

WEDNESDAY, 18TH MARCH, 2015

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

MADAM SPEAKER took the Chair and read the Prayer.

PRESENT

All Members were present, except for the honourable Minister for Women, Children and Poverty Alleviation; the honourable Minister for Foreign Affairs; the honourable Attorney-General & Minister for Justice, Minister of Finance, Public Enterprises, Public Service and Communications; and the honourable Dr. Biman C. Prasad.

SECRETARY-GENERAL.- Confirmation of Minutes.

MADAM SPEAKER.- Leader of Government in Parliament.

MINUTES

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

That the Minutes of the sitting of the Parliament held on Tuesday, 17th March, 2015, as previously circulated, be taken as read and be confirmed. I thank you, Madam Speaker.

MADAM SPEAKER.- Thank you, do we have a seconder?

HON. CDR. S.T. KOROILAVESAU.- Madam Speaker, I beg to second the motion.

MADAM SPEAKER.- Thank you. The Parliament will now vote on the motion. Does any Member oppose the motion?

As no Member opposes, the motion is agreed to unanimously. Thank you.

Secretary-General.

COMMUNICATIONS FROM THE CHAIR

MADAM SPEAKER.- I welcome you all to today's sitting. Again, I also extend a welcome to the students of the University of the South Pacific, enrolled in PL100, Politics and Government. I believe we have a different lot with us this morning. I hope that you will learn something from your study tour especially since today you will be able to see firsthand how our Parliament will debate and approve a treaty. We are grateful for your interest in today's proceedings.

On population issues, honourable Members you may have noted yesterday the worrying trend that Fiji's birth rate has dropped to 0.2 per cent currently, compared to Australia at 1.9 per cent and New Zealand at 2.05 per cent. The consequences for Fiji is that we have an aging population. This will have social and economic impacts on our nation, on the bus fare subsidy for 60 years and over and even on the pension scheme for senior citizens, to name a few. Thank you.

Secretary General.

PRESENTATION OF REPORTConvention for the Unification of Certain Rules for International Carriage by Air, 1999 (Montreal Convention) Report

HON. LT. COL. N. RIKA.- Madam Speaker, I table the report of the Standing Committee on Foreign Affairs and Defence and I move that the contents of the Convention for the Unification of Certain Rules for International Carriage by Air, 1999 (Montreal Convention) report be debated later today and noted.

MADAM SPEAKER.- Do we have a seconder?

HON. CDR. S.T. KOROILAVESAU.- Madam Speaker, I beg to second the motion.

MADAM SPEAKER.- The motion that has been moved by the Chair is a motion to take note of the Committee report. This will be the type of motion that faces this House every time a Committee report comes before us for discussion. We will debate the content of the report, after the debate, we will vote. The vote will not be to ask Parliament whether it agrees with the content of the report or not. The vote is to merely note the Committee report. If Parliament votes to note the report, the Government will have 60 days or up to 60 days to respond to Parliament to say which parts of the report they agree with and which parts they do not agree with.

Honourable Members, we will now break for morning tea but when we return, we will have a debate on the contents of the Convention for the Unification of Certain Rules for International Carriage by Air, 1999 (Montreal Convention).

HON. N. NAWAIKULA.- Point of order. Madam Speaker, I stand in relation to Standing Order 130 which sets out the procedure for ratifying a treaty. Understandably, we have the first step which we did on 10th February, 2015 was to refer this to review, to the Standing Committee, which they have done. The next step after that, according to my reading of Standing Order 130(3) is that they table it. It does not say “table and debated”, it simply says “table”. So my understanding is that once tabled, it is noted. Could I have a ruling then, Madam Speaker, whether the debate is necessary or not, given the clear statement that is stated in Standing Order 130 (3)?

MADAM SPEAKER.- Thank you. According to Standing Order 121 on the Presentation of Reports and I quote:

“(4) A report of a Standing Committee must –

- (a) be tabled in Parliament by the Chairperson or some other member as delegated by the Chairperson;
- (b) remain in the custody of the Secretary-General; and
- (c) be made available for members to access in accordance with Standing Order 15(3)(f).

(5) Where a report of a standing committee has been tabled, the member tabling the report must move a motion without notice, to initiate a debate on the contents of the report at a future sitting.”

This is the process that we are undergoing now.

I will repeat, “the Member tabling the report must move a motion without notice to initiate a debate on the contents of the report at a future sitting,” which is the process that we are going through now. This is the reason we are now breaking for tea. It will be an extended one hour tea break to give you time to look at the report.

The House will resume at 10.40 a.m.

The House adjourned at 9.41 a.m.

The Parliament resumed at 10.50 a.m.

MADAM SPEAKER.- Thank you, honourable Members, you may be seated.

We will now move on to the next item on the Agenda, the presentation of reports of Committees. I now call on the Chairperson of the Standing Committee on Foreign Affairs and Defence.

**CONVENTION FOR THE UNIFICATION OF CERTAIN RULES FOR
INTERNATIONAL CARRIAGE BY AIR, 1999 (MONTREAL CONVENTION)**

HON. LT. COL. N. RIKA.- Madam Speaker, I understand there may have been a problem with the wording of the motion moved earlier and, therefore, I seek leave from the House, both to withdraw the motion and move to allow the contents of the Convention for the Unification of Certain Rules for International Carriage by Air, 1999 (Montreal Convention) be debated today.

MADAM SPEAKER.- Thank you.

We will now vote on the motion that allows this debate to take place today. Does any Member oppose?

HON. RATU N.T. LALABALAVU.- A point of order, Madam Speaker. This sudden change again is so confusing now, because what triggered all these was the motion made by the honourable Minister for Foreign Affairs in February, in producing these two Conventions for us to review and that we ask the Standing Committee to do that on behalf of Parliament and bring it back to the House. Now, that motion is still in existence, and he is now moving again another motion. We haven't taken care of that motion as yet, and you've already made a ruling earlier on, Madam Speaker, before we adjourn, that we are to go and read this and come back for the debate. It's not a new motion altogether, Madam Speaker, it's just the old motion but it's now the subject of a report from the Committee that we are going to debate on.

Thank you, Madam Speaker.

MADAM SPEAKER.- Thank you.

What we would like to do on this particular Convention is to discuss it and vote on it today. We have been given time to look at the Report during morning tea break, and because the Convention itself is not such a very big Report, we feel that we are ready to debate on this Report now, with leave of Parliament. This is why the Chair is now asking leave of Parliament to allow this debate to take place today.

(Leave granted)

So, we will therefore move on, but your concern is noted for future reference.

Again, I will now ask a vote on the motion that allows this debate to take place today. Does any Member oppose?

(Silence from the floor)

Since there is no opposition, I will now call on the Chairperson of the Standing Committee on Foreign Affairs and Defence to have the floor.

HON. LT. COL. N. RIKA.- Madam Speaker, I move that the content of the Report of the Standing Committee on Foreign Affairs and Defence on the Convention of Unification of Certain Rules for International Carriage by Air 1999, the Montreal Convention, be noted.

MADAM SPEAKER.- Thank you. Is there a seconder?

HON. CDR. S.T. KOROILAVESAU.- Madam Speaker, I beg to second the motion.

MADAM SPEAKER.- Thank you.

I now call upon the Chairperson of the Standing Committee on Foreign Affairs and Defence to have the floor.

HON. LT. COL. N. RIKA.- Madam Speaker, the honourable Prime Minister, the honourable Ministers, the honourable Leader of the Opposition, the honourable Members of Parliament; I rise this morning to make my introductory remarks on the Republic of Fiji Parliamentary Paper No. 21 of 2015.

Madam Speaker, pursuant to Standing Order 130, the Standing Committee on Foreign Affairs and Defence was tasked to prepare a report on the proposal by the Fijian Government on the accession of the United Nations Convention on the Unification of Certain Rules for International Carriage by Air, also known as the Montreal Convention, 1999.

The Standing Committee comprised of the:

- 1) Honourable Ratu Isoa Tikoca, Member of Parliament, Deputy Chair;
- 2) Honourable CDR Semi T. Koroilavesau, Member of Parliament, Member;
- 3) Honourable Dr. Neil P. Sharma, Member of Parliament, Member;
- 4) Honourable Roko Tupou T.T.S. Draunidalo, Member of Parliament, Member; and
- 5) Honourable Niko Nawaikula, Member of Parliament, Alternate Member.

Madam Speaker, I am pleased to submit this Report which recommended that the Fijian Government should accede to the Convention. This Report provides a summary and examination of submissions and oral evidences, heard during the Committee's public hearing in February, 2015, all of which were in favour of Fiji's accession to the Convention at the first available opportunity. There were no submissions which were not in favour of the accession to the Convention.

The Committee received submissions from a cross-section of individuals and organisations that are involved or affected by air carriages such as the:

- 1) Civil Aviation Authority of Fiji;
- 2) Fiji Airways;
- 3) DHL Courier Service;
- 4) Fiji National Council for Disabled Persons;
- 5) Office of the Solicitor General;
- 6) International Air Transport Association (IATA);
- 7) Mr. George Faktaufon of the Association of the South Pacific Airlines; and
- 8) Mr. Joeli Koroikata, a retired Civil Aviation official.

Madam Speaker, the Report is divided into 3 Chapters. Chapter 1 covers the role and responsibility of the Committee and the inquiry process in undertaking the review of the Convention.

Chapter 2 focuses on the Convention and examines the submission received and the information provided at public hearings held by the Committee, including the summary of questions and answers from the public hearing.

Chapter 3 details the Committee's deliberations and analysis of the evidence received, followed by recommendations to Government.

In summary, the Committee believes there are significant benefits for Fiji through the accession, one of which will ensure the modernisation and harmonising of our laws, in line with international best practices and standards. The other significant benefits of accession will be the terms of just and equitable compensation to Fijian travelling international by air.

Madam Speaker, the recommendations are all in the Report. Thank you, Madam Speaker.

MADAM SPEAKER.- Thank you, honourable Member and Chairperson. I now open the floor for debate. Honourable Leader of Government in Parliament.

HON. LEADER OF GOVERNMENT IN PARLIAMENT.- Madam Speaker, I would like to thank the Standing Committee for their Report on the proposal by the Fijian Government on the accession of the United Nations Convention for the Unification of Certain Rules for International Carriage by Air, 1999, which is also known as the Montreal Convention, and I take particular note that from every submission received, there were no submissions in opposition to this Convention, and all submissions which were received by the Committee support Fiji's succession to the Convention.

Madam Speaker, the Montreal Convention will streamline and enhance efficiency in international air transport carriage operations or providing for equitable compensation, and upon accession the Fijian Government will work with airlines to develop a Joint Communication Strategy to highlight benefits of this Convention to all Fijians. Accession to this Convention will no doubt make it easier for people and families to lodge applications to seek fair compensation and redress from airlines following tragic air accidents. Therefore, Madam Speaker, the Fijian Government support the recommendations in the Report produced by the Standing Committee, and thanks the honourable Members and the Chairman in the Committee for their recommendations. Thank you, Madam Speaker

MADAM SPEAKER.- Honourable Gavoka?

HON. V.R. GAVOKA.- Madam Speaker, I rise on behalf of the Opposition, the SODELPA Party to speak on this Convention and at the outset, let me say that we whole heartedly and fully agree with this Convention, Madam Speaker, that it needs to be ratified without reservation, Madam Speaker.

This has been long in coming, Madam Speaker, as tourism grows across the globe and even seen in Fiji, Madam Speaker. We remember the days when one used to travel and the whole bus load of villagers used to go and say goodbye at the airports, but now our people can have breakfast in Auckland, and have lunch in Fiji. The world is changing more. We have not seen anything yet, Madam Speaker, so we welcome this to be part of the global community, to grow our tourism because we need to be seen to be part of the community in every sense of the word.

We have the International Civil Aviation Organisation (ICAO) supporting this. Madam Speaker, ICAO regulates travel all over the world. The protocol they follow in New York, in Heathrow and New Orleans or anywhere in landing and taking off is similar to what we do in Nadi. I salute our civil aviation

people for keeping Fiji at that very high standard and I also salute the work of the Committee for putting this together.

Fiji will greatly benefit from this. We are one of the 88th countries who have not ratified this, so Madam Speaker, we need to do it and again I say, thank you to the Committee, thank you to the people who contributed to this. Without reservation, SODELPA supports the Montreal Convention.

HON. RATU N.T. LALABALAVU.- Hear! Hear!

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

MADAM SPEAKER.- Honourable Minister for Lands?

HON. M. VUNIWAQA.- Thank you, Madam Speaker. I would like to begin my statement with a citation from the Court of Appeal judgement in the fated PC 121 Flight. The Court of Appeal, in hearing the matter before the Court stated that:

“In an ideal world, Fiji should have by now enacted a legislation incorporating the modern, enlightened version of the Convention, which is the 1999 Montreal Convention.”

We are now taking the first step, even though the Montreal Convention only deals with international carriage by air. The noting of the Report before this honourable House, and the ratification and accession to that Convention is a necessary first step to incorporating international best practice into our domestic laws.

The Convention, Madam Speaker, gives benefits to passengers who travel by international air to air cargo shippers and also airlines. It puts Fiji on par with over 100 member States who have become party to this international Convention. To bring it down to our people, Madam Speaker, it means that a Fijian who may be traveling, say for example, from Australia to the United States and meets with an air accident, that victim, if he or she survives or member of his family, will be able to claim for compensation in the Fijian jurisdiction. It brings that home to us. It also mandates our airlines to carry insurance which would meet potential liabilities which would emanate from accidents under the Convention. I would therefore, like to thank the Standing Committee on Foreign Affairs and Defence, and the recommendations they have made for the noting of the Report, and I lend my full support to the Report. Thank you, Madam Speaker.

MADAM SPEAKER.- I thank you, honourable Minister. Honourable Prem Singh?

HON. P. SINGH.- Thank you, Madam Speaker. At the outset, I would like to thank the Chairman and the Committee Members of the Foreign Affairs and Defence Committee for a great work, and making these recommendations. The recommendations go a long way and our support towards ratifying the Treaty as a whole.

Madam Speaker, the three Recommendations that the Committee has recommended to this House, we note without exception and we trust that during unification, we will be able to highlight more important issues that affect the Treaty to Fiji.

Just as a matter of concern, this Treaty outlines some specific mechanism in terms of compensation available to the victims during an accident. I would like to hear from the Chairperson or the Minister responsible whether this extends to terrorist activities or acts during flights because that would be very common, and the unruly passengers which are covered under the Montreal Protocol, whether these have been incorporated within these treaties? Thank you, Madam.

MADAM SPEAKER.- Thank you, honourable Prem Singh. Yes, honourable Member, you have the floor.

HON. A. SUDHAKAR.- Thank you, Madam Speaker. I rise this morning to commend and congratulate the Chairman of the Standing Committee on Foreign Affairs and Defence, and the Committee itself for compiling and presenting to the Parliament the Report on the United Nations Convention for the Unification of Certain Rules for International Carriage by Air, 1999, otherwise known as the Montreal Convention.

Madam Speaker, the events and the incidents of Flight MSG70, the Malaysian Airline, the disappearance of Malaysian Airlines over Ukraine and other air disasters still fresh in our minds. And with the coming of this law and the ratification of this Convention, if such unfortunate incidents happen to our airlines or Fijian people, there is now a mechanism provided to address those issues and address passenger liability claims.

Madam Speaker, by ratifying this particular Convention and by accepting the recommendations made by the Standing Committee, we are now providing compensation up to US\$172,000 for passengers who suffer death or bodily injury on board an aircraft. It also covers for compensation for loss or delay in arrival of baggage and it is an advancement of the previous Warsaw Convention which was previously followed. The major point of this particular Convention is that, it doesn't only cover the loss to passengers, it also provides a recourse to airline itself, in case the airline has to suffer expenses as a result of some unruly behaviour of unruly passengers.

From a legal perspective, the Convention under Article 33 now provides that an action for compensation or death or bodily injury or lost baggage can be brought in a jurisdiction where the airline is registered or carries business or where the flight was destined for, if both parties or, at least, one of the parties destinations is party to this Convention.

It also provides, under Article 35, a limitation period which should be heard and taken into account by all travelling passengers and airlines, that there is a two year limitation from the date of arrival or when the flight was expected to arrive. If there is a loss to luggage, baggage or there is bodily injury or death, then the action must be brought within a court of a State party within two years of the incident.

With these mechanisms now provided, it becomes much easier for the airlines, as well as the passengers. Therefore, I stand today in support of the recommendations of the Report.

Thank you, Madam Speaker.

MADAM SPEAKER.- Thank you. The honourable Karavaki.

HON. S. D. KARAVAKI.- Thank you Madam Speaker. I have a very brief contribution just in addition to what was being aired by my colleague, the honourable Gavoka.

I also must thank the Standing Committee for the hard work they have done. It is a good Report, very articulate and exposes all the issues that we should see and convince ourselves with. But I see that we are taking the first step now, Madam Speaker. The second step, I see is in the threshold as contained in Article 1 of this Convention. It requires, if we are to fall under the Convention, the word "international carriage" is very important to note because we must conduct ourselves within the scope of Article 1 in order to come under this Convention. It means there are places within the State members that should be regarded or accepted as a stopping place like airports. So in that regards, we see that it would be necessary,

which is a supportive work to be done under this Convention, for the State in its Air Service Agreement with other State members, that they must agree with a place of stoppage, which means facilities to be improved. If Nausori is not improved and it is not regarded as a place of stoppage, in consultation with other member States, so a flight from Nausori to another State cannot come under the international carriage, so it cannot come under this Convention. This is why it is important, if we take the first step then we must also look at the things that are going to come.

HON. RATU N.T. LALABALAVU.- Tell them, tell them.

HON. S. D. KARAVAKI.- It will bring a lot of benefit to the nation but we have a duty to perform. I am thankful that we are taking the first step because without the first step we cannot come to the second step.

HON. LT. COL. P. TIKODUADUA.- We took the first step.

HON. S.D. KARAVAKI.- I am glad that we are at this point.

HON. RATU N.T. LALABALAVU.- They will fly.

HON. S.D. KARAVAKI.- Having said that, Madam Speaker, I am really in support of this Report and for Fiji to take a very quick step towards taking the second step immediately. Thank you, Madam Speaker.

MADAM SPEAKER.- Thank you honourable Karavaki. I thank you all for your input to the debate on this Convention. I will now give the floor to the Chairperson for his right of reply.

HON. LT. COL. N. RIKA.- Madam Speaker, first of all I will respond to the honourable Prem Singh's question. The Montreal Convention does not cover unruly passengers. Unruly passengers comes under the Montreal Protocol and that is a totally different Convention. Thank you.

Madam Speaker, the Foreign Affairs and Defence Standing Committee has the privilege to table its Report to Parliament after the 30 days period as stipulated in Standing Orders 130 (3).

On Monday, we had successfully reached consensus to ratify the UNCAT with reservations. We are humbled by this achievement and also appreciated the fact that we have ratified the Convention.

Madam Speaker, today we are tabling another very important Convention - the Montreal Convention or in short the MC99 for the Parliament to note the content of the Report.

Madam Speaker, this Report is very important to be tabled and noted by the honourable Members of this august House since we all travel abroad and again for different varied reasons. We, therefore need to familiarise ourselves with the Montreal Convention. The assertion of the Convention would not only benefit us but also to the travelling public of Fiji. In a way, the Convention introduces a modern compensatory regime for passengers who may unfortunately suffer death or injury in the course of accidents during international air carriage.

Madam Speaker, the Convention also provides increased protection for consumers, for instance, lost baggage regardless of weight can be claimed up to a limit of \$1,113 Special Drawing Rights which is equivalent to US\$1,700. For delays passengers can claim up to the limit of \$4,619 Special Drawing

Right which is equivalent to US\$7,200. For death or injury arising from an accident \$113,100 Special Drawing Rights which is equivalent to US\$170,000 and FJD\$320,000.

Madam Speaker, I thank all who have spoken for the Montreal Convention as part of our deliberation this morning.

Madam Speaker, may I also take this opportunity to convey my utmost appreciation to all the Members of Foreign Affairs and Defence. Thank you sincerely for your contributions, commitment and understanding throughout the exercise. On the same note, Madam Speaker, we also thank the Parliament Secretariat team, without this team effort, we would not have managed to put together the final report in the given time. Thank you, Madam Speaker.

MADAM SPEAKER.- Thank you, honourable Netani Rika, Chairman of the Standing Committee on Foreign Affairs and Defence.

The Parliament will now vote. I remind Parliament that we will now vote whether to note the Committee's Report or not. If the vote passes, the Government must provide a written response to the contents of the Report, but if it votes against the motion, to note the report, that is the end of the process and the Government will not need to provide any written response.

Does any Member oppose that the content of the Convention for the Unification of Certain Rules for International Carriage by Air 1999, the Montreal Convention Report is noted?

As no Member opposes, the motion is therefore agreed to unanimously.

The content of the Convention for the Unification of Certain Rules for International Carriage by Air, 1999, the Montreal Convention Report is noted. Thank you.

MADAM SPEAKER.- We will now move on to the next item in the Order Paper, Secretary-General.

SECRETARY-GENERAL.- Motion in the name of the Minister for Foreign Affairs.

MADAM SPEAKER.- The Minister for Foreign Affairs to move his motion.

**MOTION ON THE CONVENTION FOR THE UNIFICATION OF CERTAIN
RULES FOR INTERNATIONAL CARRIAGE BY AIR, 1999
– THE MONTREAL CONVENTION**

HON. REAR ADMIRAL (RET'D) J.V. BAINIMARAMA.- Madam Speaker, pursuant to Standing Order 130(4), I move that:

The Convention for the Unification of Certain Rules for International Carriage by Air 1999, Montreal Convention be approved by Parliament.

HON. LT. COL. P. TIKODUADUA.- Madam Speaker, I beg to second the motion.

MADAM SPEAKER.- May I remind honourable Members that you will now have a debate on the motion, that the Convention of the Unification of Certain Rules for International Carriage by Air 1999, the Montreal Convention, be approved by Parliament.

Again, for clarity purposes, this is how the House will proceed. The Acting Minister for Foreign Affairs will make a speech for up to 20 minutes. All other Members may speak on the Convention for up to 20 minutes each. The Minister for Foreign Affairs will have the right of reply. After the right of reply, we will vote, and the vote is on the motion that the Convention for the Unification of Certain Rules for International Carriage by Air 1999, the Montreal Convention, be approved by Parliament.

I now call on the Acting Minister for Foreign Affairs to take the floor.

HON. REAR ADMIRAL (RET'D) J.V. BAINIMARAMA.- Madam Speaker, I rise to move the motion that Parliament approves that Fiji accedes to the Montreal Convention of 1999, otherwise known as the Convention for the Unification of Certain Rules for International Carriage by Air. This is an important step, which will have far reaching benefits for the Fijian travelling public, just as it has for air travellers throughout the world.

The Montreal Convention provides a range of rights and benefits that have not existed under the existing aviation laws, that Fiji is currently bound by, which is the Warsaw Convention of 1929.

Madam Speaker, the Warsaw Convention established the legal framework for the international carriage by air of passengers, cargoes and baggage all over the world for uniformity in the aviation industry, and predictability for consumers by defining levels of compensation, for losses incurred by the travelling public.

The Montreal Convention replaces the Warsaw Convention, with a framework that it is much more beneficial for the average air traveller, and for those who consigned baggage and cargo by air. By acceding to the Montreal Convention, which was adopted by the international civil aviation organisation in 1999 and came into force in 2003, Fiji is taking a big step forward in providing Fijians with additional protection.

When the Warsaw Convention was adopted in 1929, Madam Speaker, air travel was obviously in its infancy, so the rules covering the carriage of passengers, baggage and cargo are decidedly out-of-date under its provisions. Yet, until now, this has been the legal framework under which civil aviation in Fiji, and much of the rest of the world has operated under. There is obviously a pressing need for the whole framework to be modernised and that is what Government is intend to achieve with this accession.

Madam Speaker, for a start, the Montreal Convention offers much better compensation for the victims of international airline accidents, and under the Warsaw Convention, the maximum that any air traveller can receive for injury or death is \$48,000. So, if any Fijian were to be killed in an air crash, \$48,000 is a maximum limit of compensation their families would receive. Clearly, Madam Speaker, in this day and age, that is grossly unfair, as well as having to cope with the grief of losing a loved one. Madam Speaker, imagine the devastating impact on any family of losing a breadwinner, and that being the sole compensation. In addition, the Warsaw Convention, airlines have been able to absorb themselves of liability altogether, if they can establish that the airline took all the necessary measures to avoid any accident or damage. This has resulted, Madam Speaker, in many instances of air travellers not getting compensation at all. Yet, another gross injustice.

Madam Speaker, when we formally acceded to the Convention, Fijian air travellers will immediately be substantially better off instead of the maximum \$48,000, they would be entitled to under the Warsaw Convention (the old one) the new one, the maximum liability claim increases to around \$320,000 on today's calculations. Furthermore, Madam Speaker, the Montreal Convention, unlike the Warsaw Convention, allows for further claims to be made in the Court of Law and the onus will no longer

be for the passenger to prove that the airline was negligence, but the airline to prove that it was not negligent, or that the third party caused the accident.

So, Madam Speaker, this is clearly a huge improvement in the protection afforded to every Fijian air traveller in the unfortunate event of a mishap. Furthermore, there is a mechanism within the Montreal Convention for compensation levels to be reviewed every five year intervals, to take account of inflation and keep compensation at an appropriate level. The Montreal Convention also makes it mandatory for all airlines to have insurance. This was not an obligation under the Warsaw Convention, and led to glaring instances in which airlines will suffer or simply declare themselves insolvent and no compensation was paid.

Madam Speaker, not only will any Fijian traveller receive more compensation in the event of any accident or injury, they will also be able to pursue cases against international airlines here in Fiji, which obviously makes the process more accessible and affordable.

Previously, any Fijian suffering a mishap on a foreign airline, on a route outside Fiji, would have to sue in a foreign jurisdiction, effectively placing that airline out of reach on cost alone. This is what happened with the crash of the Air France Concorde in Paris in 2000. It was a French plane, chartered by a German company, but the passengers of other nationalities found themselves unable to sue in their own countries and were faced with having to mount hugely expensive actions in other jurisdictions.

Madam Speaker, all these will be a thing of the past when Fiji formally accedes to the Montreal Convention, and I commend our decision to every Member of this House and the important new benefits for Fijian air travellers.

The protection of the Montreal Convention applies not only to persons but also to their baggage because provision is also made for increased compensation, payment for lost baggage and cargoes, as well as for delays. So, Madam Speaker, the overall logic of the decision is resistible. As with the ratification of the United Nations Convention Against Torture and a range of other international legal frameworks and codes of behaviour, this is all about hauling our laws decisively into the 21st Century. In this instance, we will no longer be bound by a Convention formulated 86 years ago and was used by our Colonial masters.

Fiji, as an independent nation is acceding to a Convention that is thoroughly up to-date and takes into account all the contingencies of the 21st Century air travel.

Madam Speaker, in conclusion, accession to the Convention is not a sign post in Fiji's journey to becoming a modern nation State.

Given the above, I move that the motion tabled by me under Standing Order 130(4) to be passed by Parliament and that of the Montreal Convention 1999 be approved for accession by Parliament through a vote. Thank you, Madam Speaker.

MADAM SPEAKER.- I thank the honourable Prime Minister and Acting Minister for Foreign Affairs. The floor is now open for debate.

HON. F.S. KOYA.- Madam Speaker, I thank the honourable Members part of the Standing Committee on Foreign Affairs and Defence for their report on the Convention for the Unification of Certain Rules for International Carriage by Air, also known as the Montreal Convention

Madam Speaker, what I am about to speak on is really a technical thing so that the House fully understands what it is all about and it is also good for the Fijian people to understand this. In order to understand this Convention, please allow me to provide some background to the Montreal Convention and the relevant regime that governs international carriage by air for Fiji currently which is the Warsaw Convention.

The Warsaw Convention, Madam Speaker, was adopted in 1929 essentially to regulate liability for international carriage of persons, cargo, luggage and baggage and given its historical promulgation, it was subjected to numerous amendments, such as the Hague Protocol of 1963 and Guadalajara Convention of 1961. However, not all States are a party to these and other amending provisions of the Warsaw Convention.

As a result, the numerous amendments formed a complex array of air law instruments which govern the liabilities of international air carriage known as the Warsaw System. Under the Warsaw System, the maximum liability awarded for the death and injury to passengers of air disasters is approximately FJD\$48,000, which according to modern standards is grossly inequitable. However, Madam Speaker, a higher amount of compensation may be awarded by the Court, if it is proved that the damage or loss resulted from an act or omission of the carrier or its servants or agents which is difficult.

Madam Speaker, the Warsaw provisions were also enacted into our domestic laws to govern the Domestic Carriage by Air Laws. Following the Air Fiji PC 121 plane crash in 1999, a representative of the passengers on board PC 121 sued Air Fiji for damages. Air Fiji and its insurers at the time were quite happy to pay the maximum which was \$48,000 in 2005, which was awarded by the High Court.

Even in 2005, \$48,000 was grossly disproportionate. So, the matter was appealed and the Court of Appeal in its judgement highlighted the discrepancies, disadvantages and the limitations of the Warsaw Convention, something which an honourable Member on this side have alluded to earlier. If I may be permitted, Madam Speaker, I will quote from the decision:

“This decision will offer a modest contribution from Fiji to the worldwide jurisprudence accumulated over the years about the regime for compensation of victims of aviation accidents embodied in the 1929 treaty called the Warsaw Convention. After 75 years, the provisions of the Convention are fraught with anomalies and conflicting interpretations. Various attempts to rectify anomalies and to make this Convention more relevant to the 21st Century have not been met with anything approaching unanimity amongst the 180 or so nations. Fiji, of course, did not ratify the Warsaw Convention in 1929, Fiji was a British Colony. However, 35 years on after Independence, it still utilises the legislation and the Convention linking Fiji to the Warsaw Convention”.

The Court of Appeal, Madam Speaker, stated further that:

“In an ideal world, Fiji should have by now enacted a legislation incorporating the modern and lightened version of the Convention which is the 1999 Montreal Convention”.

In 2006, Madam Speaker, the domestic carriage by air liability limits was revised. The liability limits for the death and injury suffered to passengers was revised from \$48,000 to \$500,000. However, this is something that we cannot do for our international carriage by air.

Madam Speaker, as a result in recognising the need for a universally liability regime that provided equitable benefits to all stakeholders, the Montreal Convention was accepted at an International Civil

Aviation Organisation (ICAO) Diplomatic Conference in 1999 in Montreal, Canada. ICAO and the International Transport Association who have provided submissions to the Standing Committee had been advocating for a global acceptance of this important Convention and urging those who had not acceded to the Convention to do so as soon as possible.

The benefits of the Montreal Convention are that the Convention establishes a modern compensatory regime in respect of passengers who suffer death or injury caused by an accident during international carriage by air, and it provides a simplified liability regime for air cargo and facilities for the use of electronic documents of carriage in place of paper.

The Convention offers also better protection to victims of international air accidents, because adequate levels of compensation are provided and the arbitrary limits that existed under the Warsaw System, in the case of death or injury to passengers, is abolished.

The Convention also introduces a two-tier strict liability system. The first tier includes strict liability irrespective of a carrier's fault up to 113,100 Special Drawing Rights (SDR)). Just for the purposes of the House, Madam Speaker, also Special Drawing Rights is a special artificial currency that is created by the International Monetary Fund (IMF) and uses major currencies when assessing value. So, 113,100 SDRs in today's conversion would be approximately FJD\$320,000. This means for up to FJD\$320,000, liability is absolute.

What this essentially means, Madam Speaker, is that, if there is (God forbids) a plane crash and a Fijian was to die, the airline will have to pay a minimum of \$320,000. If it was an injury and the injury is proven, for example, if it is just a broken arm, then it could be less but then up to F\$320,000 based on today's currency conversions.

However, the liability is unlimited, for example, if you feel that \$320,000 is not sufficient and that your representatives feel that you, as a person, has lost a lot more, then you are able to claim more in a court of law. So, it will be for that airline to refute that they were not negligent or that they did not caused or that a third party caused the accident. It is not for the passenger to prove that the airline was negligent. So, this is a system which is much more beneficial. Hence over 109 countries have already ratified and are parties to the Convention.

The other important aspect of the Montreal Convention is the fact that if a Fijian was flying for example, from Hon Kong to Paris, that person does not have to go to Hong Kong or Paris to sue the airline. He or she can sue the airline in Fiji. Of course, you do not have to sue for anything up to \$320,000 because that is available as of right but for anything over and above that, you can file an action in the Suva High Court or Lautoka High Court or Labasa High Court for that matter.

The other thing about the Montreal Convention which is important to highlight is the fact that when the Montreal Convention was adopted in 1999, it had the compensation value pegged at a value of \$100,000 SDRs. Now, it is \$113,100 SDR, which means that the Convention itself has a mechanism whereby ICAO regularly at every 5-year intervals, as alluded to earlier, Madam Speaker reviews the award that is to be paid for international civil aviation disasters.

The Montreal Convention also makes it mandatory for all airlines to have insurance. This means that in the event that the large airline has an accident and goes broke, and claims it has no money to pay to the victims of the accident, the insurance cover will make it possible for victims to get compensations.

Most international carriers, Madam Speaker, such as Fiji Airways in particular already pays substantial insurance for their passengers, but it is not an obligation under the Warsaw system. The Montreal Convention places an obligation on airlines to have a suitable insurance regime.

Madam Speaker, the Convention also provides for an increased amount in terms of liability limits for loss of baggage and cargo as alluded to by the Chairman of the Standing Committee. For example, currently for loss of international cargo under the Warsaw system, a person will be compensated up to approximately FJD\$14 per kilogram, under the Convention this limit has been raised to FJD\$55 a kilogram. For lost baggage under the Warsaw system, a person can claim up to approximately FJD\$276, however under the Convention, a person can now claim up to approximately \$3,200 for lost baggage.

The Convention creates a solid framework for the use of electronic airway bills to replace paper in the air cargo supply chain, thereby improving all air cargo security, better customs compliance and faster shipment times.

It is important also to note, Madam Speaker, that should Fiji accede to the Convention, whether a Fijian carrier would be subject to the new liability limits under the Convention or under the earlier Warsaw provisions, is dependent on the country to which the carrier is flying to, not the nationality of the carrier.

If the country to which the carrier is flying to is a signatory to the Convention, then the airline and passengers on that flight would be covered by the provisions of the Convention. However, if the country to which the carrier is flying is not a signatory to the Convention, then the airline and passengers would be covered by the Warsaw provisions.

Madam Speaker, Article 51 of the Convention states that no reservations may be made to the Convention except that the State party may at any time declare by notification that the Convention shall not apply to international carriage by air for non-commercial purposes or the carriage of person cargo or baggage for its military authorities on aircrafts registered or leased by the State party.

As of January 2015, there are 109 parties to the Convention, States which have ratified the Convention include Australia, New Zealand, France, China, Germany, United States of America, United Kingdom, Vanuatu, Cook Islands, South Africa and member countries of the European Union. It is prudent to note that Fiji's key routes of operations such as Australia, New Zealand and USA are covered by the Convention.

Madam Speaker, just a small point also that was raised earlier regarding the Montreal Protocol. Further to what was alluded to by the Chairperson of the Standing Committee with respect to the Montreal Protocol for the benefit of the House, there is a procedure that needs to be followed before any bills/treaties or conventions are put forward to Parliament for necessary deliberations. That requires Cabinet's endorsement first and foremost by way of a Cabinet paper.

Madam Speaker, just by way of background, the Protocol was adopted on 4th April, 2014 at an International Air Law Conference held in Montreal. It is prudent to note that the Montreal Protocol 2014 is not part of the Montreal Convention 1999, but it is part of the Convention on offences and certain other acts committed on board aircrafts, signed in Tokyo on 14th September, 1963 which is called the Tokyo Convention. That is a valid point raised by the honourable Prem Singh. Fiji has already acceded to the Tokyo Convention on 31st January, 1972. Furthermore, in accordance with Article 15, the Montreal Protocol 2014 was open for signature by States who were participants at that conference. Fiji, by virtue of being a participative State at the conference signed the Protocol. There are 28 signatories to that particular Protocol with only one ratification and zero accession. Therefore, the Protocol is not enforced.

Madam Speaker, given that the motion before the Parliament and Standing Committee deals with the Montreal Convention and not the Montreal Protocol 2014, the Protocol is not something that the Standing Committee has jurisdiction over as it is not a treaty that is before the Parliament.

Madam Speaker, with that, I thank you.

HON. P. SINGH.- Madam Speaker, I rise to contribute to the motion that is the Unification of Certain Rules for International Carriage by Air known as the Montreal Convention 1999. By ratifying this treaty, we become part of a single global liability regime. This is one of the outstanding features of this treaty. MC99 as it is known, Madam Speaker, I quote from IATA's submission that under MC99 the arbitrary limits were abolished and a two-tier passenger liability regime was introduced. Passengers are entitled to claim damages up to approximately US\$172,000, which in Fiji's terms would be around FJD\$320,000 as alluded to by the honourable Prime Minister. This is for death and injury.

On a strict liability basis, what this means, Madam Speaker, is that the claimants do not have to prove that the carrier was negligent or at fault. They need only to establish the quantum of their loss. If damages are claimed in excess of that amount, the onus lies on the carrier to show that it was not guilty of negligence in causing death or injury.

Madam Speaker, this Convention only benefits the cargo carriage, and I also note from the submissions that ratification of MC99 is a key element in IATA's e-freight project which promotes the use of electronic documentation in global air cargo. Further, IATA's e-freight project aims to introduce a global electronic documentation and data messaging system. By eliminating paper from the air cargo chain, we estimate that the financial savings of e-freight to the industry are of the order of US\$4.9 billion per annum, which equates to around FJD\$10 billion. Those savings primarily arise from optimisation achieved in document processing, productivity, accelerated delivery times, inventory levels, customs compliance and gains in air cargo market share relative to other modes of transport. Madam Speaker, these are some of the features which this treaty promotes. In Fiji's case, how Fiji will benefit, it will be party to a modern air carriage system, not only for passengers but for air cargo and Fiji intends to become more competitive in the modern world of aviation.

Another is on insurance as alluded to by our colleague. Insurance may increase ten-folds but this will be absorbed by the airlines through savings in other areas. Fiji as we say, a journey of a thousand miles begins with a first step and with this first step, we support this motion before the House.

MADAM SPEAKER.- I thank the honourable Prem Singh.

HON. J. USAMATE.- Madam Speaker, I rise to support the motion before the House on the Convention for the Unification of Certain Rules for International Carriage by Air, 1999 otherwise known as the Montreal Convention. I think one of the greatest reasons why I really support this particular motion is because it goes hand in hand with what we are trying to do here. It goes hand in hand with what we are trying to achieve in Government, which is to be build a better Fiji for all, in particular for our travelling public, not only for the public but for everyone else that is involved in the movement by air of goods and people.

Some of the things that I have noticed from this particular Convention is that it is very good for all the parties that are involved. It is not only good for our passengers, people like ourselves but also everyone else involved in the industry – the airlines, those who move freight, there's obvious benefits for all of these parties in this particular Convention. Obviously, for passengers such as people like ourselves, there is going to be a fairer compensation. There is going to be greater protection, and one of the obvious things

that I like about this particular Convention is that, there are certain types of benefits in this Convention where you don't need to prove who is at fault.

I think one of the problems that we have always, when we were trying to claim things from certain companies on things that are due to us, that we need to prove who is at fault. In this particular Convention, you don't really have to prove that to a certain level, that is something that is being very useful for everyone that is part of the travelling public.

This also goes hand in hand with some of the developments that the Government has been working on over these past few months, such as the:

- i) development of things like the National Minimum Wage so people don't have to prove what they have or what they're working on in order to get a certain minimum wage; and
- ii) work that Government is doing in terms of the Workmen's Compensation where people, as soon as they get injured, they be entitled to certain payments..

So, these things go in hand in hand together – Workmen's Compensation and Minimum Wage. It's all a reflection of what Government is trying to do to build a better Fiji for everyone.

I'm also very glad to see that some of the other provisions in this particular Convention means that we are not restricted about where we have to go and lay our claims. We don't have to go to a foreign country, people can do it right here at home. I think that is going to be a great benefit for everybody involved.

As has been mentioned by few of the speakers before me, there's a possibility of advanced payments. You don't have to wait for things to be completed in the course of law or otherwise to get the payments, they can be made immediately upfront.

Looking at some of the other areas in this particular Convention, is the idea of bringing in the use of modern technology. I think a lot of times, one of the things that always holds us back is our reliance on old technology. One of the things that Government has been working on over these past years is the idea of e-governance, using available technology to bring services to people. Now, this particular idea has been brought in the modernisation of transport documents, electronic airway tickets, facilitating faster and more efficient trade and, of course, this is also very good for the environment - cut down the number of paper that we have to use, save our forest and save our planet.

The other area that I'd like to mention, that one of the things a Convention does is that it eliminates confusion of who is liable for what. It sets out the rules on respective liability of the contractual carrier and actual carrier. At the end of the day, it makes things much more apparent, it clears the confusion, and all the parties that are involved in air travel or at the forwarding of freight, know exactly what is required of them. At the end of the day, the beneficiaries of this Convention will be the travelling public in Fiji and everybody who moves cargo, we will all benefit from this.

If there is one thing that we would have to take cognisance of, it is our hope that we will be able to get every other country that we travel to, to also sign on to this Convention. I noticed that the honourable Minister for Trade had highlighted that most of the countries, our major partners – Australia, New Zealand and so forth, are already signatories to this Convention but there are still other countries that are not. So, if our people are travelling to countries where they are not signatories, we could have a situation where two people sitting on the same flight are covered by different rules for liability. So, hopefully, that is

something that we'll be working on in the future. So, with that, Madam Speaker, I once again endorse the motion before the House.

MADAM SPEAKER.- I thank the honourable Minister for Health.

You have the floor, honourable Member.

HON. DR. B. LAL.- Madam Speaker, I rise to support the motion before the House and briefly make a few comments.

Air travel by far is the safest form of travel in the world. Every year, over 3 billion people and over 45 million tonnes of cargo are safely transported by air. However, accidents and incidents do happen.

The Montreal Convention established the airline liability in case of death, injury or delay to passengers and in cases of delay, damage or loss to baggage or cargo. It relates to the mobility equipment and apparatus of persons with disabilities.

The Montreal Convention is the universal treaty to govern airline liability around the world. Montreal Convention was brought about mainly to amend the liabilities to be paid to families for death and injury whilst on board an aircraft. The main innovation of the Montreal Convention is an amendment to the conditions and the amounts to be paid in case of injury to any passenger. The two tier system which has been explained earlier is contained in the notes.

On the international picture, 109 States have ratified the Convention. Only 12 out of 34 States in the Asia/Pacific Region are yet to ratify this. Being a member and signatory to this Convention means that we will have the right to fair claims in case of death, injury, flight delays, damage or loss to baggage and delay to passengers on the flight.

Regardless of which convention applies to the journey, we may benefit the highest form of liability in case of loss or damage to the baggage. This will definitely build more confidence to the travelling people of this country.

Madam Speaker, I fully support this. Thank you.

MADAM SPEAKER.- I thank the honourable Brij Lal.

I now invite the honourable Gavoka.

HON. V.R. GAVOKA.- Madam Speaker, just to repeat what I said earlier when we were discussing about the consent, Madam Speaker, we fully support this Convention. It is for the benefit of the people of Fiji and we, SODELPA, will always stand behind any movement and initiative to help our people. It is good for us.

Might I just add, Madam Speaker, that as we start on this journey, the new dawn that we are into now, all international conventions, we must make every effort to be part of it. We are no longer an island on its own. No man is an island, Madam Speaker, Fiji needs aviation. It's a very complex world. This one simplifies this aspect of travel and, Madam Speaker, we fully support it.

Thank you, Madam Speaker.

MADAM SPEAKER.- Thank you very much.

I will now invite the honourable Prime Minister and Acting Minister for Foreign Affairs for his right of reply.

HON. REAR ADMIRAL (RET'D) J.V. BAINIMARAMA.- Madam Speaker, I thank the honourable Members of the Standing Committee on Foreign Affairs and Defence for their report on the Montreal Convention, 1999.

Madam Speaker, vast majority of passengers travel by air and tonnes of cargoes are carried by air every year. Nevertheless, Madam Speaker, we all know that accidents and incidents do occur. The Montreal Convention, 1999 establishes airline liability in the case of death, injury or delay to passengers. In cases of delay, damage or loss of baggage and cargo, our laws need to be kept up-to-date, to make sure that in the unfortunate event of an airline disaster, the travelling passenger is adequately compensated. The Montreal Convention ensures just that.

Over 109 countries have already ratified and are parties to the Convention, Fiji is not. Madam Speaker, it is very important that Fiji should immediately accede to this Convention and be part of a modernised set of rules for compensation arising out of international aviation disasters. Overall, this Convention introduces a modern compensatory regime for passengers, who suffer death or injury in the course of an accident during international air carriage.

This Convention, Madam Speaker, was largely targeted for the passengers, and it has been brought into place to adequately compensate the travelling passengers who, unfortunately under the Warsaw Convention of 1929, that was not the case. The Convention affords benefits for all travellers on international flights, by providing an enhanced compensation for passengers suffering injury or death as a result of an accident by entitling them to claim up to Special Drawing Rights (SDR) of \$113,100 or approximately FJD\$320,000 on proven damages, without having to establish negligence or fault of the airline. This affords the situation where passengers need to pursue long and onerous legal claims, and compares very favourably to the very low limits of liability.

Proven damages beyond this amount can be claimed and the burden of proof lies with the air carrier, of course, to show that it was not negligent. The Convention offers other consumer-friendly provisions such as the ability for passenger claims, involving injury or death to be brought into a wider choice of jurisdiction, the possibility of advance payments by airlines to victims of accidents and enhanced compensation in the event of the delay and, of course, loss of damage to baggage. The ICAO reviews liability limits every five years, ensuring that the Convention remains current and intact.

Madam Speaker, this Convention facilitates the use of electronic documentation in global air cargo. It creates a solid framework for the use of electronic airway bills to replace paper in the air cargo supply chain, promoting to improve air cargo security, better customs compliance and faster shipment times. And the Convention offers a simplified legal liability regime for cargo carriers. This should make it easier to obtain appropriate insurance cover, avoid prolonged litigation and simplify the claims handling process.

Madam Speaker, this is a Convention that we should sign in the interest of the travelling passengers, given its two-tiered system of liability and for passengers' baggage and cargo.

In conclusion, Madam Speaker, I urge this House to approve that Fiji accede to the Montreal Convention, 1999, as moved in the motion that is before the House. Thank you.

MADAM SPEAKER.- I thank the honourable Prime Minister and Acting Minister for Foreign Affairs.

The Parliament will now vote.

Does any Member oppose that the Convention for the Unification of Certain Rules for International Carriage by Air, 1999 (Montreal Convention) be approved by Parliament?

As no honourable Member opposes, the motion is therefore agreed to unanimously.

(Acclamation)

The Convention for the Unification of Certain Rules for International Carriage by Air, 1999 (Montreal Convention) is approved by Parliament pursuant to Standing Order 130(5). Written notice will be given to the President.

We will move on to the next time on the Agenda.

Secretary-General.

SECRETARY-GENERAL.- Oral Questions.

QUESTIONS AND REPLIES

Oral Questions

Updated Data for Stakeholders of Tourism Industry (Question No. 50/2015)

HON. B. SINGH.- Madam Speaker, I rise to ask the question that appears under my name to the Minister for Industry, Trade and Tourism.

Can the honourable Minister inform this House, what measures and initiatives are in place to provide stakeholders of the tourism industry with relevant, timely and updated data? Thank you, Madam Speaker.

MADAM SPEAKER.- Thank you. The Minister for Industry, Trade and Tourism.

HON. F.S. KOYA (Minister for Industry, Trade and Tourism).- Thank you, Madam Speaker. I wish to thank the honourable Balmindar Singh for his question.

Madam Speaker, the tourism industry is a vital and important sector of the Fijian economy. The total earnings from the Sector reached a record \$1.405 billion in 2014, Madam Speaker, which is about a 6.6 per cent increase from 2013. We have recorded the highest visitor arrivals in 2014 - 692,630 visitors.

Madam Speaker, the vision of the Ministry is to by the year 2020 make tourism a \$2 billion industry. This was mentioned a long time ago. Therefore, the statistics and data I am forecasting are crucial tools for the Ministry in order to develop the right policies in the Ministry to achieve that goal.

Madam Speaker, there is an International Visitors Survey Report (IVS), and this is a very important project that provides a quantitative and qualitative assessment of visitors. The Survey Report provides comprehensive and accurate information on the characteristics, behaviour and expenditure of visitors to Fiji, for marketing purposes and for sound policy and business decision making.

Madam Speaker, this Survey Report was compiled previously, however, it was undertaken entirely by consultants. This firstly had the disadvantage of not providing timely information as reports were compiled in a subsequent year. Secondly, no knowledge of compiling the Report was passed on to local staff. The Ministry is actually working towards modernisation of the IVS Report, whilst providing the survey officers themselves with tablets to undertake digital surveys. This will not only enhance the experience of the visitor responding to the survey, most importantly, it will increase the accuracy of raw data collected and eliminate survey challenges, such as missing data and data entry errors equivalent with paper-based surveys. Moreover, the Ministry has also invested and obtained a software that will be used by the Tourism Officers to input data and generate reports as and when required. Therefore, the Ministry and stakeholders will not have to wait for the following year for a Survey Report to be printed.

Furthermore, the Ministry's focus is to develop the capacity within the Ministry to operate and use substantial statistical software to allow the Ministry to make available reports based on real time data, Madam Speaker, for sound policy advice and business decision making.

Madam Speaker, this testifies to the Ministry's commitment to provide relevant, timely and updated data to the tourism industry and Government. The IVS is an important Report that plays a vital role in ascertaining tourist preferences and experiences over time and ultimately provides Government and industry stakeholders with the information to base decisions on how the industry should be positioned, to be able to meet these changes in the long run.

Madam Speaker, the second related initiative to a robust data system by the Ministry is the development of a Visitor Arrival Forecasting Model. This is an initiative by the Ministry to provide forecasts such as future tourist arrivals, tourist expenditure demands for different categories of hotel rooms and sectoral demands. This system will provide forecast annually, and also a five-year projection. This will help the Fijian Government plan in terms of national infrastructure development, investment incentives and markets to target and development of marketing strategies.

Madam Speaker, the Ministry is also working with key agencies, such as the Reserve Bank of Fiji, the Bureau of Statistics, the Strategic Planning Department and Tourism Fiji to ensure that the data used by the system is accurate to follow for accurate forecasting. Further, we will also inquire input from key industry stakeholders and players like SOFTA and FITA, and their combined knowledge of tourism in Fiji also plays an integral part in this process.

Currently, the Fiji Bureau of Statistics published data is available up to December, 2014, which is three months old and is deemed provisional. We are working towards a system, Madam Speaker, where confirmed data is available for the immediate preceding month which the industry can use with confidence. I thank you, Madam Speaker, for allowing me to respond.

MADAM SPEAKER.- I thank the honourable Minister for Tourism.

HON. V.R. GAVOKA.- Supplementary question.

MADAM SPEAKER.- Supplementary question.

HON. V.R. GAVOKA.- Madam Speaker, I thank the honourable Minister for sharing with us about this data.

Madam Speaker, if I can just preface my question with this. There used to be a company called Stollznow which used to do IVS for Fiji and was abolished in 2009. I believe they are back now. So, in between that period and this period, we have been living in darkness. And we go back, Madam Speaker, to how was it that Stollznow through work was abolished in 2009 and now they are back, and those people who cancelled the contract of the Stollznow are the ones who have brought them back. I say this, Madam Speaker, because there is much confusion in tourism. As it is today, we should be seeing 925,000 visitors, they are only forecasting 700,000, Madam Speaker. They still have not confirmed any CEO. So, all these things are very confusing, Madam Speaker. Can he just take us to that Stollznow situation, Madam Speaker, and IVS on why it has now become part of the arrangement when they abolished that in 2009?

MADAM SPEAKER.- Honourable Minister.

HON. F.S. KOYA.- I thank the honourable Member for the supplementary question. Madam Speaker, the agency being used of course at the moment for that research is Stollznow. They have updated and upgraded the system, so that is the choice at the moment. It is as simple as that. And, with respect to the other issue raised about CEO, et cetera, it is being worked on at the moment.

MADAM SPEAKER.- Thank you.

HON. N. NAWAIKULA.- Madam Speaker, one of the very important stakeholders in the tourism industry are the indigenous people or to be specific iTLTB on behalf of them. So could the honourable Minister explain to the House what measures or what initiatives does it have in relation to iTLTB or to be specific iTLTB Tourism Department?

MADAM SPEAKER.- Thank you honourable Member.

HON. F. KOYA.- Madam Speaker, anything that the tourism industry does with respect to the Ministry, the Ministry is in constant contact with all the relevant stakeholders whether it is iTLTB or the different private sector agencies. There is no specific provision for one particular body and the relevance of the question, I would question in any event, because we are talking about international visitor survey.

MADAM SPEAKER.- Is that a supplementary question?

HON. V.R. GAVOKA.- Supplementary question.

MADAM SPEAKER.- I will not allow a second supplementary question. No.

HON. S.V. RADRODRO.- Thank you Madam Speaker. One of the biggest contributors or stakeholders in the tourism industry are the small business owners or the informal sector. They are actually the engine room of the tourism economy.

HON. GOVERNMENT MEMBERS.- Question!

HON. S.V. RADRODRO.- Coming, its coming.

The question is, how does the Ministry ensure that the data that's already been processed to usable information is transferred to the small business owners so that they can capitalise on tourism arrivals in terms of promoting their own small business? Thank you, Madam Speaker.

MADAM SPEAKER.- Thank you.

HON. F.S. KOYA.- Thank you honourable Member for that question. Valid question honourable Member. With respect to small to medium enterprises, again we have the benefit of not just the tourism industry being under my Ministry, it is also the Industry and Trade which also involves the small to medium enterprises.

With respect to information being made available to them, there is the Bureau of Statistics. That Bureau is available to every Fijian with respect to any statistics that they wish to obtain. There is no specific provision for a particular body to, at any time if information is needed, the Ministry of Tourism is always available to assist.

HON. S.V. RADRODRO.- Point of order. The honourable Assistant Minister has not....

HON. GOVERNMENT MEMBERS.- Honourable Minister.

HON. S.V. RADRODRO.- My apologies, honourable Minister.

The honourable Minister has not satisfactorily answered my question. The question is to be able to use those data which is already being turned into usable information by your officers, how is this information being made accessible to the small business owners so that they can improve their small business. Capitalising on the....

MADAM SPEAKER.- Order! Order!

That is a supplementary question it is not a point of order. So in that respect, I will not allow that particular question.

I will now give the floor to the honourable Ratu Lalabalavu.

HON. RATU N.T. LALABALAVU.- Supplementary question, Madam Speaker.

MADAM SPEAKER.- Thank you. That is the last supplementary question.

HON. RATU N.T. LALABALAVU.- I thank the honourable Minister for Tourism for his earlier reply. The supplementary question is, can the honourable Minister explain as to what sort of impact or what sort of data does the Ministry have regarding the local tourists as to the total tourism data that you have. All this time we have been hearing this target of 1 million, dropped to 700 million, now it's 400 million tourists from abroad. What about the local tourists? What sort of impact does it have in the data that you have? Has it increased? What sort of promotion are we having on them because we in rural areas notice this quite a lot? It is not the overseas tourists that come but the local ones.

HON. N. NAWAIKULA.- Like conferences.

HON. F.S. KOYA.- Madam Speaker, if I may, that's a fair question honourable Member and that information will be provided to you. It is a statistical bit of information, we will provide it to you.

MADAM SPEAKER.- Thank you very much. I will now invite the honourable Netani Rika to ask his question.

Measures to Combat Human Trafficking
(Question No. 51/2015)

HON. LT. COL. N. RIKA.- Madam Speaker, I rise to ask Question No. 51 of 2015 under my name. The question is directed to the Minister of Defence, National Security and Immigration.

Can the honourable Minister inform this House what measures have been taken by the Department of Immigration to contribute to the combating of human trafficking?

MADAM SPEAKER.- Thank you. Honourable Minister for Defence, National Security and Immigration.

HON. CAPT. T.L. NATUVA (Minister for Defence, National Security and Immigration).- Madam Speaker, honourable Prime Minister, honourable Leader of the Opposition, honourable Members of Parliament, I rise to respond to the question made by honourable Rika.

Madam Speaker, Part 5 of the Immigration Act of 2003 deals specifically with trafficking and smuggling of persons and this modern day crime against humanity is also covered under Crime Decrees Division 6 - Part 111 to 121 which carries a penalty up to 20 years imprisonment.

Thanks to these two legislations, there have been successful prosecution of those involved including foreigners and locals who are now incarcerated....

HON. S.V. RADRODRO.- Point of order!

MADAM SPEAKER.- Point of order.

HON. S.V. RADRODRO.- Madam Speaker, may I raise a point of order on Standing Order 65 – which reads; “Reading of speeches is prohibited”. For the whole of this morning, the honourable Members on the other side have been reading their speeches. It is getting to be very monotonous and boring. If they have to read their speeches, you might as well give us the written copies.

MADAM SPEAKER.- Thank you very much. I note that you are looking at the notes on your speech, you may continue, honourable Minister.

HON. CAPT. T.L. NATUVA.- Madam Speaker, maybe it is better that I give her my speech.

MADAM SPEAKER.- You may continue, honourable Minister.

HON. GOVERNMENT MEMBER.- You guys are very smart, very smart.

HON. CAPT. T. L. NATUVA.- The answer is very comprehensive and need some details that I need to read the speech. Would you allow me to do that?

MADAM SPEAKER.- I am allowing you to do it, honourable Minister.

HON. CAPT. T.L. NATUVA.- Thank you, Madam Speaker.

For the successful prosecution of foreigners, the Department works very closely with the DPP's office and the Trafficking Unit of the Fiji Police Force to put a strong case together and this working relationship will be maintained and strengthened in future.

The fact that we have covered trafficking and smuggling in two of our legislations, and as a result of successful prosecution and imprisonment of those individuals found guilty of the crime, we have improved our ranking in the US Watch List of Trafficking Persons from Tier 3 to Tier 2. We are working closely with the World Bank and International Monetary Fund so that we can increase the ranking to Tier 1. The successful prosecution and conviction of certain foreigners and locals have sent out a very strong message that we as a country will come down hard on anyone who is found guilty of carrying out this crime. The Department will work closely with the stakeholders to hold awareness programmes around the country so that our citizens can be made aware of what trafficking and smuggling of person is all about. Once our citizens become aware of what symptoms and trends to look out for, they then can report any suspicious activity to the authorities.

Bilateral and Multilateral Agreements will also be developed to enable the Department to share information in intelligence with our border agencies of non-traffickers trafficking trends and other relevant information. I thank you, Madam Speaker.

MADAM SPEAKER.- Thank you.

HON. RATU K. KILIRAKI.- Thank you, Madam Speaker. A supplementary question. It was reported in February 2010 that seven Chinese women were deported for prostitution offences without investigations whether they may have been victims of human trafficking. Can the Minister advise, if he had instituted proper systematic approach to victim identification in its national plan of action of human trafficking?

HON. CAPT T.L. NATUVA.- Madam Speaker, we still have pending cases, about seven pending cases at the moment, which have to be dealt with in court.

HON. M.D. BULITAVU.- A supplementary question, Madam Speaker. I thank the honourable Minister for his responses this morning. Madam Speaker, given the transnational traffickers are commonly members of organised crime groups from places like Asia and given Fiji's "No Visa" policy for Chinese visitors, can the Minister advise if it has in place a screening mechanism to screen and identify, if women entering our borders from China are indeed victims of trafficking, and if not, can the Minister commit to implementing such measures, even to the extent to review the "No Visa" policy as a migration measure?

HON. CAPT T.L. NATUVA.- At the moment, as I mentioned before, we are just working on the two legislation; Immigration Act of 2003 and the Crimes Decree of 2009, and we are reviewing the policies at the moment

MADAM SPEAKER.- Last supplementary question, honourable Prem Singh.

HON. P. SINGH.- Recently, two of our girls were trafficked to Papua New Guinea under dubious circumstances, and they were located after three or four months. May I ask the Minister, what sort of inquiry has been instituted, and how far has it progressed?

HON. CAPT T.L. NATUVA.- I thank the honourable Member for the question. The case has been referred to the Ministry of Women, and the report has not been tabled yet.

MADAM SPEAKER.- I will now give the floor to the honourable Alivereti Nabulivou to ask his question.

Fixed Market Price for Ginger – Adjustments of
(Question No. 52/2015)

HON. A. NABULIVOU.- Thank you, Madam Speaker. I rise to ask Question No. 52 of 2015 vested under my name. This question is directed to the honourable Minister for Agriculture, Rural and Maritime Development and National Disaster Management.

The Minister is no doubt aware that the local produce of ginger in the country have been low at 95c per kilogram. By way of contrast, the market price of local staple crops such as *dalo* have been allowed to increase, to reflect increase costs of production and ordinary market forces. I note with interest that in Australia, the wholesale market price of ginger is about \$AU10 per kilogram and the retail price is about \$AU25 per kilogram.

Can the honourable Minister inform the House, if he has any plans to adjust the fixed market price of ginger, to properly reflect the impact of increased production costs, inflation and natural market forces?

HON. COL. I.B. SERUIRATU (Minister for Agriculture, Rural and Maritime Development and National Disaster Management).- Madam Speaker, I thank the honourable Nabulivou for the question raised this morning. The quick answer to the question is, I have no intention at this stage to review the price of ginger because I have no control over its price. Ginger prices or for any other commodity is an agreement between the producer and the seller. The Ministry of Agriculture is responsible to provide technical information and assistance, and of course, assist in the reduction of production cost as well.

Let me elaborate, Madam Speaker, on a few issues concerning ginger, for the information of the House, and of course, the honourable Member, as well. Ginger, particularly fresh ginger, once it is harvested falls under two main categories. One, is green or young ginger and the other one is sold as matured ginger.

Young ginger, Madam Speaker, does not end up in the Australian market. This is sold to the European Union and North American markets, and it is processed and ends up in packets as such (shown to Members). This is one of the latest by one of our local operators, and this is crystallised ginger. There is a technical error perhaps, in the question this morning, simply because the ginger price in question is about young ginger, which is purchased at 95 cents per kilogram. What ends up in the Australian market is matured ginger, and that is purchased at \$1.50 cents per kilogram.

Let me talk about the processes involved and how do the Australians come to that price? It is a long process, Madam Speaker. It is purchased at \$1.50. This is the ginger in question when it comes to the Australian market. Let us put aside the 95 cents per kilogram because that ends up as processed ginger, purchased at \$1.95, and they are fixed costs and variable costs as well. Fixed cost includes electricity, transportation, cartage materials and the list goes on and there are variable costs as well, mainly labour and of course, the processing time.

Fiji ginger, Madam Speaker, as it lands in Australia, it lands at a price of about FJ\$9.00, Australian equivalent is about AU\$6.77 per kilogram. That is not even the wholesale price, there has been no mark-up by the exporter at this stage. This is just landing - AU\$6.77. Ginger prices wholesale is dependent on two factors: quality and the freshness that determines the price. That is why you arrive at a \$6 to \$10

range for fresh ginger wholesale and they are on retail. It lands in Melbourne and again transported to Sydney, Brisbane and other places with cartage, other factors and additional costs. That is why the retail price ends up at a higher cost, as alluded to in the question this morning, Madam Speaker.

Ginger was a thriving industry in the 80s and 90s and then it came some issues; technical barriers to trade, high production costs and technical matters, it died a natural death. If we look at statistics and budget allocation, there was no money allocated from 2003 until 2010 for the ginger industry, and we are thankful to the private sector and of course farmers. This is the Pacific Horticultural and Agricultural Market Access Programme) funded by the Australian Government, and of course, SPC and the Biosecurity Authority.

We made a submission to the Australian Government in 2003, if our fresh ginger exports can gain access into the Australian markets. Nothing happened, Madam Speaker, until in 2012, that was when the ginger industry has picked up again. For the ginger farmers, the price is alright. How do I say this because for Fiji, it costs 40 cents to 70 cents maximum to produce a kilogramme of ginger. Therefore, at 75 cents, each ginger farmer still gain 25 cents from every kilogramme of ginger that they sell. They are still making profits, Madam Speaker. Thank you.

MADAM SPEAKER.- I beg your indulgence at this time since we are now onto 12.30 pm when we should be breaking for lunch. The Leader of Government in Parliament would like to move a motion. I will let you continue after this, honourable Minister.

SUSPENSION OF STANDING ORDERS

HON. LEADER OF GOVERNMENT IN PARLIAMENT.- Madam Speaker, I move that Standing Order 23(1) be suspended, to allow the House to complete its business for the day as outlined in today's Order Paper. Thank you, Madam Speaker.

MADAM SPEAKER.- Thank you very much, with the leave of Parliament, we would like to put that motion to you. Do you agree that we continue so that we finish for the day before lunch?

HONOURABLE MEMBERS.- Yes.

MADAM SPEAKER.- Thank you very much. Honourable Minister for Agriculture, you may continue.

QUESTIONS AND REPLIES

HON. LT. COL. I.B. SERUIRATU.- Madam Speaker, I am done with the answer to the question unless there are any supplementary questions. Thank you.

HON. S.B. VUNIVALU.- My question is, how can the farmers income on the gingers be improved, given the current market arrangement? Thank you, Madam Speaker.

MADAM SPEAKER.- Thank you, honourable Vunivalu. Honourable Minister.

HON. LT.COL. I.B. SERUIRATU.- Thank you, Madam Speaker. I have already mentioned in my earlier statement that farmers are making a profit, 25 cents per kilogramme, but they can still improve on their take home pay through a few quick smart plans or strategies if you may call it. One, Madam Speaker, economy of scale. That is simple economics. You reap what you sow. You plant more, you get more.

So the encouragement to our farmers now shift from subsistence practice to a larger scale. Semi commercial, commercial scale. We must produce more. So farmers who are planting more, are enjoying more as well. Economy of scale.

Secondly, Madam Speaker, good husbandry practices. It's simple, it's basics. Ginger is quite a sensitive commodity but it needs good husbandry practices. I have toured a few fields. Some ginger farms unfortunately are neglected. Simple things like drainage, fertiliser application, timing is very important, land preparation issues, soil testing so for famers to increase quality maximum yield and of course, that will bring more income, they need to be careful about practices, Madam Speaker, thank you.

MADAM SPEAKER.- Thank you, honourable Minister. I give the floor to the honourable Kiliraki.

HON. RATU K. KILIRAKI- Thank you, Madam Speaker. A supplementary question. Rightly so, the green ginger price is 95 cents a kilogramme. Whilst it has been harvested right now, for four months in the ground and so as the matured ginger that is always harvested in September. The price that I got is \$1.10.

With regards to the question, the production costs, the manure till now is \$80 a 40 kilo bag and it was \$40 in the last 10 years. So it has risen to about 100 per cent and as a matter of fact, if you go up Waidina and all the lower Naitasiri, you see the small farmers from the village that plant half a chain, one chain of green ginger for their subsistence quick economic return for four months and to be able to enlarge their farm is very difficult. It needs mechanisation, it needs subsidy. In fact, subsidy is the policy of the government now but if you go to Nausori, there is no subsidy for manure or weedicides.

My question is, what has the Government in place to help these core people who thrive or live on green ginger that live in the villages in Naitasiri and all other areas, Wainibuka? What has the Government in place and Namosi, in fact to be able to help these people who do not have the money to hire machines, to enlarge their farms, economical scale? So probably the honourable Minister can answer that question. Thank you, Madam Speaker.

MADAM SPEAKER.- Thank you, I give the floor to the honourable Minister for Agriculture.

HON. LT. COL. I.B. SERUIRATU.- Thank you, Madam Speaker. Again, I wish to acknowledge the honourable Kiliraki for the question. Government's Development Programme is all inclusive and pro poor. That has been the statement of this government consistently right throughout. It is unfortunate that the honourable Member was not in the Budget discussion last year.

The Budget allocation, Madam Speaker, from 2010 the Budget allocation for ginger was \$100,000. This year, we have a Budget allocation of \$500,000. Farmers that need assistance for machinery, for land preparation that is covered under that allocation as well.

Secondly, Madam Speaker, it is clear in the 2015 Budget that Government subsidises not only fertiliser but other agro inputs. Ginger is a new crop added to the list of farmers who received fertiliser subsidy and farmers are already aware so the ginger is already included in the fertiliser subsidy for 2015 and of course, will continue. Thank you.

MADAM SPEAKER.- Thank you, honourable Member. Please be advised that I will only allow 30 seconds of the background information before you actually answer the question. I will now give the floor to the honourable Salote Radrodoro.

HON. S.V. RADRODRO.- Thank you, Madam Speaker. My question is on the assistance that is given to the development of ginger industry because I hear the honourable Minister had mentioned \$500,000, if I am correct, but in the Budget, I noticed a \$50,000 there. So I am seeking clarification whether it is \$500,000 or \$50,000 for the Ginger Development Programme? Thank you, Madam Speaker.

MADAM SPEAKER.- Honourable Minister.

HON. LT. COL. I.B. SERUIRATU.- Madam Speaker, thank you for the question. \$500,000 is the ginger allocation. Thank you.

MADAM SPEAKER.- I will now give the floor to the honourable Prem Singh to ask his question.

Duration of Prohibition from Entering the Country – Foreign Passport Holders
(Question No. 53/2015)

HON. P. SINGH.- Thank you, Madam Speaker. I rise to ask question 53 of 2015 standing in my name and this question is directed to the honourable Minister for Defence, National Security and Immigration.

What is the duration of prohibition from entering the country imposed on foreign passport holders?

MADAM SPEAKER.- Thank you, honourable Minister for Defence, National Security and Immigration.

HON. CAPT T.L. NATUVA. (Minister for Defence, National Security and Immigration).- Madam Speaker, the duration of prohibition differs according to the circumstances surrounding the case, it goes from 12 months or indefinite period, as stipulated under the Immigration Act of 2003. For example, for foreigners who overstay for more than seven days, they are given a Notice of Departure, which prohibits them from entering Fiji for one year and for foreigners who have been removed from the country under Removal Order and the Detention Warrant for breaches under Immigration Act, 2003, are prohibited from re-entering Fiji for indefinite period.

HON. P. SINGH.- Supplementary question.

MADAM SPEAKER.- Thank you. Supplementary question.

HON. P. SINGH.- Why are former Fiji citizens and current Australian passport holders, Professor Brij Lal and Dr. Padma Lal banned from entering Fiji since November 2009 and January 2010 respectively.

HON. CAPT. T.L. NATUVA.- Madam Speaker, to respond to the question, Fiji is a sovereign State and the authority to prohibit a foreigner to enter or re-enter the country rests with the State. For this particular person, he had been very vocal and opposed moves towards democracy after the events of 2006. His actions were viewed by the Government of the day as prejudicial to peace, defence, public safety, public order and security of the Government of Fiji. The decision by the former Minister of Defence, he was given a prohibited immigrant status indefinitely. We had reviewed the decision when I came into office, and after studying the case, I concurred with the decision made by the former Minister of Defence.

MADAM SPEAKER.- Thank you.

HON. ROKO T.T.S. DRAUNIDALO.- Supplementary question.

MADAM SPEAKER.- Honourable Draunidalo.

HON. ROKO T.T.S. DRAUNIDALO.- Madam Speaker, I am almost reluctant having heard that Dr. Brij Lal and Padma Lal, two outstanding former Fiji nationals, but can I also ask the honourable Minister to look into the case of Dr. John Cameron, for I think, he falls under similar certain circumstances. He was one of the lawyers who worked very hard and tirelessly for the Prime Minister who was deposed in 1987.

HON. J. USAMATE.- Point of order, Madam Speaker.

MADAM SPEAKER.- Point of order.

HON. J. USAMATE.- In Standing Order 44(4) it states and I quote:

“A question must not contain the names of persons....”

I am just wondering whether this applies in this particular situation because we are having individuals' names as part of this question. The honourable Minister has already answered it, but I think it is in contravention of that particular Standing Order.

MADAM SPEAKER.- I thank you for the point of order.

HON. P. SINGH.- Madam Speaker, I refer to

MADAM SPEAKER.- Let me rule on that point of order.

You are quite right that any question or supplementary question that is put in the House must comply with the rules that we have in the Standing Order. The rules clearly states that names should not be mentioned in both the question and supplementary question. Therefore, I am not allowing the supplementary question asked by the honourable Draunidalo to be answered.

HON. ROKO T.T.S. DRAUNIDALO.- Madam Speaker, on a point of order – Standing Order 44(4). Something about selective reading of things in this House, Madam Speaker.

HON. OPPOSITION MEMBERS.- Hear, hear!

HON. ROKO T.T.S. DRAUNIDALO.- It does not say that you cannot name persons full stop, unless it's strictly necessary. We are referring to particular cases. It is strictly necessary to name these persons, all outstanding individuals, may I add, Madam Speaker.

MADAM SPEAKER.- Thank you. In the first supplementary question, I did allow the two names to be asked merely because they were raised at the Business Committee. Unfortunately, allowing those two names had expanded to more names coming in and this is why I will have to do a ruling that no names of any person to be raised in this supplementary question.

HON. N. NAWAIKULA.- Supplementary question.

MADAM SPEAKER.- Supplementary question, honourable Nawaikula.

HON. N. NAWAIKULA.- The honourable Minister has explained as a reason that certain individuals (I am not naming names), vocal in opposing democracy

HON. J. USAMATE.- Madam Speaker, that question needs to be addressed to the Chair.

HON. N. NAWAIKULA.- Madam Speaker, vocal in opposing democracy and we have the Constitution that protects our fundamental right to speech. That being the case, we will now allow the individual to come back. That being the case, our Constitution protects fundamental rights of free speech; can you allow that individual to come back?

MADAM SPEAKER.- Thank you. Although the Standing Order says that freedom of speech, but freedom of speech comes with a responsibility. For this particular issue, it is more of a legal issue and we will not allow that to be answered in this House.

We now move onto the next question. I now invite the honourable Salote Radrodro to ask her question.

Kiribati Government – Sale of Land
(Question No. 54/2015)

HON. S.V. RADRODRO.- Thank you, Madam Speaker. I rise to ask Question No. 54 of 2015 tabled under my name.

Can the honourable Minister for Lands inform this honourable House on the conditions surrounding the sale of land to the Kiribati Government for the relocation of Kiribati nationals as a precautionary measure to rising sea levels in Kiribati. Thank you, Madam Speaker.

HON. M. VUNIWAQA (Minister for Lands).- Madam Speaker, I thank the honourable Member for that question. The land we are talking about here is freehold land which belonged to the trustees of the Church of England. They in their wisdom decided to sell it to the Government of the Republic of Kiribati. As of 16th May, 2014, that parcel of land is now registered to the Government of the Republic of Kiribati.

HON. N. NAWAIKULA.- Supplementary question.

MADAM SPEAKER.- Supplementary question, honourable Nawaikula.

HON. N. NAWAIKULA.- The customary owners of this land are the villagers from Naiqai and Valeci. Pursuant to that condition and pursuant to the fact that the Government gives it consent, these landowners had been asking the Government if they should be given the first right of refusal. Did the Government consider their request and if no, why not?

HON. M. VUNIWAQA.- Madam Speaker, as irrelevant as the question may be to the original question, I will address that. The question, I would have expected from a non-lawyer. A lawyer had to ask this question and lawyers would know about indivisibility of title. In this matter its freehold land that we are talking about. As I stated earlier, this freehold land was held by the Church of England, they are the registered proprietors.

HON. J. DULAKIVERATA.- Supplementary question. Madam Speaker, this sale of land to the Kiribati Government would mean a lot of things. It would mean a mass migration of people to come and

occupy this land. My question is, what policies does the Government have in place in terms of infrastructure, employment, health care, et cetera if these people are to come to Fiji and occupy this land.

HON. M. VUNIWAQA.- Madam Speaker, that is a hypothetical question. As it stands, this land is agricultural land. Should the Kiribati Government wish at some future date to relocate people, then that will become a policy matter for Government to talk about it when that happens. As it is, there is no formal request from the Kiribati Government for that.

HON. S.V. RADRODRO.- Supplementary question.

MADAM SPEAKER.- Honourable Salote Radrodoro, your supplementary question.

HON. S.V. RADRODRO.- Thank you, Madam Speaker. As we have heard earlier on that the consent has been given by Government for the Kiribati Government to purchase that piece of land. And also the concerns being raised on the socio-economic impact that it might have on Fiji.

The other question that I have, Madam Speaker, is can the honourable Minister please advise if the people of Kiribati are going to come to Fiji on the migration with dignity policy in place to assist the people of Kiribati with employment and integration into the Fiji community.

HON. M. VUNIWAQA.- Madam Speaker, I just answered that question. That is a hypothetical situation that is coming up at this point in time. We can address it when that happens.

MADAM SPEAKER.- I call the honourable Ratu Isoa Tikoca to ask the Prime Minister and Minister for *iTaukei* Affairs.

Government's Financial Contribution – FHL & ITLTB
(Question No. 55/2015)

HON. RATU I.D. TIKOCA.- Thank you, Madam Speaker.

My question is to the honourable Prime Minister.

Can the honourable Prime Minister tell this august House, what is Government's financial contribution to Fijian Holdings Limited and the *iTaukei* Lands Trust Board?

HON. REAR ADMIRAL (RET'D) J.V. BAINIMARAMA (Prime Minister and Minister for *iTaukei* Affairs and Sugar).- Madam Speaker, the Government does not make any direct financial contribution to the Fijian Holdings and *iTaukei* Lands Trust Board.

MADAM SPEAKER.- Thank you.

HON. RATU I.D. TIKOCA.- My supplementary question to the honourable Prime Minister, Madam Speaker.

MADAM SPEAKER.- Supplementary question.

HON. RATU I.D. TIKOCA.- Now, that the Government has no contribution and I believe in 2013, we have actually paid out \$20 million, why is that the Minister for Fijian Affairs still appoints the directors of Class B Shares in the Fijian Holdings Limited?

Thank you.

MADAM SPEAKER.- Thank you. Honourable Prime Minister?

HON. REAR ADMIRAL (RET'D) J.V. BAINIMARAMA.- Madam Speaker, obviously the Member does not understand what's happening around the world, especially around Fiji ...

HON. RATU I.D. TIKOCA.- Just answer the question!

HON. REAR ADMIRAL (RET'D) J.V. BAINIMARAMA.- ...to know what's happening with Fijian Holdings.

HON. RATU I.D. TIKOCA.- I..... know it better than you. Just answer the question!

MADAM SPEAKER.- Order!

HON. REAR ADMIRAL (RET'D) J.V. BAINIMARAMA.- But I said that the Government does not make any financial contribution to Fijian Holdings. That was the question he asked me and that's the question ...

HON. RATU I.D. TIKOCA.- Then you step out!

HON. REAR ADMIRAL (RET'D) J.V. BAINIMARAMA.- ...and that's the question I replied to.

HON. OPPOSITION MEMBER.- Hands off!

HON. REAR ADMIRAL (RET'D) J.V. BAINIMARAMA.-We don't make any financial contribution.

HON. RATU I.D. TIKOCA.- Well, hands off!

HON. REAR ADMIRAL (RET'D) J.V. BAINIMARAMA.- Now, if he wants me tell him why we're making decisions, then he should let us know.

MADAM SPEAKER.- Thank you. Supplementary question, honourable Nawaikula?

HON. N. NAWAIKULA.- Madam Speaker, if I can refer again to ILO 169. It says that: "landowners should have control of their own land, control of their own institutions". We're talking about financial institutions here.

Now, the Prime Minister says, that does not have relevance but the Prime Minister might want to know that the Human Rights Council said; "It is Fiji's obligation to recognise the rights of indigenous people, to recognise the rights of other communities, to recognise the rights of individuals, to make that none of those rights topples the other", that is my point. So, here, if ...

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

HON. N. NAWAIKULA.- ...as the Government has said, it has no financial control, what is it still doing there? What is it still doing there?

HON. OPPOSITION MEMBERS.- Answer it!

HON. N. NAWAIKULA.- Because it doesn't belong to you. It shouldn't be yours. Answer it!

HON. RATU I.D. TIKOCA.- It doesn't concern you!

HON. N. NAWAIKULA.- It's not yours!

HON. REAR ADMIRAL (RET'D) J.V. BAINIMARAMA.- Madam Speaker, this is exactly my point when I said that obviously, the Member that came up with a question and he does not know what's happening around him. Now, the Member that has just come up with the last question, obviously also does not know what's happening around here.

(Chorus of interjections by Opposition Members)

Under the governing laws, Madam Speaker

HON. N. NAWAIKULA.- It's not theirs!

HON. REAR ADMIRAL (RET'D) J.V. BAINIMARAMA.- Under the laws governing ITLTB,

HON. N. NAWAIKULA.- Under the law, whose law?

MADAM SPEAKER.- Please, can you allow...

HON. N. NAWAIKULA.- It doesn't belong to them!

MADAM SPEAKER.- Can you allow the honourable Prime Minister to answer the question?

HON. REAR ADMIRAL (RET'D) J.V. BAINIMARAMA.- Maybe, he should answer the question.

HON. N. NAWAIKULA.- The simple point is that, it doesn't belong to them, so step out!

HON. OPPOSITION MEMBERS.- Hear! Hear!

MADAM SPEAKER.- I would like you to withdraw that comment.

HON. P. KUMAR.- That should be the last, Madam Speaker.

MADAM SPEAKER.- I didn't hear you.

HON. N. NAWAIKULA.- I withdraw that, Madam Speaker, I take it back.

MADAM SPEAKER.- Thank you. Now, that the question has been withdrawn, we have come to the end of our sitting.

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

MADAM SPEAKER.- Supplementary question?

HON. A.M. RADRODRO.- Madam Speaker, Class B Shareholders in Fijian Holdings Limited is...Fijian Trust Fund for \$10 million shares in Fijian Affairs Board as trustees of the Provincial Council Shares of \$10 million shares, are corporate entities with legal powers to own and divest shares. Why it that the shares held by these entities are still controlled by the Minister of Fijian Affairs?

MADAM SPEAKER.- Honourable Minister?

HON. REAR ADMIRAL (RET'D) J.V. BAINIMARAMA.- Madam Speaker, the Fijian Trust Fund so obviously will come under the Minister for Fijian Affairs. I don't know who else it should go under, the Minister for Lands ...

HON. OPPOSITION MEMBERS.- The *Vanua*!

HON. RATU I.D. TIKOCA.- Give it to the *Vanua*!

HON. REAR ADMIRAL (RET'D) J.V. BAINIMARAMA.- Give it to the *Vanua*?

HON. OPPOSITION MEMBERS.- Give it to the landowners!

HON. REAR ADMIRAL (RET'D) J.V. BAINIMARAMA.- No, it doesn't work like that in the governance of our country, Madam Speaker. But I just want to tell the opposite side of the House that under the laws governing ITLTB ...

HON. OPPOSITION MEMBER.- Change the law!

HON. REAR ADMIRAL (RET'D) J.V. BAINIMARAMA.- I think there's a group of people here that should be removed from this House, Madam Speaker. One, two, three ...

HON. GOVT. MEMBER.- That's their policy!

(Chorus of interjections)

HON. N. NAWAIKULA.- It doesn't belong to you!

(Chorus of interjections)

HON. REAR ADMIRAL (RET'D) J.V. BAINIMARAMA.- Look at the university students.

HON. OPPOSITION MEMBER.- It has to be changed.

HON. REAR ADMIRAL (RET'D) J.V. BAINIMARAMA.- These are young leaders in years to come. They're sitting at the back of the House.

(Chorus of interjections)

HON. REAR ADMIRAL (RET'D) J.V. BAINIMARAMA.- Our young leaders, sitting at the back of the House, listening to rubbish put out by these people.

(Chorus of interjections)

But I don't think there's any more need to talk to the other side of the House ...

HON. RATU I.D. TIKOCA.- You can't answer?

HON. REAR ADMIRAL (RET'D) J.V. BAINIMARAMA.- ...about the answer. Thank you.

MADAM SPEAKER.- Thank you. That is the 3rd and last supplementary question. I thank you all for your indulgence and for your input in contributing to this very vibrant debate and I'm sure that

HON. RATU I.D. TIKOCA.- Point of Order, Madam Speaker.

MADAM SPEAKER.- Point of Order.

HON. RATU I.D. TIKOCA.- I think the honourable Prime Minister should now...

MADAM SPEAKER.- Excuse me, do not point.

HON. RATU I.D. TIKOCA.- ...withdraw that statement.

MADAM SPEAKER.- Don't point please.

HON. REAR ADMIRAL (RET'D) J.V. BAINIMARAMA.- I will not. I will not.

HON. RATU I.D. TIKOCAL.- If this is rubbish, then you're a corrupt leader!

Thank you, Madam.

MADAM SPEAKER.- I would like you to withdraw that statement.

HON. RATU I.D. TIKOCA.- He has to withdraw "rubbish" first.

MADAM SPEAKER.- I will ask you to withdraw that statement.

HON. RATU I.D. TIKOCA.- I withdraw.

MADAM SPEAKER.- Thank you.

We've now come to the conclusion of this sitting. It has been very informative. I thank you very much for this. It brings to an end this sitting day and I thank you all for your discussions and contributions to the debate.

HON. ROKO T.T.S. DRAUNIDALO.- Point of Order, Madam Speaker.

MADAM SPEAKER.- Point of Order.

HON. ROKO T.T.S. DRAUNIDALO.- Is it your ruling that its acceptable to use the word `rubbish' in the House? Is that your ruling, Madam Speaker? We are just asking. Then we can use it too.

HON. LT. COL. P. TIKODUADUA.- We've always been using it all this time!

HON. OPPOSITION MEMBERS.- No! No!

MADAM SPEAKER.- There has been exchange of very strong words and I've allowed some strong words, but it has gone out of control.

HON. OPPOSITION MEMBER.- He should also withdraw.

MADAM SPEAKER.- This is why I have asked the withdrawal of very, very strong words which are more stronger than what you've said.

Please, honourable Members, we've now come to the end of this sitting and I thank you very much for your contribution. Until tomorrow at 9.30, the House is now adjourned.

The Parliament adjourned at 12.58 p.m.