies is placed in trust account, accruing interest until they come of age and can then also access these funds. For your information, Madam Speaker, so far there has been a total of over \$13 million kept in trust funds for the 14,731 registered individual members of landowning units below the age of 18. Of course this amount will increase every year, so we have some rich kids out there. In a few years' time when these children become adults, they will have access to a very healthy sum of money to begin their adult life.

This digitisation of the VKB entries also makes information of the members of the landowning units more secure not less. The data information of the VKB records is securely stored in the ITC Data Centre in Berkley Crescent that cannot be compromised even in times of disaster.

Digitised the VKB entries can be preserved over the long term and upon digitisation of the VKB entries, Madam Speaker, we also discovered a number of anomalies as we update these records. There were duplicate entries where a member was registered to both his/her mother and father's *mataqali*. There were over 2,550 members whose age was greater than 100 years and still marked alive. Some are still alive but there were members who were still alive but marked dead in the VKB records, you can go and check yours.

Therefore, Madam Speaker, an integral part of the digitisation of the VKB records is to ensure that records were accurate. So we undertook the data cleansing exercise and we have been holding roadshows around Fiji to address this issue that they have only come to light upon digitisation of the VKB entries.

For instance, for the members whose age is greater than 100 years and marked alive, upon checking with the relevant landowning units during the roadshows, it was clarified that up to 80 percent of the members have passed on and the records are now updated.

Madam Speaker, this is not an easy task and the records can only be updated once TLFC has been notified, but the cleansing of the data is an ongoing process. As at September last year, from the 20,106 duplicate entries in the VKB, 15,749 have been cleansed.

Madam Speaker, as I said, the five pilot provinces along with the TLFC Suva office currently offer VKB registration. They offer amendments, deletions and transfer services, the printing of VKB, *tokatoka* registers and green certificates. They will also handle all general VKB enquiries. Currently, anyone can walk into any of the pilot provinces office or the Suva office and have access to these services.

The process of updating VKB in the new digitised system is quite simple. Once a service has been selected either VKB registration, amendment, deletion or transfer of service and the proper documentation provided, the documents can be scanned and emailed to the TLFC Suva office where they are checked, verified, and if approved, it is manually updated and updated on our online records. Email confirmation is then sent back to the provincial office within an average timeframe of 10 minutes to 15 minutes and the *iTaukei* member is notified.

So, for example, Madam Speaker, if a new mother living in Nabalili, Rewa needed to register her child in the VKB, she could simply submit the child's birth certificate at the Rewa Provincial Office and on the spot the child's record could be verified, approved and uploaded to the digitised VKB system and recorded manually in the Suva office, without the mother having to travel to Suva.

If tomorrow, someone in Lautoka is seeking to amend an existing entry in the VKB, he could simply email the relevant birth certificate to the TLFC Suva office or visit any other pilot offices throughout the country and so receive timely approval on his update request.

We are on schedule to have these services available at all 14 provincial offices by the end of the year and all offices will be staffed properly to handle these new service offerings. When the roll out is complete, anyone will be able to walk into any provincial office regardless of where they call home and access this service and the TLFC Suva office will continue with its usual service offerings for all provinces while also accepting service requests over email including for those Fijians living overseas, as long as supporting documentation is verified.

Madam Speaker, the Ministry of *iTaukei* Affairs and those at the pilot provinces stand ready to serve any Fijian seeking more information on how the new system will function and that information will also be made available to all the future Government roadshows. Thank you, Madam Speaker.

HON. SPEAKER.- Thank you. Honourable Ratu Kiliraki.

HON. RATU K. KILIRAKI.- Thank you, Madam Speaker. Probably we need clarification on children below 18 years old in the distribution of the lease. What happens if the child dies before he or she reaches 18, where will that money go to?

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

HON. J.V. BANIMARAMA.- Thank you for that question, Madam Speaker. We are developing rules on that. There have been discussions on that issue over the last couple of months by the TLTB staff and we will come up with a result soon.

HON. SPEAKER.- Thank you. Honourable Bulitavu.

HON. M.D. BULITAVU.- Madam Speaker. Given the verification done by TLFC, this is in regards to deleting of *iTaukei* deaths and registration of *iTaukei* births. The manual update is done at the Suva office but once you try to transmit that online version, it takes time.

People from as far as Vanua Levu come to Suva and it is sad that the normal excuse given by TLFC is that it is being updated with a company that is located in India and that update will be synchronized through the TLTB office. What can be done Honourable Prime Minister in regards to the process in trying to shorten or make speedy the online update? The manual update is done here but online update is not reflected in the TLTB records after verification from TLFC.

HON. J.V. BANIMARAMA.- Madam Speaker, can he repeat the question because there is a whole lot of explanation done before that, I could not figure out what the question was.

HON. SPEAKER.- Please can you just focus on just the question.

HON. M.D. BULITAVU.- Yes, I will focus on the question. Once TLFC does the verification, there is a manual update - they normally cross with a red pen when there is a registration of *iTaukei* death and birth then after that it is done online.

HON. SPEAKER.- Question, please.

HON. M.D. BULITAVU.- That is a background to the question, Madam Speaker.

HON. SPEAKER.- Repeat the question.

HON. M.D. BULITAVU.- And it is quite slow.

Can the Honourable Prime Minister assure the House given that landowners are frustrated when they come to TLFC or TLTB, the records are not updated online and they are not able to receive their lease money or lease money for the deaths and births are not distributed to the living descendants of the communal landowning units?

HON. SPEAKER.- Thank you.

HON. J.V. BAINIMARAMA.- No, you got it all wrong. Now I understand your line of question. It does not go to India and come back again. It is updated online here in Fiji.

(Inaudible interjection)

HON. J.V. BAINIMARAMA.- Sorry, stand up and ask the question.

HON. M.D. BULITAVU.- Let me clarify that. When the manual update is done at TLFC, the online updating of the manual that is being done, is quite slow. It is not at the same time, real time. It is not done real time. What can be done so landowners do not come and wait for the update for a simple registration of death or registration of birth?

HON. J.V. BAINIMARAMA.- Madam Speaker, TLTB is linking up with VKB records. So, we have really not received any complaints from them.

HON. OPP. MEMBER.- There are!

HON. J.V. BAINIMARAMA.- Maybe, if you can let us know, we will tell you.

HON. SPEAKER.- Thank you. Honourable Nawaikula.

HON. N. NAWAIKULA.- Can the Honourable Prime Minister advice this House whether this VKB is consistent with his own policy with equal citizenry because it appears that he is doing a VKB for one race and the other none.

HON. J.V. BAINIMARAMA.- We will have the VKB for the *iTaukei* and one for him.

(Laughter)

HON. SPEAKER.- Thank you. There being no other question, I now give the floor to the Honourable Viliame Gavoka to ask his question.

HON. V.R. GAVOKA asked the Government, upon notice:

Can the Honourable Minister for Industry, Trade and Tourism, Lands and Minerals explain the reason why tourism arrivals from Australia, our biggest market has been weak?

HON. F.S. KOYA (Minister for Industry, Trade and Tourism, Lands and Mineral Resources).- Madam Speaker, I rise to respond to the question asked by the Honourable Member and I thank him for his question.

Madam Speaker, 2016 has been quite a remarkable year for the Fijian tourism industry, with a record as I have said earlier, a record number of 792,320 visitor arrivals which is a 5 percent increase, again as I had mentioned earlier, despite the devastation caused by *Tropical Cyclone Winston*. This in itself, Madam Speaker, is quite a noteworthy achievement for Fiji and the tourism industry.

Madam Speaker, the Honourable Member, based on only one year's small reduction of 1.9 percent has inferred that the Australian market has been weak. Last year, Fiji still recorded a total of 360,370 visitor arrivals from Australia. The Honourable Member fails again to note that visitor numbers from Australia have been growing steadily at an average rate of 3 percent from 2012 to 2015 and on average, the Australian market alone constitutes 49 percent of total visitor arrivals. Hence, Australia still remains our largest market for tourism. This is despite my going on and on about the fact that Fiji is concerned about the yield that we get from the tourism industry.

Madam Speaker, looking at the provisional figures for January this year, the Australian market has hit an all-time high of 30,128 Australian arrivals, which is again a 3.4 percent increase compared to the same period last year. Honourable Member, as someone in this House should really just know this.

Madam Speaker, compared to previous years, this was a record number for the month of January and additionally, whilst our arrivals showed a decrease last year, Fiji has remained one of Australia's top ten destinations for the year 2016. Madam Speaker, there is something else that maybe a little bit of research might have helped. Australians, Madam Speaker, have been urged to undertake or embrace domestic travel. Now the slogan from Tourism Australia I think it is, it says, "There is nothing like Australia," which is encouraging more Australians to travel domestically and Tourism Australia maintains that by holidaying at home, they are actually keeping 900,000 people in their jobs in the tourism industry. So that is probably one of the other factors that may have affected us.

Be that as it may, Madam Speaker, it is important to note that whilst Australia is a traditional source market and a matured market for Fiji, other emerging markets such as China and India and the rest of Asia have shown substantial increases with growth rates of 22 percent, 19 percent and 55 percent respectively. So Fiji has not really lost out in that sense, Madam Speaker.

Furthermore. the Honourable Member fails to note that the other traditional market, which is New Zealand, has been increasing at an average rate of 12 percent from 2012 to 2016. As pointed out by the Honourable Attorney-General yesterday, the Opposition tends to think that we should put all our eggs in one basket or all their marbles in one basket, to be honest I am afraid that some of them may have lost their marbles.

Madam Speaker, this is not how we do business and this is not how we sustainably grow an industry. We need to diversify our source markets and capture, like I said earlier, the high yielding

visitors from emerging markets whilst consolidating our traditional markets. We need to stay one step ahead of the game, we really do.

To ensure Fiji secures a consistent supply of visitors, a targeted marketing approach is undertaken. Tourism Fiji, the Ministry's main marketing arm, will undertake marketing activities for 2017 such as the revitalization of, "Fiji: Where Happiness Finds You," the brand and an emphasis on marketing the product and not the price.

With respect to Australia, specific activities have been planned:

1. Consumer marketing drives, and this includes exhibitions in Flight Centre shows in Sydney and Melbourne, where over 60,000 consumers attended and tactical partnership with key wholesale companies;
2. Niche marketing activities focused on Weddings, Dive and MICE;
3. Trade marketing activities focused on trade awareness and equipping the travel trade partners with the right tools to sell Fiji effectively; and
4. Focus on launching as mentioned earlier by the Honourable Attorney-General, the new Adelaide route by leveraging our public relations and digital platforms, including social media to build awareness and demand for the service.

Madam Speaker, Tourism Fiji is also strengthening its in-house capacity in the area of content marketing, social media, digital marketing and communications by recruiting additional personnel for its regional office in Australia. We are not just sitting and just watching it go by, Madam Speaker.

Madam Speaker, simply said, the Fijian Government will continue to maintain Fiji's traditional source market and to also expand our marketing efforts to provide other Australians the opportunity to visit. This has been boosted by the new direct route via Adelaide by our national airline – Fiji Airways.

Madam Speaker, we have been saying over and over again, our focus is to increase tourism in a sustainable manner and not to exploit, most importantly, we must not exploit and damage our resources. Fiji is and will remain a destination that is focusing on quality rather on quantity.

Madam Speaker, the revenue earned from the tourism continues to grow as a higher rate than the numbers. For example, in 2015, the total visitor numbers increased by 5 percent but revenue which is what is most important increased by 11 percent.

Madam Speaker, I thank you very much for the opportunity to respond.

HON. SPEAKER.- Thank you. Honourable Viliame Gavoka.

HON. V.R. GAVOKA.- We are getting a little tired of all the hot air we are getting from the other side. In all that statement, all that was salient to the point was that domestic Australia is putting up a big challenge against overseas destinations like Fiji. That was all that we wanted to know and what you are doing about challenging the drive by the Australian authorities to keep Australians home; that is all we needed to hear. Why is it weak? All this hot air, we are getting a little tired of it.

We asked one simple question, there should have been a simple answer on the reason why domestic Australia is putting a lot of money into promoting domestic Australia, hence the numbers travelling overseas, what is the share of Fiji's outbound market out of Australia? That is all we wanted to hear. We have all heard that before, since Monday we have been hearing about all these long statements. I think we should cut this down, Madam Speaker.

(Honourable Members interjected)

HON. F.S. KOYA.- Madam Speaker, there is no question and I think his just rampage about the fact that I answered properly. It was asked and very properly answered, Madam Speaker.

HON.SPEAKER.- Honourable Nawaikula

HON. N. NAWAIKULA.- So, what measure is the Government doing to counter Australia's effort to keep their tourists home?

HON. SPEAKER.- Thank you. Honourable Minister.

HON. V.R. GAVOKA.- That is what we want to hear, that is all we want to hear.

HON. F.S. KOYA.- Madam Speaker, when I was small, if I refuse to listen or did not hear they used to put some kind of oil in my ear.

(Laughter)

I just spelt it out. I just spelt out the specific activities planned for Australia and I spoke in a very clear and soft tone so that they would listen. But let me say it again.

HON. N. NAWAIKULA.- Yes, say it again.

HON. F.S. KOYA.- For the Honourable Nawaikula's benefit this morning, consumer marketing drives, this includes exhibitions in Flight Centre shows in Sydney and Melbourne where over 60,000 consumers.....

Would you like me to continue?

HON. N. NAWAIKULA.- Not enough.

HON. F.S. KOYA.- That is what you say. We have professionals who do this.

Madam Speaker, the consumer marketing drives, if you want figures Honourable Member, please let me finish. If you want figures, please write to me and I will always respond and give it to you, thank you very much.

1. Niche marketing drives activities focused on Weddings, Dive and MICE ;
2. Trade marketing activities focussed on trade awareness and equipping the travel trade partners with the right tools to sell Fiji effectively; and
3. Focus on launching the new Adelaide route by leveraging our public relations and digital platforms.

Madam Speaker, these are all activities that are being undertaken by Tourism Fiji. Thank you very much and I hope that he was actually listening.

HON. SPEAKER.- Thank you. Honourable Dulakiverata.

HON. J. DULAKIVERATA.- Thank you, Madam Speaker. I just want to ask the Honourable Minister of the new markets that they have marketed Fiji to, what guarantee is there that they will make up the number of loss visitors from Australia?

(Inaudible interjection)

HON. SPEAKER.- Honourable Minister.

HON. J. DULAKIVERATA.- New markets.

HON. F.S. KOYA.- Madam Speaker, I think it is rather unfair to be asking for guarantees, the only person in this world that can guarantee anything is God.

And I say “praise the Lord” because He is the only one who can guarantee. I sincerely wished the *talatala* was here today, Madam Speaker.

Madam Speaker, there is no guarantee to anything in life but I can tell you this much, Honourable Member that Tourism Fiji, together with the Ministry, are working extremely hard and Fiji Airways to ensure that we get the best return possible out of Adelaide.

HON. SPEAKER.- Thank you. There being no further questions, I will now give the floor to Honourable Prem Singh to ask his question.

Fiji National Provident Fund Act
(Question No. 83/2017)

HON. P. SINGH asked the Government, upon notice:

Can the Honourable Attorney-General and Minister for Economy, Public Enterprises, Civil Service and Communities inform Parliament if the Fiji National Provident Fund Act will be amended so that Fiji National Provident Board includes worker representatives fairly representing the interest of workers because the FNPF was founded on tripartism?

HON. A. SAYED-KHAIYUM (Attorney-General and Minister for Economy, Public Enterprises, Civil Service and Communication).- Madam Speaker, I rise to respond to the question asked by the Honourable Member and I thank him for his question.

Before I answer the question, if I could just take 30 seconds to correct one thing. The Honourable Radrodro yesterday in the debate, when the audit accounts referred to Section 11 of the Audit Act of 1969, he said “are we following that or not?”

Honourable Radrodro, he had referred to Section 11 of the Audit Act of 1969 and said “are we following that or not and therefore we are empowered”. In fact, Honourable Radrodro I urge you to read the Revised Laws of Fiji which we sent a copy to your Opposition Office.

In fact, Madam Speaker, the SDL Government repealed that section. So, he is in fact referring to a repealed section of the 1969 Audit Act.

Just another correction also, Madam Speaker, yesterday we had said when the question was asked about code-sharing with Air India, Honourable Gavoka has asked the question and we had said (and the *Hansard* also shows that) and I did say, in fact this is my quote: “In fact, we told this to the Honourable Minister for Civil Aviation in New Delhi” and I went on about how they rang up Air India. The *Fiji Times*, the OT actually quoted me as saying that we told this to the Prime Minister of India and the Honourable Minister and his official actually called. “Mr. Sayed-Khaiyum said the Indian Prime Minister had called the Air India officials.” Please do not read the *Fiji Times* if they cannot get facts for you. Just one correction, Madam Speaker.

HON. J.V. BAINIMARAMA.- *Vinaka*.

HON. A. SAYED-KHAIYUM.- Madam Speaker, the Honourable Singh’s question. No, we are not going to do that.

HON. SPEAKER.- Honourable Aseri Radrodro.

HON. A.M. RADRODRO.- Thank you, Madam Speaker. Can I ask the Honourable Minister to explain why the worker’s representatives on the Board were removed?

HON. A. SAYED-KHAIYUM.- Madam Speaker, I had answered Honourable Singh’s question quite simply. Let me now go into the details. The law actually, Madam Speaker, no longer has a provision where you have two representatives from the employers, two representatives from the employees and two representatives from Government.

Madam Speaker, yes it was funded on tripartism and the reason why it was done at that point in time because it was a new idea. NFP leaders obviously pushed for that; the late A.D. Patel. They were the key drivers of this and at that point in time, there was no such superannuation scheme available in Fiji and it needed the buy-in of all the stakeholders. Madam Speaker, of course over the years the FNPF grew and in fact today it is the largest holder of all cash reserves in Fiji.

Madam Speaker, let me also tell you that the 400,000 odd members that FNPF has, it needs to ensure that it has a board that actually understands investments, a board that adheres to best practices, a board that has the acumen and the know-how to be able to deal with complex, commercial, financial and investment transactions. This is why, Madam Speaker, the new board actually has the provision in the FNPF Act, Section 7(3)(c), the Act now mandates qualification of Directors based on appropriate skills and expertise in:

1. Investment Management;
2. Corporate Governance;
3. Accounting and Auditing;
4. Finance and Banking;
5. Risk Management;
6. Law;
7. Acting as an Actuary or an Auditor; and
8. Information Technology or similar engineering discipline.

The law further ensures that all appointments with the FNPF board goes through a rigorous appointment process which includes an independent, fit and proper person assessment by the regulator and the regulator, Madam Speaker, is the Reserve Bank of Fiji.

During a board member's term of office, RBF carries out continuous monitoring supervision of the board from time to time. Mandated board member's performance is carried out by an independent party. Madam Speaker, under the new competency based directorship arrangements, the Fund has experienced significant improvements.

Let me highlight some of the achievements, Madam Speaker. The strengthening of governance mechanism based on moral legal framework standards and best practices, the establishment of a sustainable pension scheme, which is actuarially tested and certified solvent. Separation of pension business from current member funds to eliminate cross subsidisation, the net surplus of FNPF has increased from \$123 million in 2008 to \$332 million in 2016. The total assets, Madam Speaker, of FNPF has grown from \$3.5 billion in 2008 to today, with asset valuation of \$5.1 billion.

HON. J.V. BAINIMARAMA.- Yes.

HON. A. SAYED-KHAIYUM.- Madam Speaker, the point is this; the questions being asked here are, they are not looking at governance or financial issues, these are all window dressing issues or why are they not members of the trade union? A trade unionist may be a good trade unionist but do they know about financial management or investment?

(Honourable Members interject)

HON. A. SAYED-KHAIYUM.- Of course that is the answer.

I will tell you why?

HON. P. SINGH.- Why?

HON. A. SAYED-KHAIYUM.- Because when we had trade unions, let me tell you this what happens.

(Inaudible interjection)

HON. A. SAYED-KHAIYUM.- Let me tell you when we had trade unionism on the board and others without the competency test, let me tell you what happened.

Madam Speaker, the Fund

(Inaudible interjection)

HON. A. SAYED-KHAIYUM.- Yes, I will tell you what happened. Yes, we did follow tri partisan and will tell you what happened.

Felix Anthony and Daniel Urai collected \$185,000; Felix Anthony during 2007 to 2009 and Daniel Urai collected \$156,000.

(Inaudible interjection)

HON. A. SAYED-KHAIYUM.- We did, we did.

Following the Act at that time, it required to have members from workers, unions, employers and employees. Yes, we did, we followed the law, we appointed them.

Madam Speaker, let me tell you, it is not just about the clock. It did not start ticking when Daniel Urai and Felix Anthony joined FNPF, it started way before that, and let me tell you what happened. When we had all these representatives and how they are making it out to be a wonderful thing.

Honourable Prem Singh is going only for a short-term political mileage, he is not concerned about the ordinary members of FNPF. They are not concerned about the ordinary members of FNPF. They just simply want this political mileage. At the end of day, Madam Speaker, what really matters is how much of the returns on investments the individual members are getting.

(Chorus of interjections)

HON. A. SAYED-KHAIYUM.- At the end of the day, Madam Speaker, what matters is whether our young employees, today, our youths, people who are 23, 24 and 25 years old, who are contributing to FNPF, in 25 to 30 years' time when they retire, will the Fund be viable or not, will the Fund be solvent or not?

Let me tell you, Madam Speaker, what actually happened. The Fund as identified by international bodies- the World Bank, IMF and even ILO and an Actuary from Mercer, Australia said that the Fund was operating on an unsustainable basis. In fact, financial and actuarial experts stated that under the old scheme, the Fund would have run out of its reserves by 2023 and would have exhausted all its assets by 2056.

So, the young people who are working today, by the time they would have retired, there would have been no *paisa*, no money, it is gone, *khalas*, because of the system that these people are advocating. Let us get two people from the union, get two people from the employer, irrespective of how much they know, whether they know about investing in hedge fund, whether they know about investing offshore and what the rate of return is. We saw what happened in Natadola, we had actually FNPF investing with an undischarged bankrupt from Europe.

Before the Government sat in with the new FNPF Board, they would have spent nearly a billion dollars of FNPF funds in one project. We know what have happened in Momi; in Momi, Madam Speaker, the FDB together with the FNPF decided to lend to an investor, who subsequently was locked up in New Zealand for corporate irregularities.

(Chorus of interjections)

HON. A. SAYED-KHAIYUM.- They kept on eating into the funds and we had to put in place specific laws, there are specific laws, you can go and look at it. At that time it was called the Momi Decree and the Natadola one; we had to step in to do that. These were the kind of decisions that were made being made by members of the FNPF Board then based on tri partisan. So it is not an issue of tri partisan. If you go and talk to an ordinary FNPF member today, Madam Speaker, they just want the best person to look after their money. At the end of the day that is what matters to them; the best person is looking after my money. If you have issues, you talk to the employer because the employers are now making an increased contribution. Before it was 8 percent each, now we are mandated through the law that employers gives 10 per cent.

FNPF, all the years, Madam Speaker, have not made strategic decisions. If you look at Singapore, the rate of home ownership is 93 percent; 93 percent of all Singaporeans have their own properties and one of the reasons for their success is that Provident Fund actively participates in home development.

What did our previous FNPF Boards do? They did not actively participate in that. They simply were lending money to governments, building properties, lending to a few corporates; that is what they were doing, Madam Speaker, and we had the rate of return on investment and for some members, it was 25 percent. Honourable Prasad knows this.

Some members were receiving 25 percent, 21 percent and 18 percent. Some trade unionists I know were receiving 19 percent and within 4 years after their retirement, they got the entire sum back, everything else. They were living off on our young people who were depositing their money, that is why the Fund would have been unviable.

So, the fact of the matter is, we cannot go back in time and fix it up, what we can do though, Madam Speaker, is ensure that the future will be secure.
(Chorus of interjections)

HON. A. SAYED-KHAIYUM.- The only way the future will be secure, Madam Speaker, is ensuring that we have the right people on the board to be able to ensure that these funds are managed properly and the right decisions are made. We now have the RBF as a regulator that does the assessment of whether a board member is fit and proper. I can tell you many people who sit on the boards before, they most definitely did not fit in the fit and proper category; many of them.

So, Madam Speaker, this is the reality and the reality is of course, in the previous years, we had our accounts that were unqualified. In 2009, \$327 million worth of investments were impaired by the Fund. What this means Madam Speaker, the actual value of the investment assets were overstated in the FNPF books. So, Madam Speaker, this is a reality. The reality now is that the Fund is on a very good footing, the Fund, as a result, has won a couple of international awards; recognition by independent third parties that the FNPF fund is on a good footing, debt is being managed well and this is being recognised by the International Social Security Association. It is no minor feat for the International Social Security Association to actually recognise the FNPF for this, for reforming the pension and financial literacy schemes. .

So, with those few words, Madam Speaker, I think we all need to agree in this House that we need to have good boards. As was stated yesterday by some Members from the Opposition when we were discussing FEA, they are saying, we have some good boards everywhere, the boards are doing well and therefore the organisations are doing well.

Similarly, with the FNPF, we are putting in a couple of people, there are couple of board members in FNPF who actually do not want director's fees. They are not receiving it because they see it as part of a social obligation but they bring a particular level of expertise. So it is with that view in mind, Madam Speaker, we need to ensure that we have the right people for the job, not just simply say, "well this what used to happen, let us do that."

There are lots of things, we used to go by horse and cart before, it does not mean we still go by horse and cart today. We did not have mobile phones a few years ago, we now have mobile phones. In the same way, if we recognise there is a need to ensure that we need to reform the FNPF and have the right people, we will do so, Madam Speaker, ultimately for the benefit of all Fijians. Thank you.

HON. SPEAKER.- Thank you. Honourable Gavoka.

HON. V.R. GAVOKA.- Madam Speaker, now that we know that there are some very smart people who are looking after the Fund, can we indicate to the young people of today what their pension will be, when they leave the Fund at the age of 55? Like in our case, we were told that it

will be 15 percent, 18 percent, 20 percent or 21 percent. A young person starting out today, can we tell him how much of his fund will he take as pension when he retires?

HON. SPEAKER.- Thank you. Honourable Minister.

HON. A. SAYED-KHAIYUM.- Madam Speaker, there are a couple of things that contribute to the members overall fund. One, as I highlighted earlier on, is the rate of return on investment that FNPF makes. If you will see, FNPF on a yearly basis, will say, “this year, the assets were invested, the rate of return of 6 percent, 7 percent, 8 percent, 12 percent.” That is how it gets affected on an annual basis. But by law, there is a mandated minimum of 8 points, I do not have the exact figures on me, I can give that by way of written question. I can give you, it is in excess of 8 percent, but the point of course is that the Fund actually grows, which gets shared by all the members in the manner in which those investments are made on an annual basis but by law, it is in excess of 8 percent.

Madam Speaker, if you go to Australia and New Zealand where the superannuation scheme is actually liberalised. It is actually private companies that provide superannuation. The rate of investment on those is 2 percent and 3 percent. In fact, it comes down sometimes, depending on how well the investments have done. Over here, FNPF members’ funds are actually guaranteed by Government. The contingent liabilities that Honourable Prasad was bringing up last year in the Budget debate, he was including the FNPF funds in that. That is included, Madam Speaker, since it is guaranteed by the Fijian Government. It is not guaranteed by the Australia and New Zealand Governments, they were liberalised as opposed to it. So, Madam Speaker, we have a very robust system as long as everyone adheres to the rules and we have good governance in place.

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

HON. M.D. BULITAVU.- Given all the explanation in regards to the competency of the Fund at the moment, why are there less benefits to the members, why not have more options for the members to benefit from the Fund and why is the member’s interest still less than 10 percent?

HON. A. SAYED-KHAIYUM.- Madam Speaker, I would like to have a private conversation with Honourable Bulitavu because I do not think that he knows what is he asking, nor can I comprehend what he is asking. Where did he get that 10 percent from? What benchmark are you using? He suddenly plucked out 10 percent; why is it less than 10 percent? Where is that from and how is that being used in the benchmark?

Madam Speaker, the point of the matter is, why is interest less than that? The rate of return of any investment, you go and invest in a property today, Madam Speaker, they will tell you that you are doing very well if you get a rate of return of investment of 8 percent. If you go and deposit your money in a bank, how much money is the bank giving you in term deposit – 3 percent or 2 percent because of liquidity issues, it depends on the liquidity issues. Unfortunately, I do not want to say this but unfortunately, Honourable Bulitavu again is demonstrating his lack of knowledge in these financial areas. That is why I did not want to embarrass him by saying that, but again, Madam Speaker, that question is misplaced.

HON. SPEAKER.- Thank you, Honourable Members. There being no other question, we will now break for refreshments. Therefore, Parliament is now adjourned until 11.30 a.m.

The Parliament adjourned at 10.54 a.m.

The Parliament resumed at 11.30 a.m.

HON. SPEAKER.- Thank you, Honourable Members.

Before we begin, we now have in the gallery the children from the Early Learning School. You are all very welcome. Thank you.

We will move on with the items in the Order Paper. I now invite the Honourable Alvick Maharaj to ask his question

Sports Tourism
(Question No. 84/2017)

HON. A.A. MAHARAJ asked the Government, upon notice:

Can the Minister for Industry, Trade, Tourism, Lands and Mineral Resources explain how Sports Tourism has benefitted the country?

HON. F.S. KOYA (Minister for Industry, Trade, Tourism, Lands and Mineral Resources).- Madam Speaker, I rise to respond to the question asked by the Honourable Member and I thank him for his question.

Madam Speaker, as I had stated in my Statement on Tuesday, sports tourism is actually a growing niche market for Fiji that contributes significantly to the social, cultural, economic and infrastructural development of our country. It is regarded as high value market and given its potential to increase the visitor numbers and spend, especially during the off-peak season, Madam Speaker. It is for this reason that the Fijian Government will continue to invest and explore new potentials in the market.

Madam Speaker, Sports Tourism does not only result from the visiting and expenditure from tourists, but it actually also involves, as I said earlier, the development of local infrastructure, hotels, transportation, networks, roads, telecommunication, airports and other infrastructure and those developments will provide the long-term benefits to all the communities where they have been established.

The benefits actually derived from these markets are measurable in terms of the international marketing mileage that actually raises Fiji's profile and ability to host these international standard events, attracting interest investment from international sporting institutions; attracting sports tourists and it actually boosts economic activity, increases local community benefits and provides a platform to incorporate our social and cultural features of Fiji into the overall tourist experience.

Madam Speaker, I thank you for giving me the opportunity to respond to this question.

HON. SPEAKER.- Thank you. Honourable Gavoka.

HON. V.R. GAVOKA.- Thank you, Madam Speaker. Yesterday, we spoke about franchising 7s and we were little staggered that he sniffed at that because Fiji has a perennial problem with money. Would the tourism industry, given the profile of 7s globally now it is an Olympic sport, look at creating Fiji to be a Mecca for 7s in terms of marketing and bring in those who want to play 7s globally to Fiji to prepare, thus increasing visitor numbers? So, both will go together in the franchise highlighting the profile of 7s and the creation of an academy to bring in tourism for 7s. Thank you.

HON. SPEAKER.- Thank you. Honourable Minister.

HON. F.S. KOYA.- I thank the Honourable Member for that question. I think you will see that the profiling with respect to the Fiji 7s Team, we are continuously undertaking programmes within Tourism Fiji, even within the Ministry of Industry, Trade and Tourism with respect to our “Fijian Made” branding to take our branding of Fiji offshore with the assistance of our 7s Team.

You have seen in the last occasion that they were out in Sydney that we had a team from MITT had also attended to increase awareness regarding our “Fijian Made” brand. Creating a Mecca for 7s, absolutely, Madam Speaker, I do not think it is a bad idea. I think it is actually a good idea, I think we are leading towards that.

We are the world champions, we are the Olympic champions. It is something that needs to be done properly with respect to franchising, I really cannot understand, why say it in the term “franchising”. We are not going to sell our souls, most definitely, but it is something that is always looked with respect of how we can make sure that the 7s Team itself benefits, Fiji Rugby Union benefits and Tourism Fiji benefits. It is across the board. It is not something that is taken very lightly, Madam Speaker, but in terms of a Mecca of 7s, there are quite a few different parties that have approached regarding such activities surrounding our 7s Team specifically and that is something that we will look at, Madam Speaker.

HON. SPEAKER.- Thank you. Honourable Vadei.

HON. A.T. VADEI.- Thank you, Madam Speaker. The answer by the Honourable Minister does not explain clearly how much in figures and facts to this House. Can the Minister respond with some figures and facts so that people understand where the increase is in significant as he mentioned?

HON. SPEAKER.- Thank you. Honourable Minister?

HON. F.S. KOYA.- Madam Speaker, if his question is asking me for something that is statistical in nature, I can give him a specific answer if he wishes, but if there is with respect, I had given a number of statistics with respect to tourism. What is it that you are actually seeking? Is it a specific answer regarding golf, is it a specific answer regarding surfing, is it a specific answer regarding Super Rugby, if that is what you are seeking, please ask me a statistical question properly and I will answer it.

HON. SPEAKER.- Thank you. I now call upon Honourable Leawere.

HON. M.R. LEAWERE.- Madam Speaker, I just want to ask a question to the Honourable Minister on the return of investments in terms of the staging of the Natadola Golf Tournament in 2017?

HON. SPEAKER.- Thank you. Honourable Minister.

HON. F.S. KOYA.- Madam Speaker, I thank the Honourable Member for this question. In terms of the PGA and I hope they are listening today because golf seems to be getting a bashing continuously year after year, but they do not realize the true benefit.

Madam Speaker, in 2014, the Fiji International and Fiji Tourism brands generated a QI media value of close to FJD\$20 million and this can be translated as a return on investment by the Fiji Government of approximately 64 percent. In 2014, the Fiji International partners generated over

FJD\$8 million in QI media value with China alone, the highest of any market. China proved to be the strongest market with the global share of voice of over 40 percent across all the regions.

For television and coverage, out of the 462 hours of air time, 46 percent of this was live coverage. Countries covered included China, USA, Australia, NZ, India (8 countries), Pan-Asia (includes 14 countries), UK as well as Fiji and the South Pacific via FBC TV and Fiji TV Sky platform.

The tournament also engaged more than 50 local suppliers and I am specifically only referring to 2014 at the moment. The tournament also employed 15 local suppliers directly with an estimated 15 staff per supplier, equating to more than 750 local personnel directly involved in the event. Many of these suppliers were engaged for more than two months in the lead up to, during and post event. Additional suppliers were also indirectly benefitting as well throughout the tournament.

In 2015, Madam Speaker, the events worth 10 percent increase in the price from 2014 inaugural event, a total of 132 players participated from 10 countries with an increase in local player participation in the overall number of players in the tournament.

The total broadcast hours was 594 hours, which was an increase of 29 percent. The 2015 International and Fiji Tourism brands combined which generated a gross media value of FJD\$32.6 million. The USA market alone generated over FJD\$16 million in gross media value; the highest of any market. This was escalated through the participation of the staff. It was also exposure to our main markets of Australia and New Zealand and other markets such as China, South Korea, Malaysia, Indonesia, Singapore, Pan-Asia, Pan-Caribbean and Taiwan through the broadcast. An overall brand exposure duration increased by 64 percent to 18.32 per broadcast fee; an estimated FJD\$1.5 million plus in tourism dollars was generated through money spent by visiting participants at the International of 2015. A total number of local volunteers who participated in 2015 event was over 200 volunteers who participated in the Fiji International 2015 of which 40 were internationals.

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

HON. RATU S. MATANITOBUA.- Thank you, Madam Speaker. Can the Honourable Minister explain if there is any benefit to the people with disabilities?

HON. SPEAKER.- Honourable Minister.

HON. F.S. KOYA.- Madam Speaker, in terms of any of the sporting events that are undertaken within Fiji, any international sporting events, we have put the welfare and the care of the people with disabilities at the forefront always. This Government always ensures that we put everything in respect to that. We did that yesterday and I think that is a show of strength of what we do with respect to our people who are disabled.

Sometimes, I know in the previous years, it has been amiss, this is why this particular question was addressed yesterday by the Bill. But all benefits that are derived out of our sports communities, if there is a specific benefit that the Honourable Member talking about, I think we take care of them how we could in terms of tickets, et cetera to these particular games, if that is what you are referring to. We have always undertaken and ensure that they are very well looked after.

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

National Fire Authority – Capacity of Staff
(Question No. 85/2017)

HON. LT. COL. N. RIKA asked the Government, upon notice:

Can the Honourable Minister for Local Government, Housing, Environment, Infrastructure and Transport inform the House on how the Government is assisting National Fire Authority to build capacity?

HON. P.B. KUMAR (Minister for Local Government, Housing, Environment, Infrastructure and Transport).- Madam Speaker, I rise to respond to the question asked by the Honourable Member and I thank him for his question.

Madam Speaker, Government through my Ministry has been investing in enhancing the National Fire Authority's resources. The Government has provided grants to the National Fire Authority to construct new fire stations at Korovou, Korolevu and Seaqaqa and these fire stations have been successfully completed and opened.

Madam Speaker, also under Government grant of \$2.4 million, the Nabouwalu and Rakiraki Fire Stations have commenced construction within two months' time. Lami and Nakasi Fire Stations are at the planning stages and construction works have commenced within three to four months. Again with the provision of Government grants under the 2016/2017 Budget totaling \$2.4 million.

Madam Speaker, it is also pleasing to note that the Taveuni Fire Station was recently commissioned. The Savusavu Fire Station which is currently under construction is expected to be completed by the end of this year and this fire station will be Headquarters HQ for the Northern Division of the National Fire Authority.

Madam Speaker, in addition to the construction of new Fire Stations around the country Government has also assisted the NFA by providing grants for seven second-hand fire trucks worth \$400,000 and has been allocated to Korovou, Korolevu, Seaqaqa, Nausori, Rakiraki, Tavua and Taveuni.

Madam Speaker, 2x20,000 litre water tanks worth \$1 million are around the verge of being manufactured. Each of this fire tankers will be allocated to the Western Division and Central Division and Madam Speaker, \$200,000 worth of fire-fighting equipment had also been purchased.

Madam Speaker, for the 2016-2017 Budget, Government has provided NFA with a grant of \$600,000 for the purchase of two Emergency Ambulance, fully fitted with first aid equipment and much needed chemicals worth \$200,000 and breathing kits worth \$200,000.

Madam Speaker, the fire hydrant grants have also been provided to alarm National Fire Authority in conjunction with Ports Authority of Fiji to place fire hydrants in current sub-divisions, where there is no fire hydrants.

Madam Speaker, in 2016, 271 fire hydrants have been purchased and installed by the Water Authority of Fiji. In addition, \$200,000 had also been set aside to purchase fire hydrants in the 2016-2017 Budget and 60 fire hydrants shall be purchased over the next two months.

Madam Speaker, under the special programme, Water Authority of Fiji shall be completing installation before the end of December 2017. Thank you, Madam Speaker.

HON. SPEAKER.- Thank you. Honourable Aseri Radrodro.

HON. A.M. RADRODRO.- Thank you, Madam Speaker. I thank the Honourable Minister for his response in terms of building capacity. You highlighted the increasing infrastructure of the National Fire Authority that also carries responsibilities in huge demands in terms of attending to work by the fire fighters themselves. A question that I would like to ask the Honourable Minister is, can he inform this august House in terms of Human Resource capacity, whether you are looking at increasing their remuneration conditions, considering their line of work? Thank you, Madam Speaker.

HON. SPEAKER.- Thank you. Honourable Minister.

HON. P.B. KUMAR.- Thank you, Madam Speaker, and I also thank the Honourable Member. Their issue has been addressed by the Board, thank you.

HON. SPEAKER.- Thank you. Honourable Vadei.

HON. A.T. VADEI.- I would like to ask the Honourable Minister, with the increasing number of fires that we have and the complexities of fires, how well is the National Fire Authority, the technical and the professional capabilities that they have put into place? Thank you.

HON. SPEAKER.- Thank you. Honourable Minister.

HON. P.B. KUMAR.- Thank you, Madam Speaker. We have technical people in the National Fire Authority and we have also purchased three fire trucks which have got 20 metre ladders, to fight the fire on the high rise buildings. Thank you.

HON. OPPOSITION MEMBER.- Bush fire?

(Laughter)

HON. SPEAKER.- Honourable Leawere.

HON. M.R. LEAWERE.- To ask the Honourable Minister if there are any plans for the Fire Fighters to go for in-service training in USP and FNU in terms of their work? Thank you.

HON. SPEAKER.- Honourable Minister.

HON. P.B. KUMAR.- There is an in-house programme, Madam Speaker, and today, a number of fire fighters will be graduating. Thank you.

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

Update on Astana Expo 2017
(Question 86/2017)

HON. R.N. NADALO asked the Government, upon notice:

Can the Honourable Minister for Industry, Trade, Tourism, Lands and Mineral Resources provide an update on Fiji's preparation for the upcoming Astana Expo 2017?

HON. F.S. KOYA (Minister for Industry, Trade, Tourism, Lands and Mineral Resources).- Madam Speaker, I rise to respond to the question asked by the Honourable Member and I thank him for his question.

Madam Speaker, the Ministry of Industry, Trade and Tourism, amongst other key crucial projects, organises and represents Fiji to the World Expo. This year, the World Expo will be held in Astana, Kazakhstan for three months from 10th June to 10th September. The theme of future energy will be on display during the Expo and will include various forums that will discuss the particular theme.

Madam Speaker, Fiji's participation was endorsed by Cabinet on 27th October, 2015 and as per Cabinet's endorsement, the National Coordinating Committee has been established to prepare for Fiji's participation at the 2017 Astana Expo. The Committee comprises of relevant representatives from the Office of the Prime Minister, Department of Energy, Investment Fiji, Tourism Fiji, Ministry of Foreign Affairs and co-opted organisations such as the Fiji Electricity Authority and the Fiji Arts Council.

Madam Speaker, the theme of the Expo Future Energy is relevant, given that Fiji, like many other small island developing states, relies heavily on imported fossil fuels and thus investing in renewable energy will ensure that our citizens have access to clean and affordable energy services, whilst also reducing our carbon footprint and contributing to sustainable environmental practices. The Expo will provide an excellent opportunity, Madam Speaker, to attract potential foreign investors within the Renewable Energy Sector and Madam Speaker, we will participate at the Astana Expo to promote Destination Fiji for investment, and particularly promoting as I said earlier, the Energy Sector and also trade and tourism. Fiji's participation will carry forward the overall visions set by the Honourable Prime Minister to move Fiji to a 100 percent renewable energy by 2030 for all electricity needs by harnessing power of water and solar to meet the current and future needs.

In addition, Madam Speaker, amongst the other financial assistance and support prior provided to participating countries, the Government of Kazakhstan allocated US\$100,000 to the Fijian Government to undertake research and in this field of alternative and green energy. The Ministry has undertaken a transparent tender process to select credible company to undertake research in the area of mapping solar and wind energy for Fiji, and the research project will be completed in June 2017 and the report will be forwarded to the Ministry.

Madam Speaker, the report will provide valuable information and data on solar and wind mapping to the Department of Energy and in the same report will be used to promote investments in the energy sector.

Madam Speaker, as the Honourable Attorney-General had mentioned yesterday, this mapping exercise will avoid mistakes and wastage of resources as was seen with previous governments, for example the wind turbines located in Butoni in Sigatoka.

Madam Speaker, the Ministry Officials have attended thus far three international planning meetings in Australia and Kazakhstan to formalise Fiji's participation and contract to the Expo and discuss technical issues of corporation and participation of the Expo and we understand fully the Expo participation guide or requirements to organise Fiji's participation. In Fiji, various meetings of the national co-ordinating Committee will convene by the Ministry to prepare Fiji's participation, Ministry is currently sourcing best artefacts and Fijian Made products from companies to be taken across for the exhibition at the Expo.

Madam Speaker, in order to give participating countries maximum exposure, a day is allocated to each participating country for their national day, the national day will allow for countries to promote their nation's culture and profile for their country. And the national day for Fiji at the Expo has been scheduled for 16th August, 2017 and the Honourable Prime Minister will lead the Fijian delegation to the celebration of Fiji's National Day at the Expo. The delegation to the National Day will include representation from key agencies and traditional Fijian performers will be accompanying the Honourable Prime Minister to promote Fiji exclusively.

Madam Speaker, I thank the Honourable Member for the question.

HON. SPEAKER.- Thank you. Honourable Viliame Gavoka.

HON. V.R. GAVOKA.- Thank you, Madam Speaker. Madam Speaker, I wonder if before going to Astana and you are talking about green energy, would the Government of Fiji already have plans and locations of the potential sites for investors to consider, that is, give an example in Navutu that has been a successful model? Would you be carrying with you some stuff already identifying the region, the cost? These are important expos but you need to go in there with something that you can sell at an expo like that. So if we can get a briefing on that. Thank you.

HON. SPEAKER.- Thank you, Honourable Minister.

HON. F.S. KOYA.- Thank you, Madam Speaker. I thank the Honourable Member for his question, and quite a good one, Madam Speaker, so everyone understands. With respect to any investment that comes into the country; whether it is for renewable energy, or for any other purpose, Investment Fiji is the first stop for everyone.

Investment Fiji really does profile all the different areas that require investment, so if there are areas, let us say for example Tui Namosi will be aware of this, is an area there with respect to maybe Hydro that can be developed, if there is a wind farm that can be done or any other renewable energy sources that can be done, Investment Fiji has a very good coordinated approach with respect to all the other Ministries, the energy sector, the Ministry of Infrastructure and Transport, the tourism ventures, et cetera, we do have a profile at Investment Fiji that does it, which is always growing. So it gets adding on if there are new ones that come up, even our geological resources is a good coordinated effort and ongoing coordinated effort that takes of all that.

HON. SPEAKER.- Thank you. Honourable Anare Vadei.

HON. A.T. VADEL.- Thank you, Madam Speaker. I wish to ask the Honourable Minister regarding the expo and the instruments that are in place to protect our local investors – the tangible and intangible, to protect all our handicrafts and our Fijian-made, whether those instruments are put into place in our country?

HON. F.S. KOYA.- I am not sure where he is going with his question, Madam Speaker, but I am assuming that it is to do with protecting our designs with our handicrafts, et cetera, those who wish to register a particular design, they have to go to a particular process at home. If they had done so, they are always protected, so anyone who wishes to protect the particular design that they have that belongs to a particular landowning unit, or even a person individually.

If you want to register that, there is a process which you need to go through, and I am sure if you write to the Attorney-General's Office, he will explain to you exactly how it is done, but those who wish to protect themselves, that is something that is done. I think I know what you are referring to, but please, write to him and he will tell you how to get it done.

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

Health Facilities - Progress on the Extended Opening Hours
(Question No. 87/2017)

HON. A. NABULIVOU asked the Government, upon notice:

Can the Honourable Minister for Health and Medical Services brief the House on what are the opening hours of the Health Facilities and what is the progress on the extended opening hours?

HON. R.S. AKBAR (Minister for Health and Medical Services).- Madam Speaker, I rise to respond to the question asked by the Honourable Member and I thank him for his question.

Madam Speaker, in relation to the question, I would like to begin by saying that the Public Hospitals and Dispensaries Act clearly outlines the conditions for the opening hours of our health facilities, and I quote:

“Outpatients seeking attention at a public hospital or public dispensaries shall, unless other arrangements are made in a particular case by a medical officer on the staff of such hospital or dispensary, be seen except on public holidays between the hours of 8.30 o’clock in the morning and 1.00 o’clock in the afternoon and between the hours of 2.00 o’clock and 4.00 o’clock in the afternoon on Mondays to Fridays, inclusive and between the hours of 8.30 o’clock in the morning and 12.00 noon on Saturdays. Provided that cases requiring special attention shall, if necessary, be seen outside such hours.”

This is substituted by regulations of 1966.

Madam Speaker, hospitals that provide inpatient services operate 24 hours per day, seven days a week. They will also generally see outpatients from 8.30 a.m., to 4.00 p.m., and have staff available to respond to emergencies after working hours or during public holidays.

Madam Speaker, most urban health centres are open on weekdays, Monday to Friday, for general outpatient services, normally ceasing at 4.00 p.m., but staff may be rostered to deal with any emergencies until the centre closes at 10.00 p.m.

The urban centres: The urban health centres in Suva-Nausori corridor also operate a single-eight hour shift from 8.00 a.m. to 4.00 p.m. on weekends, that is Saturday and Sunday. All health facilities will provide primary health care services are also available for emergencies between 1.00 p.m., and 2.00 p.m.

Madam Speaker, this year, urban primary health care facilities, general outpatient services, generally are fully operational during staff lunch hours because they are able to roster nursing or medical cover during the period.

Madam Speaker, it is common in most health systems for patients to wait for non-urgent treatment. Indeed the Australian Medical Association reported that 27 of the people who attended a Public Hospital Emergency Department in Australia in 2015 and 2016 had to wait longer than four hours.

Madam Speaker, I expect that very few of our non-emergency patients wait that long when they visit the Outpatient Department in one of our hospitals. Madam Speaker, in our system, waiting for a routine general outpatient appointment and the patient's condition is not an emergency, it is also inevitable.

The allocation of numbers to patients ensure that access to services or consultation is fair as well. At times when staff are required to deal with an emergency or urgent patient, based on a Triage System, delays may be experienced by the General Outpatient. I would hope that no one would consider that inappropriate and will be content to wait a little longer while someone with a more urgent need is attended to.

Madam Speaker, the Ministry of Health and Medical Services advises that if anyone has concerns with the length of waiting time at any particular health centre or any other aspect of the Centre Services, they should see a senior staff or manager responsible for the facility. In that way, their concerns would be raised there and then, and if no resolve has been found, we have people contacting the Ministry's Headquarters directly or in many events, they contact me directly and see how best we can resolve their issues.

Madam Speaker, what is the progress of extended opening hours? Apparently, like I said, all major divisional hospitals, CWM, Lautoka and Labasa operate 24 hours emergency services, in addition to other services.

Similarly, subdivisional hospitals in the West, Central, Northern and Eastern also provide 24 hour emergency services with the General Outpatients Department limited to normal working hours sometimes until 10.00 p.m. A team is always rostered to cover for emergencies after working hours. Some health facilities in the major urban centres, especially in Nausori-Suva Corridor have extended opening hours from 6.00 a.m., to 10.00 p.m. for the General Outpatients Department Services.

Madam Speaker, currently we are looking at plans to establish Valelevu as a 24 hour Operating Health Centre. This will also involve extending the Emergency Room, increasing the number of Allied Health personnel and improving space and patients for the staff.

Lastly, but not the least, the Ministry of Health is both engaging with NGOs and faith-based organisations in partnership agreements to provide General Outpatients and Special Outpatients Clinics. This initiative will definitely provide the general public with a greater choice of outpatient services, and I thank you, Madam Speaker.

HON. SPEAKER.- Honourable Anare Vadei.

HON. A.T. VADEI.- Thank you, Madam Speaker. We applaud the extension of opening hours and also the opening hours of the health facilities around Fiji. My question is, whether overtime payment to medical authorities or medical staff can be compensated appropriately? Thank you.

HON. SPEAKER.- Thank you. Honourable Minister.

HON. R.S. AKBAR.- Madam Speaker, all staff working overtime are mandated to be paid overtime salary by law.

HON. SPEAKER.- Thank you. Honourable Nawaikula.

HON. N. NAWAIKULA.- Madam Speaker, the last time I went to CWM, we waited ten hours, only to find there was no bed. So are you addressing these needs to reduce the waiting hours' time and to address the need for sufficient beds in hospitals?

HON. MEMBER.- You've gone to the wrong place.

(Laughter)

HON. SPEAKER.- Honourable Minister.

HON. R.S. AKBAR.- I do not know when was the last time the Honourable Nawaikula went to CWM but my last visit to CWM and talked with the Medical Superintendent and the clinicians there, especially with the doctors in the Emergency (A&E). They were quite happy that we have been able to reduce waiting time and I would like to debate the ten hour waiting time with the Honourable Nawaikula.

HON. SPEAKER.- Thank you. Honourable Ratu Kiliraki.

HON. RATU K. KILIRAKI.-Thank you, Madam Speaker. Earlier this week, I walked into this House in regards to Nausori Health Centre and in this question, the Honourable Minister had explained the hours.

Can she give a brief on the staffing because in Nausori, there is only one doctor and two nurses right up to 10, and the briefing also on the minimum requirements for health centres, because at Nausori there is only one wheelchair with only two wheels at the back. That single wheelchair has only two wheels in the front and whether she can give a brief on the minimum requirements in regards to health centres? Thank you.

HON. SPEAKER.- We have actually deviated from opening hours to starting, but the onus is on the Honourable Minister to answer.

Thank you. The supplementary question is not relevant to the question. I will give the floor to the Honourable Prem Singh.

HON. P. SINGH.- Supplementary question, Madam Speaker, we accept the Honourable Minister's response that the opening hours are 24. Madam Speaker, most of the health centres and departments, they have this signage, "closed for lunch", "closed for dinner". My question to the Honourable Minister is, how do the general public access the services during lunch and dinner time?

HON. SPEAKER.- Thank you. Honourable Minister.

HON. R.S. AKBAR.- Madam Speaker, earlier on I mentioned the Public Hospitals and Dispensaries. Act. It mandates that our health centres are closed during lunch hour, but we have instructed our staff to be rostered to look after patients during 1-2 and actually when this issue was raised in the media a couple of weeks ago, I made a surprise visit to all the health centres in the Suva-Nausori corridor and I was actually pleased to see that my staff was on call during lunch hour attending to patients.

HON. SPEAKER.- Thank you. Honourable Dulakiverata.

HON. J. DULAKIVERATA.- Madam Speaker, my question to the Honourable Minister is, it has been a practise in the past that the rural health centres normally has only one nurse, is there any

plan to try to have another nurse so that they have two nurses in case when one is away from the station, there is another one there to carry on the services? Thank you.

HON. SPEAKER.- Thank you. Honourable Minister.

HON. R.S. AKBAR.- Thank you, Madam Speaker, and thank the Honourable Dulakiverata for the question. I am not sure whether you are talking about health centres or nursing stations. Nursing stations are equipped and manned by nurses, only one nurse. You are requesting for two, you are aware that staff issues has always been a problem. There is a shortage of doctors and nurses and we are trying to counter that, actually last year December, we advertised for 242 nursing positions and we are currently into that process of filling up these positions. So as those positions get filled, I can assure you that more nurses will be allocated to these health facilities across the country.

HON. SPEAKER.- That brings to the end of our question time. We will move on to the next item on the Order Paper.

MINISTERIAL STATEMENTS

HON. SPEAKER.- The following Ministers have given notice to make Ministerial Statements under Standing Order 40:

1. Minister for Industry, Trade, Tourism, Land and Mineral Resources; and
2. Minister for Health and Medical Services;

Each Minister may speak up to 20 minutes. After each Minister, I will then invite the Leader of the Opposition or her designate to speak on the statement for no more than 5 minutes. There will also be a response from the Leader of the NFP, or his designate to also speak for 5 minutes. There will be no other debate.

Responses to Ministerial Statement

I now call on the Minister for Industry, Trade, Tourism, Land and Mineral Resources to deliver his statement.

HON. F.S. KOYA.- Thank you, Madam Speaker. Madam Speaker, thank you for the opportunity to make this Ministerial Statement.

Madam Speaker, this statement is actually warranted with respect to clearing the air and the public needs to know in respect to issues that were raised yesterday by Honourable Dulakiverata and Honourable Prem Singh. Madam Speaker, Honourable Dulakiverata made some comments to my Ministerial Statement that I actually delivered yesterday in this august House.

Madam Speaker, the Honourable Member as a chief valuer, most of the acting Director Lands with respect to approval notices note very well he had mentioned yesterday that the approval notices were not accepted by lending institutions. Madam Speaker, that is incorrect. Approval notices are accepted, not by all the lending institutions, but they are accepted by some of the lending institutions.

Madam Speaker, lots issued under the approval notices for the purposes of the general public and this House, their approval notices which means that they are not surveyed neither registered with the Office of the Registrar of Titles that they can and are registered under the Deeds Office and that is the reason some of the institutions may be reluctant to accept that. However, what is more important, Madam Speaker, is that these approval notices provide security of tenure to the squatters

to formalise their occupations. That is the most important part, hence it enables them to pay rental to the State and issuance of approval notices is just the first stage of that squatter regularisation process, which would finally eventuate in the issuance of a proper registered lease title once a survey of the land is completed and these registered leases are accepted by all lending institutions.

Madam Speaker, the Honourable Member yesterday criticised staff of the Ministry of Lands for their laxity in attending to lease renewals. However, I did mention in my statement, Madam Speaker, that the pending lease renewals dated back to 1992, and may I highlight that it was during the term of the Honourable Dulakiverata in the Ministry when all these backlogs had started, Madam Speaker.

May I therefore, pose a question to the Honourable Member, Madam Speaker, what did he do to address back then when he actually retired with my staff and currently inherited now? Madam Speaker, the Honourable Member also mentioned that the lease rental arrears for the Department of Lands stood at \$24.7 million and it is from 2010 to 2013. I would like to state, Madam Speaker, that the figure portrayed by the Honourable Member is actually quite inaccurate and is misleading, and allow me to correct that.

The total rental arrears, Madam Speaker, as at 31st December, 2016, stands at \$16.7 million and that is divided up into three divisions. Telling someone half the story is not actually the best way to do it, Madam Speaker.

The Northern Division stands at a \$1 million, the Central Eastern Division stands at \$6.3 million and the Western Division stands at \$9.4 million. Madam Speaker, the rental charge for the first half of this year is \$8.2 million, therefore, that brings the total to collect stands at \$24.9 million. That, Madam Speaker, as we speak, the Ministry has collected \$4 million rental and therefore, reduced the actual arrears to \$21 million, that is the true picture. As the way forward, the Ministry has set up a special team to collect rental arrears and exploring ways to assist our lessees in payment of those particular rental arrears. I wish they would say it correctly.

Madam Speaker, the rental arrears that the Honourable Dulakiverata has alluded to was actually accumulated from many years, including his term as the Acting Director of Lands - not just from 2010 to 2013, Madam Speaker.

Madam Speaker, additionally the Honourable Member has also mentioned other arrears. Now I am not sure what he is referring to, Madam Speaker, he said that the premium arrears stood at \$282,000. Maybe the Honourable Member would like to specify which type of premium arrears he is referring to, so my Ministry can actually provide answers, because in reality, there is no lease that exists unless you pay the premium. You must pay a premium before you get a lease. So I do not know where he gets the premium arrears from. I really would like to be enlightened, Honourable Dulakiverata.

(Chorus of interjections)

HON. F.S. KOYA.- Insofar as taxi base arrears, he said, it stood at \$40,000, the general public thinks that we are collecting taxi base arrears. Taxi base fees, Madam Speaker, are collected by the municipalities, not the Department of Lands. Madam Speaker. He also mentioned Narere Barracks, \$60,000. This particular issue, Madam Speaker, this will be written-off once the lease is issued to the people's community network to develop similar to the Lagilagi Apartments in Jittue Estate, Raiwaqa.

Squatter re-settlement: Madam Speaker, the Honourable Member also stated that the Surveyors Registration Board and the Valuers Registration Board are in arrears to the tune of \$26,800 and \$35,000 respectively. However, may I again correct the Honourable Dulakiverata who is a registered valuer that these two boards are governed by their own boards. Their respective boards manage and administer payment of their registration fees, while payments are only received by the Department of Lands, Madam Speaker, it has been confirmed by the two boards that there are no membership arrears.

(Chorus of interjections)

HON. F.S. KOYA.- Again, Honourable Dulakiverata should check his facts before raising it in this august House. Please do not try to make the Ministry of Lands look bad because some of your fellow members are actually still there, maybe you should buy some bread from Lawaki and take it to them.

(Laughter)

Madam Speaker, I am appalled at the way that the Waidau freehold buyback land has been portrayed by the Honourable Dulakiverata. The Honourable Member must understand that there are due processes in place to undertake before the freehold title is successfully transferred to the landowning unit. For the benefit of this House, Madam Speaker, this process cannot happen overnight. Please allow me to update this august House about the background of the Waidau freehold buyback which was purchased, Madam Speaker, by the Rabuka Government in 1995 under the freehold buyback scheme.

Waidau was sold to the original native landowners of Yavusa Waidau who are in need of cultivating land, agricultural land at the market price of \$166,620.80. The purchase was made by the government on behalf of the landowners, entailing a 30-year repayment interest-free period. Whilst the landowning unit must be commended for the efficient repayment of the debt, this is also one of the four successful landowning units to have cleared their dues in 2015, out of the 27 landowning units assisted under the freehold buyback scheme.

The endless support rendered to the landowners by the Ministry under the Land Bank for the successful completion of the entire boundary detail survey of 473 acres is a costly exercise to the tune of \$16,530 redeemed by Government in favour of the landowners is worth mentioning.

The land owning units requested a detailed survey report and the Land Use Capability Report is now in order, thus fulfilling the requirements to proceed with the transfer and the reversal process which should be concluded in two months' time. I really honestly wish they would write to me to ask these questions, Madam Speaker. I must remind the Honourable Member that whatever the ulterior motive is in raising this issue in this august House, it will never dampen the spirit of the Ministry of Lands in executing the numerous assistance rendered to our landowning units through the Land Bank for the betterment of their livelihood and upgrade of their living standards to another level of excellence.

In respect to the *Vanua* GIS, he also raised the issue to be accessible to business and to the public as a whole. Maybe he should pay attention the next time he actually makes his public statements. I would like to assure this august House that all the Government ministries are already accessing the system and we are working towards making it accessible to businesses and the public as a whole. The businesses obviously, like earlier will have to pay.

Madam Speaker, the Honourable Dulakiverata talked about formulating policies on assessment of fishing rights' compensation and also suggested that the iTLTB should be involved with the negotiations of compensation for the Traditional Fishing Rights Owners (TFROs).

I wish to assure this august House, Madam Speaker, that the Ministry already has a policy on assessment of fishing rights compensation. Secondly, the negotiation between the TFROs and the Film makers at Malolo that I have mentioned earlier was rightfully coordinated by the Nadroga provincial council, being the agency within the Ministry of iTaukei Affairs who is tasked to do this duty, and for the information of the Honourable Members all foreshore land in Fiji is owned by the State and iTLTB has no authority over it.

Madam Speaker, the Honourable Prem Singh also yesterday, again I need to get their facts correct the need to enquire with the Ministry of Lands before they come out here and blurt out what they are wasting their payment to do. Honourable Prem Singh again, yesterday, and I doubled checked this on the video from yesterday misled this august House by blaming the Ministry for delaying the issue of leases in respect of the Lands Department file reference 4/10/1637 to his clients. You take a single cake and you start accusing the Lands Department of not doing its job.

Lease in that particular issue Madam Speaker, and I double checked this was issued to Govindamma with effect from 01/07/2003 for a term of 50 years. This lease expires in 2033. This is for agriculture use. She previously had an approval notice to lease from 1978. However, the current status in the file confirms that the Ministry has completed all the due processes, including approval to subdivide and rezone for residential block and issuance of survey instruction to the lessee's surveyor.

The Ministry is awaiting the survey plan from the lessee so that the commencement of the processing of lease on the subdivided lot can begin. As far as the Ministry is concerned, there is no dispute on that particular lease. So a word of warning, Madam Speaker, to the other side and please, correct your facts before you come and say it in Parliament. I thank you, Madam Speaker.

HON. SPEAKER.- I now give the floor to the Leader of Opposition or her designate to speak in response.

HON. J. DULAKIVERATA.- Thank you Madam Speaker, I thank the Honourable Minister for his statement. Madam Speaker, it is the last thing that I would do is to run down the department where I spent 37 good years of my life working there.

(Chorus of interjections)

HON. J. DULAKIVERATA.- Madam Speaker, the record that I stated came from government official records and I stand by those records. The Honourable Minister should check the latest rent arrears records for 2015 is \$26,980,390.

Madam Speaker, I want to say again that the role or the core function of the Ministry of Lands is to administer State land, this is also to develop policies and regulations so that they can administer it properly.

Also, Madam Speaker, that they ensure that equitable return to its land is assessed and I would not want to divulge into other comments by the Honourable Minister. Madam Speaker, the Honourable Minister mentioned yesterday about the filming in the Yatu Malolo, where compensation was paid to the owners of the *qoliqoli* and I also mentioned yesterday that it was not in consultation with the Nadroga provincial councils that came up with this assessment.

I thought that Ray would engage the services of the Native Lands Trust Board who would have some professional advice on the assessment of these figures. This film company, Madam Speaker, was given \$13 million as part of the Government incentive to come and shoot films in Fiji when it only paid the fishing right owners \$140,000. There are about 2,000 people living in the Mamanuca, this, Madam Speaker, translate to about \$70 per person, to enable them to go and fish elsewhere for their livelihood while they are doing the film.

(Chorus of interjections)

HON. J. DULAKIVERATA.- I would like to bring some issues with the Ministry, which needs to be looked at. The transfer of crown schedule A and B lands from the Department of Lands to the NLTB. There are altogether, according to the Fiji Land Information System records, they have 3,343 on leases on crown Schedules A and B land. When the transfer of these files went to NLTB, there was a variance of 638, when we compared it to the count. Where? When?

(Honourable Members interject)

HON. J. DULAKIVERATA.- Well, 2000 it started, it was a gradual thing, what I am saying is that it has not been completed. They still have \$17 million arrears on these leases. Payment of rates as you know, Madam Speaker, the Government has to pay rates to all the municipal councils for their land around the boundaries. The council normally gives a full discount if the lease is paid on time. I am sad to know that the Department has not taken advantage of this discount offered and they have to pay the full amount.

Surveying of mahogany plantation, the mahogany plantation in Fiji cover 58,860 hectares of land. It has got 105 leases, 204 landowning units and whether all these have been surveyed, I do not know and whether all the plans have been approved, the Minister has to tell us. All what I know is the department had spent \$530,000 surveying this land; where are all the records?

(Chorus of interjections)

HON. J. DULAKIVERATA.- All I can say, Madam Speaker, that not all is rosy in the department.

(Laughter)

HON. SPEAKER.- I now call on Honourable Prem Singh to take the floor.

HON. P. SINGH.- Thank you, Madam. I thought the Honourable Minister will come in by a way of a ministerial statement or personal explanation but anyway, I just like to go back to his statement and say that he talked about the Agreement to Lease.

The Agreement to Lease, Madam Speaker, yes, it is accepted by FDB team, if it is registered with the Registrar of Deeds and in some cases, but not all, trading banks accept Agreement to Lease as a bankable document. This is a fact, Madam. He said "some banks" and I specified that FDB is the only bank this Agreement to Lease is registered, hence the deed. Hence (d), they are only accepting in some cases.

Madam Speaker, the other trading banks continue to demand for a registered lease. This is the fact of the matter.

The other one, Madam Speaker, I stand by my comment on the unscrupulous lessees who upon subdivision and obtaining a survey plan are continuing to ask for higher considerations to be agreed between the parties by way of a Sale and Purchase Agreement, and even the *Daily Hansard*, I do not the blame the Minister, today on Page 857 wrongly notes the reference that I made. They said “410/137”, in fact, I mentioned “4/10/1657” for the benefit of the Honourable Minister. The Land Reference is 4/10/1657, which I clarified to you before you made that statement.

HON. GOVT. MEMBER.- Did it have the consent of the?

HON. P. SINGH.- That is another matter. That is for the Department of Lands to decide whether they had a consent or not. If they did not....

HON. A. SAYED-KHAIYUM.- You are the lessee, you must get a consent.

HON. P. SINGH.- In fact, Madam Speaker

HON. SPEAKER.- Order! Honourable Member, do not respond to interjections, respond to the statements that have been made.

HON. P. SINGH.- Good advice, Madam Speaker.

HON. SPEAKER.- For interjections, we give you an extra minute.

HON. P. SINGH.- I hope you will give me time for that distraction.

HON. SPEAKER.- No, no, only one minute.

HON. P. SINGH.- Madam Speaker, the issue of consent does not arise when you have registered plan but I stand by my comment which I made yesterday that the File Ref was 4/10/1657. In fact the *Hansard* incorrectly states it as 4/10/137.

Madam Speaker, as far as the work of the Department of Lands is concerned, none of the Members from this side of the House have run it down. All we are saying is how can we improve the system. There are people out there, particularly the dairy farmers, if the motion come in today or tomorrow you will hear this; they want to invest in the property and the biggest obstacle for them is the non-renewal of leases. The banks will not lend without a bankable document, which is a registered lease. I think it is very simple. Instead of arguing about it, let us work together, this is what my plea to the Minister is, “Give unto these people, given unto Ceasar what is Ceasar’s”.

Madam Speaker, the other point that I would like to make is, which has been alluded to by Honourable Dulakiverata, is Schedule A and B lands. This land was transferred to iTLTB by a Parliamentary Resolution in 2001.

Madam Speaker, we can all talk about it; how many leases have been transferred and how many have not been transferred; but what is the fate of the lessees? You will note that the Prime Minister on his tour to Nawaicoba, there are 38 people who are affected by this and their lessees have not been renewed by iTLTB because they were with the Department of Lands and Master Lease controlled these lessees through the Department of Lands, the administration of it was transferred to TLTB.

HON. J.V. BAINIMARAMA. – The process.

HON. P. SINGH.- Now, yes, this process, it should not take 11 years, Prime Minister.

Yes, in fact, eleven and a half years, it has been there. I urge you as Minister for iTLTB and iTaukei Affairs, to at least push for a resolution of this instead of the prepared leases being moved from the Titles Office to iTLTB and the lessee. So, if this is when we say; “people running from pillar to post” because of inconsistent decisions.

Madam Speaker, we have never run down any department. All we are trying to do is to improve the system, the service delivery, which every Fijian is entirely to do in the quest that no Fijian is left behind. Thank you, Madam.

HON. SPEAKER.- Honourable Members, time has caught up with us. At at this point, we will adjourn for lunch. Please note that lunch is provided for Honourable Members in the Big Committee Room.

Honourable Members of the Business Committee are reminded of our meeting in the Small Committee Room.

The Parliament will resume sitting at 2.30 p.m.

The Parliament adjourned at 12.32 p.m.

The Parliament resumed at 2.30 p.m.

HON. SPEAKER. – Thank you. We will continue from where we left off in the Order Paper and I will now call on the Honourable Minister for Health and Medical Services to deliver her statement.

Plans on Addressing NCDs – Ministry of Health

HON. R.S. AKBAR – Thank you Madam Speaker. Madam Speaker, I rise to give my Ministerial Statement on Ministry's plans on addressing NCDs and the rising concerns that NCD poses to the nation and the Ministry at large.

Madam Speaker, Non Communicable Diseases, normally NCDs such as heart disease, stroke, diabetes, cancer, mental illness and chronic lung diseases pose a growing threat to health and wellbeing across the globe. The World Health Organisation estimates that NCDs took the lives of 38 million people and accounted for around 2 in every three deaths globally in 2012. That number is forecasted to increase to 44 million deaths by 2013.

Madam Speaker, it is also predicted that by 2020, NCDs will cause 7 out of every 10 deaths in developing countries. Looking more broadly at the overall impact, including non-fatal outcomes, NCDs are estimated to account for as much as 85 per cent of the total burden of disease in industrialised nations, 70 per cent in middle-income countries and 50 per cent in the world's poorest countries, where communicable or infectious diseases are equivalent.

Madam Speaker, in Fiji every year, there are 6,000 deaths due to health-related issues and of this, 80 per cent of deaths are due to NCDs. Non communicable diseases are generally attributed to lifestyle factors, such as tobacco consumption, un-healthy diets, excessive use of alcohol and lack of physical exercise. People can live with NCDs for many years but to do so, they often need to rely on medication and make frequent use of health services. That, Madam Speaker, means the growth in NCDs can play significant additional demands on health services.

Madam Speaker, the Ministry of Health and Medical Services has identified premature mortality deaths of Fijians under 70 years old as a major development issue for Government as a whole. The major cause of premature deaths in Fiji are, and the top three are:

1. Heart;
2. Diabetes; and
3. Stroke.

Premature deaths means premature illness and disability. Premature illness and disability means unhealthy lifestyle or behaviours in childhood.

Madam Speaker, in contrast to communicable diseases like dengue, typhoid, HIV, diarrhoea and pneumonia, which are caused by bacteria or virus, NCDs again are mainly caused by:

- Lifestyle or behavioural factors;
- Stress, only mentioned tobacco;
- Unhealthy diet;
- Unhealthy drinks;
- Lack of exercise; and
- Insufficient rest.

Therefore, once diagnosed with NCDs, the individual needs to modify lifestyle, take medication seriously and visit his or her clinic regularly.

Madam Speaker, a key to the Ministry's response to NCD in Fiji is improvement to its primary health care system, that is the delivery of services at all its nursing stations and health centres. The aim is to improve existing maternal health, child health and school health services in collaboration with communities we serve.

Some examples of the Ministry's activities in these areas include:

1. Promoting healthy lifestyle in childhood from conception to 18 years, through community health workers, antenatal clinics, maternal and child health services; and
2. School health programmes.

In addition, Madam Speaker, screening 80,000 adults aged 30 years and forward for diabetes, blood pressure, cholesterol and obesity at nursing stations and health centres. It also includes early interventions for cases detected at screening, reducing amputations for people with diabetes through establishments of food care clinics. Offering home based care for terminal cases of cancer and for stroke patients' discharge from hospitals in partnership with NGOs such as Fiji Cancer Society. It also includes training community health workers to promote wellness with an emphasis on safe motherhood, child breast and first aid.

Madam Speaker one might question, why primarily health care is given so much importance? Primarily health care, Madam Speaker, is where wellness behaviour can be promoted and NCD risks minimized, as opposed to hospital care.

Madam Speaker, the Ministry of Health and Medical Services is committed to achieving its vision of a healthy population by empowering everyone to take responsibility for their health. At national level, the Ministry is responsible for the national NCDs strategic plan and for overseeing multi-sectorial coordination of initiatives involving schools, faith-based organisations, workplaces, communities, villages and homes.

Madam Speaker, many of the factors that underpin NCDs are shaped by policies outside health, so there is a need for closed collaboration across ministries and all stakeholders. The increase in excise duty on carbonated and sweet and soft drinks in last year's budget, Madam Speaker, is a good example of how financial interventions can be designed to impact on health outcomes. With the introductions of the school health policy, Madam Speaker, we have reached the schools but we still need parental guidance, involvement and responsibility in nursing the child from pregnancy to four years and outside school boundaries.

Madam Speaker, I also like to reiterate that tobacco, another factor related to NCDs, is predicted to kill 1 billion lives in the twenty-first century globally and there is a need for global collaboration to curb this epidemic. The Ministry has a very competent National Tobacco Control Enforcement Unit, which is tasked with continuous monitoring, surveillance and prosecution of offenders contravening with tobacco control legislation in Fiji, namely the Tobacco Control Decree of 2010 and the Tobacco Control Regulations 2012.

Madam Speaker, there are legislations to reduce smoking and lessen exposure to second-hand smoke is another example of a cross-sector collaboration to reduce the burden of NCDs.

Fiji's NCD's STEPS Survey 2011 showed that the smoking prevalence rate among adults stood at 30.8 percent. A reduction in prevalence rate has significantly dropped from 38 percent to 30.8 percent in Fiji; a 7.2 per cent decrease, which has been made possible through the enforcement of Tobacco Control Degree 2010, Tobacco Control Regulations 2012 and of course, strengthening our awareness programmes to change individual mind set to take NCDs seriously.

Madam Speaker the Global Action Plan for the Prevention and Control of NCDs 2013 to 2020 and the Yanuca Island Declaration on Health in Pacific Island Countries, WHO Action Plan Tobacco free, Tobacco Free Pacific 2025 aims to achieve 5 percent or less smoking prevalence rate by year 2025. The Global Action Plan, Madam Speaker. for Prevention and Control of NCDs 2013 and 2020 targets a 10 percent relative reduction in prevalence of tobacco use by men, women, girls and boys for the Pacific region in the next five years. The Ministry is taking a lead role by working through multi-sectorial approach to make this a reality.

Madam Speaker, again, it is about individual choices. Here I have Madam Speaker, a tobacco warning by the Fijian Government.

(Showing a tobacco display)

It says, "Smoking causes lung cancer". We have similar warnings in place, Madam Speaker, but the fact is, if I can reiterate, it is individual choice. NCDs...

(Chorus of interjections)

You did not see it? You want to see it again? There are many more, we have a display outside, this is what smoking does to people's lungs. It causes lung cancer.

(Hon. Members interject)

I think I will leave it here.

(Laughter)

Madam Speaker, we, at the Ministry level, are very seriously...

(Honourable Minister circulates the tobacco display)

Thank you for the interest Honourable Members. As Honourable Members of the House, Madam Speaker, things like this should not be taken lightly because it is affecting the health of our people but again, let me state that we are very serious about advertising and campaigning against these factors that lead to NCDs and the individuals have a right of choice. If an individual wants to smoke and contract these NCDs, it is up to them. but we will continue advertising aggressively against these things.

Madam Speaker, we are currently reviewing with other relevant Ministries, in particular the Ministry of Economy and Industry and Trade the entire tobacco import licence regime. It is our view that there are still a number of loopholes that allow the importation of cigarettes, tobacco and indeed cigarette tobacco that is cheap, unsafe and chemically untested.

Madam Speaker, NCDs directly affect the quality of labour force through premature death of workers, or through disability as a result of a stroke, diabetic-related blindness or amputation. NCDs

also affect the quality of the labour force through absenteeism, additional diseases, co-occurring disorders, including mental health issues as well.

Madam Speaker, the biggest driver of lost input is the potential loss of labour due to early deaths from NCDs. Programmes to increase physical activity for young and old through organised sports or merely making it easier for people to move about and be more active in their daily lives can also help to reverse the growth in over weight and obesity.

Madam Speaker, the Ministry's statistics reveal that from 2014 to 2016, a total of 1,869 amputations were done. Of this, 835 were females and 1,034 were males who had lower limb amputation and indeed of a great concern to us. We are talking about 1,869 families who have been affected by NCDs.

Madam Speaker, losing a limb often affects not only the individual who has lost the limb, but also their family members who need help; both supporting the amputee and adjusting to the possible changes in the family's financial situation.

Madam Speaker, I am pleased to inform the House that Cabinet has recently endorsed a healthy catering guideline that was made available to all the Honourable Members of the House and this will be available to all Government ministries and departments to use. The guideline will enable the workforce to make healthier choices but will have a positive impact on their health. This guideline, Madam Speaker, promotes consumptions of local vegetables and fruits, strongly proposes healthy plate portion, and recommends a number of other healthy options for caterers. Eating healthy, growing our own foods and vegetables, we believe will greatly assist families in combating NCDs and as rightly said 'prevention is better than cure'.

Madam Speaker, I am reminded of the conversation I had during recess with Honourable Gavoka, where asked me, "Honourable Minister, will we have all these after we implement this," The answer I gave to Honourable Gavoka, Madam Speaker, was, "Again, it is a matter of choice. You can have a lot of things in front of you but the choice that you make affects your health" and, Madam Speaker, that is what it is trying to do.

Madam Speaker, NCDs present a significant challenge to the health of our people and to the economic wellbeing of our country. As I have said, NCDs must be tackled by all sectors and not the health sector alone. As individuals, we also have a responsibility to be leading examples of healthy lifestyle choices and by our actions show that NCDs can be beaten, and I am sure the Members of the Honourable House will support the ministry in this initiative by becoming a lead role model in this.

Madam Speaker, let me also lead this august House to the three most prominent NCDs affecting the nation. It claims many lives and leaves burden on families and the nation in terms of valuable lives lost, the costs incurred as a result of direct care needed in the treatment measure.

Firstly, around 500 to 600 Fijians are diagnosed with kidney failure every year in Fiji, Madam Speaker. There are thousands of people who are suffering from chronic kidney diseases at various stages, and as much as 65 percent in fact is due to diabetes. One of the most burdening non-communicable diseases in the country and worldwide.

Madam Speaker, a simple advice and a humble plea to all our Fijians is to please control your sugar levels, and make healthy choices to avoid becoming a diabetic.

Secondly, Madam Speaker, every year the Ministry of Health and Medical Services sends a number of patients with cardiac, heart diseases for overseas treatments. There are financial costs associated in facilitating these treatment.

Last year alone, the Ministry assisted 33 patients in accessing overseas treatments and this included those in urgent need of highly risk cardiac surgeries. The Ministry has also spent around US\$151,897 to send these patients for overseas treatment. A total of 160,000 was also spent by the ministry while supporting the treatments to the Coronary Artery Bypass Graft, total of 32 patients were assisted for open heart surgeries performed by overseas agents.

At this juncture, Madam Speaker, I would like to put on record my appreciation to all the visiting medical teams who have tremendously given their time and support in providing the much needed health care and operations free of cost for the Fijians.

Madam Speaker, NCDs present a significant challenge, again to the health and economic wellbeing of our country, achieving a NCD-free nation is a vision and again that vision can be realised with a collective collaborative and multi-sectorial vision.

Members of this august House, I am sure like I said, we need to be leaders and role models in our society. As we debate, Honourable Members in this House, as we debate issues and pass laws, we should be mindful of the damage that NCDs are doing and NCDs can do. We must ensure that we include consideration of health in all our policies. As a representative of all Fijians, we have a big role to play in reducing premature deaths and disabilities due to NCDs in Fiji.

Madam Speaker, the way forward in reducing NCDs are:

1. To support current interventions, preventative, treatment and rehabilitative services developed towards clinical interventions;
2. Lead and be role models in communities we all reside in, to talk and walk health wellness in all opportunities that arise. We look forward for your support in health in all policies that we make and of course; finally,
3. to promote a culture of annual wellness checks in your communities and be role models.

Madam Speaker, finally, I would like to leave by saying, NCDs are not only deadly but very costly on individuals, families and nations. It is time to act now and take our health seriously, as it can not only cost our own lives but also cost the lives of our loves ones. Thank you Madam Speaker.

(Acclamation)

HON. SPEAKER.- Thank you I now call on the Leader of Opposition or her designate to speak in response.

HON. A.T. VADEL.- Thank you, Madam Speaker. I wish to thank the Honourable Minister for Health in delivering her statement on addressing the issue of NCDs in our country.

First of all Madam Speaker, I wish to thank the Honourable Minister and the Ministry of Health on its commitment and effort in trying to help alleviate NCDs as it becomes the biggest killer in Fiji, causing thousands of deaths every year, and many of those deaths are premature, but I strongly believe that the Honourable Minister can take further steps to help alleviate NCDs.

Madam Speaker, if the Honourable Minister and the Government of the day are more serious with alleviating NCDs, then they must weigh their political will with economic demand from business entities, especially those who contribute toward increasing NCDs.

The reality now, Madam Speaker, is that, at the same time the Ministry of Health is preaching about eradicating NCDs, the Government is promoting and encouraging advertisement and marketing of junk food and drinks, like Coke Cola, Fiji Bitter, Fiji Gold and many more.

I believe, Madam Speaker, that it is now time that we take this issue seriously, taking into consideration that Fiji, as confirmed by WHO, has the second highest rate of NCD related diseases in the Pacific, and is the second highest nation in the world with deaths cause by diabetes.

Madam Speaker, raising taxes may be politically challenging for Government, however, if it wants a gain in the public health by alleviating NCDs, then it needs to sacrifice the political pain by raising taxes on products that most contribute to NCDs, including tobacco, alcohol and unhealthy foods and sugar sweetened beverages.

Madam Speaker, I believe there is a need to enforce laws and regulations to counter the continuous increase of NCDs in Fiji.

At the joint forum for Economic and Pacific Health Ministers' Meeting in Honiara in July 2014, Economic and Health Ministers from the Pacific Island forum, countries agreed that NCDs are financially unsustainable and committed to develop countries specific roadmaps, covering the following priorities in the Joint Economic Forum and Pacific Health Ministers meeting, 2014. These are:

- Strengthening tobacco control;
- Considering an increase in taxation of alcohol products;
- Reducing consumption of unhealthy food and drinks;
- Improving efficiency of existing health and expenditure; and
- strengthening the evidence-base to ensure optimal use of resources.

There is a need to enact regulation and governance, Madam Speaker, in order to strengthen the capacity to implement the law and governance reforms that will be needed on the commitments made by the Ministry of Health.

Madam Speaker, there is progress in terms of building commitment but lack of monitoring in the strategies and implementation of planned activities to tackle NCDs are still issues of concern. This is another area that the Honourable Minister for Health can improve on in order to alleviate NCDs.

There is also a need for more coordinated efforts by the Ministry of Health, Madam Speaker, to work with other Ministries, organisations and the public to combat NCDs. This is another area that the Honourable Minister for Health can look into.

It is evident, Madam Speaker, that most people who are buying junk food are those who do not have enough in their pockets. These are low medium income earners, so it is advisable to the Honourable Minister for Health to work with the Honourable Minister of Employment, Productivity and Industrial Relations, and recommend for increase in minimum wage from \$2.32 to \$4, and also with Honourable Minister for Economy to increase salaries and wages for workers, so that they can get away from consuming junk food and drinks. Thank you, Madam Speaker.

(Acclamation)

HON. SPEAKER.- I now call upon Honourable Leader of NFP, or his designate to have the floor.

HON. PROF. B.C. PRASAD.- Madam Speaker, this is probably one of the most important and relevant, and useful Ministerial Statements this week ...

(Chorus of interjections)

HON. PROF. B.C. PRASAD.- ... and I want to thank the Honourable Minister for Health for bringing this issue before the House because personally, I have experienced many families, many cases of deaths, families slipping into poverty as a result of that and I think it has become a huge problem and a cost to the country.

As the Honourable Minister quite rightly said, the WHO Report that Fiji has the second highest rate of NCD-related deaths in the Pacific and in the world. So, I am glad Madam Speaker, that this issue has been brought up by the Honourable Minister to Parliament, and I hope that from here on, we would be able to look at this particular issue as an issue of priority and one that needs to be streamlined in every aspect of what we do as a Parliament or as a Government.

There are two issues, Madam Speaker, one of course, the Honourable Minister quite articulately talked about and that is prevention. Prevention is through education and through campaigns, but that can go up to a certain extent only. Ultimately, Madam Speaker, there will be people who will have to be treated and here, I want to come to this whole issue of treatment access.

I know when people have symptoms of diseases, Madam Speaker, sometimes the first choice they have is a “*Ojha*” or a witchcraft doctor and I am told that some Honourable Members on the other side see a lot of “*Ojha*’s” and witchcraft doctors.

(Chorus of interjections)

HON. PROF. B.C. PRASAD.- But that is an issue and it is not simply because people want to get into that, but because the treatment access, the ability of our health centres and hospitals to provide relevant treatment at an appropriate time and a follow-up so that we do not get to a stage where people actually end up in hospitalS. And then the opportunity cost, Madam Speaker of not providing that treatment access initially, at the point where the patients actually go to the health centre, go to the hospital...

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

HON. SPEAKER.- Point of Order!

HON. PROF. B.C. PRASAD.- What is the Point of Order?

(Chorus of interjections)

HON. S.B. VUNIVALU.- Sit down.

Madam Speaker, every morning in this Honourable House, we pray to God but I suggest that the Honourable Member should withdraw his statement when he referred to Honourable Members

on this side going to witchcraft doctors. He should withdraw because we all believe in God, that is why we have got plenty seats. Thank you, Madam Speaker.

(Chorus of interjections)HON. SPEAKER.- Sorry, what was the word again?

HON. S.B. VUNIVALU.- 'Ojha' which means that we go to witchcraft doctors to seek power.

(Chorus of interjections)

HON. SPEAKER.- Honourable Member, Members have taken offence to the use of that word, now I would like you to withdraw.

HON. PROF. B.C. PRASAD.- Madam Speaker, that was an enlightenment, I am amazed ..

HON. SPEAKER.- Sorry, can you withdraw.

HON. PROF. B.C. PRASAD.- I withdraw the word 'ojha' and witchcraft. It is amazing what they can come up with in terms of Point of Orders.

(Chorus of interjections)

HON. P.C. PRASAD.- Madam Speaker, the point I was making is that the treatment access at the point of detection and a follow-up is very important because the opportunity cost of not dealing with those issues at the point of detection has a huge opportunity cost later on because when people carry on with that, they contract diabetes, they suffer heart attacks and stroke, that is more costly to the taxpayers and people of this country than spending a lot more time and energy and money and medicines at the point of detection. I think that is what is lacking, Madam Speaker, in terms of addressing the issue of NCDs.

The other point I want to make, Madam Speaker, is that, we sometimes assume that NCDs are a problem of the affluent. In fact, 80 percent of those who are affected by NCD-related diseases come from the low and middle income categories throughout the world, and this is where, Madam Speaker, when we promote healthy foods, we must ensure that there is affordability. I think that is the issue that we are not addressing.

The affordability of the right food and vegetables is very important in any campaign to reduce NCD-related diseases because if you do not address that, no matter what you do, people are not going to be able to afford healthy food, healthy meals, healthy breakfast and that can lead to serious problems with respect to NCD-related diseases. Thank you Madam Speaker.

HON. SPEAKER.- We will move on to the next Item in the Order Paper. I now call on the Attorney-General to move his motion.

EMPLOYMENT RELATIONS (AMENDMENT) BILL 2017

HON. SPEAKER.- I now call upon the Honourable Attorney-General to move his motion.

HON. A. SAYED-KHAIYUM.- Madam Speaker, pursuant to Standing Order 51, I move:

- a) That the Employments Relations (Amendment) Bill 2017 be considered by Parliament without delay;

- b) That the Bill must pass through one stage at a single sitting of Parliament;
- c) That the Bill must not be referred to a standing committee or other committee of Parliament; and
- d) That the Bill must be debated and voted upon by Parliament today, Thursday, 23 March 2017,

but then one hour be given to debate the Bill, with the right of reply given to me as the Member moving this motion.

HON. LT. COL. I.B. SERUIRATU.- Madam Speaker, I beg to second the motion.

HON. SPEAKER.- I now call upon the Honourable Attorney-General and Minister for Economy, Public Enterprises, Civil Service and Communications to have the floor.

HON. A. SAYED-KHAIYUM.- Madam Speaker, we would like to move this Bill fairly urgently, given the fact that at the moment, the Employment Relations Framework, the Tribunal Framework has a number of dual appointments that take place regarding the Tribunal. And if you see the amendment that is being presented, Madam Speaker, it is to do with the fact that we would now like all the Tribunal members to be appointed by the Honourable Chief Justice of Fiji, as we are seeing other tribunalists who are now being appointed by the Honourable Chief Justice.

At the moment, under the Employment Relations Tribunal Regime, is a Chief Tribunal Officer that is appointed by the Judicial Services Commission but the Tribunal members, in fact, are appointed by the Honourable Minister for Employment and Industrial Relations. As we have done with, for example LTA, the Tax Tribunal, and couple of other tribunals, including the Agricultural Tribunal, those members are now appointed by the Honourable Chief Justice and as sitting members of the Judiciary, they actually go and preside over these Tribunals.

So the amendment is actually quite simple but nonetheless, Madam Speaker, the amendment is actually quite urgent for us to be able to ensure that a lot of the number of backlog cases threw up because when we have the Honourable Chief Justice appointing members in the Tribunal, we can also start rotating the Magistrates or Judges to go and sit, so they can hear the backlog of the cases very quickly.

It also gives a particular level, a higher level, I should say, of integrity and credibility to the Tribunal system, in particular when the Tribunal members themselves are being appointed by the Honourable Chief Justice or the Judicial Services Commission, which are independent authorities one state or the other. Thank you, Madam Speaker.

HON. SPEAKER.- Thank you. The House is open for debate.

There being no comments and no input to the debate, Honourable Attorney-General would you like to make concluding statements?

HON. A. SAYED-KHAIYUM.- No, thank you, Madam Speaker.

HON. SPEAKER.- Thank you.

Parliament will now vote.

Question put.

The question is:

- a) That the Employment Relations (Amendment) Bill 2017 be considered by Parliament without delay;
- b) That the Bill must pass through one stage at a single sitting of Parliament;
- c) That the Bill must not be refer to a Standing Committee or other Committee of Parliament; and
- d) That the Bill must be debated and voted upon by Parliament today, Thursday 23rd March, 2017

but that one hour be given to debate the Bill with a right of reply given to the Honourable Attorney-General as the Member moving this motion.

Does any Member oppose the motion?

(Chorus of “noes”)

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

Motion agreed to.

HON. SPEAKER.- Pursuant to the resolution of Parliament, as passed, the Employment Relations (Amendment) Bill 2017 will now be debated, voted upon and be passed. The debate will be limited to one hour, and I now call upon the Honourable Attorney-General to move his motion.

HON. A. SAYED-KHAIYUM.- Thank you, Madam Speaker.

Madam Speaker, as highlighted in the introduction, the Employment Relations Tribunal was established under Section 202 of the Employment Relations Act 2007, to adjudicate on employment disputes or grievances between employers and employees and, of course, the representatives of each of those parties.

Currently under Section ...

HON. SPEAKER.- Honourable Minister, would you like to move this motion?

HON. A. SAYED-KHAIYUM.- I apologise, yes, I would like to move the motion.

HON. SPEAKER.- Do we have seconder?

HON. LT. COL. I.B. SERUIRATU.- Madam Speaker, I beg to second the motion.

HON. SPEAKER.- I now call on the Honourable Attorney-General to speak on his motion.

HON. A. SAYED-KHAIYUM.- Madam Speaker, my apologies for that.

Madam Speaker, the amendment actually seeks, as highlighted, to amend the relevant provisions in the Act. As we can see from the Bill, there are five Clauses and four Clauses are actually being amended.

Essentially, Madam Speaker, as currently highlighted under Section 204 of the Act, the Chief Tribunal is appointed by the Judicial Services Commission, while the members of the Tribunal are

appointed by the Ministers responsible for the Act, which is the Minister for Employment, Productivity and Industrial Relations.

However, in the interest of transparency and to ensure impartiality and further, the impartiality and independence of the Tribunal, we would need to amend the Act to allow the Honourable Chief Justice to determine the appointment of the members of the Tribunal instead of the Minister, given the Minister's responsibility under the Act is also to deal with employers and employees and their representatives. So if he is also, at the same time, appointing the Tribunal one could say that there may be possibly at times, conflict of interest. So in order to completely remove that, and in particular, in the area that is of great interest and where many people do bring their disputes.

We started this process, Madam Speaker, under the Bainimarama-led Government, where we started giving the appointment of tribunals, taking it away from Ministers and giving it actually to the Honourable Chief Justice and the Judicial Services Commission to actually appoint the tribunal members. Of course, being the Tax Tribunal, you have also the Immigration Tribunal, the LTA Tribunal, Agricultural Tribunal, so these members are all now appointed by the Honourable Chief Justice or the Judicial Services Commission as applicable.

Madam Speaker, also the proposed amendments are necessary, given the Tribunal under Section 202(2) of the Act is deemed to be subordinate to the Employment Relations Court. Therefore, it is imperative that the Honourable Chief Justice be given the power to appoint members of the tribunal and find people who should be qualified to be able to ensure that the right people carry out this very, very important work in particular, if there is a dispute. As you have heard the Honourable Minister speak previously, how we have mediation as an alternative, of course, should mediation fail, then people, of course, can go to the tribunal.

Madam Speaker, the Chief Tribunal and the members of the Tribunal cover the Central/Eastern, Western and Northern Divisions jurisdictions to adjudicate on employment disputes or grievances. As Members of Parliament may recall that in the last Budget, 2016/2017 Budget, we actually gave additional funding for more tribunals to be set up, and we also gave funding to ensure that there is what we call, a roving tribunal. It is for the ease, in particular the employees to be able to bring their grievances very quickly to the tribunal members without much cost and without actually having to go to Suva all the time. So we want to have one, of course, in the Western Division, Northern Division presence and also around Fiji as and when the need arises.

In fact, Madam Speaker, there was a number of outstanding cases that were awaiting delivery, a number of them have been addressed. There are still quite a few to be addressed also and we believe with this amendment, we can get members for the tribunal to be appointed through the Judiciary that will be able to expedite this, and I am sure the Honourable Minister responsible for this would also want to talk on this matter.

Very quickly, Madam Speaker, on the specific amendments themselves; Clause 1 of the Bill sets out the Short Title and the commencement of the Act, the dates to be appointed by the Minister in the Gazette.

Section 204 of the Act provides for the appointment of the members of the Tribunal by the Minister. Therefore, Clause 2 of the Bill amends Section 204(2) of the Act to allow the Honourable Chief Justice to appoint the members of the Tribunal, instead of the Minister.

Section 204 is amended by deleting subsection (3) in order to ensure that the members of the Tribunal are appointed based on merit, and not on gender or ethnic grounds as was stated previously

and perhaps states specifically that they must be appointed on ethnic grounds or gender. Of course, we want the best people to be appointed for the position, and ethnicity should not be a consideration.

Madam Speaker Section 205 of the Act deals with the Minister's power to determine the qualification of the person to be appointed as a member of the tribunal. In order to allow the Honourable Chief Justice to determine the qualification of the members of the Tribunal, Clause 3 of the Bill amends Section 205 of the substantive Act by deleting the word 'Minister' and substituting it with the word 'Chief Justice'. You will see this throughout.

Clause 4, Madam Speaker, again amends Section 207 of the Act, which deals with the vacation of office and resignation of members of the Tribunal. Section 207 is amended in order to allow the Honourable Chief Justice to remove members of the tribunal from office where misconduct, bankruptcy or neglected duty have been established.

Last, but not least, Clause 5 of the Bill amends the Act by deleting Section 208 and substituting a new Section 208, which provides for the determination of the remuneration and allowances of the Chief Tribunal and members of the Tribunal or the Judicial Services Commission and the Honourable Chief Justice respectively.

So, Madam Speaker, those are the only four Clauses that are being amended, essentially to allow the Honourable Chief Justice to appoint members of the Tribunal. Thank you, Madam Speaker.

HON. SPEAKER.- The motion is now open for debate. Honourable Minister.

HON. J. USAMATE.- Madam Speaker, I rise to support the Bill and the amendment before the House. As the Honourable Attorney-General has mentioned previously, in this session of Parliament, I have talked about the work that is being done by the Mediation but we have often seen in the past, the area of the tribunal where decisions are made and sometimes where backlogs have occurred.

I believe that the motion before the House is trying to ensure a number of things. It is trying to ensure that there is uniformity in the way that tribunals are appointed. It is also trying to establish that principle of developing fit and proper people in all kinds of areas in which we employ people. Earlier on this morning, the Honourable Attorney-General was talking about getting in fit and proper people sitting in the boards of various organisation, like FNPF. And also when we are talking about establishing tribunals for employment matters, it is important to get fit and proper people.

I believe that the Office of the Chief Justice has the competence and the ability to be able to identify and screen people who can become tribunalists so that they are fit and proper. They have the right competencies and right qualifications and experience to be able to handle this particular role.

I believe also, having the Honourable Chief Justice take upon himself this responsibility, is appropriate because the Honourable Chief Justice looks and is aware of the capabilities of all the people who come under the Judiciary, so he has access to a greater number of people who can become involved in this role. And this has been one of the issues that we have had in the Employment Relations Tribunal because of the lack of numbers of people who were appointed in that position, there were backlogs.

Obviously over the past year or so, we have had more additional tribunals that have been appointed by the system and as a result, things have progressed much faster.

Obviously, as the Honourable Attorney-General had said, the slower that decisions come up to the Tribunal, the more justice is denied because justice that is slow in coming, we are denying justice to people who bring up their cases over to a Tribunal. As a result of this whole exercise, my Ministry hopes to be able to work very closely with the Honourable Chief Justice in making sure that when we have employment disputes and grievances, that they are handled speedily, as the right and proper people are appointed to these Tribunal.

With those words, Madam Speaker, I support the Bill before the House.

HON. V.R. GAVOKA.- Madam Speaker, while we support the Bill, I have a number of clarifications, Madam Speaker.

In a tribunal, there is a representative for the worker and a representative for the employer before the Tribunal. Yesterday, we were told by the Honourable Minister for Employment, Productivity and Industrial Relations that only 25 percent of the workers are unionised and the unions are the ones who represent their workers in a tribunal, the 25 percent. What will happen to the 75 percent? We need clarification on that. So there will be advocates from the Ministry of Labour or from the Legal Aid, as long as we are assured that the workers have someone to represent them at the Tribunal, someone who is competent. We want to be assured of that.

Secondly, it is good that the Judiciary is in charge of this but I would like to be assured that that is not the end of the process. If the Tribunal is not satisfactory, he can still go to Court. Now, that the Honourable Chief Justice nominates the people in the Tribunal, there must be that final body and the final body you can go to is the court. Those are some of the issues that you will need to clarify here while we consider this Bill.

HON. M.D. BULITAVU.- Madam Speaker, just a small contribution to the Bill that is before the House in regards to its amendments. We agree that there needs to be a speedy process in regards to tribunal matters around Fiji because I agree that you attend to all cases, not only in Viti Levu but Vanua Levu on frequent occasions, given that Tribunal offices are located here in Suva and there are also cases around Fiji that they will need to attend to.

One of the issues there is the number of people that are employed by the Tribunal. Probably, most of them are confused whether they are employed under the Ministry of Labour or they come under Judiciary, some contractual issues are there and for them to be absorbed into the system, so those are administrative matters in regards to those who are employed under the Tribunal.

The other issue is that the Ministry has to create more awareness on is in regards to the rulings by Tribunals, probably there is a 21-day appeals period that is there after a ruling.

HON. MEMBER.- It is on the website.

HON. M.D. BULITAVU.- It is already on the website but people who come around who do not have access to the website, probably they need to be aware and sometimes they come to ask us on some claims if the case goes in their favour, but again the basic things for them to understand that there is a period, they have to wait, et cetera, in regards to this particular tribunal.

We do not have an issue in regards to the Honourable Chief Justice to be appointed, but with the appointing body, that shifts that power to the Honourable Chief Justice instead of the Minister, given the likelihood of a conflict of interest, given the issues of employment, the workers and also being the executive arms of Government, I think it is now in the better place to be in the Judiciary. It is more independent and it is more neutral, thank you, Madam Speaker.

HON. LT. COL. I.B. SERUIRATU.- Madam Speaker, in my short contribution to the Bill before the House, I again, wish to support this Bill based on the experience that we have had in the Ministry for Agriculture on the Agriculture Tribunal. The Agriculture Tribunal has undergone this process already a few years back.

Madam Speaker, my experience in the Ministry of Agriculture, we were having difficulty in trying to get the right people to be members of the Tribunal and it was a huge responsibility and, of course, a huge problem as well for us in trying to locate the right people to do the work for us.

Secondly, the number of cases, particularly the aggrieved parties, if I may say, after the Tribunal. They were not satisfied with the decisions of the Tribunal and with all due respect, probably it is the level of understanding and the experience of those involved because under the old system, a lot of the parties were again referred to the next level higher up in terms of their appeal. It was time-consuming as well as utilising most of the resources which is unnecessary and, of course, in the name of uniformity and consistency, this is good for us.

Recently, we have noted that most of the cases were dealt with efficiently and we see minimal cases where they are bringing it back to our attention, once we have gone through this same process. So I strongly support these amendments based on the experiences that we have had in the appointment of the Agriculture Tribunal through the same process, Madam Speaker.

HON. J. DULAKIVERATA.- Madam Speaker, I want to make a short contribution to this Bill.

We have no problem with the Honourable Chief Justice being the appointing authority. However, in the Crown Lands Act, there were people who do not agree with the rental and they would appoint arbitrators to arbitrate on their cases. But the process has always been very cumbersome, there is delay in the process and people are not satisfied. Now that we are going to have tribunals to look into these issues, it is a good avenue to address those issues.

What they have in New Zealand and I will speak in regard to the Valuers Tribunal there, they have a judge as head of the Tribunal and they always have retired people as referees to give professional advice to the judge in dealing with these types of problems. I hope that will be addressed, just to have the process of addressing the issues. That is my short contribution, Madam Speaker.

HON. SPEAKER.- There being no other input, I now invite the Honourable Attorney-General to speak in reply.

HON. A. SAYED-KHAIYUM.- Madam Speaker, I would like to thank all the Honourable Members of Parliament who have contributed to this debate.

Madam Speaker, just a few couple of issues that I would like to respond to. In respect of whether these decisions can be reviewed, yes. All tribunal decisions can be reviewed, as in the Tax Tribunal, the LTA Tribunal, where we can always get what we call a “judicial review”.

So in administrative law, if there is a decision made by a tribunal, then you have the right of appeal to the High Court and your first round of appeal goes to the High Court, of course, you can go to the Court of Appeal or Supreme Court, et cetera, but you can review the decision. So in this case, you have the Tribunal, then you have the Chief Tribunal and then, of course, you can go to the High Court too.

Secondly, in respect of the trade unions, that percentage of trade unionism in Fiji has been actually low, in fact, it was lower before. It is now in the mid-twenties. We cannot force people to join trade unions, many people elect no to join trade unions. In fact if you look at countries like New Zealand because they have very good laws protecting employees, many people opted not to join trade unions.

Essentially if you look at the history of trade unionism throughout the world, it was when there was huge disparities between the employer and the employees. It started off in the 18th Century England when they started manufacturing and you had all the sweetshops, you have those factories and people were being exploited.

Of course, it is very, very pertinent in many other countries in the world today. Fiji, thankfully, has moved away from that. Of course, there are still some need for it, but what is really interesting has been highlighted in Parliament before, most trade union members and most trade union activities are in Government-owned entities or in Government or semi-owned Government entities, statutory bodies.

If you go down the street and you walk down Cumming Street, you walk down any street in any of the towns in Fiji and you ask the people in the retail sales, how many of them actually have been approached by a trade union? Totally, none. There are not even there. In fact, in private conversation with the trade unionists, they said it is very hard to collect the dues from them. They said normally when you have the check off system, it is very easy. You go straight to the employer, the deduction is done and the money gets paid.

This is why very heavy union presence, not just now but for a number of years. In the PSC, you have the AFL, the Fiji Airways, you have Fiji Pine, and all of that. All of those entities are all statutory owned entities. In fact, the National Bank of Fiji is where the Banking Employees Union started off and it spread to the other banks.

However, if you look at most of the other private sectors, there is a very low rate of unionism, that is something by the buyer. As the Honourable Minister has highlighted that people can represent themselves, people can get lawyers to represent them and sometimes if there is a request made, Ministry officials can actually represent people too. This is why even more so that the Tribunal should be someone completely independent and not appointed by the Minister.

The other point raised by the Honourable Dulakiverata about referees. We have the Small Claims Tribunal, we do have referees there. These are people who have been out in the workforce, they have served in different responsibilities, even people like him can become a referee and we have had a number of people who have joined up for the Small Claims Tribunal.

Small Claims Tribunal now actually exist in almost all towns and cities in Fiji. Before it was only in Suva, Lautoka and Labasa and now as we know that the jurisdiction level or limit of the Small Claims Tribunal has been lifted. It has gone all the way up to \$5000. So a lot of those matters are actually appearing before the referees.

I think the whole regime surrounding Tribunals in Fiji overall does need to be in time to come and there needs to be a constant review, so this is one of the reviews. What Honourable Dulakiverata has suggested is actually a good idea. In fact, this is why the Small Claims Tribunal are now getting people from outside and there could be other Tribunals that could be looked at, in particular for disputes and in particular as the economy becomes more and more specialised. So there could be

disputes, for example, between developers. If you have a dispute, or there is dispute between developers and contractors, you could have a Tribunal for that so people like him and other people who have that kind of background could contribute to being the adjudicators.

The Honourable Chief Justice has set up the Mediation Centre now in Fiji which is near Berkley Crescent. So these are the areas that we are looking at developing and indeed, Fiji can become a focus on mediation and indeed, Tribunal.

Just also for the information of the Members of Parliament, the Public Service Disciplinary Tribunal which is set up under the Constitution, their members are also now appointed by the Honourable Chief Justice. The chairperson is a High Court Judge and the other two members are Magistrates, composed of the Public Service Disciplinary Tribunal.

So Madam Speaker, I think everyone agrees that it is a good idea to ensure that we have this amendment to the Bill to ensure that there is more impartiality, and that we are able to expedite the matters before the Tribunal. Thank you, Madam Speaker.

HON. SPEAKER.- Parliament will now vote.

Question put.

The Question is, pursuant to the Resolution of Parliament earlier today:

That the Employment Relations (Amendment) Bill 2017 be debated, voted upon and be passed.

Does any Member oppose the motion?

HON. MEMBERS.- No.

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

Motion agreed to.

[A Bill for an Act to amend the Employment Relations Act 2007, Bill No.9 of 2017, enacted by the Parliament of the Republic of Fiji. (Act No..... of 2017)]

HON. SPEAKER.- I now call upon the Honourable Attorney-General to move his second motion.

INCOME TAX (AMENDMENT) BILL 2017

HON. A. SAYED-KHAIYUM.- Madam Speaker, pursuant to Standing Orders 51, I move:

- a) That the Income Tax (Amendment) Bill 2017 be considered by Parliament without delay;
- b) That the Bill must pass through one stage at a single sitting of Parliament;
- c) That the Bill must not be referred to a standing committee or other committee of Parliament; and

- d) That the Bill must be debated and voted upon by Parliament today, Thursday, 23rd March 2017,
but that one hour be given to debate the Bill, with the right of reply given to me as the member moving this motion.

HON. LT. COL. I.B. SERUIRATU.- Madam Speaker, I beg to second the motion.

HON. SPEAKER.- I now call upon the Honourable Attorney-General, Minister of Economy, Public Enterprises, Civil Service and Communications to have the floor.

HON. A. SAYED-KHAIYUM.- Madam Speaker, just to highlight the need to have this under Standing Order 51. It is a very simple amendment but nonetheless a very critical amendment, that is, changing the definition of “permanent establishment” and making exception to it under the Income Tax Act.

HON. SPEAKER.- Thank you. The floor is open for debate. Are there any input?

There being none, I invite the Honourable Attorney-General, if he would like to make concluding remarks.

HON. A. SAYED-KHAIYUM.- No, thank you, Madam Speaker.

HON. SPEAKER.- Parliament will now vote.

Question put.

The Question is:

- a) That the Income Tax (Amendment) Bill 2017 be considered by Parliament without delay;
- b) That the Bill must pass through one stage at a single sitting of Parliament;
- c) That the Bill must not be referred to a standing committee or other committee of Parliament; and
- c) That the Bill must be debated and voted upon by Parliament today, Thursday, 23rd March 2017,

but that one hour be given to debate the Bill, with the right of reply given to the Honourable Attorney-General as the member moving this motion.

Does any Member oppose the motion?

HON. MEMBERS.- No.

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

Motion agreed to.

Honourable Members, pursuant to the Resolution of Parliament just passed, the Income Tax (Amendment) Bill 2017 will now be debated, voted upon and be passed. The debate will be limited to one hour.

I now call upon the Honourable Attorney-General to move his motion.

HON. A. SAYED-KHAIYUM.- Madam Speaker, pursuant to the Resolution of Parliament, I move:

That the Income Tax (Amendment) Bill 2017, Bill No. 10 of 2017, be debated, voted upon and be passed.

HON. LT. COL. I.B. SERUIRATU.- Madam Speaker, I beg to second the motion.

HON. SPEAKER.- I now call on the Honourable Attorney-General to speak on his motion.

HON. A. SAYED-KHAIYUM.- Madam Speaker, the Income Tax (Amendment) Bill seeks to amend the Income Tax Act 2015. The Act provides for the laws related to Income Tax and commenced on 1st January, 2016.

Madam Speaker, the Bill actually establishes a definition of “permanent establishment” and we seek an amendment to the definition of that.

Madam Speaker, necessary consultations were held with FRCA and the Office of the Solicitor-General and other key stakeholders.

Madam Speaker, as part of the taxation reforms with the introduction of the new Income Tax Act, the definition of “permanent establishment” provision was extended in alignment to the international best practice to counter-base erosion and profit shifting issues. This has internationally, become a taxation standard.

Madam Speaker, the permanent establishment concept is designed to capture businesses that operate in more than one country, and to tax their business under the relevant laws in which the business operates. For example, a New Zealand company that opens a branch office in Fiji would be taxed in both, New Zealand and Fiji. On the income earned in New Zealand it would be taxed in New Zealand under the New Zealand law and similarly for the income earned in Fiji, it would be taxed in Fiji under Fijian laws.

The definition of “permanent establishment” is intentionally broad to capture businesses operating in Fiji, to ensure that FRCA is able to tax the income that is earned in Fiji or businesses that are operating in Fiji. Amongst other things, Madam Speaker, the definition which was slightly amended as part of last year’s Budget captures:

- 1) A place of management, branch, office, factory, warehouse or workshop;
- 2) Mine sites and building sites where activity continues for more than six months;
- 3) Consultancy services where services are furnished for more than six months in 12-month period; and
- 4) Where substantial equipment is used in Fiji for more than six months within a 12-month period.

In particular, Madam Speaker, this broad definition is necessary, given the rising presence of overseas companies operating in Fiji and increase equipment presence by overseas service suppliers

in Fiji, which will now have been captured under the traditional “permanent establishments” definition.

In simple terms, Madam Speaker, if a person has a permanent establishment in Fiji, they are required to register with FRCA for VAT and income tax, and pay income tax on income earned in Fiji.

Given the application of Double Tax Agreements between countries, it is increasingly common for countries to tax their business income earned in their respective countries, even if the person is not a resident. With the global economy, non-residents often do business in the other countries.

Madam Speaker, however, there may be instances in which the broad definition of “permanent establishment” would create an administrative burden on a company wishing to do business in Fiji over the Fijian companies who would need to register with FRCA. Even the broad definition “permanent establishment”, a number of international companies have raised its application. It is also not uncommon for large international companies to pass the taxation obligations of a country in which it is not resident to the customer.

Accordingly, where there is a contractual arrangement solely with the Fijian Government or a person in which the Government has an interest (person can also mean a company) the amendment seeks to empower the Minister to deem that a person’s business is not a permanent establishment in Fiji, if the Minister is satisfied that the contractual arrangement provides a benefit to Fiji. This will only apply in relation to persons that contract solely with the Government or persons in which the Government has interested in.

In order for a person’s business to be deemed not a permanent establishment, a person must apply to the Minister in writing and:

1. Set out the details of the contractual arrangement;
2. State that it will only contract with the Government or persons in which the Government has an interest in; and
3. Outline the benefit to Fiji of the Contractual Agreement.

As I have said, Madam Speaker, a person means a company or a partnership or a trust or political subdivision or a government or international organisation.

Madam Speaker, the amendments are actually quite small, if you look at the amendments proposed. Clause 1 of the Bill, as usual, provides for the Short Title and commencement of the Bill. It also states when the legislation will come into force on the date appointed by the Minister.

Clause 2 of the Bill, Madam Speaker, amends section 2 of the Act in the definition of “permanent establishment” is to empower the Minister to exclude a person’s business from the application of the definition of “permanent establishment” where the person (as stated earlier on) enters into a contractual agreement with the Government or a person in which Government has interest and the contractual arrangement will contribute to an identifiable benefit to Fiji.

Clause 2, also Madam Speaker, clarifies the application of the permanent establishment definition by deleting the word “fixed”.

Clause 3 of the Bill, Madam Speaker, amends section 7 of the Act to provide the mechanism to apply to the Minister to be deemed not to be a permanent establishment.

Essentially, Madam Speaker, to give you a live example, if Fiji Airways leases an aircraft and you have a company that is offshore, most leasing companies of aircraft do not necessarily have a base per se, they do not actually have a warehouse, they actually lease an aircraft and if they lease an aircraft to Fiji Airways, if without this amendment, they would be deemed to be resident in Fiji, they would be deemed to have permanent establishment, they have to register for tax and also register for VAT, but what they are doing is actually leasing the aircraft to Fiji Airways. That is an example that I can give in respect of what we are trying to address. So, obviously, if we do that, that is the disincentive for them to be able to lease to Fiji Airways.

By this Amendment what we are saying is, we are not opening it up, we are simply saying only if a contractual arrangement is between the Fijian Government or an entity that has a relationship with the Fijian Government, for example, a State-Owned enterprise or a company in which Government has shares in, then they can apply not to have this definition apply to them. But in that application, they must show to the Minister that it will be of benefit to Fijian people or the Fijian Government.

Madam Speaker, it must also, for example, state quite unequivocally that they will not enter into any contractual agreement with any other party, except the Fijian Government. So, we are protecting it. It cannot be a situation where, for example, if someone comes and leases to the Fijian Government or has arrangement to Fijian Government then they start dealing with other private actors because they will also be exempt. So, these are the strict conditions under which they can be given the exemption. That is what the amendment is all about, Madam Speaker, thank you.

HON. SPEAKER.- Thank you, the motion is open to debate. Is there any input?

There have been no input. Honourable Attorney-General, would you like to make a concluding statements?

HON. A. SAYED-KHAIYUM.- Madam Speaker, I would like to thank Parliament for addressing this, this is a critical matter, and would like to address this because it does give a lot of confidence to international companies, but also sets out the law quite definitively as to who it applies to and who does not.

Thank you, Madam Speaker.

HON. SPEAKER.- Parliament will now vote.

Question put.

The question is, pursuant to the resolution of Parliament earlier today, that the Income Tax (Amendment Bill) 2017 be debated, voted upon and be passed. Does any Member oppose the motion?

(Chorus of Noes)

There being no opposition, the motion is agreed to.

Motion agreed to.

[A Bill for an Act to amend the Income Tax Act 2015, Bill No. 10 of 2017, enacted by the Parliament of the Republic of Fiji. (Act No.....of 2017)]

HON. SPEAKER.- Before we move on to the next Item in the Order Paper, I would like to acknowledge the presence of the Secretary-General of the Association of World Election Bodies, who is here in the gallery with the Supervisor of Elections and his delegation. You are very welcome to Parliament.

I now call upon the Honourable Attorney-General to move this motion.

**UNITED NATIONS CONVENTION ON THE CONTRACTS
FOR THE INTERNATIONAL SALE OF GOODS**

HON. A. SAYED-KHAIYUM.- Madam Speaker, I move:

That Parliament approves that Fiji accedes to the United Nations Convention on Contracts for the International Sale of Goods.

HON. LT. COL. I.B. SERUIRATU.- Madam Speaker, I beg to second the motion.

HON. SPEAKER.- I now invite the Honourable Attorney-General to speak on his motion.

HON. A. SAYED-KHAIYUM.- Madam Speaker, the United Nations Convention on Contracts for the International Sale of Goods was tabled in Parliament on 9th February, 2017 and referred to the Standing Committee and Foreign Affairs and Defence for consideration and review.

On 21st March, 2017, the Standing Committee tabled a report on the Convention, and the Report tabled by the Standing Committee provides the summary and examination of written and oral submissions made to the Standing Committee, with the recommendation that Fiji ratify the Convention.

Just to highlight once again what the Convention is about, Madam Speaker, the Convention is prepared by the United Nation Commission on International Trade Law or commonly known as UNCITRAL, was first adopted on 11th February, 1980 and came into force on 1st January, 1988. The Convention governs the international sale of goods between private businesses, excluding sales to consumers, sale of services and sale of specified types of good.

To-date, the Convention has 85 Member States, Madam Speaker, including most major trading countries accounting for more than two-thirds of global trade. A number of Fiji's main trading and development partners, such as the People's Republic of China, the Republic of Korea, Singapore, USA, Japan, Australia, New Zealand, France, Germany and Brazil, are all parties to the Convention.

Fiji does not have specific legislation that addresses the needs of modern cross-border commercial practice and, therefore, accession to the Convention will help bring Fiji's Laws and Practice in alignment with international standards. It will also give a lot confidence to people who will trade with Fiji.

The purpose of the Convention, Madam Speaker, is to provide a modern, uniform and fair tax of law for contracts with international sale of goods, reduce barriers in international trade and

promote the use and development of international trade. The Convention, thus contributes significantly to introducing certainty in commercial exchanges, decreasing transaction costs and facilitates the ease of trading across borders.

Madam Speaker, the implications for Fiji being a party to the Convention has no financial burden on the country. The administration of the Convention in Fiji does not require any dedicated body nor does it prescribe mandatory reporting requirements.

Following the accession to the Convention, Madam Speaker, amendments will be required to the Sale of Goods Act 1979. This Act has been in Fiji since then, and has not been amended since then, to ensure that it complies with the Convention.

We are working, Madam Speaker, with UNCITRAL to help us draft an amendment or actually repeal this existing law, and put in its place a new law.

It is important, Madam Speaker, to note that domestic sale contracts will not be affected by the Convention and will continue to be regulated by the current provisions of the Act.

UNCITRAL who worked with Fiji in the Electronic Transactions (Amendment) Act 2017 and which is currently work with Fiji in the draft Mediation and Arbitration Bill will provide technical assistance to Fiji with respected to necessary amendments to the Act.

The benefits of Fiji acceding to the Convention are as follows:

1. the Convention apply to Contracts for the Sale of International Goods which will be a uniform approach to the application of private international law;
2. the Convention will avoid disputes, particularly during the negotiating phase on the choice of law applicable to the contracts of sale and we see that quite constantly, even when we have contracts between the Government and various other private actors;
3. the Convention allows for State Parties to have equal and fair system for the settlement of disputes relating to the International Sale of Goods;
4. the Convention provides for international best practises and standard in relation to international trade; and lastly
5. the Convention strengthens co-operation and encourages international trade between State Parties to the Convention.

The above, Madam Speaker, as highlighted previously, will give enormous confidence to foreign investors and traders to enter into commercial arrangements with Fijian-based businesses.

Madam Speaker, the Convention consist of 101 Articles which are divide into 4 Parts:

1. Part 1 deals with the scope and application of the Convention and the general provisions;
2. Part 2 contains the rules governing the formation of contracts for the international sale of goods;

3. Part 3 deals with substantive rights and obligations of the buyer and seller arising from the contract. It also provides common rules regarding remedies for breach of contracts; and
4. Part 4 contains the final Clauses of the Convention dealing with procedural matters, such as how and when it comes into force, the declarations that are permitted and the application of the Convention to international sales where States concerned have the same or similar law on the subject.

Madam Speaker, according to Article 91(4) of the Convention, to become a party to the Convention, Fiji must deposit its Instrument of Accession to the Secretary-General of the United Nations, following expiration of twelve months after the date of deposit of its Instrument, the UN Secretary-General per Convention will enter into force into Fiji within that one year.

With those few introductory remarks and reminder remarks, Madam Speaker, I would like to move that Parliament vote for this ratification or accession on the UN Convention on Contracts for the International Sale of Goods.

HON. SPEAKER.- The motion is now open for debate and I invite input from the House, if any. Honourable Bulitavu.

HON. M.D. BULITAVU.- Thank you, Madam Speaker. We, on this side of the House, agree that with the motion that Fiji accedes to the Convention without reservation.

Again, Madam Speaker, I would like to register that after Fiji accedes, that the necessary domestication of our laws be done, especially when Fiji currently does not have specific legislation that addresses the needs of modern cross-border commercial practice and, therefore, acceding to this Convention will then bring Fiji's laws and practice in line with international standards.

With that, Madam Speaker, probably the Ministry of Industry, Trade and Tourism's MSME council, in partnership with the Fiji Chamber of Commerce can probably make more awareness in regards to this Convention to inform our traders to be aware of the rules and regulations that are available under the Convention.

On the other note, because this deals with goods that come through our borders, there should probably be some consideration given to the Fiji Ports Corporation Limited whereby we only have one port and it accommodates both, our tourists through the cruise liners that berth at the wharf and containers through the overseas vessels that also berth at the wharf. So if Governments could consider having a special wharf for our tourists so that the containers are not affected.

Probably, the other law that could be amended is the Maritime Act in regards to the preference that are there with regards to goods that our ships that berth into our ports. I think the fourth preference is given to ships that carry food and probably, that could be reviewed because it affects the contracts between foreign traders and our local entrepreneurs, especially in the private sector.

The other issue, Madam, is that probably given the increase in Small-Medium Enterprises (SMEs) and those who want to become exporters and will be dealing with exporters, should understand the rules that are involved and the risks. Who will be paying the risk? The processes that will go with FRCA and all other border activities that are involved.

On the other hand, Madam Speaker, we are dealing with Fijis Foreign Direct Investments (FDIs) and we are engaging more with China and products that are coming from there, are written in

their native language. So those who are buying from this side must understand and those contracts normally in the interpretation of law, which courts do they take. But this particular Convention will consider a neutral uniform rule which applies to a trader, a seller or a buyer here in Fiji.

Those are some of the improvements that probably could be done later after we had acceded to this Convention in the near future.

HON. SPEAKER.- There being no other input, I now give the floor to the Honourable Attorney-General to speak in reply.

HON. A. SAYED-KHAIYUM.- Madam Speaker, I would like to thank the contribution from the Honourable Member, so I would like to move that we vote on this motion.

HON. SPEAKER.- Parliament will now vote.

Question put.

The Question is:

That Parliament approves that Fiji accedes to the United Nations Convention on Contracts for the International Sale of Goods.

Does any Member oppose the motion?

HON. MEMBERS.- No.

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

Motion agreed to.

HON. SPEAKER.- We will now move on to the next Item in the Order Paper. I will now call upon the Honourable Attorney-General to move his motion.

HAGUE CONVENTION ON PARENTAL RESPONSIBILITY AND PROTECTION OF CHILDREN

HON. A. SAYED-KHAIYUM.- Madam Speaker, I move:

That Parliament approves that Fiji accedes to the Hague Convention on jurisdiction, applicable law, recognition, enforcement and co-operation with respect of parental responsibility and measures for the protection of children.

HON. LT. COL. I.B. SERUIRATU.- Madam Speaker, I beg to second the motion.

HON. SPEAKER.- I invite the Honourable Attorney-General to speak on his motion.

HON. A. SAYED-KHAIYUM.- Madam Speaker, this particular Convention has been before the relevant Standing Committee and as noted by the Standing Committee also, I would like to move an amendment to the motion.

The amendment to the motion is for us to ratify the Convention but we would like to move an amendment to say that we have a reservation on one of the Articles and that is Article 55 of the

Convention, so that Parliament approves the ratification of the Convention but with the reservation on Article 55. If I could hand over a copy of the amendment to the motion.

(Copy of the Amendment handed to the Honourable Speaker)

HON. A. SAYED-KHAIYUM.- Madam Speaker, I have the amendment to the motion, shall I read that out?

HON. SPEAKER.- We will discuss the amendment and have the final approval of the amendment.

HON. A. SAYED-KHAIYUM.- Madam Speaker, pursuant to Standing Order 105(1)(c), I would like to move:

That Parliament approves the ratification of the Convention but with the reservation on Article 55.

HON. LT. COL. I.B. SERUIRATU.- Madam Speaker I beg to second the motion.

HON. SPEAKER.- Pursuant to Standing Order 105(1)(c), Parliament would like to amend the motion that is currently before the House by adding the words, and this is the amendment:

“With reservation under Article 55 to reserve the jurisdiction of Fijian Authorities to take measures directed to the protection of property of a child situated in Fiji, and to also to reserve the right not to recognise any parental responsibility or measure in so far as it is in compatible with any measures taken by Fijian authorities in relation to that property.”

This amendment is to be inserted after the word “children” at the end of the motion.

Would you like to speak on this amendment?

HON. A. SAYED-KHAIYUM.- Yes, Madam Speaker. Madam Speaker, I am sure the Parliament does agree with the ratification of the Convention. The only reason why we seek an amendment with reservation under Article 55 is because if you turn to the Constitution, under Section 26 which is the right equality and freedom from discrimination has a proviso and the proviso is under Section 8(g) it says that equality rights apply to everyone, except, and I quote:

“to the extent necessary and without infringing the rights or freedoms set out in any other section of this Chapter, gives effect to the communal ownership of *iTaukei*, Rotuman and Banaban lands and access to marine resources, or the bestowing of *iTaukei*, Rotuman and Banaban chiefly title or rank.”

Essentially, Madam Speaker, what that means is this, under this Hague Convention, we are essentially agreeing that you could have the courts of other countries making orders regarding children and we, as a country, have to follow whatever orders they give. So they could say, “We must take the child now and give it to the father or give it to the mother.” That, we have agreed with, but in respect of property rights, what if a court overseas says, “We now want this person to be given the same proprietary rights as someone else in the landowning unit. They must now be putting the VKB.” You could have courts making that order. You could have a mother in another jurisdiction, getting a court to say, “I am being discriminated against because I am a woman” or “I am being discriminated

against because I am a father and I am not of the same ethnic group, but I still want my child to be registered in the VKB.”

A court may well give that order. What we are saying, when it comes to those types of property rights, we do not want the jurisdiction to apply to us because our rules pertaining to VKB, for example, and relating to *iTaukei*, Rotuman and Banaban cultural aspects of ownership, et cetera, must prevail over other orders that are mainly given by other jurisdictions. That is why we want to have an exception for Article 55 under this particular Convention. That is what amendment seeks to do, Madam Speaker.

So, we are in agreement with all other orders, all other Articles of the Convention apply, except for this because it could actually infringe upon the protection that is given to the *iTaukei*, Banaban and Rotuman people in respect of proprietary rights over their land and over, of course, the marine resources as well. So that is the rationale for that. Thank you Madam Speaker.

HON. SPEAKER.- Thank you. I invite comments from the House on the amendment to the motion, if any. Honourable Bulitavu.

HON. M.D. BULITAVU.- Madam Speaker, we all agree with the amendment but again, the Committee’s Report in regards to this has already considered Article 55 as a reservation. Probably, it was just a mistake by the Mover of the motion on that because the recommendation and the conclusion in Report already took this into account, that we accede with the Convention, with reservations on Article 55.

HON. SPEAKER.- Do you have any other comments on the amendment and the motion?

There being no other comments. Honourable Attorney-General, would you like to make concluding remarks?

HON. A. SAYED-KHAIYUM.- Madam Speaker, Honourable Bulitavu is being really pedantic. It is not an incorrect motion, that is how the motion was filed when it was originally given to Parliament.

We are obviously now getting parliamentary approval for this specific provision to be made that Fiji will have a reservation. We knew about this, we only sent it to the Committee to obviously have a look at it, to hear about it. Please, do not make it pedantic.

This Government’s objective was always to ensure that we have a reservation on this because we do not want our constitutional rights of *iTaukei* people, Banaban and Rotuman to be infringed upon. This is a simple issue and he should be glad that we are actually bringing this motion, and the fact that we highlighted this, and we have elucidated it well.

(Honourable Opposition Member interjects)

HON. A. SAYED-KHAIYUM.- Stop trying to make it a political issue!

Madam Speaker, again, we are now highlighting the fact that we would like Parliament and hope that Parliament votes for this Convention unanimously. It will afford a lot of rights to our children, also afford a lot of rights to our parents but also at the same time preserves the cultural aspects that is protected under the Constitution. Thank you Madam Speaker.

HON. SPEAKER.- Parliament will now vote.

Question on amendment put.

The Question is:

That Parliament approves that Fiji accedes to the Hague Convention on jurisdiction, applicable law recognition, enforcement and co-operation in respect of parental responsibility and measures for the protection of children with reservation (and this is the amendment):

“Under Article 55 to reserve the jurisdiction of the Fijian authorities to take measures directed to the protection of the property of the child situated in Fiji and also to reserve the right, not to recognise any parental responsibility or measure in so far as it is incompatible with any measure taken by Fijian authorities in relation to their property.”

Does any Member oppose the amendment to the motion?

HON. MEMBERS.- No.

There being no opposition, the amendment to the motion is agreed to unanimously.

Motion as amended agreed to.

HON. SPEAKER.- Honourable Members, we will now vote on the motion.

Question put.

The Question is:

That Parliament approves that Fiji accedes to the Hague Convention on jurisdiction, applicable law, recognition, enforcement and co-operation in respect of parental responsibility and measures for the protection of children.

Does any Member oppose the motion?

HON. MEMBERS.- No.

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

Motion agreed to.

HON. SPEAKER.- We will move on to the next Item in the Order Paper. I call on the Honourable Attorney- General to move his motion.

UNITED NATIONS CONVENTION AGAINST TRANSNATIONAL ORGANISED CRIME AND SUPPLEMENTING PROTOCOLS

HON. A. SAYED-KHAIYUM.- Madam Speaker, pursuant to Standing Order 130, I move:

That the Standing Committee on Foreign Affairs and Defence review the following Treaty - United Nations Convention against Transnational Organized Crime and its Supplementing Protocols:

1. Protocol to prevent, suppress and punish trafficking in persons, especially women and children;
2. Protocol against the smuggling of migrants by land, sea and air; and
3. Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components, and ammunition.

HON. LT. COL. I.B. SERUIRATU.- Madam Speaker, I beg to second the motion.

HON. SPEAKER.- The Honourable Attorney-General has moved the motion to refer the tabled Treaty to the Standing Committee on Foreign Affairs and Defence. I confirm that the Honourable Attorney-General has provided me with the copy of the Treaty and Written Analysis, as required by Standing Order 130(2).

Therefore, pursuant to Standing Order 130(3), the Treaty and the Analysis stand referred to the Standing Committee on Foreign Affairs and Defence for consideration and review. The Committee may table a report to Parliament no later than 30 days from today.

[United Nations Treaty on the Convention against Transnational Organised Crime and Supplementing Protocols referred to the Standing Committee on Foreign Affairs and Defence]

Thank you, Honourable Members. Just before we adjourn, we have a request from the Ministry of Health, EEG/Epilepsy Unit at CWM Hospital, together with Epilepsy Fiji are commemorating Purple Day tomorrow, 24th March, 2017 at the CWM Hospital Auditorium from 12.30pm.

On behalf of the EEG/Epilepsy Unit and Epilepsy Fiji, we request if all Members of Parliament and its staff could wear purple tomorrow. This is the second time in Fiji that we are holding a purple day, and the first time was during the International Women's Day.

Purple Day (26th March) is a global initiative dedicated to raising epilepsy awareness. Purple Day was founded in 2008 by nine-year-old Cassidy Megan of Nova Scotia, Canada. Motivated by her own struggles with epilepsy, Cassidy started Purple Day in an effort to get people talking about the condition, and to let those impacted by seizures know that they are not alone. She named the day Purple Day after the internationally recognised colour for epilepsy, lavender.

I request the Honourable Members to support this initiative tomorrow, and you will be excused if you want to wear as long as it is purple.

Thank you, Honourable Members. Parliament is now adjourned until 9.30 a.m. tomorrow.

The Parliament adjourned at 4.00 p.m.