

TUESDAY, 9TH FEBRUARY, 2016

The Parliament met at 9.30 a.m. pursuant to adjournment.

MADAM SPEAKER took the Chair and read the Prayer.

PRESENT

Hon. Josaia Voreqe Bainimarama, Prime Minister and Minister
for *iTaukei* Affairs and Sugar

Hon. Aiyaz Sayed-Khaiyum, Attorney-General and Minister of Finance, Public
Enterprises, Civil Service and Communications

Hon. Ratu Inoke Kubuabola, Minister for Foreign Affairs

Hon. Faiyaz Siddiq Koya, Minister for Industry, Trade and Tourism

Hon. Parveen Bala Kumar, Minister for Local Government, Housing, Environment,
Infrastructure and Transport

Hon. Mereseini Rakuita Vuniwaqa, Minister for Lands and Mineral Resources

Hon. Osea Naiqamu, Minister for Fisheries and Forests

Hon. Lt. Col. Inia Batikoto Seruiratu, Minister for Agriculture, Rural & Maritime
Development and National Disaster Management

Hon. Captain Timoci Lesi Natuva, Minister for Immigration, National Security and
Defence

Hon. Jone Usamate, Minister for Health and Medical Services

Hon. Lt. Col. Laisenia Bale Tuitubou, Minister for Youth and Sports

Hon. Rosy Sofia Akbar, Minister for Women, Children and Poverty Alleviation

Hon. Lorna Eden, Assistant Minister for Local Government and Tourism

Hon. Commander Joeli Ratulevu Cawaki, Assistant Minister for Rural and Maritime
Development and National Disaster Management

Hon. Dr. Mahendra Reddy, Minister for Education, Heritage and Arts

Hon. Commander Semi Tuleca Koroilavesau, Minister for Employment, Productivity
and Industrial Relations

Hon. Veena Kumar Bhatnagar, Assistant Minister for Health and Medical Services

Hon. Vijay Nath, Assistant Minister for Infrastructure and Transport

Hon. Iliesa Delana, Assistant Minister for Youth and Sports

Hon. Mosese Dreocala Bulitavu

Hon. Jiosefa Dulakiverata

Hon. Viliame Rogoibulu Gavoka

Hon. Semesa Druavesi Karavaki

Hon. Ro Teimumu Vuikaba Kepa

Hon. Ratu Kiniviliame Kiliraki

Hon. Jilila Nalibu Kumar

Hon. Dr. Brij Lal

Hon. Alvik Avhikrit Maharaj

Hon. Ratu Suliano Matanitobua

Hon. Alivereti Nabulivou

Hon. Ruveni Nadabe Nadalo

Hon. Ratu Sela Vuinakasa Nanovo

Hon. Niko Nawaikula
 Hon. Alexander D. O'Connor
 Hon. Viam Pillay
 Hon. Aseri Masivou Radrodro
 Hon. Salote Vuibureta Radrodro
 Hon. Lt. Col. Netani Rika
 Hon. Balmindar Singh
 Hon. Ashneel Sudhakar
 Hon. Ratu Isoa Delamisi Tikoca
 Hon. Anare Tuidraki Vadei
 Hon. Samuela Bainikalou Vunivalu
 Hon. Mikaele Rokosova Leawere

ABSENT

Hon. Prof. Biman Chand Prasad
 Hon. Roko Tupou Takeiwai Senirewa Draunidalo
 Hon. Prem Singh
 Hon. Ratu Naiqama T. Lalabalavu

ADMINISTRATION OF OATH/AFFIRMATION OF ALLEGIANCE

The following Members subscribed to the Administration of Oath or Affirmation of Allegiance and took their seats in the Chamber:

1. Hon. Mataiasi Akoula Niumataiwalu; and
2. Hon. Mohammed Mursalinul Abe Dean.

MADAM SPEAKER.- Congratulations to the Honourable Members and welcome to Parliament. Before I call upon the two Honourable Members, I take this opportunity to especially greet their family members who are here observing from the gallery. Once again, welcome to Parliament.

I now invite the Hon. Mataiasi Akoula Niumataiwalu to deliver his maiden address.

HON. M.A. NIUMATAIWALU.- Madam Speaker, the Hon. Prime Minister, Cabinet Ministers, the Hon. Leader of the Opposition, Honourable Members of Parliament, members of the public in the gallery and those watching this live telecast: good morning to you all.

It is indeed a great honour and privilege to take my place in this august House today, as a Member of Parliament. First and foremost, I thank the Lord Almighty for His favour and the favour of the people of this beloved nation for giving me this honour. For those of you who voted for me, I hope my efforts will reward your faith. For those who chose otherwise, I trust that I will be working to earn your support. In either case, I am here ready to serve.

I pledge to carry out my duties to the best of my abilities with diligence, integrity and accountability for all I say and do. Being new to this august House, I am willing to learn from my leaders, my seniors, my peers and everyone who has the heart for moving this nation forward.

Madam Speaker, firstly, allow me to acknowledge those who have helped me along the way. As briefly touched on earlier, to God Almighty, I give all honour. I am eternally grateful for His guiding hands upon my life and my family.

Secondly, I would like to at this juncture convey my sincere gratitude to the Hon. Prime Minister and FijiFirst leader, Ratu Josaia Voreqe Bainimarama. As a media person these last 35 years, our paths have crossed several times; however, the most vivid in my memory is when he attended my eldest son's wedding in 2005 and patiently waited two hours of his own accord. It was then that I realised, here was a man who cares for those under his leadership. It is no wonder that the FijiFirst Government also genuinely cares for all Fijians.

Furthermore, I acknowledge and am deeply grateful to the Hon. Attorney-General, Minister of Finance and General Secretary of the FijiFirst Party, Hon. Aiyaz Sayed-Khaiyum for his trust and confidence.

There are also two men who have, by way of their decisions, made this possible. These are Mr. Sanjit Patel and the Acting Commander of the Republic of Fiji Military Forces, Rear Admiral Viliame Naupoto. These noblemen were in line for this position before me, but have opted to serve their country in different roles instead. I am grateful to you both and wish you every success in your endeavours.

Madam Speaker, I would like to thank my family for their unwavering support before and after the Elections, and especially our three sons - Alipate, Tuma and Sekaia and my three grand-kids, my biggest fans.

I thank my close relatives, Aminiasi Niumataiwalu, representing my family from Nayau; friends and my bosses at the Oceania National Olympic Committee (ONOC), International Olympic Committee Member and ONOC President, Dr. Robin Mitchell and Secretary-General Ricardo Blas; my pastor Reverend Orisi Vuiria and Radini for their prayers and support; and my senior pastor and General Superintendent of the Assemblies of God Church in Fiji, Rev. Pita Cili, for his words of encouragement before and after the Elections.

I wish to thank the electorates who had confidence in me and gave me their approval. I wish to thank my immediate and extended families for their moral and spiritual support.

Lastly and of particular importance, I wish to thank and honour my wife, Mei, who, without a doubt, has been a pillar of strength and is a true and shining example of the vows we took 33 years ago.

Madam Speaker, my decision to apply to become a Member of FijiFirst stems from the fact that the Party possesses a strong sense of patriotism, desiring the best for all Fijians. The FijiFirst Government has proven that it is deeply and sincerely a caring Government.

I was in Tonga last week and a media colleague of mine quipped, "Fiji is really progressing, just look at what the Government is doing for its people: infrastructure and wealth, getting right down to even those in remote villages and islands." Yes, this Government is indeed putting Fiji first and I am eagerly anticipating becoming a more active part of its journey.

Madam Speaker, let me now turn to what I bring to the FijiFirst Government and our people.

I have been a journalist for over 30 years having worked at the Fiji Sun, the FM 96, Fiji Broadcasting Commission, Fiji Television, Fiji Times and managed the Pacific Islands News Association for several years. In the recent past, I was fortunate to be involved in a Parliamentary and Political Leaders Forum which brought together 70 participants from 18 countries. Discussions and deliberations centred on leadership, democracy, climate change, health issues, gender equality, media and the importance of Parliaments in our communities, business development and job creation were among the key issues debated.

Madam Speaker, I am committed to the pursuit of the following objectives to:

1. take steps to increase women representation in parliaments and to empower them to be active in all aspects of society, including governance and business;
2. explore strategies to meet the challenges arising from climate change, involving urgent and effective actions in mitigation, adaptation and financing, including placing a high reliance on renewable energy;
3. foster a free-professional and independent media to promote democracy and an open and transparent society. Media has and continues to have an important role to play in ensuring political accountability. Participants at this Forum remarked on the rise of social media and its utility as a communication tool, particularly in remote communities;
4. promote effective leadership and create engagement between parliament and the community we represent;
5. explore ways to improve the delivery and creation of services in small, isolated communities, including through better infrastructure and information technology;
6. prioritise primary healthcare, health promotion and disease prevention; work to educate our communities on the importance of healthy lifestyles and to raise awareness about reproductive and sexual health, and ensuring cost effectiveness and good management to sustain affordability of healthcare;
7. improve and promote economic conditions to facilitate trade and investment in a manner that ensures sustainable development in the interests of Fiji while retaining cultural identity and sovereignty; and
8. acknowledge that sound governance from our Parliament is essential to expand sustainable businesses and to create jobs, especially for our young people.

I am amazed by the fact that the FijiFirst Government is already putting to action these goals. It assures me that I am in the right place. I can honestly attest to the fact that this Government, under the able leadership of the Hon. Prime Minister, is walking the talk.

Madam Speaker, allow me to now zero-in on the three areas I am most passionate about, namely: media, sports and building of strong families.

In 2012, the Solomon Islands Deputy Speaker of Parliament, Hon. Job Dudley Tausinga said this, and I quote:

“The importance of the media to the Parliament in achieving its objective as the Legislature of the land is very much perpetual and is a prerequisite if the people of the land are to support its very role.”

Similar sentiments have been echoed around the Pacific region by members of parliament at one time or another.

Yes, the media plays a very important role in societies today, covering a wide range of topics and creating powerful personalities who are relied upon for sources of information and commentary.

Writing about the fourth estate in 1841, Thomas Carlyle argued that the press was an important part of a democratic society, saying that writing gives people “a tongue which others will listen to”. Because of the importance of journalism in society, most members of the media abide by certain professionalism and personal ethics. Many journalists attempt to cultivate an air of neutrality, focussing on reporting of the issues as they are, so that people can judge the facts for themselves, while others focus on offering commentary and analysis from the perspective of a particular position.

This is the sort of environment that I started my career in; democracy in Fiji was still very young. People judged you by your work.

Currently, there is a bit of a ‘changing of the guards’ situation in the newsrooms today. We have an influx of young journalists as the experienced ones have either gone to greener pastures or opted out of the profession. In this context, there is definitely scope for further media training.

In October of 2008, I was part of the Commonwealth Parliamentary Association and UNDP Team that conducted a workshop for parliamentarians and the media in Tonga, two years before Tonga’s first democratically elected parliament. My focus was on helping to build a relationship between the media and parliamentarians, and I hope to bring what experience I have gained back home for the benefit of our people.

Madam Speaker, my other passion is sports, having entered the local media back in April 1981 as a sports journalist and being forever affected by that experience. Sports is a uniting factor and an excellent tool for nation-building. For someone who grew up in Raiwaqa, Toorak in Suva and Topline in Lautoka, I have seen firsthand how sports can transform communities. Remittances coming through sports will continue to grow as our sportsmen and women venture into new areas and make their mark in the world of sport.

Madam Speaker, I applaud the Bainimarama-led Government for its allocation towards sports in the 2016 Budget.

We are all in great anticipation of the Rio Olympic Games in August this year. Our men and women’s 7s Teams and the under-23 soccer sides have qualified to compete. Our best bet for medals lie with our men’s 7s rugby team. This is the best chance our nation has ever had to make our mark on the world sports’ scene, of course, apart from golfer Vijay Singh and Para-Olympian gold medallist and Assistant Sports Minister - the Hon. Ilesia Delana.

I also take this opportunity to thank Ben Ryan and his gallant warriors for the New Zealand and Australia legs of the World Rugby Sevens Series. Although we all wanted to win, it is a blessing in disguise, and like the coach said, “We are on the right track.”

We must fully support the Ben Ryan-coached Sevens Team and the Women's Team. I have been to a couple of Olympic Games and have personally seen that one of our biggest downfalls in the past have been funding allocations for our team. Athletes and players have had to sacrifice from their own pockets to place this beloved country on the world map. I hereby plead to the heart of all Fijians that Ben Ryan needs the extra funds now to prepare well and have the right top-choice players for Rio. The spinoffs, benefits and publicity from the Rio Olympics will far exceed what we put into this team.

Before the Rio Olympics, the country is hosting the Oceania Weightlifting Championships in May and the Oceania Swimming Championships in June. These are significant events as they will also be used as pre-Olympic qualifying events. In line with my work as Communications Manager for the Oceania National Olympic Committee, I have been travelling around the region setting up Sports Journalist Associations. Last week, I was in Tonga to help set up the third such association after Fiji and Papua New Guinea.

I was the only local media person at the 2008 Beijing and the 2012 London Olympics. But, this time around, I am proud to announce in this august House that in Rio, we expect to have five media representatives from *Fiji Sun*, *Fiji Times*, *Fiji TV*, *FBC TV* and *Teivovo*. Yes, our country has come a long way and I am optimistic of our prospects for the future.

Madam Speaker, the third and final area I would like to talk on is building strong families. My wife and I have been National Directors for Marriage Ministries International for over 20 years. It is a training ministry for married couples, and has been in the country since 1994. The organisation has in the two decades trained a little over 2,000 couples. This is a drop in the ocean when you consider that in 2007, there were approximately 170,000 married couples or 41 per cent of the population.

We have made several presentations to the Ministry of Women, Social Welfare and Poverty Alleviation hoping to partner with them and assist the Ministry in finding long-term solutions to social problems that families tend to encounter. We believe in better equipping the next generation and have therefore submitted a proposal for National Development 2015 on a mentoring programme for young married couples. Everything begins from home.

In our view, there exists a link between current poor standards in the family front and the absence of mentoring programmes within key institutions. There also appears to be no institutional mechanism to promote the essential habits and standards of the craft of marriage within Fijian homes. It is thus of utmost importance that we:

1. Better equip married couples to uphold foundational and godly principles within their homes;
2. Expand the current network of well-groomed and balanced couples to impact their neighbourhoods throughout society for a better Fiji;
3. Share knowledge and experience via a process of mentoring across national boundaries; and
4. Develop our professional capacity in specific areas of family endeavours.

Madam Speaker, to conclude, when the foundational principles of marriage and the value of the family is restored, generations that follow will be blessed, the nation will be strengthened and we will continue on the path of making Fiji, once again, the “way the world should be.”

Again, I thank you all for the opportunity to serve my country in this role, and may the rest of our term continue to move our country forward towards prosperity and harmony.

May the Lord and His Holy Spirit bless our beloved nation, Fiji.

(Applause)

MADAM SPEAKER.- I thank you, Honourable Member. I now invite the Honourable Mohammed Mursalinul Abe Dean to deliver his maiden speech.

HON. M.M.A. DEAN.- Thank you, Madam Speaker.

Love does not cost us anything. Kind words and deeds do not cost us anything. The real beauty of our beloved country is equal for everyone to see. It was given by God equally to all, without restrictions, without divisions. We are only as strong as we are united, and we are as weak as we are divided.

Madam Speaker, the Hon. Prime Minister, Hon. Cabinet Ministers, Hon. Leader of the Opposition, Members of Parliament from the Government side and from the Opposition, guests and fellow Fijians: *bula vinaka, namaste* and *as-salam-u-alaikum* to you all.

As much as we can proclaim that it has been through our hard work and efforts that we have achieved what we are today, in reality, nothing could be achieved without the blessings of the Almighty. Success and failures are primarily in His hands, and I am glad enough to be blessed with the opportunity to speak here today in front of all, Honourable Members.

Definitely, the great Almighty is all that we need in our lives, but somehow He has been gracious enough to gift our lives with very special people whom we proudly call our parents. And, I am lucky enough to have two of these very special people, who from the time I entered the world on 29th March, 1984 have taken extremely good care of me. Blessed are the ones who have parents, but even more blessed are the ones who have kind and caring parents.

My parents are two of the kindest and good-hearted human beings I have ever known in my life. Additionally, we are a total of four siblings. My elder brother, Mohammed Zainul Abe Dean, then me, my sister, Shama Sha Aleha Begum who has settled in New Zealand and finally my baby brother, Mohammed Shafiul Abe Dean who assisted me tirelessly during my campaigns.

My father, Mr. Mohammed Harun was a very well-known Urdu language teacher at Varavu Muslim Primary School, the school in the locality where I was raised and he was very much inspired by his father, my late paternal grandfather, Mr. Mohammed Yusuf, who also happened to be an Urdu language teacher at the same institution.

My dear mother, Moina Begum Harun originally hails from Nadi. She is the daughter of late journalist, Mr. Mohi-ud Dean, who once wrote the famous article, “Black man’s land, white man’s paradise.” Unfortunately, he wrote that article at a time when Colonial rule was pretty much strongly in existence in Fiji. This brave man lost his journalism licence, but he never lost his integrity and

courage. Later on, he pursued a career in teaching at a secondary school level. So, I believe the inspiration in the teaching profession in my family has been running for many generations now.

As is my family's legacy, I decided to pursue a career in teaching. I completed my high school from Kamil Muslim College in Ba as an Arts student. After the completion of high school, I graduated from the University of the South Pacific with a Degree in Political Science, History and Geography. I complemented my Degree Programme with a Post Graduate in Education as well.

My aspiration to join politics as a candidate for the FijiFirst Party came from the strong admiration and the support I have had for the Hon. Prime Minister and the FijiFirst Government, particularly in regard to its Free Education Assistance Policy. I owe my political career to the Hon. Prime Minister and the Hon. Attorney-General for having faith in me and giving me the opportunity to join the greatest Party in Fiji's history.

I have always believed that the most important investment in our lives is that of our children's education. When I started my teaching career, I began to understand the concerns and problems of our students. This problem did not persist in a single school but were pretty much evident in most of the schools' concerns and problems with our students. These problems did not persist in a single school, but were pretty much evident in most of the schools around Fiji.

Students were burdened to pay school fees and other forms of fees. Parents were finding it hard to afford their children's daily bus fares and textbooks. Students from disadvantaged families were sometimes prone to constant remarks about their inability to pay school fees on time. The financial constraints and burden upon parents even led to some of them dis enrolling their children from school and some not even sending their children in the first place.

Madam Speaker, and Honourable Members, we cannot claim that this problem is new. It has been in existence right from the days the school system started in Fiji, but no government was able to address the problems of our poor children and all the children until the Government of our nation's great man, the Hon. Prime Minister, Mr. Bainimarama came into power. His Government's education policies ensured that no child is neglected and no parents will feel burdened when it comes to basic education. The Free Education Programme, Free Text Book Programme, Free Milk and Breakfast Programme and the Free Bus Fare Scheme have provided much needed financial relief for parents and its impact on the education of our children has been immediate.

Great is a government which cares about its people, but greater still is a government that cares specifically about its children. Our children mean a lot to us. The Almighty has been kind enough to bless me with a very cute baby boy, Mohammed Rayaanol Abe Dean and likewise, blessed are all those mothers and fathers of Fiji who have children. Only a mother would feel how painful it is to deliver a child and equally how heart-warming it is to have a child born on a motherly lap. Only a father would understand, being the patriarch of a family, how special it is to raise children and lead them towards positive growths of life. Children mean a lot to us. They teach us patience, to be more responsible and most importantly, they bring families together. This vision of caring and responsibility is shared by the Government of our Hon. Prime Minister and through his Government's education policies, he has shared the responsibility of a kind, caring and responsible parent, providing a lot for the children of Fiji. I will always strongly advocate the educational policies of the Bainimarama-led Government.

The FijiFirst Government has also ensured that all those students and citizens of Fiji who have been for whatever reason, unable to attain a formal education in the past, are now able to do so.

Before joining the Parliament, I was employed as a Senior Lecturer and Counsellor at the Technical College of Fiji, Nadi Campus. During my period of employment there, I have come to see the immense difference such institutions have made upon the lives of people. Youths and adults who have not been able to attain a proper education in the past are now able to do so.

Education, I have seen, does not have any limits and students of all ages, ethnicities, social standing and genders are getting enrolled to make use of the opportunities that are finally available to them. With a very relaxed criteria of entry, many can now complete a programme based on their work experience and interest and unlike before, vocational and technical training has got recognition in the form of Certificates I and II from all the Technical Colleges in Fiji.

A great leader once said; “Give me only a hundred youths with heart and energy and I shall change the whole country.” Such is the power and impact of the young people in our society. I also believe very strongly in advocating on the needs and developments of youths in our country. Additionally, I will also advocate on the ways in which the stakeholders of our beloved nation can work together to address problems faced by our youths.

Madam Speaker, as I near the end of my speech, I wish to emphasise how very thankful I am to the citizens of Fiji who voted for me and those people who assisted me during my campaigns: particularly my uncle Imtiyaaz Shakoor and Zaheed Dada: my friends; Atunaisa, Mohinesh and Hussein, Mr. Vimal from Lautoka, my dear friend Faiz Jaan, Mr Mala from Sabeto; my cousin, Saiyaz Abdul; my in-laws, Mr. and Mrs. Anil Singh and Mr Arveen Singh; Ms Milika and the team from Tavua; and all those who supported the FijiFirst Party during the Elections.

Finally, a man’s journey in life cannot be taken alone. Every man is incomplete in his achievements in life until he finds that special person whose hands he can confidently hold, whose shoulders he can strongly lie on and whose heart he can connect himself to, to make him a complete person. My dear wife, Mrs. Areena Dean has always been my better half. Even though joining the FijiFirst Party was a very sudden and big decision for me, she stood by my side, believed in my dreams and most importantly, she gave me the cutest gift of life I could ever ask for, my little naughty but very cute son, Rayaan..

With those words, I thank all our esteemed leaders and the people of Fiji and pledge, as a family man, educator, passionate youth, and a FijiFirst Member of Parliament, to serve my country to the best of my abilities. Thank you.

(Applause)

MADAM SPEAKER.- I thank you, Honourable Member.

MINUTES

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

That the Minutes of the sitting of Parliament held on Friday, 20th November, 2015 as previously circulated, be taken as read and be confirmed.

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

Question put.

Motion agreed to.

COMMUNICATIONS FROM THE CHAIR

Welcome – Honourable Members

MADAM SPEAKER.- I welcome all Honourable Members to the first sitting of Parliament in 2016.

Official Attire – Presiding Officer and Clerks of the Fijian Parliament

As you can all see, I have made a decision about the attire of the Presiding Officer and Clerks of the Fijian Parliament. It is the tradition for officers of this House to wear formal dress similar to that which was formerly worn by the Speaker and Clerks of the House of Commons. It is my intention to discontinue the wearing of wigs and gowns other than on ceremonial occasions.

Acknowledgment of Visitors

A special welcome to the *Turaga na Tui Vuna*, Ratu Aporosa Rageci and his group from Vuna.

I wish to warmly welcome the members of the public joining us in the gallery and those watching proceedings on television, in the internet and listening to the radio. Thank you for taking interest in your Parliament.

Legal Advice – Suspension of NFP Members

Honourable Members, I wish to advise that subsequent to the suspension of the National Federation Party by the Registrar of Political Parties, I sought legal advice on the impact it may have on the Honourable Members concerned.

I have been advised as follows -

1. The suspension of the registration of a political party has the effect of suspending that political party and all its members from all Parliament, including from all Committees of Parliament.

2. This means that any such suspended political party and all its members cannot participate in Parliament or in any of the Committees of Parliament.
3. Furthermore, the political party or any of its Members cannot be entitled to any remuneration from Parliament for the duration of the suspension.

I have communicated this information to the Honourable Members concerned last week and that they were thereby suspended from Parliament for 30 days, with effect from 1st February 2016. The suspension will be reviewed once the status of the political party is determined by the Registrar of Political Parties.

Time Limitations – Debates and Questions

For the information of the Honourable Members, I have decided that we need to tighten certain timelines. Firstly for the regular 20 minutes speeches, I have noted a lot of confusion by the Honourable Members with the timing of warning bells. From now on, there will be single warning bell at 18 minutes and the final bell at 20 minutes, upon which Honourable Members will resume their seat.

We also need to streamline supplementary questions. There is too much time taken up by the framing of questions. From now on, I will be strict, so from the time I acknowledge an Honourable Member, they will be given two minutes to ask their question. Then the bell will ring and I will call on the Minister to answer the posed question.

Availability of Reports – Parliament Library and Website

The following Reports are available on the Parliament website and in the Parliament Library. These are -

1. 10th Meeting of Women Speakers of Parliament in New York in August 2015;
2. 4th World Conference of Speakers of Parliament in New York in August 2015;
3. 133rd IPU Assembly in Geneva in October 2015; and
4. 64th Westminster Seminar in London in November 2015;

I thank you.

SUSPENSION OF STANDING ORDERS

HON. LT. COL. I.B. SERUIRATU.- Madam Speaker, please allow me, before we proceed on to the next item on the Agenda, to suspend the Standing Orders.

Madam Speaker, under Standing Order 6, based on the Communications from the Chair this morning, I move:

That under Standing Order 6 so much of Standing Orders 46(2) is suspended so as to allow the Hon. Attorney-General to move his motion, based on your statement this morning to the House.

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

MADAM SPEAKER.- Thank you. We will give the opportunity at the end of this petition.

(Pause)

MADAM SPEAKER.- Thank you.

I needed to complete that motion that you have just heard and has been seconded. Does any Honourable Member oppose that motion?

HON. OPPOSITION MEMBERS.- Yes.

HON. RO T.V. KEPA.- What is the motion?

MADAM SPEAKER.- The motion is the suspension of the Standing Order, to allow the Honourable Attorney-General to speak on the issue that I had mentioned.

Since there has been opposition to the motion, Honourable Members of Parliament will now vote on that motion.

HON. N. NAWAIKULA.- Can we debate this, Madam Speaker?

MADAM SPEAKER.- Thank you.

There has been some confusion here.

(Hon. Member interjected)

MADAM SPEAKER.- The move to suspend the Standing Orders can be brought up at any time without notice.

Can the Honourable Leader of the Government in Parliament please repeat that motion for the Honourable Members?

HON. LT. COL. I.B. SERUIRATU.- Thank you.

Madam Speaker, I move that:

Under Standing Order 6, so much of Standing Order 46(2) is suspended so as to allow the Attorney-General to move his motion.

MADAM SPEAKER.- Thank you.

That motion was seconded. Obviously there has been opposition to that motion, Parliament will therefore have to vote on that motion.

HON. N. NAWAIKULA.- Madam Speaker, can we debate?

MADAM SPEAKER.- Thank you.

Now that you have brought up that issue, we will now deal with this motion before we go on to the petition.

The House is now open for debate and I invite Honourable Members for comments.

(Hon. Members interjected)

HON. LT. COL. I.B. SERUIRATU.- Thank you, Madam Speaker.

If I may clarify, Standing Order 46(2) requires me to provide a notice to the Secretary-General within 48 hours (I believe) in advance of the motion and Standing Order 6 gives us the right to suspend, so I am seeking that we suspend Standing Order 46(2) because there is a substantive matter out of the Communication and we will hear that in the substantive motion this morning, Madam Speaker.

So, I am kindly requesting the leave of Parliament to suspend the Standing Orders so that the motion can be read and then we debate on that motion. I am seeking that we suspend Standing Orders for that reason.

Thank you, Madam Speaker.

HON. N. NAWAIKULA.- And so, we are entitled to debate this and I would like to speak.

MADAM SPEAKER.- We will request

HON. N. NAWAIKULA.- Standing Order 6, be clear.

MADAM SPEAKER.- Order!

We will request leave of Parliament on this and I would like to request Honourable Members of Parliament to say “yes” or “no” to this motion, and because there was opposition we will vote on it and then we will open it for debate.

The motion is that we suspend the Standing Orders so that we deal with the motion at hand.

Question put.

<u>Votes cast:</u>		
Ayes	:	29
Noes	:	12
Not Voted	:	9

Motion agreed to.

MADAM SPEAKER.- I now give the floor to the Hon. Attorney-General to speak on the motion.

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

Madam Speaker, I move:

That Parliament endorses the decision of the Honourable Speaker (yourself) to suspend the National Federation Party (NFP) and its Honourable Members from Parliament Sittings and Committees for the duration and period of suspension of the registration of the National Federation Party as a political party.

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

MADAM SPEAKER.- The motion is now open for debate. Does anyone have any comments?

HON. A. SAYED-KHAIYUM.- Madam Speaker, I think it is by convention that I actually introduce as to why I am moving this motion and then he can comment on it.

HON. N. NAWAIKULA.- It is common knowledge that this matter is before the courts. Are we entitled to talk about it or vote on it?

MADAM SPEAKER.- Thank you.

I am not aware of this issue that is before the courts. It has not been brought to my attention and because of that, we will continue with the motion and with our discussions on this motion.

I will now give the floor to the Hon. Attorney-General.

HON. A. SAYED-KHAIYUM.- Thank you.

Madam Speaker, this matter is about Parliament, neither is it about any legal proceedings outside Parliament (they do not understand the legal difference, Madam Speaker) nor has it been brought to anybody's attention whether there is any legal proceedings on foot.

MADAM SPEAKER.- Thank you.

HON. A. SAYED-KHAIYUM.- Madam Speaker, on 1st February, 2016, the Registrar of Political Parties issued a notice to NFP under Section 19(2) of the Political Parties (Registration) Decree to suspend the registration of the National Federation Party.

(Hon. Member interjected)

Under Section 19(4) of the Decree, any political ...

MADAM SPEAKER.- Order! Please, when one is called to speak we would like to hear, he has the right to be heard and let us hear his speech. Please, continue Hon. Attorney-General.

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

Under Section 19(4) of the Decree, any political party's registration is suspended, it loses its rights and privileges as a political party under the Decree.

Under Section 3(1) of the Decree, it states and I quote:

“An association or persons or an organisation shall not operate, function, represent or hold itself out to be a political party unless it has been registered as a political party in accordance with the provisions of this Decree”.

Because the National Federation Party’s registration has been suspended, it basically means, Madam Speaker, that NFP cannot operate, function, represent or hold itself out to be a political party during the suspension period and therefore NFP cannot hold itself out to be a political party even in Parliament or in any Committee in Parliament.

Madam Speaker, I am sure all the Honourable Members of this House are aware that the Constitution is the supreme law of the land and any law which is inconsistent with the Constitution is deemed to be ultra vires of the Constitution. Under Section 53(2) of the Constitution, Madam Speaker, it expressly provides that seats in Parliament are awarded to candidates in proportion to the total number of votes cast for each political party, not individual but political party. Section 53(2) of the Constitution also states that a political party shall not qualify for any seat in Parliament unless that political party receives at least 5 per cent of the total number of votes cast.

So, the votes qualification relate to the political party. What this means, Madam Speaker, is that under the current electoral system, it is the political party that qualifies to sit in Parliament. Once it has been determined that that political party has received a minimum of 5 per cent, which in this case NFP had, then that political party is entitled to such number of seats in proportion to the total number of votes cast for that political party.

Following that, the Honourable Members of Parliament are selected from the list of candidates belonging to that political party. It is abundantly clear, Madam Speaker, from these Constitutional provisions that any duly elected Member of Parliament (which includes all of us here) must be a representative of a registered political party. Therefore, logically and consequently, the registration or the suspension of the registration of a political party essentially has the effect of suspending that political party and all its members from Parliament, including from all Committees of Parliament for the period of suspension.

Given all of these, I move that Parliament endorses your decision, Madam Speaker, to suspend the National Federation Party and its Members from all Parliament sittings and Committees for the duration of the period of suspension of the registration of the National Federation Party as a political party. Thank you, Madam Speaker.

MADAM SPEAKER.- Thank you. The motion is now open for debate.

HON. N. NAWAIKULA.- Madam Speaker, first let me talk about consequences. The consequence of this motion, if it is passed we will get the Court and I believe it is designed to stop them from taking out Judicial Review, for example.

Now, putting that aside, let us talk about procedure. The other side of the House has come in by way of Standing Order 6 to suspend the Standing Orders. We only do that for administrative purposes, not in this type of thing because a motion is very, very important that this side of the House and everyone gets notice. So, we know the substance of a notice. It gets scrutinised under Standing Order 45 that allows, Madam Speaker, to work it out whether it should come even before this House. Does it conform with those rules? Will it protect the dignity of this House? So, all those things are very, very important.

In terms of procedure, a valid point to be made there is that they came in wrongly. That is not the way to do business here. This is the House for the people and the people are entitled to know what is to be debated - what is the substance of what is to be debated beforehand. Not here. You do not come here, you suspend the Standing Orders and you move the motion out of notice. That is equivalent to moving a motion without notice.

We are entitled to notice. We are entitled to know what is the substance, what you want to ask the people of Fiji and what you want to debate on, and it is clear here. It is very, very clear.

First, they are not here to defend themselves, where are they? Why should we bring this now? Why not wait until they are here to at least talk about it? That is natural justice, they should be entitled to be here.

MADAM SPEAKER.- Order! Order! Are you speaking on the debate or are you bringing in a point of order?

HON. N. NAWAIKULA.- Both, Madam Speaker.

MADAM SPEAKER.- No.

HON. N. NAWAIKULA.- Do you want me to make a point of order first, Madam Speaker?

MADAM SPEAKER.- Point of order.

HON. N. NAWAIKULA.- I will take a point of order first.

My point of order is that you are not entitled to do this. You came in the wrong way, you do not use Standing Order 6 to suspend the Standing Orders to entitle you to move a notice without a motion. Can I have a ruling on that first, Madam Speaker?

MADAM SPEAKER.- Thank you. The Standing Orders provides to suspend Standing Order...

HON. N. NAWAIKULA.- Yes.

MADAM SPEAKER.- ... for a matter of national interest. This is a matter of national interest and the Hon. Leader of Government is utilising the provision made under Standing Orders to move a motion for urgent consideration and that I am allowing.

HON. N. NAWAIKULA.- Secondly, as you have said.

MADAM SPEAKER.- Second, of what? Is that a second

HON. N. NAWAIKULA.- This is to the debate. As you have said, Madam Speaker, you have received legal advice.

MADAM SPEAKER.- Sorry, excuse me. Why are you saying second? This is just a debate, is it not? Thank you.

HON. N. NAWAIKULA.- You have informed us all here that you have received legal advice and that you are entitled to do this. So, why put it to the House again? And the reason I suspect is to give cover to the other side of the House, so that they cannot be challenged in the court of law. If you give that advice, you should stand by it. If it gets challenged, you go to court, do not come here because whatever is decided here, the court cannot open that, so I oppose it.

MADAM SPEAKER.- Thank you. Are there any other comments?

HON. M.D. BULITAVU.- Madam Speaker, I would like to make a contribution to the motion. First of all, I agree with the Hon. Nawaikula that previously Standing Order 6 had been used by the Leader of Government only when the House reaches 4.30 p.m. for completion of the business of the day so much of Standing Orders 23, he usually suspends it. But for this one, it is totally unique, in order for the House to confirm your ruling, that is the difference.

The problem here, Madam Speaker, probably if the Hon. Attorney-General would have admitted that there were certain kinds of shortfalls in the drafting of the Standing Orders and the Constitution in regards to, firstly, that your seeking of legal opinion from the Solicitor-General was totally outside. The powers in the Standing Orders is only when a Member could be taken to the Disciplinary Committee if the offence was committed here. The way he is bringing it up, Madam Speaker, that when the political party is suspended, he should lose his privilege too as a Member of Parliament. The party did not take the oath here, it is the Member of Parliament who took the oath.

There should be a clear demarcation, they took the oath. The Constitution said that that particular candidate has won a seat and so much as he represents the party here, when the party is affected, his privileges and his status as a Members of Parliament should be suspended. That is not the law and there is no clear pathway, Madam Speaker.

In the Constitution and in the Standing Orders that states for that, Madam Speaker. Also in the Constitution, a Member of Parliament cannot only be suspended from the party. If that particular Member of Parliament is disciplined by the party then that particular person has to be the General-Secretary of the party or the Party Leader writes to you, Madam Speaker, informing you on what has happened to that but there is no such provision in the Constitution that allows the other way. That is the shortfall in the Constitution and also in here, Madam Speaker.

What the Hon. Attorney-General is trying to do, is to help you, Madam Speaker, to cover up a ruling done by you to commit the House to the shortfalls of the drafting of the Constitution and the no mention of that in the Standing Orders.

MADAM SPEAKER.- Thank you. Hon. Minister for Health.

HON. J. USAMATE.- Thank you, Madam Speaker. I think this morning we are just hearing a lot of waffle about things that are immaterial.

(Hon. Member interjected)

Listen and learn.

The Hon. Attorney-General has moved a motion for us to endorse the decision that has already been taken.

(Chorus of interjections)

It behoves on all of us in this House to make sure that we can live by the dictates of this Constitution. The Hon. Attorney-General has explained, all of us are sitting here by virtue of the fact that we are members of a party. If the party needs to be suspended then all we are doing is endorsing that decision. We have talked about the rules of the game made ...

MADAM SPEAKER.- Order! Order! These frivolous interjections are disorderly in this Parliament. A person who has been called to speak has the right to be heard, please allow him to be heard. Thank you.

HON. J. USAMATE.- Thank you, Madam Speaker. I just like to repeat the rules of the game are in the Standing Orders. The Standing Orders allow for this to happen and that has happened. So all we are here to do is just to endorse, we are not covering up, we are just endorsing the decision because we believe that it is right and proper.

MADAM SPEAKER.- Thank you. Hon. Karavaki.

HON. S.D. KARAVAKI.- Thank you Madam Speaker. I think it is all clear with all of us the importance of your role in here and the specified results of it that particularly states that your role is very independent from all other institutions, even from the executive. You are entitled, Madam Speaker, and you have stated this morning that you had sought legal opinion and your ruling is actually based on the legal opinion.

Madam Speaker, I cannot specifically refer to a provision in the decree. The Electoral Decree states that the suspension of a party does not affect the right of its members who are Members of Parliament. That, I cannot refer to specifically the specific provision because you know this has been brought without us expecting that this is going to be discussed before the House today. So it was a surprise and I was also surprised that the learned Attorney General did not refer to that provision.

You know that when we come to this kind of debate, Madam Speaker, we should come with clean hands. We do not hide anything and whatever is for or against, we have to lay it on the floor so that we can think rationally about it and be objective. However, Madam Speaker, as I look at Standing Order 18(3), it states your role very very clearly.

“The Speaker, in performing the functions and duties and exercising the powers of the Speaker—

(a) is independent and subject only to the Constitution.”

Madam Speaker, I hope this legal opinion that you have obtained was not from the Solicitor-General’s Office. I hope it was not from the Solicitor-General’s Office because it would be objective, Madam Speaker, and if another legal opinion has been obtained from somewhere else, independent of the Solicitor General’s Office, that will properly portray your independence, Madam Speaker.

Here, we have a party and I believe has been suspended and even the Electoral Decree specifically states “even if they are suspended, their membership rights in this House is not affected.”

This, Madam Speaker, is similar to just like anyone who is unconscious, he is still alive. He still has every right of a human being and you cannot take that away from that person until that

person is dead. This is a similar situation where the National Federation Party finds itself in, it is being suspended but all its rights are still there unless, Madam Speaker, the laws specifically states that those rights have been demoted, but in this situation I believe that those rights of those Members, they should continue to act as a member in Parliament still is very intact and has not been affected in any way.

Madam Speaker, what I was wanting to ask you is to allow for you to relook at this, get another legal opinion and reconsider it because what you have decided in this situation is going to be a precedent in future and is therefore very very important that you relook at this and it must not be based on the legal opinion given by the Solicitor-General himself.

We had seen that, Madam Speaker, a court action eventuated because of that and we know how the court had made a ruling against those opinions and this is very important for you to relook at this and it is my plea that you allow yourself to get another legal opinion from somewhere. I know, Madam Speaker, you have got to take a lot of humility, it is going take a lot of humility, but it will give you, Madam, the honour and the dignity. That is all, Madam Speaker.

MADAM SPEAKER.- Thank you Honourable Leader of the Opposition.

HON. RO T.V. KEPÄ.- Madam Speaker, I rise to speak on this motion also and you will see that I am wearing a black ribbon today because I believe that democracy, if it is not already dead, it is dying. A good example this morning is the hijacking by the Attorney-General of the Order Paper which had already been agreed to by the Business Committee and this motion has been brought about by the suspension of the Standing Orders that we are going to look at later. Also today, in terms of the amendments, the changes that the Attorney-General wants to bring about in this House, the death of democracy, Madam Speaker, the suspension of the NFP, the flag changed and the rights of the indigenous Fijians. All these are showing up that democracy is dying.

I am standing here to support our speakers who have previously spoken on this motion and I plead with you, Madam Speaker, this is a precedent and we ask you to seek another legal opinion.

You have sought the Solicitor-General's opinion, other lawyers are saying different things, Madam Speaker, and they are much more accomplished. They have more experiences and all we ask of you, Madam Speaker, is to please seek another legal opinion so that we, on this side of the House, believe that you are going about the right way in terms of the decisions that you make which are far reaching for all of us, especially on this side of the House. Thank you Madam Speaker.

MADAM SPEAKER.- Thank you. Hon. Minister for Labour.

HON. CDR S.T. KOROILAVESAU.- Madam Speaker, I think we are here today, actually witnessing the convictions of the Opposition playing on our emotions. The fact is very basic. We are honouring the decision of the Madam Speaker by supporting that decision and that has to be decided today.

(Hon. Members interjected)

It is a simple fact and if we look into the Standing Orders and also the Constitution, it is very simple and I can just read out these specific items in the Standing Orders. "Speaker's function, Duties and Powers. The control and administration of the Parliamentary precinct is vested in the Speaker on behalf of Parliament - very simple and in one sentence.

The second is from the Constitution on Article 56(1). "A candidate for election to Parliament must be either nominated by a registered political party or nominated as an independent candidate in accordance with the laws governing elections."

(Hon. Member interjected)

Thank you Madam Speaker.

MADAM SPEAKER.- Thank you. I give the floor to the Honourable Gavoka.

HON. V.R. GAVOKA.- Thank you Madam Speaker. Let me also contribute to this, Madam Speaker, and at the outset, let me touch on what you have said earlier on. These are organised on interests and the national interest, Madam Speaker, is that we need to bring some sense outside of legal extremism into this dialogue.

There were two options available to the Supervisor of Elections; first, to call NFP and say, “Hey, there is something here that you need to adjust, do it and bring it back and it will be alright” and second, the other option was to treat them in this manner.

In a country that is coming out of radius of dictatorship and all the hurt, it behoves us the leaders of this country to act with a great sense of balance, not in this manner. NFP is a “grand old party”, if I could call you that. They gave us, together with the Alliance, the FNPF; they gave us together with the Alliance Party, the University of the South Pacific; they gave us together with the Alliance Party the ALTA legislation that made sugar blossom in the Western Division and in Macuata.

They were a party of giants, together with the Alliance Party the University of the South Pacific. They gave us, together with the Alliance Party the answer, legislation that made sugar blossom in the Western Division and in Macuata. They were a party of giants.

HON. N. NAWAIKULA.- Hear, hear!

HON. V.R. GAVOKA.- Today, unfortunately, if we compare ourselves with them, we are dwarfs and we are led by dwarfs in this country. This is too extreme, the people of this country want balance in our leadership and NFP should not be treated in this manner. They are worthy contenders of Government, they are some of the most brilliant minds in the country today and they help give balance to how we conduct our business in this Chamber.

Madam Speaker, nationally, we must take this with a sense of balance and responsibility. Today, we have the two new Honourable Members speaking in glorying terms about their leader, who has also become our leader. Madam Speaker, the leadership must practise balance, essential grace and inclusiveness in the way we conduct the business of this country. I would urge, Madam Speaker, do not do this to NFP. Please review the decision and give them the chance they deserve.

Thank you, Madam Speaker.

MADAM SPEAKER.- Thank you.

For your information, Honourable Members, the Parliament comes under the administration of the Office of the Attorney General.

I now give the floor to the Hon. Attorney-General for his right of reply.

HON. A. SAYED-KHAIYUM.- Madam Speaker, I was simply going to reiterate what I had mentioned, it appears that the Opposition has, sought of, opened up the pandora’s box in talking about the NFP and what a great party it was and what it is.

Let me start off by saying, Madam Speaker, for the Opposition, if they do not get their own way, that means democracy is dead. I can tell you for sure that if they were sitting on this side of the House and the same thing would have been happening, they would have said, "Democracy is very much alive."

(Hon. Members interjected)

For them, because they do not actually feature in their policy, that is why, Madam Speaker, that is very simple. They play a zero sum game. I hear Darth Vader again.

HON. N. NAWAIKULA.- When are you going to come with a notice?

HON. A. SAYED-KHAIYUM.- Madam Speaker, very very quickly, the Standing Orders,
....

HON. N. NAWAIKULA.- Give us notice!

MADAM SPEAKER.- Please, Honourable Members, we are listening to the right of reply and he has the right to be heard. Please, bring respect to the House, thank you.

HON. A. SAYED-KHAIYUM.- Madam Speaker, this motion is very simple, it simply endorses the decision that you have made and it protects the dignity of the House. Again, Madam Speaker, the Opposition have got it wrong. Legally, they are on a very feeble ground. This decision by Parliament to endorse the decision you have made, Madam Speaker, is simply an endorsement of that, and it does not in any way restrict the NFP from challenging the decision made by the Registrar of Political Parties. It is very simple, a first year law student can tell you that, but they will tell you otherwise.

Madam Speaker, Hon. Karavaki brought in the Solicitor-General. He was a member of the Solicitor-General's Chambers many, many years ago. At that time, the Solicitor-General's Office also gave opinion to the then Speaker of the House. He did not see a problem with it then, but they see a problem with it now, Madam Speaker. So it is the level of paradox and hypocrisy that exist from the Opposition that is helping us not focus on the right issues.

Madam Speaker, the other issue is this: I can tell you that many times since Independence when the NFP were harangued by the then government. Now, they are talking about them in glowing terms, they were harangued by the then government of the day. They were side lined, in fact, they were side lined more than ever before than this House ever witnessed under this Government, Madam Speaker.

However, there is a separation of powers, Madam Speaker. If they want to talk about NFP coming back to the House, tell their friends, "Simply get an auditor that is certified", a person who can sign off. How simple is that? How simple is it to get someone? SODELPA had done it, they got someone who is able to sign off their accounts. The FijiFirst Government had done it, I do not think any other party has also breached it like NFP has. It is a very simple matter, do it the right way! They talk about transparency and accountability. You have their spokesperson, who is the Minister of Finance, who is not able to get a certified person to sign off their accounts. How ridiculous is that situation?

Madam Speaker, the reality is this; we are buffering Parliament in your decision from the outside world. You have made a decision, you have sought a legal opinion, we are simply endorsing what you have said, Madam Speaker, so that we do not get into all of these debate about name calling, and getting legal opinion, et cetera, from elsewhere. That is your right to do that and that has been the tradition of this House.

Madam Speaker, again, in order to protect the dignity of the House and the dignity of the Speaker which this side of the House has always protected (we were here last year protecting the dignity of the Speaker) and we will continue to do, this is why we must now vote on this motion and the motion is that, Parliament endorses the decision of the Hon. Speaker to suspend the NFP and its Members from all Parliament sittings and Committees for the duration of the period of the suspension of the registration of NFP as a political party.

Thank you, Madam Speaker.

MADAM SPEAKER.- Thank you for that debate. The motion is now open for the vote and the question is that Parliament...

HON. M.D. BULITAVU.- Point of Order!

MADAM SPEAKER.- Who is making a Point of Order?

HON. M.D. BULITAVU.- A Point of Order, Madam Speaker, Standing Order 20 on additional powers which you have, Madam Speaker, because the ruling has already been made and this motion tries to support that ruling, knowing very well that the motion will come through. We do not put it to a vote, Madam Speaker, I request that you make a ruling on this because the ruling will affect your good self, Madam Speaker, and whether you agree with the motion, that should be your concern.

MADAM SPEAKER.- Thank you, I have made the ruling that we will put this motion to vote.

The question is that, the Parliament endorses the decision made by the Speaker, to suspend Members of National Federation Party based on the suspension of the Party.

Question put.

<u>Votes cast:</u>			
Ayes	:		29
Noes	:		14
Not Voted	:		7

Motion agreed to.

PRESENTATION OF PETITIONS

MADAM SPEAKER.- I now give the floor to the Hon. Leader of the Opposition and the Honourable Member has two minutes to take the floor.

HON. RO T.V. KEPA.- Madam Speaker, first, I would like to congratulate the two newest Members of Parliament and wish them well during their tenure here.

Madam Speaker, this Petition that I am submitting this morning is on behalf of the villages and communities that reside within the Rewa Delta, and for which the construction of a new access road, specifically the Nasali, Vutia, Nukui Social Road will be most beneficial. These villages are Lomanikoro, Nasigatoka, Nabua, Drekena, Nasilai, Nadoi, Vunuku, Tavuya, Narocivo, Muana-i-Cake, Muana-i-Ra and Nukui.

The schools that are also on the riverbanks are Naililili Primary School and Rewa Secondary School which are also situated in Naililili; Rewa District School, Nukui District School and Vutia District School.

Boat access, Madam Speaker, as a mode of transportation poses many challenges and restrictions as it hinders access to economic activity and medical attention for villagers. Today, villagers who require medical attention like pregnant women and disabled people have to wait for boat access when travelling to the Wainibokasi Hospital for urgent medical attention. There is a great need, Madam Speaker, for new access roads to alleviate these problems, as well as transportation access and access to economic activities for villagers and communities within this region.

The number of signatures that I am attaching here with this Petition, Madam Speaker, is 842. In this respect, Madam Speaker, with the undersigned, they have said 842 of them, petition the Parliament of Fiji to direct, according to the appropriate powers within the Standing Orders, that a relevant Committee review the concerns and request petitioned herein for consideration or construction of the social road and prioritising of the same, beginning in the 2016 National Budget.

Madam Speaker, I hereby submit this petition for your consideration which you rightly referred to in an earlier debate that a petition is an ancient right....

MADAM SPEAKER.- Thank you. Please hand over the petition to the Secretary-General.

Under Standing Order 37, I refer this petition to the Standing Committee on Social Affairs.

(Petition handed to the Secretary-General)

PRESENTATION OF PAPERS AND CERTAIN DOCUMENTS

MADAM SPEAKER.- Now, I call upon the Hon. Prime Minister and Minister for *iTaukei* Affairs and Sugar to table his report.

HON. J.V. BAINIMARAMA.- Madam Speaker, in accordance with Standing Order 38, I present the Office of the Prime Minister's 2014 Annual Report to Parliament.

MADAM SPEAKER.- Thank you. Under Standing Order 38 (2), I refer the 2014 Annual Report of the Office of Prime Minister to the Standing Committee on Justice, Law and Human Rights.

I now call upon the Attorney General and the Minister of Finance, Public Enterprises, Civil Service and Communication to table his reports.

HON. A. SAYED-KHAIYUM.- Thank you, Madam Speaker, in accordance with Standing Order 38, I present the following Annual Reports to Parliament:

1. The Fiji Ports Corporation Limited Annual Report 2013
2. The Public Service Commission 2014 Annual Report
3. The Public Rental Board Annual Report 2013
4. Fiji National Provident Fund Annual Report 2015

Thank you, Madam Speaker.

MADAM SPEAKER.- Thank you. Under Standing Order 38 (2), I refer the Public Service Commission 2014 Annual Report to the Standing Committee on Justice, Law and Human Rights.

Also, under Standing Order 38 (2), I refer the following Reports to the Standing Committee on Social Affairs:

1. The Fiji Port Corporation Limited Annual Report 2013
2. The Public Rental Board Annual Report 2013
3. Fiji National Provident Fund Annual Report 2015

I now call upon the Minister for Rural and Maritime Development and Natural Disaster Management to table his report.

HON. LT. COL. I.B. SERUIRATU.- Madam Speaker, in accordance with Standing Order 38, I present to Parliament the Ministry of Rural and Maritime Development and Natural Disaster Management Annual Report 2014.

MADAM SPEAKER.- Under Standing Order 38 (2), I refer the Ministry for Rural and Maritime Development and Natural Disaster Management Annual Report 2014 to the Standing Committee on Natural Resources.

I now call upon the Minister for Health and Medical Services to table his report.

HON. J. USAMATE.- Madam Speaker, in accordance with Standing Order 38, I present to Parliament the Ministry of Health and Medical Services Annual Report for 2014.

MADAM SPEAKER.- Under Standing Order 38 (2), I refer the Ministry of Health and Medical Services Annual Report 2014 to the Standing Committee on Social Affairs.

I now call upon the Minister for Education, Natural Heritage, Culture and Arts to table his report.

HON. DR. M. REDDY.- Madam Speaker, in accordance with the Standing Order 38, I present to Parliament the Ministry for Education, Natural Heritage, Culture and Arts Annual Report 2014.

MADAM SPEAKER.- Under Standing Order 38 (2), I refer the Ministry for Education, Natural Heritage, Culture and Arts Annual Report 2014 to the Standing Committee on Social Affairs.

I now call upon the Minister of Local Government, Housing and Environment, Infrastructure and Transport to table his report.

HON. P.B. KUMAR.- Madam Speaker, in accordance with Standing Order 38, I present to Parliament the Ministry of Infrastructure and Transport Annual Report 2014. Thank you.

MADAM SPEAKER.- Under Standing Order 38 (2), I refer the Ministry of Infrastructure and Transport to the Standing Committee on Social Affairs.

PRESENTATION OF REPORTS OF COMMITTEES

Report on the Petition by the Navisabasaba Village, Nadroga

MADAM SPEAKER.- I now call upon the Chairperson of the Standing Committees on Social Affairs to have the floor.

HON. V. PILLAY.- Madam Speaker, I am pleased to present the Report of the Standing Committee on Social Affairs on the Petition for Parliament, to review the land related request by *Mataqali* Leweinadroga of Navisabasaba Village in Nadroga. This report was compiled through hard work and commitment from Members of Parliament Standing Committee on Social Affairs. The report consolidates and examines all the stakeholders input which involved the Ministry of *iTaukei* Affairs, *iTaukei* land and Fisheries Commission, Ministry of Land and Mineral Resources, *iTaukei* Land Trust Board and the public on the land issue for Navisabasaba Village.

In the last quarter of 2015, the Committee had undertaken a wide range of inquiry on this land issue which booked 28th to 29th October, 2015 for this exercise. The Committee agreed on a work plan to conduct the interviews and received submissions from the people of Navisabasaba Village, Nadroga with the assistance of relevant Government agencies. Similarly, the Committee had conducted two days consultations, with site visits at Navisabasaba Village from 3rd to 4th November, 2015 and obtained additional and detailed information from the villagers on the land issue that was raised in the petition.

In this report, the Committee makes three recommendations to the Parliament to cover the areas that will be able to resolve the land issue in Navisabasaba Village and also it will have an impact on other related issues that was raised by the people of Navisabasaba.

On behalf of the Hon. Members of the Committee, I would like to express my sincere thanks and appreciation to all those Government agencies that made a submission and attended oral presentation during your consultations in Suva and also in Navisabasaba Village in Nadroga. The strength and the depth of the Committee inquiry rests with the voluntary commitment and the time of the *yavusa*, *mataqali* and *tokatoka* that made their submissions and appeared before the Committee during the consultation. This was also evident on the quality of submissions received and presentation made by relevant Government agencies during the consultation which candidly provided their opinion and advice to the Committee.

I also wish to extend my thanks to the Hon. Members who were involved in the production of the bipartisan report: my Committee colleagues Hon. Salote Radrodro (Deputy Chairperson), Hon. V. Bhatnagar, Hon. V. Nath and Hon. A. Vadei. I also would like to acknowledge the valuable contributions of alternate members who sat during the consultations, Standing Committee meetings, finalisation of the recommendations and compilation of this report. The following alternate membership arose, pursuant to Standing Order 115(5):

1. Hon. Ruveni Nadalo
2. Hon. Ratu Sela Nanovo

3. Hon. Brij Lal

I would like to express our appreciation and thanks to those parties who made submissions to the Committee and appeared as witnesses during the public hearing. The Committee appreciates the substantial efforts, some of the people appeared before the Committee included:

1. Mr. Viliame Seuseu Burenivalu – *Roko Tui* Nadroga Navosa
2. Mr. Iliesa Delasau – Assistant *Roko Tui* Nadroga Navosa
3. Mr. Sekove Tagive – *iTaukei* Lands and Fisheries Commission
4. Mr. Ilaitia Navunisaravi – Lands Department, Ministry of Lands and Mineral Resources
5. Mr. Sanjesh Kumar - Lands Department, Ministry of Lands and Mineral Resources
6. Ms. Ema Natadra – *iTaukei* Land Trust Board
7. Mr. Alivereti Momo – Leader of *Mataqali* Leweivedrala, *Tokatoka* Korobitu, *Yavusa* Leweiqere, Navisabasaba Village, Nadroga
8. Mr. Mesulame Rakuro – Leader of *Mataqali* Leweinadroga, *Tokatoka* Nakabasi, *Yavusa* Louvatu, Navisabasaba Village, Nadroga
9. Mr. Kini Ligabulu – Leader of *Yavusa* Leweiqere, *Mataqali* Leweinasalavadra, Navisabasaba Village, Nadroga

Finally, I wish to also acknowledge the work of the Committee Secretariat and the Committee research officer for the secretarial support provided to the Committee until the finalisation of this Committee report. It is my honour on behalf of the Standing Committee on Social Affairs, I commend this report to Parliament. Madam Speaker I hereby table the Committee's Report.

MADAM SPEAKER.- Thank you. Please hand the report to the Secretary- General.

(Report handed to the Secretary-General)

The Hon. Viam Pillay, you still have the floor.

HON. V. PILLAY.- Madam Speaker, pursuant to Standing Order 121(5), I hereby move a motion without notice that a debate on the contents of the report is initiated at a future sitting.

MADAM SPEAKER.- Do we have a seconder?

HON. DR. B. LAL.- Madam Speaker, I second the motion.

MADAM SPEAKER.- Does any Member oppose?

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

Thank you very much, Honourable Members. We shall now break for refreshments and in that respect, members of the public in the gallery are also invited to share the refreshments. We will resume at 11.30 a.m.

The Parliament adjourned at 11.00 a.m.

The Parliament resumed at 11.30 a.m.

Report on the Review by the Standing Committee on Social Affairs
of the Ministry of Social Welfare, Women and Poverty Alleviation 2013 Annual Report

MADAM SPEAKER.- I now call on the Chairperson of the Standing Committee on Social Affairs to have the floor.

HON. V. PILLAY.- Madam Speaker, I am pleased to present the Report on the Review by the Standing Committee on Social Affairs of the Ministry of Social Welfare, Women and Poverty Alleviation 2013 Annual Report.

The Standing Committee on Social Affairs is the Standing Committee which is established under Standing Order 109 (2) (b) of the Standing Orders of the Parliament of the Republic of Fiji.

The Social Affairs Standing Committee is mandated to examine matters related to health, education, social services, labour, culture, media and their administration.

The purpose of the review was to scrutinise the Ministry of Social Welfare, Women and Poverty Alleviations 2013 Annual Report, specifically on the areas of administration, legislation, budget, organisation structure, functions, policies and programmes of the year.

The Social Affairs Standing Committee has conducted its review on the Ministry of Social Welfare, Women and Poverty Alleviation 2013 Annual Report.

The findings of the review and the recommendations put forward by the Committee will be able to boost the Ministry's service delivery in the future and especially on its social responsibilities in all Fijian communities.

The review exercise was possible under a round of consultations conducted with the Ministry. The Committee had identified some areas of concern in the findings which was affecting the Ministry's achievement in the past and this has been further captured in the recommendations for consideration.

Finally, I wish to extend my thanks to the Honourable Members and the secretariat team who were involved in the production of the bipartisan report: my Committee colleagues, Hon. Salote Radrodro (Deputy Chairperson); Hon. Veena Bhatnagar; Hon. Vijay Nath; and Hon. Anare Vadei.

On behalf of this Standing Committee on Social Affairs, I commend this report to Parliament. Madam Speaker, I hereby table the Committee's report.

MADAM SPEAKER.- Thank you, please hand the report to the Secretary-General.

(Report handed to the Secretary-General)

HON. V. PILLAY.- Madam Speaker, pursuant to Standing Order 121 (5), I hereby move a motion without notice that a debate on the contents of the report is initiated at a future sitting. Thank you, Madam Speaker.

MADAM SPEAKER.- Is there a seconder?

HON. DR. B. LAL.- Madam Speaker, I second the motion.

MADAM SPEAKER.- Does any Member oppose the motion?

HONOURABLE MEMBERS.- No.

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

QUESTIONS

Oral Questions

Plans on Rural Electrification Programme (Question No. 01/2016)

HON. A.D. O'CONNOR asked the Government, upon notice:

Can the Hon. Minister inform this House on what are the plans on Rural Electrification Programme for 2016?

HON. P.B. KUMAR (Minister for Local Government, Housing, Environment, Infrastructure and Transport).- Thank you, Madam Speaker, and I wish to reply to the Honourable Member.

Madam Speaker, all rural electrification programmes now are in line with the Rural Electrification Policy, 2016.

Madam Speaker, it is the intention of the Government that social benefit of electricity is made available to all rural areas in the shortest time possible and in this regard, in two weeks' time, the Ministry will put out a public notice on all pending works in the rural areas, whether it is grid extension or solar home system and to be submitted directly to the Honourable Minister so that we can prioritise our programmes and start the work in the first quarter.

Madam Speaker, having said that, we need to have a clear-cut understanding between the consumer and the Ministry and to provide them with the right timeframe.

Madam Speaker, the 2016 plans for our rural electrification programme will see the implementation of the major grid extension projects, at a total value of around \$14.7 million. Other rural electrification projects will also commence in 2016, at a cost of around \$15 million. This will include 27 smaller grid extension projects and house wiring.

Madam Speaker, apart from grid extensions, we will also install a total of 500 solar home system, at a cost of around \$3.9 million. Madam Speaker, in some areas, the existing solar home system will be upgraded as well. Some of the programmes are rolled over from 2015 and it is also anticipated that some of the 2016 programmes will be completed in 2017.

Madam Speaker, if I may add, we have also gathered a lot of information during the Hon. Prime Minister's *Talanoa* Session in the North and West. All these programmes will be put together and planned to start in March of this year as well. I just want to put it on record that the *Talanoa* Session that we are having is very useful and will directly meet the grassroots level, where they raise their grievances. Thank you, Madam Speaker.

MADAM SPEAKER.- Supplementary question.

HON. RATU K. KILIRAKI.- My question is on the Budget Estimates 2016 in regards to Head 40-4-1, SEG 8, Grid Extension Project in Lomavuna Sectors 1,2,3,4,7,8 - Koko Road, Navunisaroa, Nataveaira and Navutu villages in Naitasiri, budgeted for \$760,000.

Could the Hon. Minister be specific on when will this grid extension come to this area so that the people would be informed, especially when we are trying to address the poverty alleviation in regards to sustainable energy? Thank you, Madam Speaker.

MADAM SPEAKER.- Thank you, Hon. Minister.

HON. P.B. KUMAR.- Thank you, Madam Speaker, as I have said earlier on, there has to be a clear cut understanding between the consumer and the Ministry. As I have said, we are collecting all the data, we are going to put out public advertisements as well and when we are ready, we will inform them. Thank you, Madam Speaker.

MADAM SPEAKER.- Supplementary question, Honourable Salote Radrodro.

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

Can the Hon Minister explain why there is a reduction of \$4.5 million in the rural electrification programme in the 2016 Budget and the impact this budget reduction will have in the implementation of the 26 programmes, particularly in the solar energy installation, in the maritime communities like the Yacata Island requests which were submitted last year and yet are still to be implemented? Thank you, Madam Speaker.

HON. P.B. KUMAR.- Thank you, Madam Speaker. We have asked for budget allocation for the works that we can do in 2016. If we can do work for \$5 million, why should I ask for \$10 million? So whatever we have asked in the budget, we will carry out and the balance will be taken into 2017. Thank you, Madam Speaker.

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

HON. N. NAWAIKULA.- Does the Hon. Minister know that there are villages in Naitasiri, Navuakece, for example...

MADAM SPEAKER.- Order! Please ask your question, you do not ask what he knows, just ask the questions, please.

HON. N. NAWAIKULA.- No, this is supplementary.

MADAM SPEAKER.- Ask a supplementary question.

HON. N. NAWAIKULA.- Do you know there are villages there that carry electricity to Suva

...

MADAM SPEAKER.- And do not ask in the first person, second person, put the Hon. Minister...

HON. N. NAWAIKULA.- Does the Hon. Minister...

MADAM SPEAKER.- Thank you.

HON. N. NAWAIKULA. ...know that there are villagers in Naitasiri, who carry these high power lines to Suva without electricity and can they be given priority as opposed to others because they are carrying our lights?

MADAM SPEAKER.- Thank you. Hon. Minister.

HON. P.B. KUMAR.- Madam Speaker, there is a letter written by the Honourable Member somewhere here and it is so unfortunate that he has asked me to look into it and now, he is finding this political grandstanding to ask me in this House. The letter that he wrote, he will get a response from me.

Thank you, Madam Speaker.

MADAM SPEAKER.- Thank you. I will now give the floor to the Hon. Dulakiverata.

HON. J. DULAKIVERATA.- Thank you, Madam Speaker.

Hon. Minister, when will the members of the rural electrification schemes, those who had paid their deposits but the projects have not been carried out, get their refunds and whether interests will also be paid?

MADAM SPEAKER.- Hon. Minister, could you answer the third as well as the last supplementary question?

HON. P.B. KUMAR.- Thank you, Madam Speaker.

I think this was raised during the Budget debate and I do not know whether the Honourable Member was in the House or not but he should have read the *Hansard Report*. What we said was, those who have paid and where the work has commenced, refunds will not be there. However, those who have paid their deposits and the projects have not started, we will refund them upon their request.

Thank you, Madam Speaker.

MADAM SPEAKER.- Thank you. I will now give the floor to the Hon. Viam Pillay to ask his question.

National Minimum Wage Regulations – Enforcement Of
(Question No. 02/1016)

HON. V. PILLAY asked the Government, upon notice:

Can the Hon. Minister advise this House on the enforcement of the National Minimum Wage Regulations with the new rates that came into effect from 1st July, 2015?

HON. CDR. S.T. KOROILAVESAU (Minister for Employment, Productivity and Industrial Relations).- Madam Speaker, I rise to respond to the question and thank the Honourable Members for his question.

Madam Speaker, the Ministry's Labour Compliance Section has been heavily involved in the enforcement and compliance of the new National Minimum Wage. I must thank the FijiFirst Government for the allocation of \$250,000 in the 2016 National Budget for the enforcement of this important legislation for the workers who are employed in the sectors covered under the National Minimum Wage Rates.

Madam Speaker, I must also thank our Hon. Prime Minister and the FijiFirst Government's long term foresight in ensuring that we have a National Minimum Wage in Fiji, which ensures that workers employed in the backyard garages, domestic works and farms have a wage rate protection. These workers were not covered under the 10 Sectorial Minimum Wage Rates that are now covered under the National Minimum Wage.

Madam Speaker, as part of the promotions and awareness campaign, the Ministry's Media Team has conducted radio, television, and print media awareness to employers and workers on the implementation of the National Minimum Wage Rates and also highlighted the duties of the employers to properly remunerate the workers as per the National Minimum Wage Rate.

Madam Speaker, the Compliance Section of the Ministry has conducted a total of 1,147 labour inspections on the employers covered under the Minimum Wage Rate of \$2.32 per hour. We have recovered almost a total of \$60,000 as at December 2015 as arrears of wages from the National Minimum Wage, which was paid through the Ministries to the workers who are covered under this wage rate. We have also issued a total of 148 spot fines from \$100 to \$500 to the employers who have either not paid the minimum rate or not issued any payslip to workers.

The Ministry of Employment will be carrying out public awareness in Viti Levu next week, in Vanua Levu and Taveuni the week after, and then Levuka, Korovou and the peri-urban areas of Suva soon after that. Madam Speaker, through this august House, I again appeal to the employers in Fiji, who are covered under the National Minimum Wage rates to pay the workers according to those rates. Our Labour Inspectors are out to investigate cases and enforce the fines to employers who fail to comply with the Minimum Wage Rates.

MADAM SPEAKER.- Thank you.

Honourable Members, please be reminded that supplementary questions are only restricted to three. I now give the floor to the Hon. Ratu Nanovo.

HON. RATU S.V. NANOVO.- Thank you, Madam Speaker.

I do thank the Hon. Minister for the initiative that has been done in his Ministry towards the imposition of the Minimum Wage Rate up to now. I think all of us did hear in the 2014 and 2015 Budgets submitted by the Government that with the imposition of \$2.32 Minimum Wage Rate, the Government should be able to employ 100,000 people. Where do we stand on that number as at today?

MADAM SPEAKER.- Thank you. Hon. Minister.

HON. CDR. S.T. KOROILAVESAU.-Madam Speaker, I have to go into our data and come back with the information to inform Honourable Members.

MADAM SPEAKER.- Thank you. I give the floor to the Hon. Gavoka.

HON. V.R. GAVOKA.- Thank you, Madam Speaker.

Madam Speaker, SODELPA has always shown concern about the working conditions of the security officers in the country and this is to do with minimum wage, leave entitlements, working hours, FNPF and the whole lot. I read with interest that the Hon. Minister had put his team to look into this matter. Can I ask him to give us their report on how far they have gone in disciplining the employers, to make sure our security officers are being treated fairly like everyone else?.

MADAM SPEAKER.- Thank you. Hon Minister.

HON. CDR. S.T. KOROILAVESAU.- Madam Speaker, our team had gone out extensively throughout Fiji, especially in the North. They have done their investigations, they have addressed the issues and some of the particulars on the issues have been given to Government institutions like FNPF. We have passed on the information to them so they are responsible for taking the employers to task. The tasks within our Ministry have been dealt with, and I can provide the Hon. Member on any further information that he may need.

MADAM SPEAKER.- Thank you. I give the floor to the Hon. Radrodro.

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

Can the Hon. Minister explain how the enforcement of the Minimum Wage Rate of \$2.32 will help people out of poverty when the Minimum Wage Rate itself is low and it is an unjust living wage?

Thank you, Madam Speaker.

MADAM SPEAKER.-Thank you. Hon Minister.

HON. CDR. S.T. KOROILAVESAU.-Madam Speaker, to answer Hon. Radrodro's question, I think this is the first initiation, no one has ever decided to put up a minimum wage. As we normally anticipate, this has to be worked in conjunction with all the working population of Fiji. It is a matter of a case in progress and the minimum wage of \$2.32 should be acknowledged and appreciated by all Honourable Members because at least, we have made the initial step.

Thank you, Madam Speaker.

MADAM SPEAKER.- Thank you. I now give the floor to the Hon. Ashneel Sudhakar.

Russian Military Consignment – RFMF
(Question No. 03/2016)

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

Can the Hon. Minister please elaborate to this House the most recent high profile military consignment received by the Republic of the Fiji Military Forces from Russia?

MADAM SPEAKER.- Thank you. I give the floor to the Hon. Minister for Defence, National Security and Immigration.

HON. CAPT. T.L. NATUVA (Minister for Defence, National Security and Immigration).- Madam Speaker, the Hon. Prime Minister and Honourable Members, Happy New Year.

Madam Speaker, I rise to respond to the question asked by the Honourable Member. By way of background, the Ministry of Defence, National Security and Immigration and Russia's Ministry of Defence signed a Memorandum of Understanding in June 2013. This was during the official visit of the Hon. Prime Minister to the Russian Federation, which culminated with the signing of a number of agreements in the following areas:

1. Public Health;
2. Reciprocal Visa which has come into force from 1st November, 2013;
3. Specialised Human Resources capacity building; and
4. Defence.

The implementation of the Defence Technical Cooperation Agreement Bill has seen the first shipment of operational equipment for the Republic of Fiji Military Forces, the shipment of arms and ammunition with supporting infrastructure arrived in Suva port on 14th of February this year. Thank you.

MADAM SPEAKER.- Thank you. Supplementary question, the Hon. Tikoca.

HON. RATU I.D. TIKOCA.- In the very words of the question that was raised, high profile military consignment creates a lot of concern to the people of Fiji. Therefore, this honourable House is asking why this is not made known to the Members of this House in regards to the high profile military consignment, where is it designated, how much it costs (if there is any cost) and if there is any arrangement in between, can this august House reserve all the right to be known rather than the ...

MADAM SPEAKER.- Thank you for the question. I give the floor to the Honourable Minister.

HON. RATU. I.D. TIKOCA.- My question is, why was this Honourable House not notified? Thank you.

HON. CAPT. T.L. NATUVA.- I thank the Honourable Member for the question. The shipping of arms and ammunition across the world goes through a safety process. You do not have to go around calling people that we are giving and providing ammunition for Fiji. So, it came with the agreement, as I had mentioned before. It was signed in 2013, it was not necessary for us to announce in the House because it is just normal procedures of procurement.

MADAM SPEAKER.- Thank you.

HON. CAPT. T.L. NATUVA.- The cost is about \$19 million, if you want to know.

MADAM SPEAKER.- I give the floor to the Hon. Gavoka.

HON. V.R. GAVOKA.- Thank you, Madam Speaker. Like everyone else, I was quite disturbed about this shipment of arms because all along, I thought our troops were well equipped to carry out operations where Government has agreed to send them to. We just had the unfortunate situation in the Golan Heights where our boys, overwhelmed by the enemies, surrendered their weapons. It begs the question, were they properly equipped to put up resistance against those terrorists?

MADAM SPEAKER.- Thank you.

HON. V.R. GAVOKA.- So, are our boys provided with proper equipments out in the combat zones because if not, someone has got to be asked about this. Someone sent them there without giving them proper equipments. Thank you, Madam Speaker.

MADAM SPEAKER.- The question is really directed at the consignment that was received by the Republic of Fiji and not those that are available in the Golan Heights as you have mentioned. I now give the floor to the Hon. Radrodro.

HON. S.V. RADRODRO.- Thank you, Madam Speaker. May I ask again, requesting the Honourable Minister to state what is the total value of this military consignment and why was it not listed in the 2016 Budget under Aid-in-Kind, knowing fully well that, that is a breach of good governance of transparency and accountability? Any aid should be listed here just like you have done with the Parliament and why not this one under Head 19, under the Republic of Fiji Military Forces or under Head 49 under Peacekeeping. Thank you, Madam Speaker.

MADAM SPEAKER.- Thank you, Hon. Minister.

HON. S.V. RADRODRO.- Why not?

HON. CAPT. T.L. NATUVA.- The finalisation of the shipment was made after the publication of the documents.

(Chorus of interjections)

MADAM SPEAKER.- Thank you. I now give the floor to the Hon. Nawaikula to ask his question.

Levy – Use of Fishing Grounds
(Question No. 04/2016)

HON. N. NAWAIKULA.- Madam Speaker, the background to this question is a declaration made by the Minister purportedly to put a moratorium on the indigenous people from collecting their goodwill and levies for fishing rights.

Can the Honourable Minister for Fisheries and Forests explain what part of the Fisheries Act and any laws in Fiji make it unlawful for the indigenous Fijians to redeem a levy for the use of their fishing grounds?

MADAM SPEAKER.- Thank you. I invite the Hon. Minister for Fisheries and Forests to have the floor.

HON. O. NAIQAMU (Minister for Fisheries and Forests).- Madam Speaker, this question is a legal one and the Honourable Member is well aware that I am not a lawyer. The Honourable Member is asking me for my legal opinion on the provisions of the Fisheries Act. Madam Speaker, I am the Minister for Fisheries, I implement the Fisheries Act and it is not part of my duty to provide a legal analysis of the Fisheries Act.

(Chorus of Interjections)

Madam Speaker, that is the task of the Office of the Attorney-General. Additionally, the Honourable Member is also asking me to render my legal opinion on any other laws of Fiji apart from the Fisheries Act. Obviously, it would be inappropriate for me as a non-lawyer to provide a response on this aspect also. This question could be best directed in a proper manner, of course, to the learned Attorney-General. Thank you, Madam Speaker.

(Laughter)

HON. N. NAWAIKULA.- Since he missed a declaration, can he advise us under whose advice?

MADAM SPEAKER.- Hon. Minister?

HON. O. NAIQAMU.- Madam Speaker, that is a totally irrelevant question.

(Laughter)

MADAM SPEAKER.- Thank you, I give the floor to the Hon. Ratu Kiliraki.

HON. RATU K. KILIRAKI.- Thank you, Madam Speaker. Supplementary question in regards to levy or goodwill is an indication of ownership. Can the Hon. Minister please explain where the traditional fishing right owners stand in regards to his decision?

MADAM SPEAKER.- Thank you, Hon. Minister.

HON. O. NAIQAMU.- Madam Speaker, that is totally a new question, I cannot respond to it.

MADAM SPEAKER.- I now ask the Honourable Members to please refrain from making statements that are really disrespectful in the House. I now give the floor to the Hon. Gavoka.

HON. V.R. GAVOKA.- Madam Speaker, this is not a legal question, we are getting calls from Malolo Group, Taveuni, Coral Coast that traditional taboo areas, the chiefs have reserved as taboo, are now seeing licence holders blatantly fishing in those areas. I do not think it is a legal issue, I just want to ask the Honourable Minister, does the FijiFirst Government allow licence holders to fish in areas traditionally proclaimed as taboo by the chiefs of Fiji. Thank you.

MADAM SPEAKER.- Thank you, Honourable Minister.

HON. O. NAIQAMU.- Madam Speaker, I think the Honourable Member is fully aware that once the traditional taboo is being agreed to by the customary user rights, the Fisheries endorse it, govern and manage it. Therefore, no licence is being issued to that particular area.

MADAM SPEAKER.- Thank you, Hon. Bulitavu.

HON. M.D. BULITAVU.- Since the Honourable Minister has confined the question to the law, but let me ask the Honourable Minister, after they have made a declaration what was the rationale? The reason is because you want to regulate the fish prices or whether there is some abuse by the landowners; what is the rationale behind that change?

MADAM SPEAKER.- Thank you, Honourable Minister.

HON. O. NAIQAMU.- Madam Speaker, it does not relate to the question, thank you.

MADAM SPEAKER.- I now give the floor to the Hon. Bulitavu.

Change of National Flag
(Question No. 05/2016)

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

Can the Honourable Prime Minister and Minister for *iTaukei* Affairs and Sugar Industry inform the House as to why his Government wants to change the flag and how will the people benefit from the change under a new flag.

MADAM SPEAKER.- Thank you, the Hon. Prime Minister and Minister for *iTaukei* Affairs and Sugar Industry.

HON. J.V. BAINIMARAMA (Hon. Prime Minister and Minister for *iTaukei* Affairs and Sugar Industry).- Madam Speaker, I note that the other side of the House have got their flags out. This is, I think, the second time in these many years they have brought the flag out, to probably show us some support for their cause, but if you look from this side of the House, their flags look like it is on a half-mast.

(Hon. Members interjected)

MADAM SPEAKER.- Please, order! We will continue.

HON. J.V. BAINIMARAMA.- It is at half-mast and I do not know whether it has to do with the situation with NFP, or it is to do with their party. The Leader of the Opposition has talked at length about democracy. Democracy, Madam Speaker, is alive right now.

HON. GOVT. MEMBERS.- *Vinaka*. Hear, hear!

HON. J.V. BAINIMARAMA.- However, I think the black ribbon they have put on, some of them have this morning, is a sign of the dying out of their party.

(Laughter)

Some have got it out in the front, some have it hidden on the sides, some do not have it at all. There is a bit of confusion on that side of the House.

HON. RATU I.D. TIKOCA.- It is about democracy.

MADAM SPEAKER.- Order, order!

HON. J.V. BAINIMARAMA.- Even the Hon. Karavaki's flag was on the floor for about two hours.

(Laughter)

I had to ask him to pick it up off the floor, it is an insult to the people of Fiji.

Madam Speaker, you may recall that on 9th February last year, I made a Ministerial Statement in this Parliament, announcing a new Fijian flag initiative and of course had spoken at length about why we need a new flag and the benefits of it for us as a nation. Indeed, many people who heard my statement had commended to us, both inside and outside the Parliament, agreeing that we do need a new flag. Perhaps, the Hon. Bulitavu was not here on that day. It is very hard to keep track, Madam Speaker, when the Opposition is in or out of Parliament

(Laughter)

.... because of the number of boycotts we have had since Parliament commenced.

The reasons and the rationale of course, Madam Speaker, have not changed. However, as you know, I have been carrying out extensive tours of Vanua Levu and the Western Division in the past few weeks. The thousands of Fijians who I met were also given the same message that I gave last year as to how and why we need to have a new flag.

Madam Speaker, I can tell you that the understanding and the response has been overwhelming. Some of course did not initially understand and the expanded timeframe that we put in place, it has given them the opportunity to do so. In the same way, Madam Speaker, heard that many people from Vanua Levu who were given the wrong message about FijiFirst, the message of course, given by some of the Members from the other side now know that the true message of FijiFirst and appreciate the fact that what they were told in 2014 were false.

(Hon. Members interjected)

However, let me quote, Madam Speaker, except for my statement that I made in this august House last year:

“It is time to move beyond this colonial connections and adopt the flag that is more in keeping with our national aspirations in the 21st century. It is time to move on from these honoured symbols of our past to new symbols that represent our nation now and that will also resonate with future generations and decades in centuries ahead.”

We believe that Fijians share an aspiration to have a national symbol that reflects our present state as a nation, that has indigenous and truly Fijian symbols of identity and that we can honour and defend as an authentic expression of our nation now and into the future. In other words, Madam Speaker, as I have said before, we understand how much flags matter. They are neither merely pieces of cloth at the top of a pole nor pieces of cloth on the bottom of a floor. They are expressions of who we are and the values we hold dear as Fijians.

(Hon. Members interjected)

That is why, Madam Speaker, it is time for us to embrace change that it is time to dispense with symbols that speak more about our past than our future, to sever links that are no longer relevant and it is time to have a national symbol that reflects our present and future state as a nation.

The Union Flag, the British Lion and the Cross of Saint George are British symbols, not ours. As an independent nation, we have the right to carve out our own identity in the world...

(Hon. Member interjected)

... so that when our soldiers are on peacekeeping missions, when our diplomats are representing us at the UN, when our athletes are competing on the world stage, they are doing so under the flag that is uniquely and proudly Fijian and ...

(Hon. Members interjected)

... that leaves no one in doubt that Fiji has its own destiny.

There have been some criticisms from those who would prefer the British symbols to our own, but overall, Madam Speaker, I have been very encouraged to see how many Fijians have their eyes on the future, not the past, in particular amongst the younger generations, to see how many believe in the vision of a new flag.

We do not see the change of our national flag as a distraction, we see it as an inspiration; a new flag to reflect how far we have come together and a new flag that gives every Fijian a symbol. We can even be more proud of as we continue to build a stronger and more unified nation and achieve the greatness that we all believe we are capable of. The Fijian nation is stronger in the world than ever before.

Madam Speaker, this is what I stated in Parliament last year and these reasons and rationale still remain. Last year, we asked Fijians all over the world to submit their flag, ideas and concepts and were overwhelmed by the response. We received over 2,000 submissions of unique flags that contained symbols that those who create them saw as relevant to their own personal journeys as Fijians. We saw the *drua*, morning stars, rising sun, *davui*, creatures of the sea, coconut trees and even a few rugby balls. Symbols that our current modern Fiji can relate to and that our future generation will continue to fly proudly, regardless of age, ability and socio-economic status.

The National Fijian Flag feedback consultations was a feedback gathering exercise, where 23 flag designs for a new national flag were given to the public for their feedback. References and comments from June 6th to June 30th 2015.

These flag designs provided a model based on the principles of good flag design that was proposed by Mr. Ted Kaye, one of the leaders in the field of vexillology on the study of flags. We were fortunate enough to have Mr. Kaye to guide the flag process, while he was in the country in May last year, providing his expertise to this important national campaign.

During the consultation period, texting promotions were set up free of charge to the public, to encourage participation and to get the feedback. A website dedicated to providing feedback on the flag designs was created and members of the public were encouraged to participate by email, mail and to drop off physical submissions. However, for members of the public in different areas of Fiji who are

unable to access texts and the internet to give their feedback, we sent Government teams to visit their main centres.

The consultations took place simultaneously in different parts of Fiji and ended on 30th June, 2015. Teams were able to visit some of our remote maritime areas, upper Southern Lau group, Lomaiviti, Kadavu and Rotuma. The responses, as I said, Madam Speaker, has been overwhelming. We have received over 1,000 more comments and new submissions and therefore, the feedback period has been extended until February 29th, to allow all Fijians to provide their views and to suggest more modern Fijian symbols that they can identify with.

We continue to receive submissions from Fijians based on urban and rural communities and I have even received correspondence from those overseas who have commended our bold step towards modernising our national symbol. Indeed, Madam Speaker, I invite the Hon. Bilitavu to give his flag design because I know he is one who thinks outside the box sometimes only.

(Laughter)

From March 1st to March 19th, the designs will be selected through the Prime Minister's Office. Following the selection of this design, members of the public will have three months to express their preference through public consultation, social media and text messaging. It is expected that our public consultation will be extensive, covering our most remote areas. The message of flag change has spread and Fijians in rural communities are excited about participating in the change.

Following the public's input, it is expected that the new design will be announced on 1st July to be our new national flag. The new national flag will be raised on Constitution Day, which will be celebrated on September 7th, 2016. Thank you, Madam Speaker.

(Applause)

MADAM SPEAKER.- I give the floor to the Hon. Gavoka.

HON. V.R. GAVOKA.- Thank you, Madam Speaker.

Madam Speaker, the whole subject about the flag is so confusing. Just last week, the Hon. Prime Minister was saying that he respects the noble banner blue and had served proudly under it, and those are sentiments that resonate to the vast majority of the people in Fiji. Madam Speaker, he projects himself as the man of the people, how can he then take away something so highly revered and dear to the people of Fiji, the flag?

HON. J.V. BAINIMARAMA.- Madam Speaker, for the last 10 or 15 minutes, I had explained this in detail, if he cannot figure that one out, there must be something wrong with him.

MADAM SPEAKER.- I give the floor to the Hon. Ratu Tikoca.

HON. RATU I.D. TIKOCA.- Madam Speaker, we also visited our country as well and they said otherwise. The only thing that comes out of them is our drive towards autocracy, our linkages to Russia and atheism through China, and ISIS and Arabs; these are all what you people are doing. I am asking a question here.

(Hon. Members interjected)

HON. GOVT. MEMBERS.- What is the question?

HON. RATU I.D. TIKOCA.- It is coming, hold on.

Out of the five flags that you are going to make decisions on, why are you not including this (holding the Fiji flag), why not? Give the people the right to choose!

MADAM SPEAKER.- Thank you, the question is clear. I give the floor to the Hon. Prime Minister.

HON. J.V. BAINIMARAMA.- I have just explained in detail why we need to get out of the flag that we have. Again, if you cannot figure that one out, Madam Speaker, then he is in the same group as the

MADAM SPEAKER.- I will give the floor to the Hon. Leader of the Opposition, who will ask the last supplementary question.

HON. RO T.V. KEPHA.- Thank you, Madam Speaker.

Madam Speaker, I thank the Hon. Prime Minister for his very long-winded explanation to try to convince us to actually look at the change that he has been proposing for the last year. I ask the Hon. Prime Minister to put this to a referendum...

(Hon. Members interjected)

HON. RO T.V. KEPHA.- ... so that people can support or not what he is trying to convince us

MADAM SPEAKER.- I think the question is clear. I now give the floor to the Hon. Prime Minister.

Obviously, your own Members do not want you to be heard, but the Hon. Prime Minister has heard your question.

HON. RO T.V. KEPHA.- Put it to a referendum!

HON. J.V. BAINIMARAMA.- Madam Speaker, I want to ask the Hon. Leader of the Opposition; the flag that you are holding up, was that put through a referendum?

HON. GOVT. MEMBERS.- No.

MADAM SPEAKER.- I now give the floor to the Hon. Ratu Kiliraki to ask his question.

Mahogany Trees – Replanting Of
(Question No. 06/2016)

HON. RATU K. KILIRAKI asked the Government, upon notice:

Can the Honourable Minister explain why has there been no replanting of mahogany trees for, at least, the last two (2) years to replace the harvested trees?

HON. A. SAYED-KHAIYUM (Attorney-General and Minister for Finance, Public Enterprises, Civil Service and Communications).- Madam Speaker, I rise to respond to the question asked by the Hon. Member and I also thank him for this question. It goes to show that he places a lot of importance on reforestation.

Madam Speaker, he is correct that in the past two years, the replanting has, in fact, halted at certain times, in fact stopped completely but I would also like to point out to the House that prior to those two years, there was a lot of reforestation that took place which, in fact, did not occur prior to 2010. So, reforestation was, in fact, a deliberate policy effect of the new decree that was put in place because reforestation was very much part and parcel of their component. Madam Speaker, if the Members would read the Decree, they would understand that, but unfortunately they do not.

(Hon. Member interjected)

MADAM SPEAKER.- Order!

HON. A. SAYED-KHAIYUM.- Madam Speaker, the Honourable Member continues to do this.

MADAM SPEAKER.- You will have the opportunity to ask supplementary questions so please, let us hear the Honourable Minister out.

Hon. Attorney-General, you have the floor.

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

Hon. Ratu Kiliraki, one of the key reasons why reforestation was stopped was because of the low survival rate in the forest. Madam Speaker, there are new technologies now in terms of reforestation so the traditional methodology or what used to happen was, the actual plants used to be taken out of the pots and actually planted directly into the ground. Their survival rate was slower because they can get crowded by weeds, yet to send people out, et cetera, to look after them and reforestation fees were actually paid to the landowners.

What has now happened with these new technologies which is the silviculture techniques, they will actually ensure that the survival rate of the mahogany plants that are being replanted will be much higher. So, what will actually happen now, Madam Speaker, is that, these new seedlings will grow up to a particular height, they will still be taken out of the pots and actually planted in the ground until their survival rate increases.

Fiji Hardwood Corporation Limited (FHCL), in its 2016 Budget, Madam Speaker, has also put in place the reforestation. The projected area to be replanted equals about 1,240 hectares, from which 1,040 correspond to restocking and 200 hectares of new plantations. The restocking is wherever the timber has been cut, they will be restocking that there, and there is about 200 hectares of new plantations that will take place, Madam Speaker.

Additionally, Madam Speaker, as highlighted, FHCL will improve the quality in the replanting techniques on 620 acres by the use of cottage seedlings raised in the nurseries.

Thank you, Madam Speaker.

MADAM SPEAKER.- Thank you. Hon. Ratu Kiliraki.

HON. RATU K. KILIRAKI.- Thank you, Madam Speaker.

A supplementary question; where a cubic metre of mahogany is harvested, there is a \$25 levy for reforestation. May I ask the Honourable Minister to please explain the account of this money given at the average of about 70,000 cubic metres being harvested every year which will amount to about \$1.7 million and also explain where this money is?

HON. A. SAYED-KHAIYUM.- Madam Speaker, of course, the question is outside the scope of replanting but I can also answer that question. The reforestation fees is collected from the licence owners and is put in a Trust with the Consolidated Fund where it is ring-fenced. All those monies are ring-fenced and when reforestation does take place, the monies are then used for the reforestation.

MADAM SPEAKER.- Thank you. Hon. Radrodro.

HON. A.M. RADRODRO.- Thank you, Madam Speaker.

My supplementary question to the Hon. Minister; the current mahogany trees that are being harvested right now are products of the planting done by the Forestry Department. Why is the Forestry Department not directly involved in the replanting programmes done by the mahogany company?

HON. A. SAYED-KHAIYUM.- Madam Speaker, again, that is a bit outside the scope but nonetheless, the Honourable Member would know that the then Government (SVT Government) transferred the responsibilities of the mahogany forests from the Ministry of Forestry to FHCL in 1998. That is the answer.

MADAM SPEAKER.- Thank you. I give the floor to the Hon. Nawaikula.

HON. N. NAWAIKULA.- Madam Speaker, the reason given was the low survival rate. Can the Hon. Minister explain to us why it took two years to figure that out?

MADAM SPEAKER.- Hon. Minister, you have the floor.

HON. A. SAYED-KHAIYUM.- The Hon. Nawaikula would also know that there was hardly any reforestation before 2010. Of course, these things need to be given time, we do not just simply put a plant in and say the next day, "Oh, it is not surviving." It obviously takes time, Madam Speaker, and I am sure he probably can have a private conversation with the Hon. Minister for Forests and those at FHCL can probably give him some lessons on replanting and forestry livelihood, and the like.

MADAM SPEAKER.- Thank you, Honourable Members. Although we have completed the usual six Oral Questions, due to the need to accommodate the overflow of business from the disrupted sitting yesterday as agreed in yesterday's Business Committee Meeting, we will have four more questions.

I will now give the floor to Hon. Radrodro.

Texting System Introduced by LTA
(Question No. 07/2016)

HON. A.M. RADRODRO.- Madam Speaker, before I ask my question, I rise to seek leave of the House to amend the typographical error in my question. The texting system which reads "562" is

to be replaced with “582” as this is the right number for the free texting platform provided in the Land Transport Authority.

Madam Speaker, I rise to ask Question No. 07 of 2016, as follows:

Can the Hon. Minister for Local Government, Housing, Environment, Infrastructure and Transport inform the House on this new 582 texting system, introduced by LTA, and how can LTA authenticate this information being given by the general public?

MADAM SPEAKER.- Thank you. I now give the floor to the Honourable Minister for Local Government, Housing, Environment, Infrastructure and Transport.

HON. P.B. KUMAR (Minister for Local Government, Housing, Environment, Infrastructure and Transport).- Thank you, Madam Speaker. This is a similar situation to 279 and 297. Do you really think that I should answer this, because the number that appeared in the Order Paper was 562? This does not exist. If you want, then I will, Madam Speaker. The number that has been stated, 562 does not exist within the LTA.

MADAM SPEAKER.- Thank you. It has been amended to 582. Does that appear in your texting system?

HON. P.B. KUMAR.- Number 582, yes.

MADAM SPEAKER.- Please answer the question.

HON. P.B. KUMAR.- Madam Speaker, the 582 texting platform is an initiative from the Land Transport Authority to encourage and involve the general public in helping and supporting LTA. This initiative allows all Fijians access to a free texting system.

Madam Speaker, the 582 platform also provides the general public an avenue to raise their complaints and concerns to LTA services and its staff as well. In terms of verification, let me outline the process that LTA has in place.

Firstly, all complaints received through 582 and not 562 are registered and automatically acknowledged.

Calling and advising the offender of the complainant: Upon confirmation by the offender, actions such as warning, counselling, issuance of traffic infringement notices are served. Upon denial by the offender, the complainant is then called to provide his or her statement. If the complainant fails to provide his or her statement or evidence of the complaint, then the complaint is marked as ‘closed.’ The offender is advised accordingly. This is part of the review that we are having at LTA.

HON. A.M. RADRODRO.- Supplementary question, Madam Speaker.

MADAM SPEAKER.- Supplementary question.

HON. A.M. RADRODRO.- Madam Speaker, I seem not to hear the proper answers from the Honourable Minister in terms of authenticating the information that has been given by the general public.

Anyway, on the answers that have been given, can the Honourable Minister advise, how many complaints have been received by the LTA on this 582 texting system?

MADAM SPEAKER.- Thank you. That is statistical in nature, the onus is on the Honourable Minister to answer or not to answer.

HON. P.B. KUMAR.- Madam Speaker, I can always provide the Member with statistical information in future.

MADAM SPEAKER.- I will now give the floor to the Honourable Netani Rika.

Cultivation of Drugs in the Urban Vicinities
(Question No. 08/2016)

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

Would the Honourable Minister for Defence, National Security and Immigration elaborate in this House the latest trend in the apparent cultivation of drugs in the urban vicinities as opposed to the normal isolated rural areas and the actions currently taken by the Fiji Police Force to address this trend?

HON. CAPT. T.L. NATUVA (Minister for Defence, National Security and Immigration).- Madam Speaker, on two occasions *marijuana* was found in Naitasiri, roundabout Waibau, Navatuvula area and the second one was at Tamavua-i-Wai. The trend has shifted from the rural areas to the town areas. What has been happening in the past is that we identified hot spots all around Fiji, and then there was continuous surveillance by the police and the community with the *Turaga ni Koro* leading the surveillance of these areas.

When the programme is progressing well, the people planting *marijuana* look at other areas. Planting *marijuana* in Tamavua-i-Wai was not in our assumptions to be happening out there, but it is happening. The Police Force at the moment are looking at higher technology to be included rather than having 10 policemen trying to find *marijuana* in a certain area, to use technology such as drones to help them, because there is a vast area and there is no way of stopping these *marijuana*-planting people.

HON. A.T. VADEI.- Supplementary question.

MADAM SPEAKER.- Supplementary question, Hon. Vadei.

HON. A.T. VADEI.- Madam Speaker, can the Honourable Minister advise this House whether the law in place acts as a deterrent to the cultivation of drugs in Fiji?

HON. CAPT. T.L. NATUVA.- Madam Speaker, that is a legal question. There is a law at the moment, and whether it is effective or not I am not in a position to answer that.

HON. S.V. RADRODRO.- Madam Speaker, I thank the Honourable Minister for his explanation. However, we must note that poverty is the driving force behind these alternative sources of income.

My question is, what programmes or strategies does the Minister or Ministry have in as far as the whole of Government approach is concerned to be able to address the root of this problem?

HON. CAPT. T.L. NATUVA.- Madam Speaker, we are not talking about poverty at the moment. We are talking about *marijuana*.

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

MADAM SPEAKER.- Last supplementary question, Hon. Kiliraki.

HON. RATU K. KILIRAKI.- Madam Speaker, I know there are some approaches in regards to legalising *marijuana*. As a measure for economic development of a country, as practised in other countries for medicinal purposes, whether the Government has thought out of the box and have that as an alternative to alleviate poverty?

MADAM SPEAKER.- I think you are answering your own question. However, the onus is on the Honourable Minister.

HON. CAPT. T.L. NATUVA.- Madam Speaker, that is an irrelevant question.

MADAM SPEAKER.- Pursuant to Standing Order 45(3), if a Minister does not table a written response within seven sitting days from the day a written question is tabled, the Secretary-General must place the question on the Order Paper for oral answer, if the Member in whose name the question stands and so requests.

The Standing Order has been invoked, however due to the nature of the questions, and as agreed to by the Business Committee, there will be no supplementary questions for the next two questions.

I will now give the floor to the Honourable Ratu Isoa Tikoca.

Written Questions

Smuggling of Undeclared Goods (Question No. 09/2016)

HON. RATU I.D. TIKOCA asked the Government, upon notice:

Would the Honourable Attorney-General and Minister of Finance, Public Enterprises, Civil Service and Communications provide a total number of cases involving the smuggling of undeclared goods into Fiji that is recorded by Customs and Border Control from 2006 to 2015, and of these, indicate the entities/individuals involved and whether any investigation was conducted and prosecution charges made?

HON. A. SAYED-KHAIYUM (Attorney-General and Minister for Finance, Public Enterprises, Civil Service and Communications).- Madam Speaker, I thank the Honourable Member for this question, because smuggling obviously and breaches of our border is a very critical and important issue which we need to address. In respect of the actual data that the Honourable Member requested from 2006 to 2015, unfortunately in 2006, they did not keep any such records. These record keeping of smuggled goods and various other illegal activities, undeclared goods commenced in 2007.

Statistics we received in 2016, there were no records kept, 2007 of course when the Bainimarama-led Government came in, our record keeping started and there were 11 such cases; 2008

- 12 cases; 2009 – 15 cases; 2010 – 17 cases; 2011 - 11 cases; 2012 – 22 cases; 2013 - 34 cases; 2014 - 17 cases; and 2015, there were 24 cases.

In all of the above cases that were reported, Madam Speaker, investigations were made and where appropriate, charges were laid, items were confiscated for destruction where necessary.

In other cases, Madam Speaker, for import of non-prohibited items, after investigations concluded the importers were allowed time to reclaim their items. Currently, there are some cases before the courts. Of course, Madam Speaker, pursuant to the confidentiality provisions, we do not have the names of these entities or the individuals, but these are the records that have been provided so far. Thank you, Madam Speaker.

MADAM SPEAKER.- Thank you. I now give the floor to the Honourable Mosese Bulitavu.

Written questions tabled in the House with pending responses

Local Manufacturers and Government Tariff Support from 2006 to 2014
(Question No. 10/2016)

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

Would the Hon. Attorney-General and Minister of Finance, Civil Service and Communications advise what local manufacturers the Government has given tariff support to, commencing from the year 2006 to 2014 and outline the reasons for the provisions of tariff support?

MADAM SPEAKER.- I give the floor to the Honourable Minister.

HON. A. SAYED-KHAIYUM.- Thank you. Madam Speaker, the Government of course under the Bainimarama-led Government of the FijiFirst Government has provided a number of initiatives and incentives to encourage local manufacturing, local processing, agriculture and formal sectors have of course grown and the expansion of the export base. Promoting Fijian made by Fijian, these are very critical issues.

However, simply the promotion of this does not always assist in encouraging manufacturers and have value-adding continue in Fiji, so as a result of which Government has over the years provided a number of initiatives to the different sectors, and I could read out all of them, Madam Speaker.

So, for example I will start from 2014, there was a reduction in fiscal duty to zero percent on importation of all agricultural items.

There is an exemption of bunker fee of two cents per litre for local fishing vessels.

There is duty concession on specialised fishing item and equipment.

There is an increase in fiscal duty on imported CD from \$1 a CD to \$2 a CD.

There is a fiscal duty increased on prefabricated counter-tops from five percent to 32 percent.

In 2013, Madam Speaker, there is an increased duty on cool room freezer panels, boxes, cases, et cetera, all styro foams to 32 per cent.

Madam Speaker, in 2012, fiscal duty on canned fish increased from 15 percent to 32 percent. These are imported canned fish.

Fiscal duty on electrical mountain box increased from five per cent to 15 per cent. Fiscal duty in exercise books increased from 15 percent to 32 percent to encourage local manufacturing, (we have local manufacturers).

Specific duty rate of \$1 introduced on blank CDs and DVDs.

Fiscal duty in the machinery used in the manufacture of goods reduced to zero percent, which used to be 32 percent, at 27.15, it is reduced to zero percent, that is why now you see a growth in factories.

Fiscal duty on raw materials reduced to zero percent for all manufacturers based outside Viti Levu, people in Vanua Levu, et cetera benefitted from the importation of raw materials to encourage manufacturing in those areas.

Fiscal duty on agricultural inputs was reduced to zero percent. Again, encouraging the agricultural sector.

Fiscal duty on cables increased from 15 percent to 32 percent in 2011.

Fiscal duty on mops increased from 5 percent to 32 percent because there is a mop manufacturer in Vanua Levu.

In 2010, there was an increase in fiscal duty on corrugated paper and paper boards from 5 percent to 32 per cent because we have local manufacturers of corrugated paper and paper boards.

In 2009, fiscal duty on multi wick kerosene stove and spare parts increased from five percent to 32 percent again because they were to assist the local manufacturers.

Fiscal duty on inspection traps, drain covers, gratings and the like increased from 3 percent to 15 percent.

Fiscal duty on fresh or dried coconuts increased from 3 percent to 15 percent, again to encourage more local manufactures of, this, this was in 2008. Also in 2008, fiscal duty increased from 3 per cent to 15 per cent for pineapples, guavas, mangoes and mango-skins, oranges, mandarin and lemon because these were being imported from other countries, of course to encourage local producers.

In, 2007 fiscal duty on lamb slice, fittings, increased from 3 per cent to 15 per cent.

Fiscal duty on prawns increased from 15 per cent to 27 per cent, again to encourage more local prawn farming.

Fiscal duty on goat meat, fresh, chilled or frozen increased from 3 percent to 27 percent.

Fiscal duty on cabbage, cauliflower, carrots, peas, beans and capsicum increased from 3 per cent to 27 per cent.

Fiscal duty on lettuce and eggs was increased from 15 per cent to 27 per cent.

Fiscal duty on cheese retailed package, milk, cream and yogurt (these are all bulk items) was increased from 15 per cent to 27 per cent in 2007.

Fiscal duty on cheese bulk was increased from 3 per cent to 27 per cent.

I also have, as the question was asked from 2006, also in 2006, there was fiscal duty of 3 per cent introduced on the importation of precious jewellery and imitation jewellery.

Now, there was also concessions under Section 10. This is separate to what is in the actual Customs Tariff Act and there are concessions under Section 10, which I will read out:

1. Full cream powdered milk in bulk, free fiscal duty, free import excise duty and free VAT.
2. Liquid milk, in all packs and sizes, retail and bulk- free fiscal duty, free import excise plus VAT.
3. Bulk butter - free fiscal duty, free import excise plus VAT
4. Specialised agriculture, livestock and dairy machineries, equipment and inputs - free fiscal duty and free import excise plus VAT.
5. Specialised machinery directly used for fisheries and forestry purposes - free fiscal duty, free import excise and VAT. When I say VAT, meaning VAT was charged.
6. Exemption of bunker fee of 2 cents a litre and duty free fuel concession for local fishing vessels - free fiscal duty, free import excise plus VAT.
7. Raw materials - fish, salt and edible oil - free fiscal duty, free import excise duty and 15 per cent VAT. This is of course for the canning factories in Fiji, to encourage more canning factories in Fiji.
8. Prawn larvae, prawn feed, pesticide, fungicide, lime, formalin - free fiscal duty, free import excise duty, 15 per cent VAT.
9. Ropes, floats, mono filament, spat collector lines, protective plastic mesh, panel and pocket nets – 3 per cent fiscal duty, free import excise duty, plus VAT.
10. Seedling trays, oasis for flower arrangements and sarlon cloths - free fiscal duty, free import excise duty, plus VAT.
11. Cab and chassis (this is for vehicles)- 5 per cent fiscal duty, free import excise duty and VAT.
12. Rice in the husk brown, semi-milled or wholly milled rice, broken rice - free fiscal duty, free import excise Duty and VAT.
13. Shelled peas - free fiscal duty, free import excise duty and VAT.
14. Butane gas, 2 cents per kilograms - fiscal duty, free import excise duty plus VAT.
15. Fabrics used in the manufacture of diapers - free fiscal duty, free import excise duty plus VAT.
16. Under proof spirits -\$31.92 fiscal duty, free import excise duty and 12.5 per cent VAT.
17. Over proof spirits -\$55.91 fiscal duty, free import excise duty plus VAT.

Thank you, Madam Speaker.

MADAM SPEAKER.- Thank you. That brings to the end of our question time. Honourable Members, at this point we will adjourn for lunch.

Please note that lunch is provided for Honourable Members in the Big Committee Room. The Business Committee Members are also hereby reminded of our meeting in the Small Committee Room. We will resume proceedings at 2.30 p.m.

The Parliament adjourned at 12.39 p.m.

The Parliament resumed at 2.30 p.m.

MADAM SPEAKER.- Secretary General, do we have 17 Honourable Members in the House right now?

SECRETARY GENERAL.- Yes, Madam Speaker.

MADAM SPEAKER.- We have a quorum. Thank you very much, we will now continue.

MINISTERIAL STATEMENTS

HIES Results

MADAM SPEAKER.- The Hon. Attorney General, Minister for Finance, Public Enterprises, Civil Service and Communications has informed me that he wishes to make a Ministerial Statement under Standing Order 34. The Honourable Minister may speak up to 20 minutes. I will then invite the Leader of the Opposition (if she comes in) or her nominee to speak on the Statement for no more than five minutes. There will be no other debate.

I now call on the Hon. Attorney-General to deliver his statement.

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

Madam Speaker, the statement I wish to make this afternoon on the Household Income and Expenditure Survey (HIES) results that came out is a very important statement in the sense that it has a huge impact. It tells us a lot about where the country is heading, in particular in relation to poverty levels in the Fiji, Madam Speaker.

Let me say by way of background, Madam Speaker, the first results have been finalised for 2013 and 2014, what is referred to as the HIES Survey. The data was collected over a 12 month period from April 2013 to March 2014, in order to capture seasonal variations in employment income and expenditure. This HIES Survey, Madam Speaker, is the third conducted by the Household Survey Unit of the Fiji Bureau of Statistics since it was first established in a permanent basis in 2001.

The Household Income Survey capability of the Fiji Bureau of Statistics has built up over the years and is a result of development in real expertise. It is now a major strength of the Bureau where surveys are conducted on a regular basis. An advantage to regular household survey is that it affords a continual learning process of ways to also improve the quality of the data.

Overall, the Household Survey Unit has conducted a total of five major household surveys which include the three HIES and two Labour Force Surveys. This is in addition to the 2007 Population and Housing Census, and a number of special topic surveys conducted to the Reserve Bank of Fiji and other international organisations.

The Fiji Bureau of Statistics has worked closely with the experts from the Secretariat of the Pacific Community (SPC) and the University of the South Pacific (USP) for the analysis of data and the phase 2 of HIES and the result of which the intellectual strength of this particular unit has been built, and a lot of knowledge transfer has taken place. As in all development work carried out in the Fiji Bureau of Statistics, there is a close collaboration with international experts in the first round of

compilation work with the Fiji Bureau of Statistics staff. This review, of course, ensures integrity and accuracy of the data.

The survey methodology, Madam Speaker, is consistent with that used for previous surveys and closely follows international accepted survey guidelines, concepts and definitions so that the statistics are internationally compatible. In these two 2013 and 2014 HIES, the Fiji Bureau of Statistics thoroughly checked the data and worked closely with an expert from World Bank to validate the figures, as well as to confirm the definitions and calculations used. As poverty reduction is a core mandate of the World Bank, the institution is internationally recognised for its expertise in poverty analysis work and the World Bank has worked very closely with the Fijian Bureau of Statistics.

The 2013 and 2014 HIES has a sample size of 6,020 households which is much larger than the previous two surveys. A larger sample, of course, means more reliable survey results, as is a better representation or cross-section of households in the country.

The estimates of the household income and other particulars provided in the first result represent the situation in the estimated 184,235 conventional households in Fiji, where 845,309 persons live. Persons living in non-private dwellings such as boarding schools, hospitals, prisons, work site accommodation and single officers' barracks were excluded from the survey.

The preliminary survey findings, Madam Speaker, serve to confirm the headline poverty incidence rate as early as possible. The Bureau of Statistics is now working on the significant amount of data gathered in preparation for the final report that is expected to be released in March, 2016. The in-depth analysis will reveal further analysis of:

1. How households earn their income and what that income is spent on.
2. The amount of funds required to address poverty.
3. Income distribution.
4. Education attainment.
5. The living conditions within these households.

The 2013 HIES Estimates have been checked against comparable figures from other data sources and have found to be very consistent which lends credibility to the results in the Survey. In statistics compilation, the closeness of figures derived from the different data sources indicate the reliability of estimates produced. The data sources with which comparisons have been made are;

1. FNPF contributions in total.
2. RBF's figures on foreign remittance received.
3. Estimate of total income.
4. Industrial distribution from the Annual Employment Survey.

Following this preliminary release, Madam Speaker, the World Bank will work closely with the Fiji Bureau of Statistics on Fiji's second Poverty Mapping Exercise which is what I have just highlighted. The Exercise will involve some very complex analytical work to provide poverty estimates at lower levels of geography. This will help Government adopt a more targeted approach towards poverty alleviation.

Madam Speaker, however, let me highlight to this honourable House the key findings of the Survey.

Overall, Madam Speaker, the incidence of poverty decreased from 35 per cent in 2002 to 2003, to 31 per cent in 2008 and 2009. From 2008 and 2009, it decreased further to 28.1 per cent in 2013 to 2014. In other words, compared to the figures of 2008 and 2009, poverty levels in Fiji have decreased by more than 3 per cent or close to 4 percent which is obviously very, very good news. The poverty rate recorded in 2013 and 2014 means that 28.1 percent of Fiji's population live in the 41,310 conventional households, where total earnings were below the poverty line.

What is also very interesting, Madam Speaker, is the spread of poverty in Fiji, which I will highlight to you now. The number of people living below the poverty line decreased by 15,372 when compared to the estimated 252,777 in the period 2008 and 2009.

There was a significant decline, Madam Speaker, in the incidence of rural poverty from 43 per cent in 2008–2009 to 36.7 per cent in 2013–2014. There was a significant drop from close to about eight per cent to nine per cent.

Urban poverty however, Madam Speaker, increased from 18 per cent in 2008–2009 to 19.8 per cent in 2013–2014. In other words an increase of about 1.8 per cent. What is also significant, Madam Speaker, if you compare the figures of 2008 and 2009 to the figures in 2013 and 2014, the incidence of poverty declined in the following geographic domains: Northern Urban decreased from 38 per cent to 33.8 per cent and Western Rural decreased from 43 per cent to a whopping 26.6 per cent. They were the two major areas where poverty declined significantly.

It increased in the following geographic domains: Central Urban increased from 16 per cent to 16.9 per cent, an increase of .9 per cent; Western Urban increased from 17 per cent to 21.6 per cent, an increase of approximately four per cent; Eastern Rural increased from 40 per cent to 42.1 per cent, an increase of about 2.1 per cent and Northern Rural from 51 per cent to 52.6 per cent, an increase of about 1.6 per cent and Central Rural from 36 per cent to 36.9 per cent, an increase of 0.9 per cent. So we can see overall of course poverty levels in Fiji decreased by nearly 4 per cent but these are the areas in which it had decreased significantly and some of the areas had increased. Over one-third of the poor population, that is 33.9 per cent reside in the Central Division.

The estimated number of 80,497 people is the highest by division and it is closely followed by 76,337, of 32.3 per cent poor residents of the Western Division. Slightly less than half of Fiji's population, 49.2 per cent reside in the rural areas. However, rural dwellers are over represented as far as the rural urban distribution of Fiji's poor is concerned, the 62.6 per cent of the poor population still being rural dwellers although in the Western Division it has decreased significantly. Now, what can be attributed to this reduction in poverty in the Western Division, it is generally claimed and of course the new surveys that will come, the detailed analysis will prove this but generally this claim that the reason why the poverty level in the Western Division has dropped significantly is because of the increase in tourism activities which has created a lot of jobs and provided household incomes.

So overall salary income increased significantly in the rural areas of the Western Division and this resulted in the significant reduction to areas poverty rate from 43 per cent to 26.6 per cent, Madam Speaker. And as I explained, the growth in tourism activities would have explained that increase.

Madam Speaker, these survey results are a very good source of reference point and we have in fact been encouraging the Fiji Bureau of Statistics, as you would have noted, Madam Speaker, in the Budget that was delivered last year, we have increased our spending to the Fiji Bureau of Statistics. From memory, it is approximately about \$1.7 million. The reason why we have done so

is that that will allow the Fiji Bureau of Statistics to hire more qualified people, it will also allow the Fiji Bureau of Statistics to carry out a lot more development and knowledge-based relationships with other statistics organisations, in particular we had a few of them going to the Australian Bureau of Statistics because any data with credibility and integrity is very critical to making key decisions.

Even from this first set analysis from the survey, we can see what are the areas that need to be addressed, where poverty levels had decreased, where it is increasing and how we need to be able to frame our policies to be able to address these issues that are before us.

So we would like to thank the Government Statistician and his team for the work, and we also like to acknowledge the work that has been carried out by the World Bank to provide the expertise. We are going to get someone on a permanent basis to be based within the Bureau of Statistics to give us more credible data that we can base our decision. Indeed the debate in this House can be figured around and centred on the statistics that we receive. Thank you, Madam Speaker.

MADAM SPEAKER.- Thank you. I now call upon the Hon. Leader of Opposition or her nominee to respond to the statement. Hon. Radrodro you have the floor.

HON. A.M. RADRODRO.- Thank you, Madam Speaker. I rise to give the Opposition's response to the Ministerial Statement in accordance with Standing Order 42.

Madam Speaker, to be able to contribute meaningfully, I wonder how it is that we define poverty here in Fiji. For example, do we measure poverty in relative terms of economic prosperity and affordability or wealth? Do we also take into consideration other more recently recognised measurements of poverty which includes happiness, good health and other concepts of life including the right to self-determination, equal access to opportunities, freedom from fear and oppression and so forth?

Madam Speaker, reports by the media on the survey have claimed poverty to have reduced from 2008, doing so consistently in 2014. However, on the flip side, the survey reports that urban poverty has increased by 18 per cent in 2008 and 2009 to 19.8 per cent in 2013 and 2014. With those statistics, I immediately question the policies of Government directed towards resettlement of our people from the lease expired farms to the urban centres, for example, and the policies of curbing rural to urban migration. How much has been directed to address these issues and are they enough?

Madam Speaker, there is a high level of unemployment in Fiji to date. To date, we receive our reports on unemployment figures from the National Employment Centre. However, the Bureau of Statistics have yet to satisfactorily provide credible reports on unemployment since 2007. On the same token, Madam Speaker, we cannot continue to have policies that promote free tuition, free text books for students, free bus fares now revised to cater for four stages only, no repeat policy for students, the lowering of tertiary level entry marks, TELS loan scheme and Toppers if we are going to have bottlenecks with these graduates or school leavers complete a cycle of studies only to find limitation of opportunities in the job markets.

Madam Speaker, we note that Government has focused substantial investments on infrastructure development. The question is, what are the costs of these developments to the people? We recently noted the goodwill payment that used to be made to *qoliqoli* owners have been suspended by Government for whatever reason. Now, both the *qoliqoli* owner and the outsiders intending to fish from traditional fishing grounds are treated the same.

Madam Speaker, development costs money and in an unsuspecting ways, our people are being made to pay money and their resources used to cough-up money for Government. I do not think that this is a fair way to encourage development; not a fair way at all.

Madam Speaker, we also note that our economy is being injected with huge support from remittances sent by our people working or living overseas. This indicates the dependency syndrome and alludes to the fact that the income being derived domestically by our people is not sufficient to support families and their commitment despite the freebies. Even Government have realised these opportunities and set up the Overseas Seasonal Workers Scheme.

I had an interesting conversation with the money lenders some weeks ago. I was amazed to learn that close to a thousand ATM cards belonging to workers who loan from him either weekly or fortnightly to be able to afford payments for their cars, homes, clothes, food and other household items, not to mention family, *koro* events and functions. I was also amazed, Madam Speaker, to learn that a bulk of these people loaning money from him are civil servants which includes soldiers, nurses, teachers and so forth. What is the picture here, Madam Speaker? Poor wages and over expensive lifestyle in Fiji lived by some people, some who try to be copied by others who really cannot afford too, an inflated economy with a very high cost of living from exorbitant, home rentals to high food costs.

Madam Speaker, poverty is about much more than a low income. Something that becomes particularly clear when people living in poverty are asking to define it for themselves.

MADAM SPEAKER.- Thank you for your intervention. Sorry, one more minute!

HON. A.M. RADRODRO.- An additional one more minute?

MADAM SPEAKER.- Sorry about that.

HON. A.M. RADRODRO.- An additional two minutes, Madam Speaker. In 2000, Madam Speaker, the World Bank published *Voices of the Poor*, a remarkable attempt to understanding poverty from the inside. Based on discussions with 64,000 people from around the world, what we learnt from these interviews was a complex and human account of poverty, encompassing issues that are often ignored in economic literature such as the need to look good and feel loved, the importance of being able to give one a good start in life or the mental anguish that all too often accompanies poverty. The overall conclusion was that again and again, powerless seems to be the core of bad life.

Madam Speaker, the reverse of such multi-dimension poverty is not simply wealth. Although income is important but a wider notion of a well-being springing from health, physical safety, meaningful work, connection to community and other non-monetary factors that I have already alluded to above. That should be the target of Government and that is why good development practices built on skills, strength and ideas of people living in poverty on their assets rather than treating them as empty receptacles of charity. Thank you, Madam Speaker.

Zika Virus

MADAM SPEAKER.- The Hon. Minister for Health and Medical Services has informed me that he wishes to make a Ministerial Statement under Standing Order 34. The Hon. Minister may speak up to 20 minutes and I will then invite the Hon. Leader of Opposition or her nominee to speak

on the statement for no more than five minutes. There will be no other debate. The Hon. Minister for Health and Medical Services to deliver his statement.

HON. J. USAMATE.- Thank you, Madam Speaker. This afternoon I will be making a statement on *Zika* Virus but at the outset, I think a lot has been talked about in relation to previous discussions relating to poverty and poverty and health are something that are associated. They have a very close connotation together, as has been seen in the fact that urban poverty has increased in some areas, but overall, I am glad to see from the report that poverty overall in Fiji has been declining.

Recently, in the press, poverty has declined overall and obviously that is going to have some ramifications on health itself because when you have poverty, you have health and sanitation issues and these things are affected.

Over the past few weeks, we have noticed an increase in discussions in the papers about *Zika* virus. So, I thought this afternoon. I will talk a bit about *Zika* and its impact and the effect that it is having.

Zika is something that has been around for some time in the world. It was first seen back in 1947, but the *Zika* virus itself has been known to have been incurring in Africa and Asia. Recently over the past few weeks, you would have noticed there is quite a lot of concern about *Zika*.

Zika is very similar to Dengue Fever and *Chikungunya*, but the effect of *Zika* on people is far less than the effect of Dengue. Dengue, for instance can lead to bleeding and can lead to death. *Chikungunya* can be much more paralysing, but *Zika*, its impact on people can be very mild. In fact, according to the statistics that I have been shown, only one in five people who get *Zika* actually feel that they are sick. Most people may get the *Zika* virus but they do not feel sick at all. They can continue on with their lives. So, the impact that you get from infection with *Zika* is not as drastic as what you can get from Dengue and *Chikungunya*.

Why am I talking about Dengue and *Chikungunya* is because the same carrier that carries the *Zika* virus also carries Dengue and *Chikungunya* virus and this is the *Aedes* mosquito. This is important for us in Fiji right now because we are right in the midst of the period in which Dengue tends to escalate. So, if Dengue escalates, the same carrier that carries dengue can also carry *Zika* and if it gets into the country, there is a potential that it can have a big impact on the population in our country. That is why there is a lot of concern with this.

As I have pointed out, the major differences between *Zika* and Dengue is that the severity of what happens when you get it. Dengue can cause death, *Zika* does not go to that extreme. I think since 2015, why there has been a lot of concern about *Zika* is because it is been noticed in places like French Polynesia and also in Brazil, that when you have an outsurge of *Zika*, there seems to be an association with two conditions that are happening.

Firstly, for women who are pregnant, *Zika* is reportedly associated with *Microcephaly*, which means that the babies who are born, their brains seem to be smaller, they have smaller heads and that can have an impact on their development in the future. That is one of the concerns that is happening.

Secondly, the other is a concern that seems to be happening where there is a lot of *Zika*, there is also the probability of this *Guillain-Barre syndrome*, which is a paralysing disease that can be life threatening or not very common.

So, recently as a result of this, the World Health Organisation has declared *Zika* to be a “public health emergency of international concern,” not because of the impacts of *Zika* itself, but because of the fact that it seems to be associated with this *microcephaly*, which is the impact on small babies and also the *Guillain-Barre syndrome disease*.

Why is this of great concern to us here in Fiji? It is because *Zika* has been currently spreading rapidly in the Americas over the past few years, but now it is beginning to appear in the Pacific.

It was first reported in the Pacific in April 2007 in the State of Yap in the Federated State of Micronesia. It was then reported in French Polynesia in October 2013 and that was the first time also that *Zika* seemed to be associated with this *Guillain-Barre virus syndrome*. It is now being reported in New Caledonia, Cook Islands, Solomon Islands, Vanuatu and in Fiji, we had two cases in August last year, but they were cases of people who had come from North Pacific and were passing through Fiji.

We now have cases in Samoa and it is of great concern to us. We now have five cases in Tonga, which is just across the ocean and we have people coming from Tonga to Fiji and from Fiji going to Tonga. So, it is then possible that someone could be infected in Tonga, come to Fiji, a mosquito bites that person (this *Aedes* mosquito) and then infects someone else. That is why we have this great concern with this *Zika* virus in Fiji.

As I have mentioned before, there have been two cases of imported *Zika* virus, travellers coming to Fiji but there are no cases yet in Fiji of people getting the virus from someone else in Fiji and that is something that we hoping to be able to deal with.

In Fiji, for the Ministry of Health, we continue to intensify our surveillance activities. We are testing suspected cases to be able to establish whether there is any circulation of the virus locally. One of the things we need the public to be aware of is that there are people with disease, travelling from any affected countries and if they have any symptoms or not, they need to be able to present themselves to our facility so they can be tested so we can be sure to see if they have this condition or not.

The Ministry’s vector control (these are the people who look after extermination of mosquitoes and so forth), people responsible for border control; our health inspectors at ports and at the airports; and also our centre for communicable disease are on the alert to reassure that they can advise our medical practitioners in case people present themselves with this *Zika* virus. It is also important for all medical practitioners, all doctors who are serving either in private establishments or also in public establishments to report immediately any increase in the suspected cases of disease in the clinic.

What have we been doing so far? I think the message is that with anything to do with mosquito borne diseases, the main thing we have to do is to eliminate mosquito breeding and that has been a programme that is been happening since late last year. I have noticed that the Hon. Minister for Local Government has also been engaged in the clean-up in the North, trying to eliminate places where mosquitoes breed. If we do not have mosquitoes, we do not have these disease. So, that is the main message, eliminate where they breed and try to eradicate the disease itself.

We have enhanced our surveillance and mosquito control systems. We have 12 sentinel sights around Fiji, where we are collecting information from people who have suspected *Zika*, their blood samples and so forth are being collected for testing.

We have a very strong emphasis on raising awareness and recently in the newspapers, there has been a lot of information disseminated about *Zika*. All of these are focused on eliminating mosquitoes and also advising people to promote personal protective measures to reduce exposure to mosquito bites. One of the things that the Ministry of Health is hoping that all of us in Fiji can work together to try to eliminate mosquito breeding places. This needs to be something that Government does not do on its own, but all of us have responsibilities in our own communities to do as much as possible, to eliminate mosquito breeding grounds.

Mosquitoes can deposit eggs that can be on a container that is dry, but as soon it hits water or as soon as water gets into the container, the mosquitoes come alive. So, it is very important to get rid of water in canisters or containers that we have around the place.

The fourth thing that the Ministry has been doing is introducing management guidelines that have been developed and distributed to all our health facilities, so that our technicians are also well informed of this new disease. This management guidelines include information on how to recognise and how to treat any case that might come up and how to take samples for testing. That information has been distributed all across Fiji.

It is difficult to distinguish *Zika* from Dengue or even flu. In Tonga, they felt that it is a flu outbreak, they only knew it was *Zika* after blood results came back. In Fiji, blood results take a week to get back, but by that time the effects of *Zika* might have already subsided.

What do people need to do about *Zika*? It is important to understand that there is no vaccine or specific treatment for the *Zika* virus, so it is important that people are informed about the disease and protect themselves and their families against it. In particular, pregnant women should protect themselves against mosquitoes to avoid the worst possible outcomes.

I must emphasise that the relationship between *Zika* and the impact on babies and the relationship between *Zika* and *Guillain-Barre syndrome* that leads to paralysis has not been established scientifically. It is something that is suspected. So, we hope that the linkage is not there but people should take precautions.

For people who are travelling to countries where *Zika* is known to exist, you need to take preventive measures: wear long sleeve shirts and long pants; stay in places with air-conditioning; use windows and doors that have screens; sleep under mosquito bed nets; and use insect repellents wherever you can.

Lastly, Madam Speaker, I would like to mention that in the initial discussions on *Zika*, it was felt that *Zika* can only be passed on from one person to another person by mosquito biting an infected person and then biting another person that is not infected.

Recently, we have seen information from the United States that there might be some concerns that they could be transmitted sexually, that has also not been confirmed scientifically, but we hope as a result of this, the public can take cognizance of the programmes that have been put in place by the Ministry of Health and Medical Services and we can all work together to try to eliminate mosquitoes wherever ever they breed so we can try to prevent this *Zika* from ever

turning up in Fiji. However, if it does turn up, if it does come into the country, the Ministry of Health and Medical Services is prepared to deal with it to the best of our ability.

Thank you, Madam Speaker.

MADAM SPEAKER.- I now call upon the Hon. Leader of the Opposition or her nominee to deliver your response.

HON. A.T. VADEI.- Madam Speaker, I rise to respond to the ministerial statement by the Hon. Minister for Health today, reassuring the nation, following the fears of *Zika* Epidemic in Fiji. Before I go into this issue, for the record, Madam Speaker, the Neo-Natal Unit at the CWM Hospital is currently experiencing the outbreak and premature babies are dying because the drug used to sustain this outbreak is out of stock. When this outbreak began, the Hon. Minister was not giving an assurance to the people of Fiji on this concern.

MADAM SPEAKER.- Order! Please you are going out of the subject here, focus on the subject.

HON. A.T. VADEI.- For the record, the *Zika* virus has been a predominant item across news agencies in the past couple of weeks. The spread of the *Zika* disease and its association with microcephaly (a congenital malformation that manifests as abnormally small heads which may lead to delayed brain development) prompted the World Health Organisation (WHO) to declare the *Zika* virus an international public health emergency on 1st February, 2016.

Madam Speaker, on 3rd February, 2016, the National Adviser on the communicable diseases Dr. Mike Kama informed in the *Fiji Times* newspaper that the *Zika* virus coming into Fiji is high. Dr. Kama also declared that we have had cases of *Zika* in Fiji since 2014. The newspaper also said that the Ministry has been keeping watch of *Zika* virus at 12 sentinel sites around the country since August, 2015 and they would add in other hospital-based surveillance for the virus.

Fiji is the centre of the Pacific and every day, some thousand people pass through our shores on planes and ships. Many of these people come from neighbouring Pacific Islands that have *Zika*.

Madam Speaker, our border control systems need to be strengthened immediately to include proper and effective quarantine control that will eradicate new cases of *Zika*.

Madam Speaker, on 4th February, 2016, 14 Latin American nations agreed to work jointly in deepening the development of new technologies for diagnosis, prevention and treatment of dengue, *chikungunya* and *Zika* virus.

Fiji is sandwiched between Samoa, Tonga and American Samoa. What ways are we working regionally to support each other and improve the technology that can improve our responses towards the *Zika* virus? In the meantime, I have an advice to the Hon. Minister for Health; in the face of the impending epidemic, can we not downplay the fact that *Zika* is here and it has been in Fiji since 2014? Can we also stop denying that we do not have the mosquito vectors here in Fiji because there are 12 sites that are under the Government watch?

The ministerial statement has done less to inform us about regional partnership in this said epidemic and neither has it provided an update on the 12 sites being observed by the Ministry of the extent of the border control reform nor to allow for the full eradication of *Zika*.

Before I resume my seat, Madam Speaker, I would like to ask, how did *Zika* get into Fiji? The answer is; in weak governance and border procedures. The Government proceeds to lecture Fiji's citizens about civic pride and keeping our surroundings clean but they, Madam Speaker, through their weak structures, ministerial bureaucracy and an archaic medical system, coupled with a disturbing need to sweep *Zika* under the carpet for the sake of tourism and economic prosperity, the Government has failed Fiji.

Finally on no visa policy, this has created financial and technical burden to our border control which is ineffective.

Thank you, Madam Speaker

MADAM SPEAKER.- I thank the Honourable Members.

BILLS – FIRST READING

A Bill for an Act to amend the Higher Education Promulgation 2008 (Bill No. 2 of 2016).

A Bill for an Act to provide for the establishment and functions of the Fiji Meteorological and Hydrological Service and the efficient management, control, promotion and development of meteorological and hydrological services to contribute to the protection of life, property and economic development from meteorological and hydrological disasters (Bill No. 4 of 2016)

A Bill for an Act to establish the National Research Council and to regulate the operations of the National Research Fund and related matters (Bill No. 5 of 2016)

A Bill for an Act to amend the Endangered and Protected Species Act 2002 (Bill No. 6 of 2016).

A Bill for an Act to make provisions for the Management, Conservation and Improvement of land and water resources and for other related matters (Bill No. 7 of 2016).

A Bill for an Act to regulate fresh water, brackish water and marine aquaculture and for related matters (Bill No. 9 of 2016).

A Bill for an Act to provide for the recognition and management of places having world heritage values in Fiji (Bill No. 10 of 2016).

A Bill for an Act to make provisions for the protection of the rights of persons with disabilities in accordance with the United Nations Convention on the rights of persons with disabilities and for related matters (Bill No. 12 of 2016).

A Bill for an Act to provide for the management of Fiji's forests and other related matters (Bill No. 13 of 2016).

MADAM SPEAKER.- Honourable Members, in accordance with Standing Order 84(2), the Bills have now been read for the first time. The Bills will now be listed in the Order paper for second reading on a future sitting day.

I now call on the Hon. Attorney-General.

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

There are about seven Bills that we would like to move under Standing Order 51. Madam Speaker, I need your direction, do I read all of them at once or shall I read them individually?

MADAM SPEAKER.- You have to read each of them individually so that it is clear to the Honourable Members.

EMPLOYMENT RELATIONS (AMENDMENT) BILL, 2016

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

- a) Employment Relations (Amendment) Bill 2016 be considered by Parliament without delay;
- b) Bill must not be referred to a Standing or other Committee of Parliament; and
- c) Bill must be debated and voted upon by Parliament on Wednesday, 10th February, 2016

but that two hours be given to debate the Bill, and the Right of Reply given to me as a Member moving this motion.

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

MADAM SPEAKER.- I now call upon the Hon. Attorney General and Minister for Finance, Public Enterprises, Civil Service and Communication to have the floor.

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

Madam Speaker, by way of background on 25th March, 2015 the Fijian Government, the Fiji Commerce and Employers Federation and the Fiji Trade Union Congress signed a Tripartite Agreement at the International ILO Governing Body session in Geneva, Switzerland in which there was a number of undertakings that were given by the three parties and let me highlight the key ones to you, Madam Speaker:

1. The Employment Relations Promulgation shall form the basis of Labour Management Relations in Fiji;
2. That there should be compliance with the core ILO Conventions which were the subject of Article 26 Complaint;

3. To ensure compliance with the four ILO Conventions, there should be amendments to the law which would be presented to Cabinet and then to Parliament and implemented no later than the end of October, 2015;
4. Any other ongoing review of labour laws including the Employment Relations Promulgation shall be conducted through the Employment Relations Advisory Board or (ERAB) mechanism;
5. The Government to restore the check-of facilities and the parties submit a joint implementation report to the June 2015 session of the ILO Governing Body.

Following the March 2015 ILO Governing Body Session, Madam Speaker, ERAB comprising of only those parties who met in 2015 and deliberate on the draft Employment Relations and Amendment Bill 2015, which is presented to this House.

The reason only these were present at these ERAB meetings was because the Fiji Trade Union Congress (FTUC) had threatened not to participate with other worker representatives who were invited to be part of ERAB. Government's position was that they wanted to table 2015 Bill in Parliament as soon as possible to meet the timelines that they had agreed to. The 2015 Bill was tabled in Parliament and subsequently referred to the Parliamentary Standing Committee on Justice, Law and Human Rights. The report of the Parliamentary Committee was submitted to the Parliament in the July sitting on 14th July, 2015, the Bill was enacted as Employment Relations (Amendment) Act 2015.

Contrary to the Agreement in June 2015, the parties could not submit a joint implementation report to the ILO Governing Body as Government and the Fiji Commerce and Employees Federation submitted a separate implementation report. The ILO Governing Body then requested that a joint Implementation Report was to be submitted before the November 2015 session to the ILO Governing Body. In October 2015, Government in its policy of inclusiveness expanded on the membership of the ERAB. They expanded ERAB and excluded FTUC because they refused to come, met on the 12th, 13th and 14th October, 2015. The FTUC chose not to attend the ERAB meetings and the subsequent meetings as according to them should only be the organisation representing the workers in Fiji. Despite the absence of FTUC, ERAB met, as I highlighted on 12th, 13th and 14th October, 2015 and agreed as follows:

1. the reduction of the notice period for strike for essential industries from 28 days to 14 days;
2. the reinstatement of individual grievances which were discontinued by the Essential and National Industries Employment Decree 2012; and
3. invite ILO to provide technical assistance and expertise to assist ERAB to consider, gauge and determine the list of essential services and industries.

The November 2015 session of the ILO governing body, the parties again could not submit a joint implementation report, as the ILO wanted FTUC to be the signatory. The ILO governing body decided that a tripartite mission was to be sent to Fiji, to ascertain the difficulties in submitting a joint implementation report to the ILO. From 24th to 29th January, 2016, the Tripartite Mission visited Fiji and conducted a series of meetings. They met with the Hon. Prime Minister, the Minister

for Employment and also met with FICTU, FTUC, FPSA and various other employer organisations also.

Following the discussions and following meetings with FTUC on 29th January, 2016, in accordance with the agreement and the assistance of the Tripartite Mission, the parties signed a single joint implementation Report, which contained the following achievements and concessions:

1. the restoration of check-off facilities;
2. reduction of the notice period from 28 days to 14 days, which was agreed to last year;
3. individual grievances which were discounted by the ENI Decree as well the Employment Relations Amendment Decree shall be reinstated and determined by the Arbitration Court for expeditious adjudication;
4. invitation to ILO to provide technical assistance and expertise to assist ERAB to consider, gauge and to determine the list of essential service industries;
5. removal of all references to bargaining units in the ERP, as amended by the Act and allowing workers to freely join or form a trade union, including an enterprise trade union under the ERP. So now, we have enterprise trade union, that is allowed, and for the Members information includes unions that can be set up by workers from within their own organisations and they are the only ones who are the members of that. They, of course, have the right and freedom to have anyone to represent them in any of the negotiations they want;
6. removal of Section 191(x) and 191(b)(c) of the ERP, as amended by the Act which was the restriction on them of their ability to be able to get representation from outside;
7. any worker who was employed in an essential national industry or a designated corporation or the designated company under the ENI Decree and whose employment was terminated during the operation of the ENI could now apply within 28 days to the Arbitration Court, 28 days within this law coming into effect, which we will vote on tomorrow for compensation not exceeding \$25,000. However, no application shall be made for termination of appointment on the basis of established, proven or admitted corruption, abuse of office, fraud or threat or termination of appointment where the facts and situation would lead to termination and result in the worker being convicted for an offence.

Lastly, any trade union which was deregistered as a result of the ENI Decree (it is only about three from memory because they are very small numbers) shall be entitled to apply to be registered again in accordance with the law (in other words, in accordance with ERP) and both have to pay a registration fee, if they apply within seven days, which is \$1,000.

As a result of these achievements and concessions, all the parties; FTUC, Fiji Commerce Employers Federation and Government agreed, through this agreement, that there is no need for the ILO to pursue Article 26 - complaint against Fiji, as all relevant issues have been resolved, which is the Commission of Inquiry hanging over our heads..

Madam Speaker, in short, the Bill before Parliament, which is to be debated tomorrow, clause 1 of the Employment Relations (Amendment) Bill provides for the short title commencement.

Clause 2 of the Bill provides that the ERP applies to all employers and workers in workplaces in Fiji, including the Government, Government entities, local authorities and of course, the sugar industry.

Clause 3 of the Bill provides for registration of federation of trade unions and federation of employers.

Madam Speaker, these are very important points. Until now, only trade unions could be registered as trade unions, but umbrella bodies were not required to be registered. In fact, some of them operated as companies but trading as, for example, FTUC. So, they did not, for example have to file their annual accounts, annual reports and the registration of their offices, et cetera was not given to the Permanent Secretary for Labour. That is part of the Bill too.

Clause 4 of the Bill, deletes references to bargaining units and amends the definition of trade union to include an enterprise union.

Clause 5 of the Bill provides freedom of association for all workers and in essential service and industry and provides adjudication for the trade disputes by the arbitration court.

Clause 6 of the Bill provides workers in essential service and industry the right to form and join an enterprise union.

Clause 7 of the Bill reduces the notice period for strikes in the essential industry from 28 days to 14 days.

Clause 8 of the Bill reduces the notice period for lockouts in an essential service industry from 28 days to 14 days.

Clause 9 of the Bill deletes the provision of representation in negotiations and before the arbitration courts.

Clause 10 of the Bill reinstates individual grievances terminated under the ENI Decree and provide for compensation to workers whose employment was terminated during the operation of the ENI Decree.

Madam Speaker, this is a very important Bill because we are appearing as government, as employer representative and employee representative before the ILO in the March session. These rights have been brought under Standing Order 51.

Madam Speaker, we would like to thank all the parties that were involved, including the FTUC and of course .the FCEF and the Government team that came up with this agreement. I would like to thank the FTUC and the Fiji Employers Federation. Now, of course ERAB is now expanded with all the other employee representatives that will be available.

I recommend that this motion be supported, Madam Speaker. Thank you.

MADAM SPEAKER.- Thank you, the Bill is now open for debate.

HON. N. NAWAIKULA.- Madam Speaker, I assume the debate is in relation to whether it should be considered under Standing Order 51. With that assumption, Madam Speaker, I would like

to say that I oppose the motion on the basis that I, or this side of the House, believes in all sincerity that Standing Order 51 should only be taken as an exception and not as a rule.

So, Standing Order 51 you can apply, for example, in a money bill, where amendments are incidental because we must be aware, of course, of our role in this House to fully discuss Bills. Now, we have under Section 72, our obligation.

Section 72 of the Constitution entitles us or makes it an obligation for us to facilitate public participation in legislative process. So it is important, true, I have a copy of this Bill, but if we you are to agree and deny each reference to the reference committee, then we do not have the input from the outsiders, and more so or especially the FTUC who would like to see how, what they have agreed with the Government that fitted into the Bill that is before us.

For me, or from this side of the House, we would even accept, if we can only give one week or two weeks, just to invite public participation so that they can come in and be assured that what they had agreed with the other side is appropriately reflected in the proposed Bill.

That is the basic reason why I, and this side of the House, are opposing this Standing Order 51 motion because we do not take it as a matter, of course, it should also be allowed in exceptional circumstances and we now have a tendency to be fast tracking Bills under this. That is the very reason why we have this House is to have Bills properly go through the normal process with inputs from the public as well. For that reason, I oppose the motion.

MADAM SPEAKER.- Thank you. Honourable Attorney-General.

HON. A. SAYED-KHAIYUM.- Honourable Member, I should have mentioned it and my apologies in the introduction that the FTUC actually saw the Bill. It was given to them, we had agreed and before we presented the Bill, even to Cabinet, they had approved it. So, FTUC had reviewed the Bill.

HON. N. NAWAIKULA.- They could have given a different dimension.

HON. A. SAYED-KHAIYUM.- Yes, so, I suppose you will support the motion now.

MADAM SPEAKER.- Thank you, but your comments are noted. Standing Order 51 is there for the taking and this is what is being on the table now.

Any further comments on the motion? There being no further comments on that motion, should the Hon. Attorney-General have an additional comment to make, you still have your right of reply.

HON. A. SAYED-KHAIYUM.- Madam Speaker, I think we have provided the clarification and we would like to proceed with the motion.

MADAM SPEAKER.- Do we have oppositions to the motion?

HON. MEMBERS.- Yes.

MADAM SPEAKER.- So, Parliament will now vote on the motion.

The question is that, pursuant to Standing Order 51:

the Employment Relations (Amendment) Bill, 2016, be considered by Parliament without delay;

- a) that the Bill must not be referred to a Standing Committee or other Committee of Parliament; and
- b) that the Bill must be debated and voted upon by Parliament on Wednesday, 10th February, 2016, but that two hours be given to debate the Bill with the right of reply given to the Honourable Attorney-General as the Member moving this motion.

Question put.

Votes Cast:

Ayes	-	29
Noes	-	13
Not Voted	-	8

Motion agreed to.

PUBLIC SERVICE (AMENDMENT) BILL 2016

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

- a) Public Service (Amendment) Bill, 2016, be considered by Parliament without delay;
- b) Bill must not be referred to a Standing Committee or other Committee of Parliament; and
- c) Bill must be debated and voted upon by Parliament on Wednesday, 10th February, 2016,

and that one hour be given to debate the Bill and 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. A. SAYED-KHAIYUM.- Madam Speaker, the Public Service (Amendment) Bill 2016 seeks to amend the Public Service Act of 1999.

Madam Speaker, prior to the implementation of the Constitution, the Act was the principal piece of legislation which determines the recruitment and provided guidelines for the management of the Civil Service. However, the Constitution which, of course, supersedes the Act, specifically Section 127 of the Constitution delegates greater flexibility and autonomy to the permanent secretaries for the recruitment and management of the civil servants and this indeed, Madam Speaker, is already started taking place.

Section 127 of the Constitution, to further elucidate the point, Madam Speaker, empowers the Permanent Secretary with the agreement of the Minister to:

1. appoint, remove and institute disciplinary action against all staff of the Ministry; and
2. determine matters pertaining to employment, including the establishment of the terms and conditions, salaries and benefits payable in accordance with the budget approved by Parliament.

Additionally in 2015, Madam Speaker, Government endorsed the Civil Service Reform which, amongst other things, provides for the restructure of what was then called the Public Service Commission, and the role of the Civil Service Reform Management Unit in bringing further changes envisaged to foster a more effective and efficient Civil Service.

In light of the above, Madam Speaker, the intention of the Bill is to:

1. ensure that the Act is consistent with the provisions of the Constitution with regard to the management of the Civil Service; and
2. facilitate the changes necessary to ensure that while the reform is being carried out, the performance of the Civil Service is raised in excess to and delivery of the Government services improved.

Madam Speaker, there were a number of consultations been held, Madam Speaker, including with our development partners in the World Bank.

As you are aware, Madam Speaker, the World Bank at the moment is carrying out a number of review teams that are in Fiji at the moment. There is currently a team with the Minister for Agriculture. There is a team that is joining the Minister for Health in the next couple of weeks. Already a team has carried out an assessment of the Ministry of Infrastructure and a couple more teams will be coming along with the Minister for Education and some of the other bigger ministries where we are looking at the entire restructuring of the Civil Service to be able to respond to, as the Hon. Vadei was referring to, perhaps archaic structures within the different ministries. So, the ability to respond to this is very much on foot, Madam Speaker.

Madam Speaker, the reason why this has also been put under Section 51 is that, it is not in sync with the Constitution, so whilst these reforms are taking place, we cannot have appointments under the old Act when in fact the old Act stops those appointments. So, we have this impasse, if you like, so therefore the Bill needs to be implemented as soon as possible, Madam Speaker.

If you see the clause, Madam Speaker, clause 1 of the Bill provides for the short title and commencement.

Clauses 2 and 3 of the Bill provide for amendments to the long title in the interpretation section within the Act to ensure consistency with the Constitution.

Clause 4 of the Bill amends section 4 of the Act, to remove a provision which fosters recruitment based on ethnic grounds. In fact, the previous Act had that. This is discriminatory and contradictory to the principle of non-discrimination based on ethnicity within the work environment that Government is trying to achieve.

Clause 5 of the Bill amends section 5 of the Act to reflect that the Commission is responsible only for the appointment of permanent secretaries and, of course, measuring their target performances and KPIs, whilst permanent secretaries are responsible for all staff within the Ministry.

Clause 6 of the Bill removes sections 9 and 10 from the Act which provides for a Senior Executive Service, which of course, Madam Speaker, were some of the old positions which no longer exists and implies close merit selection whilst the reform we have is towards moving a position based in open-merit selection.

Clause 7 of the Bill substitutes section 11 of the Act, with a new section to reflect the functions of the Commission or which is what we call the Public Service Commission under the Constitution.

Amongst other things, this section also provides for appeal mechanisms against decisions made by a permanent secretary in accordance with the guidelines, policies or regulations issued by the Commission.

Madam Speaker, clause 8 of the Bill removes section 12 of the Act which gives the power to the Minister to give directions to the Commission. This will no longer be necessary, given that the Commission is an independent body, so the Minister responsible cannot give directions to the Commission. Under the previous Act, the Minister could give directions to the Commission. Now under the Constitution, the Minister cannot give directions to the Commission, and that is what we need and is reflected in the law.

Clause 9 of the Bill amends section 13 of the Act to ensure that the Commission only has the authority to conduct an inquiry into the alleged breach of the Civil Service Code by permanent secretaries as opposed to all civil servants. Previously, the Commission could even go down to the driver level.

Clause 10 of the Bill amends section 14 of the Act to allow the Commission to manage and assess the performance of each permanent secretary, and provide the Minister with an annual report of the Commission and a report on the performance of all permanent secretaries. Overall, this will give an indication of the performance of each ministry within Government for each year and, of course, they will be open to public scrutiny and even scrutiny by Members of this Honourable House.

Clause 11 of the Bill amends, Madam Speaker, section 15 of the Act to ensure that the regulation-making power under the Act be given to the Commission and is limited in its scope in accordance with its limited functions as provided for by the Constitution.

Clause 12 of the Bill removes entirely sections 16, 18, 19, 20 and Part 5 of the Act. These provisions have either been phased out previously or are not in accordance with the functions of the new Commissions as specified under the Constitution.

Madam Speaker, Clause 13 of the Bill amends section 17 of the Act to abolish the Ministry of Public Service and replacing it with the Ministry of Civil Service while at the same time providing for the staff from the Ministry of Civil Service to act as secretariat of the Commission. As you can see, Madam Speaker, most of these amendments are functionary type of amendments to fit in with the Commission as opposed to policy decision per se.

Clause 14 of the Bill amends section 21 of the Act to state that a permanent secretary is responsible under the Constitution for the management of each Ministry in accordance with the guidelines issued by the Commission. This amendment also removes the power of the Commission to delegate powers to the permanent secretaries.

Clause 15 of the Bill states that it is an offence for a person to directly or indirectly influence the Commission or a member, employee or agent of the Commission so the Commission is being completely independent. That is what Clause 15 does, it has to become completely independent.

Clause 16 of the Bill provides for the protection of a member, employee or agent of the Commission, from any liability arising out of any act done or needed to be done by that person in good faith in relation to the purported performance of a function or exercise of the Commission.

Clause 17, Madam Speaker, amends section 31 of the Act, to ensure that any reference to the position of the Secretary of the Public Service Commission is construed as a reference to the Ministry of Civil Service, given that the Ministry of Civil Service will now act as the secretariat of the Commission.

Clause 18 of the Bill enables all references in the Act to the Public Service Commission and the relevant Commission to be replaced with the Commission wherever it appears, unless the context otherwise requires. This, of course, is for the purpose of clarity.

Clause 19 of the Bill provides for consequential amendments to the Act which are necessary, such as providing for the use of the term "Civil Service" instead of "Public Service", "Civil Service Code of Conduct" instead of "Public Service Code of Conduct and Values."

So, Madam Speaker, these are the key clauses that in fact, brings about the consistency in the old law that existed with the previous Constitution in 1999 and now what we have to bring some form of alignment with the current law that is in place. Thank you, Madam Speaker.

MADAM SPEAKER.- I now invite debate on the motion. I give the floor to the Hon. Nawaikula.

HON. N. NAWAIKULA.- Madam Speaker, it must be noted that this side of the House does not agree with the motion, for the reasons stated previously:

1. That Standing Order 51 must be taken as an exception, and not a rule;
2. The need for the public to be involved, more so on this one.

Looking at this Act, this is an opportune time to have representatives from the public servants who are now complaining of micro-management. That is an opportunity to hear them in relation to them and propose amendments to this one. Now, we are denying them that by fast-tracking this Bill under Standing Order 51. That must be recorded that we object to it, and we will be working against it.

MADAM SPEAKER.- Thank you. Your comments are noted and recorded. Are there any other comments? I now give the floor to the Hon. Attorney-General for his right of reply.

HON. A. SAYED-KHAIYUM.- Madam Speaker, I think we have elucidated further enough on the Bill. I would like to move the motion to a vote.

MADAM SPEAKER.- Parliament will now vote.

That pursuant to Standing Order 51, it is moved that:

1. the Public Service Amendment Bill 2016 be considered by Parliament without delay;
2. that the Bill must not be referred to a Standing Committee or other Committee of Parliaments;
3. that the Bill must be debated and voted upon by Parliament on Wednesday, 10th February, 2016; and
4. that one hour be given to debate the Bill with a right of reply given to the Hon. Attorney-General as the Member moving this motion.

Does any Member oppose the motion?

HON. MEMBERS.- Chorus of “yes” and “no”.

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

Question put.

Votes Cast:

Ayes	:	29
Noes	:	13
Not Voted	:	8

Motion agreed to.

COMPANIES (AMENDMENT) BILL 2016

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

- a) the Companies (Amendment) Bill, 2016 be considered by Parliament without delay;
- b) the Bill must not be referred to a Standing Committee or other Committee of the Parliament; and
- c) the Bill must be debated and voted upon by Parliament on Wednesday, 10th February, 2016,

but that one hour must be given to debate the Bill with a Right of Reply given to me as a Member moving this Motion.

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

MADAM SPEAKER.- I call upon the Hon. Attorney-General and Minister for Finance, Public Enterprise, Civil Service and Communications to have the floor.

HON. A. SAYED-KHAIYUM.- Madam Speaker, by way of brief introduction, the Companies Bill was referred to the Standing Committee for examination last year. The Standing Committee conducted consultations regarding the Bill before recommending the Bill with some amendments to Parliament.

Madam Speaker, we also note that the day the Bill was supposed to be debated, the Hon. Members of the Opposition had done a walkout. This was the largest piece of legislation, Madam Speaker, that has been introduced probably for the first time in Fiji's history. The Bill has 752 Sections and over 400 pages long, and they were not present.

Madam Speaker, the Act commenced on 1st January, 2016. As with any large Bill that is presented before Parliament and indeed any law, there were widespread consultations for about three to four years.

Madam Speaker, following the commencement of the Bill in 1st January, there are a number of things that needed to be done before that, and of course, these are the regulations that needed to be done. Madam Speaker, this is the Act that came into force. These are the regulations that came into force, very large piece of legislation.

Madam Speaker, there are several sets of regulations:

1. Companies Regulation 2015;
2. Companies Penalties Regulation 2015;
3. Companies Winding Up Rules 2015;
4. Companies High Court Rules 2015;
5. Companies Security Exchange and Licensing Regulations 2015; and
6. Reserve Bank of Fiji Capital Market and Industry Regulations.

Of course, Madam Speaker, we also had to have some transitional regulations that were prescribed for the commencement of 1st January, 2016.

These regulations, Madam Speaker, were critical to ensure the effective running of the Companies Act. I do not want to go into too much detail about it, I am sure because when we debate it tomorrow, Madam Speaker, but essentially what we are seeking to do apart from three or four issues that are new, the rest of what we are trying to do is incorporate the transitional regulations into the Act proper because it then falls within the domain of Parliament, because regulations as you know can be made by the Minister. But, because these regulations are very important, we want these regulations which are already enforced, people are already applying it, it is being used, all we are simply saying is that those regulations now be made part of the Act. It is critical because Parliament needs to have an overview of that. In fact, we are bringing in more in terms of consultations, et cetera, within the Parliament's domain.

There are three or four new matters, Madam Speaker, that need to be addressed. One of them, Madam Speaker, is that, as you know the culture in Fiji, and I am sure many Hon. Members of the Opposition and both sides of the House know, many people have companies and they do not file their annual returns for years. The issue now is, with the new law coming into effect, some people still have annual returns that have not been filed from 2006 and 2007, they need to now be given time to file those returns. The issue then arises, what penalties do they pay, if any? What fees do they pay? Do the new fees apply or not, because there was an assumption by everyone including the Committee that everyone would have their annual returns filed on time. We are now giving a

level of flexibility to those people who have not filed their annual returns for years because the old law said, if you file an annual return and you are late, the penalty was \$20. So, a company may not file the annual return for five or 10 years, they just come and pay \$200 and file it all at once.

The idea of the new Companies Act, Madam Speaker, is that everyone provides up to date information on an annual basis. So, some of the issues that have been brought about which we will discuss tomorrow, Madam Speaker, is to address those issues.

Madam Speaker, as I said, the gist of it was that we want to bring the transitional provisions into the main Act itself. We have had consultations last year, even after the enactment of the Act by Parliament with the Fiji Institute of Accountants, the Reserve Bank of Fiji, of course the Registrar of Companies, and even Minter Ellison and the lawyers who did the drafting for this particular Act.

Madam Speaker, because this Bill is already on foot, we need to ensure that these get enacted very quickly within the main Act itself, and the new provisions reflect what are some of the ground realities where unfortunately we have a culture of people not filing returns on time, and the whole idea is to get them to do it within a year, otherwise companies may be deregistered. Of course, they have to go through a particular process, but that is the only way that we can improve our data record, it is the only way we can then improve our ease of doing business in Fiji because everyone is up on the same page.

With those few words, Madam Speaker, I recommend that we support this motion, for this Bill to be debated tomorrow, and an hour time limit be given for the debate.

MADAM SPEAKER.- Thank you. The motion is now open for debate.

HON. N. NAWAIKULA.- I am just hearing that, Madam Speaker, the Hon. Minister has not addressed you on Standing Order 51. What is the justification that they require this Bill to be urgently adopted?

There is certainly nothing incidental here. For example, there is a reference here, if you see, clause 2 amends the Bill to 'provide a new sub section, to limit the liability of the Registrar, the Reserve Bank and Official Receiver. Surely, we do not need the expert's views here, we need to go outside, we need to go, to hear the public in relation to that.

So for that reason we are opposing.

MADAM SPEAKER.- Thank you. Any other comments? I will give the floor to the Hon. Attorney-General, if he has a right of reply.

HON. A. SAYED-KHAIYUM.- Thank you. Madam Speaker, I move that this motion now be put to the floor.

Thank you.

Question put.

(Chorus of yes and noes)

MADAM SPEAKER.- Parliament will now vote on the motion, there being some opposition.

Votes Cast:

Ayes	-	28
Noes	-	12
Not voted	-	10

Motion agreed to.

MADAM SPEAKER.- Thank you. I give the floor to the Honourable Attorney-General.

REVISED EDITION OF THE LAWS (AMENDMENT) BILL 2016

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

- (a) Revised Edition of the Laws (Amendment) Bill, 2016, be considered by Parliament without delay;
- (b) Bill must not be referred to a Standing Committee or Committee of Parliament; and
- (c) Bill must be debated and voted upon by Parliament on Thursday, 11th February, 2016,

and that one hour be given to debate the Bill with the Right of Reply given to me as Member moving this motion.

MADAM SPEAKER.- Thank you. Do we have a seconder?

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

MADAM SPEAKER.- Thank you. I give the floor to the Attorney-General to speak on the motion.

HON. A. SAYED-KHAIYUM.- Madam Speaker, thank you very much. Madam Speaker, the law revision of any country is very critical and law revision in this context means “where all written laws are revised, and consolidated.” Revision means sometimes you may have an Act that was passed. For example, in 1984, it has been amended on several occasions and there are amendments to amendments to amendments that are taking place.

The last time the laws in Fiji was revised was back in 1985. Since then, the laws of Fiji have not been consolidated. Many of the Members on the other side of the House who have been former civil servants would know that. This was the last time it was revised.

We have been, Madam Speaker, for the past 18 months or so, working through a team to revise the laws of Fiji. In other words, consolidate all laws that are now relevant even prior to Independence and laws that were created post independence and are now in foot or have been amended. So, we do not have to go into check to so many different sources to know exactly

what the source of law is. I am sure the Honourable Members on the other side who are lawyers would appreciate this.

We have been working with a well-known international law company called LexisNexis. We will come up with a revised laws of Fiji in this form where you will have indexes so you can refer to, for example, what is the law on for example Companies law, what relates to disabilities, what relates to women, all of these will be categorised, they are being very specialised.

This law will also be available online, so it makes all our laws transparent and it makes all the laws up-to-date. In these laws, Madam Speaker, it is very hard so, for example, if clause 3 over here changes, there is no way you could amend it. In this, you will get a notification, they will send you the page, you pull it out, you put in the new page and your law is up-to-date. That is what we are working on, Madam Speaker. However, Madam Speaker, because this is so archaic, there is a specific law, which is the law that we are trying to amend because the law in that refers to things like booklets. These does not have booklets but binders.

So, what we are doing simply here is again a functionary process, where the word 'booklet' will no longer be required because we do not have booklets anymore, we have binders. So, for example, you have the title card, no longer will be there be title cards, there will actually be indexing. So, all these laws does are simply to bring these laws up-to-date and that is only about a page and a half long.

The reason why we also, Madam Speaker, I mean the Committee is simply a functionary process. The reason why we are doing that, Madam Speaker, is because we hope to, and it is envisaged, and I am sure that we will be able to do that by April. In the April session of Parliament, Madam Speaker, we will have the entire revised laws of Fiji being consolidated since 1985. The Secretary-General to Parliament can have all of these laws on her desk too, including everyone on the other side.

So, this will be a very good feature and I urge the other Honourable Members to understand what has been done and not to oppose for the sake of opposing because even if you look at it, Madam Speaker, it says delete the word 'booklets' and substitute with the word 'binders'. It says, Madam Speaker, that there will be two copies made, it will be available online, in the website too, and we have in fact have a deal with them too because most countries actually once they do it for you, you have to pay them. We have said 'No' we will be able to make these available and for external users, if they go online, they will have to pay and we get a certain percentage of that fee.

So, it is modernising, bringing Fiji into the 21st century and all this Bill does, Madam Speaker, is to amend the existing law to ensure that we are able to come up with a consolidated that is modernised. Thank you, Madam Speaker.

MADAM SPEAKER.- Thank you, the motion is opened for debate and I invite any comments.

HON. N. NAWAIKULA.- We are not opposing just for the sake of opposing. I see the need, the last time that was done was in 1978, 10 years after that is 1985 so there is a 30 year period. We are opposing it on the basis that we are obliged to have the public participate in the legislative process. That is the reason.

MADAM SPEAKER.- Thank you, your comments are noted. Any other comments?

HON. A.T. VADEI.- Madam Speaker, I am glad that we have shortened the sitting days for the Parliament so the Committee can work on those documents thoroughly and participation and public consultations are encompassed in those documents. Thank you.

MADAM SPEAKER.- Thank you, your comment is noted. Any other? There being no other input, I will now invite the Honourable Attorney-General to speak in reply to the two comments.

HON. A. SAYED-KHAIYUM.- Thank you. Madam Speaker, I think we would like to vote on the motion now.

Question put.

MADAM SPEAKER.- There being opposition, the Parliament will now vote.

Votes Cast:

Ayes	-	29
Noes	-	13
Not voted	-	8

Motion agreed to.

MADAM SPEAKER.- The Honourable Attorney-General, you have the floor.

CIVIL AVIATION (MONTREAL CONVENTION 1999) BILL 2016

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

- a) Civil Aviation Montreal Convention 1999 Bill 2016 be considered by Parliament without delay;
- b) Bill must not be referred to a Standing Committee or other Committee of Parliament;
- c) Bill must be debated and voted upon by Parliament on Thursday, 11th February, 2016

and that one hour be given to debate the Bill and the right of reply given to me as the Member moving this motion.

MADAM SPEAKER.- Thank you. Do we have a Seconder?

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

MADAM SPEAKER.- I call on the Honourable Attorney-General to speak on the motion.

HON. A. SAYED-KHAIYUM.- Madam Speaker, following Parliament's approval and through the Committee that dealt with this particular Convention, the Convention for the Unification of Certain Rules for International Carriage by Air 1999, otherwise known as the Montreal Convention, came into force for Fiji on 9th January this year. Given now that Fiji is a State party to the Convention, there needs to be an effective and immediate enabling law to incorporate the Convention into our national law.

You may recall, Madam Speaker, that the ratification proposal of this Convention was put to this House and it went to the Committee, and the Committee had approved the ratification of this Convention. That ratification is now complete, Madam Speaker, and as a result of that, we are now required to incorporate that into law.

If you look at the Bill, Madam Speaker, it is actually very short, it has only about eight clauses. The rest of the Bill is actually the Convention that was approved by the Parliamentary Committee and this House without any objection. I understand it was a unanimous decision. So, all this does is now give substance to that Convention in the Fijian context.

Madam Speaker, what this does is, now Fiji is a State party will mean that for passengers, there is a modern compensatory regime for passengers who suffer death or injury in the course of an accident during international air carriage. Air travellers and international flights get enhanced compensation for passengers suffering injury or death as a result of an accident by entitling them to claim up to Special Drawing Rights of approximately FJD345000 approve in damages without having to prove negligence or fault of the airline. This avoids the situation where passengers need to pursue long and onerous legal proceedings.

Its consumer friendly provisions such as the ability for passengers to claims involving injury or death to be brought into the wider choice of jurisdictions. Obviously this can apply courts cross-jurisdictionally.

Also it has, Madam Speaker, an effect on air cargo shippers the Convention facilitates the use of electronic documentation in global air cargo. And again all of these matters were elucidated through the Committee Stage, Madam Speaker, and which this Parliament actually approved.

Madam Speaker, you will see the actual clause itself, all it says is that the Bill shall commence on such a date. In the interpretation section in Clause 3, it says that the Bill shall bind government also. Clause 4 of the Bill makes provision for the Convention to have the force of law in Fiji in relation to carriage by air. Clause 5 of the Bill defines what a State party is. Clause 6 provides the revised limits of liability and Article 24 of the Convention. Clause 7 says that any further revision to the limits of liability shall be specified by the responsible Minister by order published in the Gazette, and in Clause 8 empowers the Minister to make regulations.

As I have said, Madam Speaker, that is contained in the front part of the Bill, the rest of it is the Convention, and the reason why I bring in the 51, Madam Speaker, is obviously if you ratify the Convention, there is an immediate obligation on the State of Fiji to bring this law into effect.

Thank you, Madam Speaker.

MADAM SPEAKER.- Thank you, I invite debate on the motion.

HON. N. NAWAIKULA.- It says, "Enabling law in relation to a Convention that has been long overdue." We have stated our affirmation in relation to that through the Committee that scrutinised this Convention and this is one that we are not opposing.

MADAM SPEAKER.- Thank you.

HON. N. NAWAIKULA.- It is unanimous and long overdue.

MADAM SPEAKER.- There are no opposition. Thank you for agreeing to this which means that Parliament will not vote. I take it that we all agree to this motion. Thank you very much.

Question put.

Motion agreed to.

I now give the floor to the Hon. Attorney-General.

SEA PORTS MANAGEMENT (AMENDMENT) BILL 2016

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

- a) Sea Ports Management (Amendment) Bill, 2016 be considered by Parliament without delay.
- b) Bill must not be referred to a Standing Committee or other Committee of Parliament; and
- c) Bill must be debated and voted upon by Parliament on Thursday 11th February, 2016 so that one hour be given to debate the Bill with the right of reply given to me as the member moving this motion.

Thank you, Madam Speaker.

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

MADAM SPEAKER.- Thank you, I now give the floor to the Honourable Attorney-General.

HON. A. SAYED-KHAIYUM.- Madam Speaker, this Bill only has three clauses and it addresses a lacuna in the law. Madam Speaker, when the Sea Ports Management Act was passed in 2005, it created a lacuna in the sense that the Fiji Ports Corporation Limited (FPCL) provided piloting services. They drafted the Sea Ports Management Act in 2005.

Following that particular law being put into place, there was an amendment in 2010. Now, that created the lacuna, Madam Speaker, in the sense that the Sea Ports Management Services were being provided by FPCL but the Decree overlooked the point that it needed to continue to provide but it took away the ability of FPCL to charge fees for that service. So, FPCL is still carrying out that piloting services as we go out of the sea port.

The Fiji Maritime and Safety Authority (FIMSA) has, of course, the oversight in ensuring that the people who are carrying out the piloting services, Madam Speaker, are actually fit and proper, the ships and the vessels are fitted and have the right sea worthiness, et cetera. They also do the mapping or the path on which the piloting services can take.

However, the piloting services by FPCL continues to be provided but they are charging their fees under the general powers of FPCL. All these law does, Madam Speaker, with the three amendments as you see is first it says, “that there is a provision by inserting the provision of piloting services” and Clause 3 says, “ a port management company shall allocate a pilot to provide piloting service at each port managed by a Port Management Company under this Act”. This simply allows that practical reality to be reflected in the law. As I have said, Clause 1 states when it will come into effect. Clause 2 says, we amend the existing paragraph 18 by saying the provision of piloting services, Clause 3 says that the company must allocate a pilot to provide piloting services.

That is what we want to reflect, Madam Speaker, there are only three clauses and they are there to address a particular lacuna in the law.

Thank you, Madam Speaker.

MADAM SPEAKER.- Thank you. The motion is now open for debate.

HON. N. NAWAIKULA.- (Inaudible)... Then you come under Order 51 which will justify the need for the urgency, and this is a contentious issue. We know as well the acquisition of the ports and we need the public to state their views there.

MADAM SPEAKER.- Thank you. Are there any other comments.

(Pause)

I will now give the floor to the Hon. Attorney-General for his right of reply.

HON. A. SAYED-KHAIYUM.- Madam Speaker, first of all I would like to clarify one issue by Hon. Nawaikula, he now wants to introduce new actions. This is the problem, he wants to use the Committee stage to address issues that are not subject of the Bill, nothing to do with the acquisition of FPCL. It is a very simple issue, three clauses and only two are relevant, Madam Speaker. This is to create efficiency and he has the legal acumen, one would assume, to understand what is being done.

Madam Speaker, I move that this Bill be put to the vote.

MADAM SPEAKER.- Parliament will now vote and the question is, pursuant to Standing Order 51, that the:

- (a) Sea Ports Management (Amendment) Bill 2016 be considered by Parliament without delay;
- (b) Bill must not be referred to a Standing Committee or other Committee of Parliament; and
- (c) Bill must be debated and voted upon by Parliament on Thursday 11th February, 2016

- (d) and that one hour be given to debate the Bill with the Right of Reply given by the Honourable Attorney-General as the Member moving this motion.

Does any Member oppose the motion?

HON. OPPOSITION MEMBERS.- Yes.

MADAM SPEAKER.- There being opposition Parliament will now vote on the motion.

Question put.

<u>Votes cast:</u>		
Ayes	-	28
Noes	-	14
Not voted	-	8

Motion agreed to.

MADAM SPEAKER.- I now give the floor to the Hon. Attorney-General.

FIJI INTERCHANGE NETWORK PAYMENT BILL 2016

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

- a) Fiji Interchange Network Payment Bill, 2016 be considered by Parliament without delay;
- b) Bill must be immediately referred to the Standing Committee on Justice, Law and Human Rights; and
- c) Standing Committee report on the Bill to Parliament in the April session of Parliament

and that upon presentation of the Report on the Bill by the Standing Committee the Bill must be debated and voted upon by Parliament in the April session of Parliament and 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.

MADAM SPEAKER.- I now call upon the Hon. Attorney-General to speak on the motion.

HON. A. SAYED-KHAIYUM.- Thank you, Madam Speaker. This is a very important Bill, there has been consultations held on the Bill and indeed the technical aspects of it with a number of companies that are involved.

Madam Speaker, this is part and parcel of Government's overall strategy to modernise Fiji vis-à-vis the technologies that are available. Just to give a snapshot, Madam Speaker, of what this Bill seeks to do and it is I know an issue that some of the private companies may seek to resist, but

for the benefit of the Honourable Members, in particular on the other side, please let me tell you what this Bill or this national switch that we are trying to create intends to do.

It is to prevent anti-competitive measures amongst payment service providers and I will explain what that means, reduce the cost associated with electronic transactions, reduce dependency on cash, increase access by customs to financial system institutions and increase financial inclusion. Reduce the cost base of setting up and providing financial services and share infrastructure.

Madam Speaker, to put it mildly, at the moment, for a number of years in Fiji, the big three banks have essentially run the show as far as electronic banking is concerned. So, Australian and New Zealand Bank (ANZ), Westpac and previously Colonial Bank now Bank of the South Pacific (BSP) have the largest network of ATM machines. These are ATM machines that we draw cash from.

Madam Speaker, as we know, they charge a fee. As you, Madam Speaker, they also give you the ability if you are an ANZ card holder, for example, I can go and use my ANZ access card in a Westpac machine. The reason I am able to use my ANZ card in a Westpac machine is because ANZ and Westpac have a bipartisan agreement that your people can use your card in my machine and my people can use my card in your machine.

As you know the fee is about \$1.20, somewhere thereabouts. Most people withdraw \$10 or if they withdraw \$20, 10 per cent or more of that cost goes towards paying for the users of the ATM. More than 10 per cent if you are withdrawing \$10, so I withdraw \$10, I pay \$1.20, 10 per cent is \$1. That is what is happening in Fiji but moreso, Madam Speaker, these banks have also run a closed shop. In other words, they have got their agreements so the big three are doing their thing but they do not necessarily want to allow others to join their network.

So for example, Bank of Baroda for years did not have ATM machines because they simply did not allow them. Bred Bank which is a new bank in Fiji is also not allowed into their network system. So the cost of setting up a bank increases and an ATM machine costs a lot of money. So for Bred Bank to be able to compete with them and many people, for example would not want to open a Bred Bank account because they only got four ATM machines, but the other banks have got 70 to 80 ATM machines. So let us not open an account in Bred Bank.

What we are trying to do, Madam Speaker, in this Bill is to say, we have a centralised network system that all the banks must be joined to. And then you switch through the national switch, that is what it is called, and the cost base must be regulated. This will then allow the new entrants to come into the market on an even playing field. This is why, for example, if a new bank comes in, because if their cost base is higher, their ability to give you lower interest rates, their ability to give you more services is reduced. This is the real rationale behind it because we are a small country. We need to ensure that the cost of individual banking services in particularly accessing those kind of services is reduced and we provide a level playing field.

Similarly, Madam Speaker, we have the issue where there are other payment systems that need to be facilitated Fiji Sugar Corporation (FSC), *iTaukei* Land and Trust Board (iTLTB) and Fiji National Provident Fund (FNPF); these are institutions that give out a lot of money to their members or to the people who may have the right to receive monies from those organisations.

Now the cost of that, Madam Speaker, will be greatly reduced to get the money to them if you can also have a national switch. The monies can be simply loaded onto the national switch and

people get their money. They do not physically have to come to Suva, they do not physically have to go to offices in centralised areas. This is the big picture approach, Madam Speaker, this is about the national switch seeks to do.

Now, obviously, there are a lot of issues. There are some banks who obviously have a network of ATMs and they will say “Well, hang on, we bought 78 ATM machines, why should be the other guy piggyback on mine?” There are ways and means to work that out.

In the same way, Madam Speaker, we will be presenting a Bill to this Parliament where we want to look at telecom infrastructure sharing. If you look at Nabukelevu up on the hill, one small space you have about four or five towers, everyone competing for the space, spending lots of money to put up the individual towers. Why should they do that? We should have simply one tower owned by the Government or some entity where people can have shareholding in that, maybe all the suppliers and they put up their transmitters. So then the cost of infrastructure is reduced so then they do not pass that cost on to the consumer.

The cost of telecommunication must be reduced, the cost of text messages must be reduced, the cost of banking services must be reduced and this is the way that we can do this, Madam Speaker. This is what the Bill seeks to do, we have referred this to the Committee, Madam Speaker, because we know some of the banks will also come and make submissions. We already had a meeting, the Reserve Bank of Fiji (RBF) obviously as provided for in the law will need to be the regulator. The RBF will need to have the oversight because it includes payment systems.

So, Madam Speaker, the gist of it, if you see through what we have done is that, we are trying to create this national switch, we are trying to get other companies also, it will become mandatory for banks to join within a specific period of time. There needs to be a transition stage where the banks will need to ensure that there is merit or there is ability to communicate between the different systems and then we can bring in other people who want to join, Vodafone, Digicel, FNPF as I had mentioned, LTA, Water Authority of Fiji and *iTaukei* Land Trust Board, all these organisations can join to be able to ensure that services are provide a lot better way.

At the moment, the Minister for Social Welfare, actually pays a fee to Westpac to disburse the funds for the people who receive welfare pensions. If we are able to have a national switch, we can simply give them a card and load the money every month; makes it very easy, a lot more accessible.

So, Madam Speaker, in the consultations we have had, we have spoken to the RBF, Associations of Banks, the various banks in Fiji, of course, Vodafone, Digicel and FNPF. The features of the Bill, Madam Speaker, which the Committee will need to look at is essentially looking at the authority to be able to look at the governing body of the authority, the Bill creates implementation of the network inter-change, it provides for licensing, people need to be licenced to be able to provide payments system or pre-payment system because they need to meet certain standards. Everyone needs to meet the standard. It also provides an appeal process and ensures that the Authority and the Reserve Bank have on going oversight of the various licensees, Madam Speaker.

So, Madam Speaker, we refer that as stated in the motion, that the Bill be referred to the Standing Committee of Justice, Law and Human Rights and the Standing Committee report on the Bill to Parliament in the April session so they have approximately two months from now till the April session to have their consultations and report back. This is important because we cannot delay

this kind of electronic issues, commercial transactions and then once the Committee presents its report that we then in the April session of Parliament debate the Bill and vote on the Bill. Thank you, Madam Speaker.

MADAM SPEAKER.- Thank you.

HON. N. NAWAIKULA.- This is not a Bill that should be considered under Standing Order 51. As we heard, very substantial issues that we need the public's full participation and we disagree that restrictions should be put on the Standing Committee.

MADAM SPEAKER.- Thank you. Are there any other comments? None? I will now give the floor to the Hon. Attorney-General to speak in reply to that one comment.

HON. A. SAYED-KHAIYUM.- Madam Speaker, last year we were in this House talking about efficiency, the Honourable Member thinks two months is not enough for a Bill that is going to affect. We have two months, Madam Speaker, for the Committee to be able to hear submissions from members of the public.

What we need to balance this against also is that many Fijians who are crying for this type of law to be put in place and this type of services to be put in place. It appears they want to delay the services of people in the rural areas. We need machines in the rural areas, not just in the cities and the urban areas. He needs to be concerned about the rural areas. He needs to be concerned about having ATM machines. He appears to want to delay the services for people in the rural areas.

(Hon. Members interjected)

HON. A. SAYED-KHAIYUM.-We need machines in rural areas and not just focus on cities in the urban areas.. He needs to be concerned about the rural areas; he needs to be concerned about having ATM machines along the highway and in villages; that is what we are trying to do, Madam Speaker, but he wants to delay that. We do not want to delay that, we are giving two months for submissions to be made and I support this motion, Madam Speaker, thank you.

MADAM SPEAKER.- Thank you. Parliament will now vote.

Question put.

Does any Member oppose the motion?

(Chorus of yes and noes)

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

Question put.

Votes cast:

Ayes	:	29
Noes	:	14
Not Voted	:	7

Motion agreed to.

Thank you very much Honourable Members.

Our next item on the Order Paper is on motions. The Business Committee in its meeting earlier today had decided to defer Item 11 in today's Order Paper until Thursday, however, the Secretariat will be circulating shortly the proposed amendments to the Standing Orders for Members' perusal.

The Parliament is now adjourned until tomorrow at 9.30 a.m.

The Parliament adjourned at 4.22 p.m.