

MONDAY, 24TH AUGUST, 2015

The Parliament resumed at 9.35 a.m. pursuant to adjournment.

MADAM SPEAKER took the Chair and read the Prayer.

PRESENT

All honourable Members were present, except the honourable N. Nawaikula and the honourable M. Bulitavu.

MINUTES

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

That the Minutes of the sitting of Parliament held on Friday, 10th July, 2015 as previously circulated, be taken as read and be confirmed.

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

Question put.

Motion agreed to.

COMMUNICATIONS FROM THE CHAIR

Acknowledgment of Visitors

MADAM SPEAKER.- I warmly welcome all honourable Members to the first day of the August sitting, and I also warmly welcome those of you joining us in the public gallery and those watching proceedings on television, internet and listening to the radio. Thank you for taking interest in your Parliament.

A special welcome to the students of Holy Cross College from Wairiki in Taveuni, who are observing this morning's sitting.

Report of the Parliamentary Delegation on the 5th Westminster Workshop on Public Accounts Committees (PAC) Held in the Republic of Malta from 1st-5th June, 2015

For the information of honourable Members, I have received the Report of the Parliamentary

Delegation which attended the 5th Westminster Workshop for PAC, co-hosted by CPA UK and CPA Malta and held in the Republic of Malta from 1st to 5th June this year. The Report is available in the Library, as well as in the Parliament website.

Correction of Statement – Uncorrected copy of the Daily Hansard, Friday, 10th July, 2015

HON. A. SAYED-KHAIYUM.- Thank you Madam Speaker, I rise on a point of order to correct a statement that was made in Parliament on 10th of July, 2015 by the honourable Dr. Biman Prasad, in response to the motion for debate by honourable Salote Radrodoro on air transport services Madam Speaker.

MADAM SPEAKER.- Thank you.

HON. A. SAYED-KHAIYUM.- The fact of the matter, Madam Speaker, is, if I can seek your indulgence for that, to correct the *Hansard Report*, thank you Madam Speaker.

Madam Speaker, I would like to read from the 10th of July 2015 statement, .

HON. J. DULAKIVERATA.- What's your point of order?

HON. A. SAYED-KHAIYUM.- The point of order is the correction of statement and the statement made by the honourable Dr. Biman Prasad and Madam Speaker, has already ruled on it.

I quote, Madam Speaker:

Honourable Dr. Biman Prasad said “One of the things that I want to point out to him is the fuel surcharge. Fuel surcharge is only given to Fiji Link and not to the competitor on certain routes. So, if you have a fuel surcharge, Madam Speaker, just given to one and not to the competitor (and I stand to be corrected on this), but I am told that it is about \$40.00 per sector. So, if you look at a sector, you could be looking at \$80.000”

Then he responded when I said “No, no one is stopping them”.

He says “No, you have got to have your business model right. You cannot discriminate against a competitor by giving fuel rebate to just Fiji Link. Therefore, Madam Speaker, if one operator, that is Fiji Link, gets a rebate, then you minus the rebate, that actually ends up paying a lower tax, so they actually end up making more profit.”

Madam Speaker, I would like to point out to this Honourable House, for the record, that is not correct.

Madam Speaker, the reality is this; that the Fijian Government can confirm that the fuel surcharge is currently applied by both Fiji Link and Northern Air Limited, which are operating air services in domestic scheduled routes within Fiji.

The ATLB which is the Air Transport Licensing Board is the authority that regulates domestic air services, licensed routes, air fares and also approves fuel surcharge for airlines operating in Fiji. Any request for licensed routes, including fuel surcharge, must be made through a formal application to the ATLB in order to be considered.

I can go on about what they have taken into consideration when making their decision. The Government nor ATLB has closed its doors to any airline wishing to apply for domestic air services, indeed fuel surcharge. Previously, Fiji Air Limited and Sun Air Limited have implemented fuel surcharge, surcharging the days in operation. It is also being the case for current operating airlines.

In 2009, Madam Speaker, (and it is very important for us to understand this) Fiji Link made a formal application to ATLB for an increase in fuel surcharge to assist in the sustainability of the airline. ATLB considered this application and found the request for an increase in fuel surcharge was not justified. Therefore, the application was not granted. However, Fiji Link was allowed an air fare increase to assist and enable the airline to remain viable.

In 2011, Fiji Link made another formal application to ATLB

HON. RO T.V. KEPÄ.- Madam Speaker, Point of Order.

MADAM SPEAKER.- Point of Order.

HON. RO T.V. KEPÄ.- Standing Order 40, Ministerial Statement.

The honourable and learned Attorney-General can make a ministerial statement in terms of what he is saying now. There is no provision in Standing Orders for him to make a long statement to correct another Member's statement. Thank you, Madam Speaker.

MADAM SPEAKER.- The correction that is being tabled now has had my approval to have it tabled at this time. It is just a correction to the *Hansard* Report.

Honourable and learned Attorney-General, you may continue.

HON. A. SAYED-KHAIYUM.- Thank you Madam Speaker. Madam Speaker in 2011, Northern Air Limited also made a formal application to ATLB for an airfare increase to cover for increased fuel costs.

ATLB also considered this application and found the request for an increase in airfare justified in the light of the devaluation of the Fijian dollar, which had an impact on the price of fuel. Therefore, the application for an airfare increase was granted.

It is also important to note, Madam Speaker, with respect to subsidised routes, since 2010, Northern Air has indeed enjoyed fuel surcharge, based on the submission for tenders that were called on a yearly basis. It was only in 2013 that Northern Air Limited made inquiries about fuel surcharge for unsubsidised routes.

Northern Air Limited was also informed by the Department of Civil Aviation for the liberty to make a formal application for fuel surcharge accordingly.

In 2013, Northern Air made a formal application for the implementation of fuel surcharge for unsubsidised routes, which were Labasa, Savusavu, Taveuni and Nadi. ATLB considered the application and found the request for the implementation of fuel surcharge to be unjustified, in light of the fact that the price of fuel was fluctuating constantly during this period. Therefore, the application was not granted. However, Northern Air was allowed a fair variation structure for the unsubsidised routes, to enable the airline to remain viable.

In July this year, Northern Air Limited made another formal application for fuel surcharge. This application is currently being considered and such application will be proceeded accordingly.

Madam Speaker, we went this morning to Northern Air's website and this is what you get from the website (*shown to Members*). They actually have a provision that says they are charging fuel surcharge of \$30.00. Anyone can access this. This is the type of misrepresentation that I want to bring to this honourable House, made by the honourable Dr. Biman Prasad, and to correct the record, Madam Speaker, because it is very interesting and also we need to be responsible to make such statements because the public are listening to it. If the public are thinking that the Government or ATLB is discriminating against one airline, then obviously it does not augur well for confidence and for other investors coming in.

So a person of his calibre is supposed to make the correct statements not assertions. He obviously failed to mention the fact Madam Speaker that Northern Air, the owner is a failed candidate of NFP. He did not declare his interest. The point is Madam Speaker that these are the facts....

MADAM SPEAKER.- Honourable Minister, I request that you refrain from addressing an honourable Member directly.

HON. A. SAYED-KHAIYUM.- Sorry , Madam Speaker.

Madam Speaker, the point is that

HON. DR. B.C. PRASAD.- Madam Speaker, I rise on a point of order. I think the honourable and learned Attorney-General must refrain from attributing the name of the airline. There was no reference by me at all with respect to Northern Airline. I was making a general point.

The honourable and learned Attorney-General is confused. In fact, he is saying exactly what I had said. The fact that he is going on and on about how applications were assessed and not granted, that is the point I was making, Madam Speaker. There was no misrepresentation of what I was saying. I was making a point, that we need to have a transparent and open policy of whether fuel rebate is provided to subsidise unsubsidised routes. So, the fact that they considered the application and making the decision, it does not make the point I had made, a misrepresentation. Madam Speaker, I think the honourable and learned Attorney-General is confusing the issue.

HON. A. SAYED-KHAIYUM.- Sorry Madam Speaker, I have to respond to that comment Madam Speaker. Let me read from the *Hansard* it says:

“Fuel surcharge made by the Honourable Biman Prasad, fuel surcharge is only given to Fiji Link and not to the competitor...”

Who is “the competitor”? It is Northern Air. “Chorus of interjection by Opposition” he says it was not given to Northern Air.

He then goes on to say, :

“You cannot discriminate against a competitor, you cannot discriminate against a competitor by giving fuel rebate to only Fiji Link.” “Chorus of interjection by Opposition”

So, he is already saying that there is discrimination. I do not know what English standard that he went to, Madam Speaker, but the point is this, this Madam Speaker says and he said that there was discrimination, Madam Speaker.

HON. DR. B.C. PRASAD.- You are just confusing the Madam Speaker.

HON. A. SAYED-KHAIYUM.- Come on, tell the truth!

HON. DR. B.C. PRASAD.- You tell the truth! The truth was, you don't have a clear policy.

HON. RO T.V. KEPA.- Madam Speaker, I rise on a point of order.

Madam Speaker, Standing Order 31 Minutes of Proceedings, we are only allowed a very limited time in which to speak and that was a ministerial statement. So, you must not allow that, Madam

Speaker.

MADAM SPEAKER.- Thank you very much.

Could we have the correction to the *Daily Hansard* in writing and we will send it to the honourable Dr. Prasad before approval, as well as to honourable Members, before we can attach it as an appendix to the Report of the last proceedings?

HON. A. SAYED-KHAIYUM.- Madam Speaker, I do not have the authority to correct the *Hansard* when it has already been confirmed by Parliament. These words have been spoken by honourable Biman Prasad. I cannot undo what he had said but what I am trying to bring to the attention of this House, Madam Speaker, is that, what he had said and represented as facts B.C. PRASAD.- That is what you think!

HON. A. SAYED-KHAIYUM.- ...is not true. It is factually incorrect. That's the point that I am trying to bring to this Parliament, Madam Speaker. I do not want to go back and correct his words, I do not have the authority to do that.

MADAM SPEAKER.- We will note the information that you have shared with us this morning and we will include that in the Minutes of today's proceedings.

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

MADAM SPEAKER.- We will not go any further on that issue, we will go on to the next Item on the Order Paper.

PRESENTATION OF PETITIONS

Review/Redress of the 2015 Police Back Pay

HON. S.D. KARAVAKI.- Madam Speaker, I rise to present a petition that bears my name on the certificate which, in my opinion, I believe is respectful and it does not promote disharmony and be serving of a presentation. The petition, Madam Speaker, is a request for Parliament to review and redress a vast anomaly present in the recent Police Back Pay of 2015.

Madam Speaker, in 2004, there was a Job Evaluation Exercise that was carried out by the Government that awarded a 30 per cent pay increase to the Police Officers, also including the other members of the Disciplined Forces. This year, Madam Speaker, it was carried out and the confusion surrounding this payment has become unmanageable. It needs the attention and assistance of this Parliament. For example, Madam Speaker, there are two officers of the same rank who started in the same year, one received \$140 but the other received \$7,000. That kind of anomaly, Madam Speaker, is unexplainable.

Also, Madam Speaker, the formula that is being used has to be clarified and the accuracy of the information in their personal files because there are officers who are still alive but the information in their files states that they had passed on or died. It is a big confusion, Madam Speaker, that surrounds this and the Fiji Police Officers Association is bearing the responsibility of answering the questions to its members which, in most cases, is beyond their power. They cannot answer the questions because the answers rest with the Government's responsible ministries.

I have also been told, Madam Speaker, that even the door of the Minister responsible is not being very accommodating to the request of these members.

MADAM SPEAKER.- Order! Order!

Honourable Karavaki, I think the petition is very clear. We will have time later on in another sitting to debate and where you can impart information that you are giving us now.

HON. S.D. KARAVAKI.- Thank you, Madam Speaker.

The petition carries about 28 signatures of members and I ask leave, Madam Speaker, to lay the petition before Parliament.

(Petition handed to the Secretary General)

MADAM SPEAKER.- Honourable Members, under Standing Order 37, I refer this petition to the Standing Committee on Justice, Law and Human Rights.

Acquisition of land – Tokatoka Nakabasi, Navisabasaba Village

HON. V.R. GAVOKA.- Madam Speaker, I rise to present a petition under my name in today's Order Paper.

On behalf of the people of the *Mataqali Lewe i Nadroga, Yavusa Louvatu, Tokatoka Nakabasi*, who reside in the village of Navisabasaba, I have here a petition signed by them (about 100 of them), Madam Speaker, for Parliament to look into their request in terms of the land they need to live on. Today, Madam Speaker, the *Tokatoka* resides on 26 acres of land, and that land is now being acquired by Government to accommodate the extension of the village. So, that means, Madam Speaker, they do not have anywhere else to go.

Madam Speaker, right next to their land is Maro CG986, a Crown Grant of about 4,000 acres and

they had been requesting Government and the authorities to allow them to acquire some of that land. I would like to ask the Committee of Parliament to help them secure this land. As a way of background, Madam Speaker, Navisabasaba is at Natadola, the basin that will grow in the future. Once Natadola grows to its full potential, Natadola, Madam Speaker, is going to be another Denarau. So, I think it is very important at this time to resolve these issues for these people. These are the people who are recognised as the Tui Nahoni, comprising the villages of Navisabasaba, Batiri, Vusama and Togobula. They came from my village, Cuvu, about some 100 years ago and they were given the title of Tui Nahoni. Today, Madam Speaker, they need that land which belonged to them traditionally at that time.

So, Madam Speaker, this is their request, they have come to us, as leaders in Parliament to look into this through the proper channels that we have in Parliament.

Thank you, Madam Speaker.

(Petition handed to the Secretary General)

MADAM SPEAKER.- Honourable Members, under Standing Order 37, I refer this petition to the Standing Committee on Social Affairs.

PAPERS LAID ON THE TABLE

HON. REAR ADMIRAL (RET'D) J.V. BAINIMARAMA.- Madam Speaker, in accordance with Standing Order 38, I present the Ministry of *iTaukei* Affairs Annual Report, 2014.

MADAM SPEAKER.- Under Standing Orders 38, I refer the Ministry of *iTaukei* Affairs Annual Report, 2014 to the Standing Committee on Social Affairs.

HON. LT. COL. I.B. SERUIRATU.- Madam Speaker, in accordance with Standing Order 38, I present the following Annual Reports to Parliament:

1. Department of Agriculture Annual Report for 2008; and Department of Agriculture Annual Report for 2009.
2. Madam Speaker, if I also may, pursuant to Standing Order 45(3), I also have the response to Parliamentary Question No. 141 of 2015 asked by the honourable Vadei, which I will also be tabling this morning.

MADAM SPEAKER.- Under Standing Order 38(2), I refer the Department of Agriculture Annual Report for 2008 and the Department of Agriculture Annual Report for 2009 to the Standing Committee on Natural Resources.

PRESENTATION OF REPORT

HON. LT. COL. N. RIKA.- Madam Speaker, at the July 6th July Sitting, Parliament referred the following eight Treaties to the Standing Committee on Foreign Affairs and Defence. They are the:

- 1) International Mobile Satellite Organisation (IMSO), 1976;
- 2) International Convention of Salvage (ICS), 1989;
- 3) International Convention for the Control and Management of Ships Ballast Water and Sediments, 2004;
- 4) International Convention for the Civil Liability for Bunker Oil Pollution Damage, 2001;
- 5) International Convention on the Control of Antifouling Systems on Ships, 2001;
- 6) Protocol Preparedness, Response and Co-operation to Pollution Incidents by Hazardous and Noxious Substances, 2000;
- 7) Convention on Facilitation of International Maritime Traffic, 1965; and
- 8) International Convention for the Prevention of Pollution for Ships (MARPOL 73/78).

Madam Speaker, I rise this morning as the Chairman of the Standing Committee on Foreign Affairs and Defence to table the Standing Committee's Report on the 8th International Maritime Organisation Conventions that were scrutinised and called for public submission, deliberation and consultation before it is brought back to Parliament for perusal and its final decision. The document is Parliament Paper No. 48 of 2015.

Madam Speaker, I seek your permission to present a brief summary of the Report and also conveying the Standing Committee's appreciation to all those who have assisted in the Standing Committee's final compilation of the Report.

Madam Speaker, I am pleased to present the Report of the Standing Committee on Foreign Affairs and Defence (Parliamentary Paper No. 48 of 2015). Public submissions received were from the period Monday 20th to Friday, 24th July 2015, and the second wave of submissions were received from the period Monday 10th to Friday, 14th August 2015, and the third period from Monday 17th to 21st August 2015. The Standing Committee received the final submission on Monday 17th.

Madam Speaker, the Standing Committee on Foreign Affairs and Defence was fortunate enough to have three site visits. These site visits were confirmation of the submissions made by the relevant stakeholders.

The first site visited was to the Fiji Ports Corporation Limited on Thursday, 13th August 2015 at 2.00 p.m.

The second site visit was on Friday, 14th August, 2015 to the Telecom Fiji Limited at Station Satellite Disc at Yaqara.

The third site visit was on Tuesday, 18th August, 2015 at 10.30 a.m. to the Waiqanake Village to inspect the damage caused to the *Tikina* of Navukavu fishing ground.

Madam Speaker, the public response was overwhelming in coming forth with their submissions, a total of 24 submissions were made to the Standing Committee on Foreign Affairs and Defence.

Madam Speaker, I take this time on behalf of the Members of the Standing Committee on Foreign Affairs and Defence to convey our appreciation to the:

- Chief Executive Officer for Fiji Ports Corporation Limited, Mr. Vajira Piyasena and the General Managers, who were present in the briefing.
- Chief Executive Officer of Telecom Fiji Limited, Mr. Mothilal De Silva and all the General Managers, who hosted the Standing Committee on Foreign Affairs and Defence site visit at Yaqara. Thank you for the excellent presentation.

Finally, to the *vanua* of Navukavu, *Turaga na Roko Balei* and all the *turaga ni mataqali* present in the meeting and all who hosted the visit at Waiqanake Village, thank you.

The Standing Committee on Foreign Affairs and Defence is grateful to all the representative of Government ministries, private sector, communities, the Ship Owners' Association, Secretariat of the Pacific Community and NGOs who made their submission to the Standing Committee on Foreign Affairs and Defence.

Madam Speaker, I take this opportunity to extend my sincere gratitude to all the honourable Members of the Standing Committee on Foreign Affairs and Defence for their contribution and commitment in compiling the final bi-partisan Report:

1. Honourable Ratu Isoa Tikoca (Deputy Chairman);
2. Honourable Cdr. Semi Koroilavesau (Member);
3. Honourable Roko Tupou Draunidalo (Member);
4. Honourable Alex O'Connor (Member);
5. Honourable Salote Radrodro (alternate Member for honourable Roko Tupou Draunidalo);
6. Honourable J.N. Kumar (alternate Member for honourable Cdr. Semi Koroilavesau); and
7. Honourable Mikaele Leawere (alternate Member for honourable Ratu Isoa Tikoca).

On behalf of the Standing Committee, we convey our utmost appreciation to the Secretariat and the entire Parliamentary Staff who were part and parcel of the administering of the Standing Committee.

Madam Speaker, with those words, I now table the Report (Parliamentary Paper, No. 48 of 2015).

(Report handed to the Secretary-General)

HON. LT. COL. N. RIKA.- Madam Speaker, pursuant to Standing Order 121(5), I hereby move:

That the debate on the content of the Report is initiated at a future sitting.

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

Question put.

Motion agreed to

QUESTIONS AND REPLIES

Oral Questions

Development of Waila City (Question No. 170/2015)

HON. J. DULAKIVERATA asked the Government, upon notice:

Would the honourable Minister for Local Government, Housing, Environment, Infrastructure and Transport inform the House, what is the requisite timeframe of the Design and Built Master Agreement (DBMA) between the Housing Authority of Fiji and the contractor, Top Symphony, regarding the development of Waila City?

HON. P.B. KUMAR (Minister for Local Government, Housing, Environment, Infrastructure and Transport).- Madam Speaker, following my response in this honourable House in the February sitting, I had informed the House that the Design and Built Master Agreement (DBMA) was signed in May 2012. This agreement is valid for seven years. Discussions have been held since between the Housing Authority and the contractor to ensure that the final agreed pricing will be affordable price for the people. Thank you, Madam Speaker.

HON. S.V. RADRODRO.- Madam Speaker, a supplementary question. I thank the honourable Minister for his response and particularly in highlighting again his response in February in which I had raised a supplementary question and which to-date, I still have not received any response, because at your direction, Madam Speaker, he was to give a written response and again I quote the question. The question

was:

“What was the projected total cost of the project, if it is going to be funded through a loan, where is the loan from and what are the loan conditions, and also how much has it cost the Government as of to-date?”

HON. P.B. KUMAR.- Madam Speaker, your ruling was, and I shall read that, “that the honourable Minister may provide the honourable Member with an answer at a later date or in writing” and there was no timeframe. The reason being, that discussions are still going on.

HON. V.R. GAVOKA.- Supplementary question. Madam Speaker, the concern by the public is that it is taking too long and equipment that were brought in are now sitting idle and some are rusting. Can we just get a clear indication from Government, is this going to take off or will it just fall apart, because right now it looks like, it is not going to happen?

HON. P.B. KUMAR.- Thank you, Madam Speaker. I really do not know what equipment he is talking about, but let me assure this honourable House that if we fail in this deal, that does not mean the development will stop. But I can assure this House that there are some positive signs, at the same time, we all must understand that that development took place to provide housing for the very poor people.

HON. S.D. KARAVAKI.- Wait for the poor to die!

HON. P.B. KUMAR.- It will take off, Madam Speaker, but the delay is on the pricing. It may take some time, but let us get it right.

HON. RATU S.V. NANOVO.- Madam Speaker, major projects such as this, normally there are prerequisites to be followed before any approval or timeframe to be given, like MOU. There must be a in place which specifies what time will the project start and what time is it expected to be completed.

HON. S. PATEL.- It has already been answered.

HON. RATU S. NANOVO.- Secondly, there must be some scheme plans that will assist them in working out the cost that they are waiting for.

Thirdly, there must be approved engineering plans to satisfy the costing that they are going to impose or to be included in this project. Have they been done?

HON. P.B. KUMAR.- Madam Speaker, as I have stated, that the DBMA was signed in May 2012. Thereafter, the process took place, the plan was submitted to Town and Country Planning which was approved, the EIA was carried out, which was approved by the Ministry of Environment, the earthworks plan was submitted to the Director of Town and Country Planning, which was approved. What I am trying to say here is, that what we are interested in is the price. That is more important to us, and we will make sure that we will get it right.

HON. J. DULAKIVERATA.- Thank you, Madam Speaker. I thank the honourable Minister for the answers. My question is, was there a tender called for this project?

HON. P.B. KUMAR.- Madam Speaker, this was asked to me at the last sitting as well and my response to this was that the Board had approved this.

Bus Transport – Tonia Village
(Question No. 171/2015)

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

Can the honourable Minister inform the House what measures Government is taking to ensure the bus transport services to Tonia Village, Tailevu resumes?

HON. P.B. KUMAR (Minister for Local Government, Housing, Environment, Infrastructure and Transport).- Madam Speaker, what measure Government is taking? Madam Speaker, Expression of Interest on the bus service for that village was published in the *Fiji Sun* on 22nd November, 2014 by the LTA.

Madam Speaker in light of this, Government, through the LTA and Fiji Roads Authority (FRA), has worked towards the provision of public transport services. FRA has upgraded this road to Rural Service License (RSL) standard access in which LTA has granted approval for the 2 RSL licence to service this route for both school children and the adult passengers.

The FRA is closely working with the office of the Commissioner to see that this road is programmed in next year's budget.

HON. S.D. KARAVAKI.- Madam Speaker, supplementary question. Given that the process of granting rural road route licence may take time and the people are continuing to face transport problems, can the honourable Minister inform this House whether a provisional licence could be granted now immediately so that the transport needs of the people to Tonia could be addressed at the moment before any final decision is made on the expressions of interest that has been advertised.

HON. P.B. KUMAR.- Madam Speaker, there is no real issue. The RSL is being provided to service the public over there, so what is the issue?

Madam Speaker, the reason why the FRA has not agreed for the bus to service that road at the moment is because of the safety measure. They have their standards and because of that, we are working closely with the Commissioner Central's Office to make sure that it is programmed for next year's budget and I have assured the honourable Member.

MADAM SPEAKER.- Supplementary question, the honourable Gavoka.

HON. V.R. GAVOKA.- Madam Speaker, we visited Tonia Village, beautiful and up in the hills. I only wished my colleagues on the other side would have visited the village. They told us, Madam Speaker, that the bus company is willing to provide the service because they are happy with the condition of the road. But somehow, there are some delays somewhere. Can we just make a decision to provide the service instead of using all these bureaucratic process to slow these things? They know, the company is there, the company is willing to do it but somehow it is being held back.

HON. P.B. KUMAR.- I am happy that he has visited that area.

Madam Speaker, I have just said that FRA has inspected that road and that road is not suitable for bus service yet. That is why we have issued RSL so that the public at large is being serviced. I had also mentioned that we are working very closely with Commissioner Central's Office to programme that for next year's budget. What is wrong with that?

HON. OPPOSITION MEMBER.- No transport.

HON. P.B. KUMAR.- Madam Speaker, two RSL has been issued. Thank you, Madam Speaker.

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

HON. J. DULAKIVERATA.- Thank you, Madam Speaker. The issue here is the bus transport, the issue of RSL does not solve the problem because the RSL only takes the children when they go to school. If individuals from the villages along Tonia want to come to the main road, they will have to hire a carrier to bring them to the main road. The question is, what cannot the bus service provide service to the public? This road used to be the main road to Vunidawa during the Colonial days, it has not changed, the bus used to service that road. Why cannot it be serviced now?

HON. P.B. KUMAR.- Madam Speaker, for the last 20 years, there was no bus service. Where were all these Governments? What is he talking about? Go and check! For the last 20 years, there has been no bus service provided. This Government is working towards making sure that bus service is provided. Thank you.

MADAM SPEAKER.- Thank you, we will now move onto the third oral question and I give the floor to the honourable Dr. Biman Prasad.

FSC – Weekly Crush Reports from the Four Mills
(Question No. 172/2015)

HON. DR. B.C. PRASAD.- Madam Speaker, before that, let me welcome the honourable Prime Minister back to Fiji.

Will the honourable Prime Minister inform the House of the following in the absence of Fijiugar Corporation, providing weekly crush reports for each of its four mills:

- a) The total cane crushed and sugar produced by each of the four mills since the beginning of the 2015 harvesting and crushing season and Tonnes of Cane to a Tonne of Sugar (TCTS) recorded by each mill;
- b) The weekly throughput average of each of the four mills and the weekly crushing capacity of each of the four mills for the 2015 season;
- c) The hours of mill stoppages caused by breakdowns or mechanical problems at each of the four mills for the 2015 season;
- d) The hours of stoppage caused by outside stoppage or lack of cane supply due to bad weather or other conditions for the 2015 season; and
- e) The losses incurred by breakdowns at each mill.

HON. REAR ADMIRAL (RET'D) J.V. BAINIMARAMA (Minister for *iTaukei* Affairs and Sugar Industry).- Thank you Madam Speaker, I thank honourable Biman Prasad for that welcome, but I do not know if he is serious about it.

(Laughter)

Madam Speaker, this has a lot of stats and it would have been nice if we had given him a written answer to this. However, I understand he insists on it being put forwarded as an oral question. Again his question demonstrates his propensity to be more of a showman and have some kind of relevance when it really doesn't happen.

HON. OPPOSITION MEMBERS.- Boooo.

HON. GOVERNMENT MEMBERS.- Hear, hear!

Madam Speaker, FSC has been providing weekly stats to various agencies, including the Reserve Bank of Fiji, Ministry of Sugar and in the past few weeks, to the media also. Perhaps, the honourable leader of the NFP has been too consumed in protecting his position Opposition interjection; "we have not seen the draft..." as the Chairman of the Public Accounts Committee that he has failed to even contact my Ministry or other agencies to get the figures. Maybe, Madam Speaker he needs a diversion. Nonetheless, Madam Speaker, these are the figures, in relation to question (a).

The total cane crushed and sugar produced by each of the four mills since the beginning of 2015 season and the Tonnes of Cane to a Tonne of Sugar (TCTS) recorded by each mill is as follows as of 8.00 a.m on 21st August:

Lautoka Mill

Cane crushed	182,851 tonnes
Sugar produced	21,873 tonnes

TCTS 8.4

Rarawai Mill

Cane crushed 215,276 tonnes

Sugar produced 25,132 tonnes

TCTS 8.6

Labasa Mill

Cane crushed 321,023 tonnes

Sugar produced 38,310 tonnes

TCTS 8.4

Penang Mill

Cane crushed 77,736 tonnes

Sugar produced 8,120 tonnes

TCTS 9.6

Total for **ALL** four mills since the beginning of 2015 season is:

Cane crushed 796,886 tonnes

Sugar produced 93,435 tonnes

Average TCTS 8.5

For the information of the honourable Member, the performance is on par with the 2014 season, when sugar extraction was at record level.

Madam Speaker, in answer to section (b) of the Honourable Member's question, at the end of 17th August, the weekly output average of each of the four mills and weekly crushing capacity of each of the four mills for the 2015 season is as follow:

Lautoka Mill

Weekly throughput 25,664 tonnes

Crushing capacity/hour 270 tonnes

Crushing rate 241 tonnes/hour

Rarawai Mill

Weekly throughput 25,029 tonnes

Crushing capacity/hour 240 tonnes

Crushing rate 213 tonnes/hour

Labasa Mill

Weekly throughput 34,877 tonnes

Crushing capacity/hour 280 tonnes

Crushing rate 262 tonnes/hour

Penang Mill

Weekly throughput 10,246 tonnes
 Crushing capacity/hour 105 tonnes
 Crushing rate 101 tonne/hour

The performance for **ALL** the four mills for the same period is as follows:

Weekly throughput 95,816 tonnes
 Crushing capacity/hour 195 tonnes
 Crushing rate 817 tonnes/hour

Madam Speaker, a number of factors can affect the crushing rate. These include; cane supply, the stopping and starting of the mills for various reasons and problems with aging machinery. The FSC accepts that any stoppage is undesirable and is working with all stakeholders and the industry to minimise these disruptions; whether they are to do with harvesting, transporting or the processing of sugarcane.

Madam Speaker in answer to section (c) of the honourable Member's question, the hours of mills stoppages caused by breakdowns or mechanical problems at each of the four mills in the 2015 season is as follows:

i)	Lautoka mill	-	183 hours
ii)	Rarawai mill	-	214 hours
iii)	Labasa mill	-	117 hours
iv)	Penang mill	-	<u>296 hours</u>
	Total		<u>868 hours</u>

Madam Speaker in answer to section (d) of the honourable Member's question, on the hours of stoppages caused by outside stoppages or lack of supply of cane due to bad weather or other conditions for the 2015 season, are as follows:

i)	Lautoka mill	-	236 hours
ii)	Rarawai mill	-	95 hours
iii)	Labasa mill	-	98 hours
iv)	Penang mill	-	<u>141 hours</u>
	Total		<u>570 hours</u>

Loss to bad weather or other conditions.

Madam Speaker, the answer to the honourable Member's question (e) about the losses incurred by breakdowns of each mill is that, any delays caused by breakdowns are made up by extending the period of the crushing season.

The FSC bears the cost of this, plus any repairs to equipment. If there is a delay in the supply of sugarcane due to, for example, bad weather or lack of harvesting, any cost in this respect is also borne by FSC. When the mills breakdown, FSC provides meals for lorry drivers, who have to wait while the repairs are being carried out.

At times, FSC will allow the lorries to unload the cane, not at the feeder carrier where they are normally unloaded, but they are allowed to unload at a designated spot so that they do not have to wait for too long periods of time.

HON. P. SINGH.- A supplementary question, Madam Speaker. I thank the honourable Prime Minister for the figures that he has provided. The supplementary question is, what is FSC doing to minimise the stoppages? I will give you an example. In the last two weeks, there was a major breakdown at the Lautoka Mill and the 12 megawatt motor disrupted the crushing and it has been replaced by a five megawatt motor, so what is the FSC's programme in minimising these stoppages?

HON. REAR ADMIRAL (RET'D) J.V. BAINIMARAMA.- Madam Speaker, that is irrelevant to the question. We are talking about statistics here.

HON. V.R. GAVOKA.- Madam Speaker, FSC is of serious concern to the whole country and over the weekend, there was this news article by the Executive Chairman saying, "we are not going to make two million tonnes but..." It is almost like everyone is saying 'but'.

Madam Speaker, they cannot do it, they miss their target, but I am just getting worried that we are not getting anywhere. We are always saying excuses, but, but, but. Can we seriously consider setting up a bipartisan committee to look into the FSC, as has been suggested by the leader of the National Federation Party?

HON. M. VUNIWAQA.- Madam Speaker, I rise on a point of order. There are so many statements preceding, waiting for the question.

MADAM SPEAKER.- You may provide your question again in writing and it will be provided to you in the same manner.

I will now give the floor to the honourable Netani Rika to ask his question.

Fiji Trade Policy Framework
(Question No. 73/2015)

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

Recently the honourable Prime Minister launched the Fijian Trade Policy Framework. Can the honourable Minister explain what is the Fiji Trade Policy Framework and how will it benefit Fiji's trade and investment?

HON. RATU S.V. NANOVO.- A point of order, Madam Speaker. The way the question has been framed, it will end up the Minister giving another ministerial statement. If that is the case, I propose that he should follow the normal procedure to submit this under the normal procedural ministerial statement.

MADAM SPEAKER.- Thank you. I will just give a ruling on that one. This question has been agreed to by the Business Committee to be tabled in today's Agenda.

I now give the floor to the honourable Minister for Industry, Trade and Tourism.

HON. F.S. KOYA (Minister for Industry, Trade and Tourism).- Madam Speaker, I rise to respond to the question asked by the honourable Member, and I promise it will not be a very long answer, it is very short.

Madam Speaker, the honourable Prime Minister launched the Fijian Trade Policy Framework and this trade policy basically represents our shared interest towards a common goal of improving our trade performance and enhancing Fiji's position as the hub of the Pacific. It will basically determine how to connect all the dots and address our production capacity and supply side constraints through the ultimate objective of enhancing Fiji's position in global trade.

It harnesses our opportunities in international trade, Madam Speaker and will mean more demand for Fijian grown products and Fijian made goods and services, basically leading to increase investment from the private sector and creation of jobs and wealth and better standard of living for all Fijians.

Madam Speaker, the purpose of the Framework is to ensure continuation of a coordinated and consistent approach in our national development agenda and to better maximise our development gains and also by enhancing Fijian industries and investment exports of goods and services, as well as advance Fiji's interest in international trade negotiations.

The Framework, Madam Speaker, is through the implementation mechanism and it will bring together all the trade investment related agencies, including the private sector and civil society, to have a coordinated approach to growing trade and investment opportunities.

Madam Speaker, like the Green Growth Framework that was also launched by the honourable Prime Minister and the soon to be launched National Development Plan of the Trade Policy Framework basically embodies the Fijian Government's drive to create a better Fiji.

MADAM SPEAKER.- Thank you. Is it a point of order or supplementary question?

HON. B. SINGH.- A supplementary question, Madam Speaker. I thank the honourable Minister for his response. My question to the honourable Minister is, which are the key export markets for Fiji?

HON. F.S. KOYA.- Madam Speaker, in 2014, exports grew by about 11.5 per cent, which amounts to about \$2,292,000,000, compared to a four per cent decline in 2013 and this increase is due to a higher growth in re-export and domestic stuff.

Madam Speaker, as a per cent of GDP's total exports, excluding aircraft, grew to about 28.5 per cent in the review period, compared to 27.8 per cent in 2013. The average over the last five years as a percentage of GDP is around 29 per cent, and the following markets, Madam Speaker, have emerged as top key export destinations: the United States, accounts for 16 per cent of exports; Australia, accounts for 15 per cent of exports; the United Kingdom, accounts for 11 per cent of exports; China, accounts for eight per cent of exports and New Zealand, accounts for six per cent of the exports.

HON. S.D. KARAVAKI.- Madam Speaker, a supplementary question; could the honourable Minister explain to this House, how would the Fiji Trade Policy Framework assist Fiji in its relationship, and the benefits that it would derive from the international and the regional trade partnership agreement?

HON. F.S. KOYA.- Madam Speaker, is he referring to the MSG in trade partnership agreement?

MADAM SPEAKER.- Clarification.

HON. S.D. KARAVAKI.- Whether it is MSG, or the Forum or original trade partnership agreement because the honourable Minister, Madam Speaker, refers to the international trade negotiation that would pursue the direction that would assist from having this Trade Partnership Framework. Thank you, Madam Speaker.

HON. F.S. KOYA.- Madam Speaker, if I may answer that. In securing and maintaining an improved market access to the Regional and International Trade, just a market for Fijian goods and services are basically done by the Trade Policy Framework, outlines against specifically and says:

“We are basically securing at least one new alternative market for Sugar by 2016. For pushing further continuation of the US Generalised System of preferences, an increase in Fiji goods eligible under that scheme, when negotiating a long term and a sustainable preferential market access scheme with United States of America by 2025 where we are successfully concluding negotiation on a development friendly, comprehensive, economic partnership agreement with the European Union. We are successfully concluding negotiation on the development friendly Pacer Plus Agreement for working towards finalising and implementing a fully-fledged comprehensive Melanesians Spearhead Group Trade Agreement and we are working towards consolidating and implementing a fully-fledged Pacific Island Countries Trade Agreement and concluding negotiation with China on the preference of Market Access Scheme”.

These are the things that are currently taking place and resolve within the actual Framework.

MADAM SPEAKER.- Thank you, I now give the floor to honourable Sanjit Patel.

HON. S. PATEL.- Thank you, Madam Speaker.

Can the honourable Minister inform the House, how will the Ministry ensures that the Fijians are aware of the achievements of the Fijian Trade Policy Framework?

MADAM SPEAKER.- Thank you, honourable Minister.

HON. F.S. KOYA.- Thank you Madam Speaker. The Framework's implementation mechanism, Madam Speaker, is all inclusive at all levels, it is not just a Government's Framework. The private sector and the civil society are involved at sub-committee level and that is providing policy recommendation and also at the decision-making level of the National Trade and Development Council which is to be formed. The council actually reports to Cabinet on progress and updates which also will be provided to Parliament.

This Framework is a 10-year document, Madam Speaker, which has a mid-term review and however, yearly and two yearly reviews will be undertaken to ensure the implementation is on track and also take into account new or revised recommendations to enhance the Framework. But in short also, Madam Speaker, it is actually a living document, it is not set in stone, so at that level when it is done, there will be changes obviously in the next 10 years. It is a living document.

MADAM SPEAKER.- Thank you, the last supplementary question, the honourable Salote Radrodro.

HON. S.V. RADRODRO.- Thank you, Madam Speaker. I did not quite catch it but I would like to ask the honourable Minister, if there is an implementation matrix, which would simply show us how and who will implement this Policy Framework, in terms of achieving its bigger purpose, which I believe is to offer employment, to be able to address the higher unemployment rate in Fiji.

MADAM SPEAKER.- Thank you, honourable Minister.

HON. F.S. KOYA.- Thank you, Madam Speaker. The Framework comes with a detailed implementation plan, it is a matrix. It spells out the policy measures and strategies that would drive and enhance domestic and international trade, obviously recognises private sector as the engine for the economic growth and development.

They would be implemented over the next 10 years, Madam Speaker, with contributions of all the stakeholders. The National Trade and Development Council, which is chaired by the Minister for Industry, Trade and Tourism will be the main implementation vehicle of this Framework and will report to Cabinet, Madam Speaker. It is a forum where trade investment industry and business related issues will be discussed and strategy developed and implemented accordingly.

There is also a Trade and Development Committee, Madam Speaker, which will be chaired by the Permanent Secretary for Industry, Trade and Tourism and it would be the executive arm of the council and would meet as and when required, to provide directions to the council. The sub-committee will also be the technical bodies of the NTDC and the sub-committees like the council will be inclusive and representative of all stakeholders. There are five actual sub-committees, Madam Speaker, so that I can spell it out properly for everyone. These sub-committees include representatives from relevant government agencies, private sector and civil society. There is a Trade and Investment Facilitation as agriculture services, manufacturing and sustainable development.

MADAM SPEAKER.- Thank you, I now invite honourable Alexander O'Connor to have the floor.
Combat on Drug Importation into/through Fiji
(Question No. 174/2015)

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

Could the honourable Minister for Defence, National Security and Immigration inform the House what the Fiji Police Force and his Ministry are doing to combat the recent influx of drug importation into/through Fiji?

HON. CAPT. T.L. NATUVA (Minister for Defence, National Security and Immigration).- Madam Speaker, for the information of this august House, the Ministry has developed over the years a working relationship with other stakeholders within Fiji, in the region and also worldwide which also includes INTERPOL.

The relationship has been firm for the last 20 years and as we go back to the event of 11th September, 2000, where it is like a global village, the working relationship is much better after 2000. So, the information that we are getting from the region and also internationally is the daily information - exchange of information of how we can combat transnational crime.

We also signed a Memorandum Of Understanding (MOU) with countries in the region and countries out of the region on relationship of sharing information, which making it much more complete on the information that we require. For example, in the next PIDF meeting in September, we will be signing an MOU with the Government of Indonesia, and also in the past years, where we did not get information from our old friends, we are getting it from the new alliance that we have.

Now, we are all working together, the new allies and old allies, in order to get more information on how we can combat transnational crime in Fiji at the moment. We are also working with the region of how we can help Tonga and Samoa. So, it is more or less like inter-relationship with all the countries in the world, in order to combat crime. Such joint collaboration with local and overseas law enforcement resulted in the confiscation of the container, which contains about \$NZ100 million worth of drugs at the Suva Wharf and the process is with the court at the moment for it to decide.

I would like to request all the people of Fiji that we are trying to contain these issues, the transnational, if they can come forward with information to the Police of any information they can receive in regards to illegal trade that are happening all around the world today. I thank you, Madam Speaker.

HON. S.V. RADRODRO.- Supplementary Question, Madam Speaker.

MADAM SPEAKER.- Supplementary Question, honourable Radrodoro.

HON. S.V. RADRODRO.- I thank the honourable Minister for that explanation which I find is not very convincing. I would like to ask the honourable Minister that to be able to proactively deal with the problem which rest with the border control machinery and to minimise the fire-fighting or the reactive stunts by the Police Force, can the honourable Minister explain the problems or the weaknesses with the Fiji Revenue Customs Authority Border Control capabilities and how does the Ministry intend to address this, so as to enhance border protection?.

MADAM SPEAKER.- Thank you,. The onus is on the honourable Minister to answer that question or not.

HON. CAPT. T.L. NATUVA.- I thank the honourable Member for the questions. We are buying a new equipment, for example, we have a gadget now which will enable us to get information from the telephone. Even though you delete what is in the telephone, your conversation with other people, we have a gadget which was supplied by one of our allies in order to get all the information that you delete and is helping us in getting information of how we can confiscate people. You think that you delete your information, no, all the information are there and those are some of the gadgets that we are getting at the moment, which was never been with us before. We are in the process of trying to improve what we have at the border and we are working on it and we cannot control everything. When we are trying to stop such issues, there are also on the other side of ways and means to pass the system. Thank you, Madam Speaker.

MADAM SPEAKER.- Honourable Roko Tupou Draunidalo.

HON. ROKO. T.T.S. DRAUNIDALO.- I thank the honourable Minister for his answers and I have heard what he said about international corporation, I ask the honourable Minister, would he consider making a submission to give a greater share of the Defence budget to the Naval Forces, to assist with the monitoring of our EEZ and whether that would help in this regard?

MADAM SPEAKER.- Thank you, honourable Minister.

HON. CAPT. T. L. NATUVA.- Madam Speaker, I consider that as a new question.

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

HON. S. D. KARAVAKI.- Madam Speaker, I thank the honourable Minister for his answer. Considering the actions that the honourable Minister had explained that they had taken, would the honourable Minister also consider including in their strategy to combat this problem, the reviewing of the No Visa Policy to a number of countries that the Government had regarded that citizens should not have visa to enter this country?

MADAM SPEAKER.- Thank you, honourable Minister

HON. CAPT. T. L. NATUVA.- Madam Speaker, that is another new question.

MADAM SPEAKER.- Thank you, last supplementary question.

HON. V. R. GAVOKA.- I think the question is relevant, Madam Speaker, because we had this boat that went on the reef in Gau, it is supposed to carry 30 people but they had 60 and they wanted to get off at Natovi, not in Suva. So, we really ask the Government to relook at the resourcing of the sea, as requested by the honourable Roko Tupou Draunidalo - strengthen the Navy because you cannot have people coming through our waters and we do not know about them and we only discover them when they hit the reef. Thank you, Madam Speaker.

MADAM SPEAKER.- Thank you, honourable Gavoka, you are reiterating a question that had already been asked and it has been answered. I will now invite the honourable Jilila Kumar to have the floor.

Fiji's Participation & Performance - Special Olympics – Los Angeles, USA
(Question No. 175/2015)

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

Can the honourable Minister for Youths and Sports inform the House on Fiji's recent participation and performance at the Special Olympics in Los Angeles, USA?

HON. LT. COL. L.B. TUITUBOU (Minister for Youths and Sports).- Madam Speaker, I rise to answer the question raised by the honourable Member.

Madam Speaker, the answer is yes, the Fijian Government was represented at this Special Olympic that took place in Los Angeles in the United States of America from 24th July to 3rd August this year. Fiji sent a nine member delegation of three officials and six athletes to the Games. I am pleased to inform

this august House that the Government, through the Fiji National Sports Commission, paid for the delegation's return trip to Los Angeles.

Madam Speaker, for the information of the honourable Members, Fiji participated in this Games for the first time in history after its inception in Fiji two years ago. As your Sports Minister, I am proud to inform this august House that Team Fiji returned from Los Angeles with a total of eight medals; three gold, two silver and three bronze medals.

(Applause)

Madam Speaker. I wish to also inform this House that I took the pleasure of welcoming the delegation returning from Los Angeles, led by the honourable Assistant Minister for Youth and Sports, the honourable Iliesa Delana, at Nadi Airport. They were hosted to a breakfast at the Tokatoka Resort on the morning of 5th August.

Madam Speaker, I also wish to inform the House that the Ministry and its partners, the Fiji Sports Council and the National Sports Commission had hosted them to a lunch on 10th August, where Government also disbursed some funds to the athletes, as a recognition of their marvellous achievement. I must apologise that it was a low profile occasion but the onus was on us to recognise and award our returning athletes from the world's Special Games.

Madam Speaker, may I also inform this House that Fiji has been earmarked by the Asia Pacific Special Olympics body to host the South Pacific Special Olympic Games in 2017 but there has been an intense lobbying by our Pacific neighbour, Samoa. However, the regional body has Fiji in its sight. So, I wish to urge this august House to show their appreciation, especially to our special athletes, the students of Suva Special School and teenagers, who courageously wore our national colours. As a result, Fiji amongst the 165 countries and 6,700 athletes that took part in the world's biggest humanitarian events, managed to shine and win medals, making their presence known in the greater world of sports inclusiveness.

Madam Speaker, as your Sports Minister, I would not want Fiji to miss out on this great opportunity to becoming the first Pacific Nation to host the first South Pacific Special Olympic Games in 2017. We hosted the first South Pacific Games in 1963 and let us be the first to host this Special Olympic Games in recognition of all Fijians with special needs and intellectual disability.

Madam Speaker, this Government will continue to recognise sports as a major vehicle for youth development in Fiji and we will continue to recognise its contribution to Fijian economy, national unity and social inclusiveness. The Government recognises the impact sports has provided and the variety of opportunities it opens to our young men and women like employment, sustainable livelihood and improvement of their personal lives.

Thank you Madam Speaker.

MADAM SPEAKER.- Thank you, we will now move on to the next item on the agenda, Secretary General.

SECRETARY GENERAL.- Written questions

Written Questions

MADAM SPEAKER.- I invite the honourable Semesa Karavaki to have the floor.

High Court Judges & Pending Decisions
(Question No. 176/2015)

HON. S. D. KARAVAKI asked the Government, upon notice:

Would the honourable and learned Attorney General, Minister for Finance, Public Enterprises, Public Service and Communications inform the House on the following:

- (a) The total number of Judges of the High Court appointed who are presently sitting;
- (b) The total number of decisions pending for each of the Judges and highlight the period lapsed since the conclusion of the hearing in regards to each case?

HON A. SAYED- KHAIYUM (Attorney General, Minister for Finance, Public Enterprises, Public Service and Communications).- Thank you Madam Speaker, Madam Speaker I thank the honourable Member for his question. Madam Speaker, I will table my answer at a later sitting date, as provided for under Standing Order 45(3).

2011 Export Income Deduction Incentive
(Question No. 177/2015)

HON. RATU. S. MATANITOBUA asked the Government, upon notice:

In respect of the Government's 2011 Export Income Deduction incentive, can the honourable and learned Attorney-General and Minister for Finance, Public Enterprises, Public Service and Communications provide:

- (a) The names of the exporters who were extended this relief from 2011 to 2015; and
- (b) Of these exporters, outline the direct benefit and value-addition of their exports to the Fiji economy during this period?

HON A. SAYED- KHAIYUM (Attorney-General and Minister for Finance, Public Enterprises, Public Service and Communications).- Madam Speaker, I thank the honourable Member for his question. I would like to give my commiseration to the honourable Member for the comprehensive defeat on the weekend but, Madam Speaker, I would like to table my answer at a later sitting date, as permitted under Standing Order 45(3).

MADAM SPEAKER.- Thank you very much.

Honourable Members, we will now adjourn for morning tea.

The Parliament adjourned at 10.55 a.m.

The Parliament resumed at 11.30 a.m.

MADAM SPEAKER.- Honourable Members, I will now give the floor to the honourable and learned Attorney-General and Minister for Finance, Public Enterprises, Public Service and Communications to move his motion.

SUGAR CANE GROWERS FUND (AMENDMENT) BILL, 2015

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

- a) the Sugar Cane Growers Fund (Amendment) Bill, 2015 (Bill No. 19/2015) be considered by Parliament without delay;
- b) that the Bill must pass through one stage at the single sitting of Parliament;
- c) the Bill must not be referred to any Standing Committee or other Committee of Parliament;
- d) the Bill must be debated and voted upon by Parliament on Tuesday 25th August, 2015; and
- e) that a one hour time limit in total be given to debate the Bill with the right of reply given to me, as the Member moving this Motion.

Thank you, Madam Speaker.

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

MADAM SPEAKER.- The Standing Orders allows for a motion to be tabled in the sitting and this has been allowed during the Business Committee meeting that was held.

I now give the floor to the honourable and learned Attorney-General.

HON. A. SAYED-KAIYUM.- Thank you Madam Speaker, Madam Speaker under Standing Order 51, I move that:

The Sugar Cane Growers Fund Amendment Bill be brought to Parliament under Standing Order 51 for debate tomorrow.

Madam Speaker, the Sugarcane Growers Fund Act provides for the establishment and management of Sugar Cane Growers Fund. The function of the fund is to, amongst other things, provide loans to Sugar Cane growers for specific purposes. The Act also establishes the Board of Management for the Fund, subject to any direction by the Minister responsible for Sugar. The Board is responsible for the control and conduct of the affairs of the fund.

The Bill proposes, Madam Speaker, to amend the composition of the Board so that members of the Board and its chairpersons are appointed by the Minister. Therefore, the Bill amends Section 7 of the Act to ensure that the Minister appoints the members of the Board and its chairperson. It is again a very short Bill, Madam Speaker, and the amendment to the Act where necessary in order to regularize the appointing

authority of the membership to the Board under the Minister instead of drawing members of the Board from the Sugar Commission of Fiji which was dissolved in August 2009 and Board of Directors of Sugar Cane Growers Council which became redundant following the termination of 38 members of the Council in March 2010. The amendment, Madam Speaker, provided in this Bill enables the Board to function efficiently and effectively with full membership.

Thank you, Madam Speaker

MADAM SPEAKER.- Thank you, the Motion is open for debate, if any

HON. ROKO T.T.S. DRAUNIDALO.- Madam Speaker, the Motion took us by surprise. Again, Standing Order 51 surprises us and I just wonder how often this provision is going to be used, when there is no clear policy and without an independent Parliamentary Counsel, to advise us on what things will fall in this Standing Order and what things do not because there are lawyers on both sides, but we are partisan and politicians. I just wonder, Madam Speaker, if there is a policy or you have some guidelines as to what Bills as we seem to be considering every Bill, I mean, first it was urgency, now I hear about it is short in length, it cannot be done in this hopscotch manner. Madam Speaker, I wonder if you could give us clarification on that note before we go on to the motion proper.

MADAM SPEAKER.- Thank you, Standing Order 51 allows urgent motions to be tabled and that is the case right now. As you are aware, we are reviewing the Standing Orders and if there are such gaps in the Standing Orders, we will amend them accordingly. But as of now, we will have to abide by what the Standing Order says at the moment and under Standing Order 51, this is allowable. However, I will give the opportunity for the House to debate on the motion and we will give you a few minutes to see what the motion is in.

HON. ROKO T.T.S. DRAUNIDALO.- I heard the honourable and learned Attorney-General says that the debate is to go on tomorrow, I was just asking for clarification and perhaps, I missed it when the Minister was speaking if he could say it a bit slower, we missed the urgency part, Madam Speaker.

MADAM SPEAKER.- I will ask the honourable and learned Attorney-General just to say it a bit slower, if you can read the motion again.

HON. ROKO T.T.S. DRAUNIDALO.- Can the honourable and learned Attorney-General explain to the House what the urgency is in dealing with the Bill in this manner. What is the urgency that we cannot deal with it in the normal manner?

MADAM SPEAKER.- Thank you, I will ask the honourable and learned Attorney- General to respond.

HON. A. SAYED-KHAIYUM.- Madam Speaker, there is nothing abnormal about this. The Standing Orders, Madam Speaker, allows for Government to bring such a Bill under Standing Order 51. That is the special provision provided. We heard earlier on this morning that Members from the other side of the House lament supposedly the fact that the Sugar Industry is in a turmoil, wrongly lamenting. Nonetheless, Madam Speaker, if they are concerned about the Sugarcane Industry, this pertains directly to that. This is only to do with the composition, it's to regularize the appointment of those Boards and the membership to the Boards and therefore, needs to be done quickly because we need everything that pertains this particular Fund to be regularized. It is a question of who the members will be and how they will be appointed. It is very simple as that, Madam Speaker.

MADAM SPEAKER.- Thank you. The urgency has been explained. I will still give the floor for

debate, if any.

HON. ROKO T.T.S. DRAUNIDALO.- Thank you, Madam Speaker, I have heard that explanation on the urgency part and I still say that for myself, I will not be voting in favour of this motion, to move this in such a swift manner because Members need to know what the ramifications are. There may be things that are not apparent on the face of the motion or apparent on the face of the Bill, there may be important things to do with liability, it is just something that just caught my attention again because we are just flying through it. It may affect liability of current members or liability to third parties, which I believe we should not sanction, without looking at it deeper and better, Madam Speaker. That is my contribution, I do not mean to be difficult, it is just thinking of what we are approving in this House and how we may affect third parties, it may be unfair to them and this may not be the proper process and I have kept it that short, Madam Speaker.

MADAM SPEAKER.- Thank you very much, your stand is very clear on this motion, the motion is open for debate.

HON. DR. B.C.PRASAD.- Thank you, Madam Speaker. I concur with the comments made by the president of the party, the Honourable Roko Tupou Draunidalalo. I think the Sugar Industry, Sugarcane Growers Fund Act, Madam Speaker, is not an Act in isolation, I think, we at the moment, looking at the Sugarcane Growers Council we have had no elections, we have no Board and I think there is a need to look at the different Acts. I know the Government was already talking about reviewing the Master Award until of course they have found what they intended to do was illegal because there was no Sugarcane Growers Council Board, so that was put out as a consultation for the review of the Master Award.

What I suggest, Madam Speaker, that we give a little bit more time instead of just having the debate next week, I do not think it is that urgent. I think the honourable and learned Attorney General talked about tomorrow, I think we need to perhaps, leave it to the next sitting of Parliament so that we can look at all these different Acts. I think Government has not come out and explain why they have not gone ahead and had the Sugarcane Growers Council election. So that the Board of the Growers Council election can support the amendment to the various Acts within the Sugar Industry. I would urge and perhaps, request Government to reconsider their stand on having the debate tomorrow, give us more time so that we can go back to the people and have a bit more consultation and understanding of how all these relate to each other so that would be my plea at this stage, Madam Speaker.

MADAM SPEAKER.- Do you have any other input to this debate, there being no other, I now give the floor to the honourable and learned Attorney-General for his right of reply.

HON. A. SAYED-KHAIYUM.- Thank you Madam Speaker, the honourable leader for NFP, the honourable Biman Prasad, is right about the fact that there are other laws that are affected, in fact, my next motion is about the next law where there will be an amendment, to ensure there is regularisation that is the Sugar Industry Act.

Madam Speaker, the reality is this, the sugarcane industry is the most regularised, it has the biggest legal framework. There is no legal framework as we have in sugar - with dalo, cassava, ginger or whatever it may be, but the reality is, Madam Speaker, it's a highly bureaucratic set up that has been put in place since the colonial days. What we are trying to do is, streamline it. All of these Bills, Madam Speaker, in relation to the amendment that has been sought, widespread consultations has been carried out by the Ministry of Sugar itself.

They have in fact, Madam Speaker, times have changed. We now have elected sugar associations; we have the Rarawai and Penang Cane Growers Producers Association, Labasa Cane Producers Association, Lautoka Cane Producers Association, who are elected and if you see, Madam Speaker, this

relates to my next motion. What is being proposed for membership is that, these elected members will now sit as board members. So, obviously these people who are democratically elected will now sit on the Council itself but that is in the next motion.

Overall, Madam Speaker, those are some minor amendments that are being carried out; the Fund, the issue there is to regularise it immediately, and it does not, in any way, change the relationships between the Sugar Cane Industry stakeholders itself. I urge that we move on this motion, that the motion be put to the floor now, Madam Speaker, under Standing Order 51.

Question put.

Votes Cast:

Ayes	-	31
Noes	-	12
Not Voted	-	4
Abstained	-	3

Motion agreed to.

MADAM SPEAKER.- I now give the floor to the Honourable Attorney General, Minister for Finance, Public Enterprises, Public Service and Communications to move his second motion.

SUGAR INDUSTRY (AMENDMENT) BILL, 2015

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

- a) The Sugarcane Industry (Amendment) Bill, 2015 (Bill No. 18/2015), be considered by Parliament without delay;
- b) The Bill must pass through one stage at a single sitting of Parliament;
- c) The Bill must not be referred to a Standing Committee or other committees of Parliament; and
- d) The Bill must be debated and voted upon by Parliament on Tuesday 25th August, 2015 which is tomorrow; and
- e) One hour time limit in total be given to debate the Bill, the Right of Reply given to me as the member moving this motion.

Thank you, Madam Speaker.

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

HON. A. SAYED-KHAIYUM.- Thank you Madam Speaker, the Sugar Industry Act, Cap. 206, makes general provisions for the administration of the Sugar Industry and also establishes the Sugar Cane Growers Council. The function of the Council, Madam Speaker, is to ensure the protection and development of the Sugar Industry, and of the interest of registered growers as stated in the current Act.

Under section 32 of the Act, the Council is composed of 38 members from each of the cane growing sectors. In 2010, through Cabinet Decision No. 99/2010, Cabinet endorsed the proposal to reduce the number of members of the Council. The Bill proposes to amend the composition of the Council to reflect Cabinet's Decision in 2010, so that members of the Board are reduced and appointed by the minister responsible for the sugarcane industry.

The Bill also proposes, Madam Speaker, to cater for the dissolution of the Sugar Commission of Fiji and the Board of Directors of the Council, in an effort to refine the sugarcane industry by reducing bureaucracy and industry costs.

With regard to the membership of the Council, Madam Speaker, the Council will now consist of nine members as proposed in the Bill:

- 1) Six (as I said earlier on) from the Cane Producers Association in the major cane growing areas in Fiji. They are elected members, Madam Speaker by the cane farmers themselves and they have their own Constitution;
- 2) The Commissioner Northern and the Commissioner Western for obvious reasons, because these are the main cane growing areas in Fiji, and
- 3) a representative from the Ministry of Sugar.

In August 2009, Madam Speaker, the Sugar Commission of Fiji had to be wound up and dissolved, to reduce the Industry's overhead cost of \$1.2 million per annum, being the operating budget for the Sugar Commission alone and the Fiji Sugar Marketing Company which was also dissolved.

The amendments to the Act, Madam Speaker, are envisaged to legitimise the appointment of a nine member Council, give the cane growers a voice to the six representatives from the three Cane Producers Association which are elected, and allow the Council to operate smoothly and efficiently with a smaller membership. These representatives from the Cane Producers Association will ensure a more democratic representation of the Council, given that:

- 1) the elected persons are elected through a secret ballot by the sugarcane growers in their respective mill areas;
- 2) the elected persons are active growers and are respected in their different cane growing communities they reside in; and
- 3) like all democratically elected persons, they are better able to represent the issues faced by cane growers in their region, and participate and contribute effectively at the level where they will be able to resolve those issues. They are not driven by party politics, they are represented by - individual members are represented by the cane growers themselves.

With regards to how the sugar industry will operate without the commissioned Board of Directors, it must be noted, Madam Speaker, that the Industry has continued to function since 2009 August, without the Sugar Commission of Fiji, and with the positive and cost saving reforms under the Bainimarama Government, and the Ministry of Sugar has effectively taken over the co-ordination function of the Sugar Commission of Fiji. Therefore, Madam Speaker, the Ministry of Sugar will continue to perform the functions of the Sugar Commission, whereas the functions of the Board of Directors will be performed by a newly appointed nine member Council.

Notwithstanding this, Madam Speaker, it must be noted that the core business of the Industry in terms of cane and sugar production, marketing of sugar remain uninterrupted, despite the changes in the sugar industry which took place in 2009, Madam Speaker. So, we cannot stand here and say, "With these amendments, it will be disrupted" because indeed, these changes have already taken place, we are now putting it into law, and into effect. So, Madam Speaker, what the Clause (1) does is that, it provides for the short title and Clause (2) to (14), the necessary amendments to cater for the removal of the Sugar Commission and, the new Board.

Thank you, Madam Speaker.

MADAM SPEAKER.- I now invite debate on this motion.

HON. DR.B.C. PRASAD.- Madam Speaker, again, this is really a sad day and a sad occasion because this demonstrates dictatorial decision making at its worst.

(Laughter)

Madam Speaker, I am actually quite surprised that the honourable and learned Attorney General is saying that, since we have not had the Growers Council and since we have not had the representation, and the involvement of political parties, the Sugar Industry has done well. In fact, Madam Speaker, all the statistics show that it is the opposite.

Madam Speaker, the Growers Council was set up to bring growers together, to give them a sense of ownership, to give them an idea so that they can meet, discuss and share knowledge. One of the reasons, Madam Speaker, why growers have been isolated from each other and have not been able to share that kind of information is because there is no Growers Council. There is no election and there is no participation, yet, Madam Speaker, growers continue to contribute by way of levy to the so-called Growers Council Office managed by their staff without any involvement of the sugarcane farmers in this country, Madam Speaker. For us, to just bring in this Bill at a stroke and say that we do not need the Growers Council, I think this is going to be a very historical mistake that we would be making by destroying that cohesiveness, the understanding and the ability of farmers to build an organisation where they can vote, fight and discuss, and the Growers Council would be a legitimate body, Madam Speaker.

Madam Speaker, I was in Rakiraki yesterday and I was talking to a group of farmers. Basically, they had a lot of issues. Let me give you an example of what they said to me. There is an issue about cattle let loose by the Yaqara Pastoral Company, and this is something that I am going to raise with the honourable and learned Attorney-General in a separate conversation and I am sure he can resolve that. However, what they were saying, Madam Speaker, is that there was no one and they actually reminisced on the previous system where they could go to a growers councillor, take their grievances there and the growers councillor will take it to the Board. They had legitimate representation and this is why the Growers Council was very, very important and we should not destroy that institution.

In fact, Madam Speaker, we should have an election. I am open to the fact that we can reduce the number of growers' councillors, that is an issue that I agree with. Maybe, the size was too big, in fact, the honourable and learned Attorney-General would remember that before, it was 184 or something, but then, it was reduced to 38. So, Madam Speaker, I accept that but I think, it is very, very important to give the farmers that sense of association, the sense of cohesiveness and the sense of participation in the industry, where they would be contributing to the running of the Growers Council.

With respect to the Association of Fair Trade, Madam Speaker, this is a very restrictive mandate for that association and they cannot legitimately represent the growers' interest on all aspects of the industry. I think this is a very serious issue, Madam Speaker. We should not push this through on Tuesday, let us put this before the Committee, have consultations and hear from some of the legitimate

growers' representatives and individuals, who might be concerned about why the Growers Council is so important.

Let me once again, Madam Speaker, urge the honourable and learned Attorney-General and the Government to reconsider this. Again, I echo what the honourable Gavoka said earlier and my call before to the honourable Prime Minister, to appoint a Joint Parliamentary Committee on Sugar so that some of these issues and they are serious issues in the sugar industry, Madam Speaker, no matter what we say about how we may be doing, TCTS is improving, that is positive and good, and in fact, it must go to the people who are responsible for that. That is all very good but there are serious issues. We will not be hitting the \$2 million mark that we had, so I think this is a very, very important industry. It needs to get all the stakeholders involved, we need to make an effort to involve them. What this will do, it will further alienate growers from an institution where they can legitimately and effectively feel that they own, and that they can demand support services from that institution.

Madam Speaker, with those words, I would propose that, at least, on this particular issue on the Growers Council, we should give ourselves more time.

Thank you, Madam Speaker.

HON. ROKO T.T.S. DRAUNIDALO.- Madam Speaker, I wish to support the honourable leader of the National Federation Party in what he had said.

Madam Speaker, I think it is only fair that if people are contributing a levy to a body, they should be able to directly have a say through election, as to what happens there and how it affects their interest. That is a very basic fairness issue. Again, Madam Speaker, it is not about the honourable Minister for Sugar, we may have a very good Minister for Sugar now but what about the future Minister for Sugar. We cannot leave these things in one person's discretion. It is about a precedent that we are setting and we should always think of that. That is why it is better if people who are concerned, elect their representatives directly instead of having a political Minister from either side of the House to decide on their issues, when they are paying the levy.

MADAM SPEAKER.- There being no other input to the debate, I give the floor to the honourable Prem Singh.

HON. P. SINGH.- Madam Speaker, I have had a brief reading of the Bill, apart from what my honourable colleagues have said. I had made two observations on the provisions and one is the levy part of it. Now, that the Government is resorting to a different style of representation in the Sugar Cane Growers Council and that the Government is the appointing authority, why do they not do away with the levy and pay \$550,000 per year?

Secondly, Madam Speaker, the involvement of the Cane Producers Association under the Fair Trade concept, this, I believe by its very nature, the Fair Trade organisations are supposed to be apolitical because it is there in the constitution. So, once they have their own elections, they represent the growers for a restrictive purpose which is, that they work on the premium prices. In here, we are extending that to the industry.

Probably, those are some of the things that we would like to highlight in tomorrow's debate. So, I seek the honourable and learned Attorney-General's indulgence on the matter.

MADAM SPEAKER.- I will now invite the honourable and learned Attorney-General to have his Right of Reply.

HON. A. SAYED-KHAIYUM.- Thank you Madam Speaker, Madam Speaker the point is that, all agricultural sectors in Fiji have issues, all of them; whether it is *dalo*, whether it is ginger, whether it is animal husbandry, whether it is the dairy industry or whether it is the sugar cane industry, all of them have issues. The matter though before this House is, how do we best deal with them and address them? The reality is that, the sugarcane industry is the most bureaucratized agricultural produce in this country.

The reality, Madam Speaker, is, the sugarcane industry has been the most politicised agricultural sector in this country. In fact, political parties have emanated from the sugarcane industry; the Kissan Sangh, the Federation Party, the Cane Growers Association, whatever it may be, the National Farmers Union which had the greatest symbolism with the Fiji Labour Party.

The reality also is, Madam Speaker, is that, we need to depoliticise. This is why this whole bipartisan discourse will not lead us anywhere Madam Speaker because it will again lead to the politicisation of issues. Since 2009, when these amendments were made through practical amendments in the implementation and the manner in which these bureaucracies worked, we have reduced the political input into this sugar cane industry. What we are saying now, Madam Speaker, is that, with this amendment which, in fact, gives the legal form to the amendments that are already on the ground, for example, the Sugar Commission has not been functioning since 2009, so now, we are actually going to take it out from the law itself. We are regularising some on these anomalies, viz-a-viz the practicalities and the legal provisions. So, it does not, in any practical manner, affect that.

I accept the fact that the Sugar Cane Producers Association was, in fact, set up originally for the fair trade purposes, but it does not mean that this association cannot discuss other issues. And the reality also, Madam Speaker, is that, these associations are actually elected by the active farmers themselves, so they are already representing them. They already have the mandate for representation. So, if that mandate of representation already exists, what the Bill proposes Madam Speaker (these are obviously going to the merits of the Bill which I really do not want to go into, which we can debate tomorrow) but it says that, the Minister must essentially appoint these people from the Association. The Minister has no discretion.

Honourable Draunidalo talked about, “ok well if this Minister is good, then the next Minister will not be good”, but even the next Minister won’t have the discretion to go and appoint somebody else other than from the Association. So, the Minister must appoint two representatives from the Rarawai-Penang Cane Producers Association, two representatives from the Labasa Cane Producers Association; and two representatives from the Lautoka Cane Producers Association, which goes all the way up to Sigatoka.

And then it says “Commissioner Western, Commissioner Northern, a representative from the Ministry of Sugar”, no discretion.” These people or these positions are spelt out clearly. So, there is no discretion by the Minister. You know you can’t go and bring somebody else that he likes and put them in there, as we had in the past. There were people involved in the various bureaucracies in the sugarcane bodies before, who did not know anything about sugar but because they were good mates with the Minister (whoever it was), they were appointed to the actual bodies. So, we are saying this now, a direct representation.

So Madam Speaker, I urge that we consider the motion and that we vote on the motion now, for this matter to be brought and for debate tomorrow.

Thank you, Madam Speaker.

Question put.

Votes cast:

Ayes	-	32
Noes	-	12
Abstained	-	3
Not voted	-	3

Motion agreed to.

TAX ADMINISTRATION (AMENDMENT) BILL, 2015

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

- (a) the Tax Administration (Amendment) Bill, 2015 (Bill No. 20/2015) be considered by Parliament without delay;
- (b) that the Bill must pass through one stage in a similar sitting of Parliament;
- (c) that the Bill must not be referred to a Standing Committee or other Committee of Parliament; and
- (d) that the Bill must be debated and voted upon by Parliament on Tuesday, which is tomorrow, and
- (e) that a one hour limit be set to debate the Bill with the right of reply given to me, as the Member moving this motion.

Thank you, Madam Speaker.

MADAM SPEAKER.- Do we have a seconder?

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

MADAM SPEAKER.- Thank you, I now call on the honourable and learned Attorney-General to speak on the motion.

HON. A. SAYED-KHAIYUM.- Thank you Madam Speaker, this Bill seeks to give effect, again, to a provision that is already in practice, but just to give it that legal backing, and I will explain Madam Speaker why .

As announced in the 2015 Budget that Fijians who have assets outside Fiji or have income derived from those assets and have not declared it , we will give them an amnesty to say, “declare them now, there won’t not be any penalties”. There won’t not be any assessable tax raised when you declare those assets. So, for example, somebody who may have moved their money out of Fiji five years ago and bought say, a block of apartments in downtown Auckland or Sydney, and they are deriving income but are living in Fiji. And that is the source of the income, but they may not have declared it. They may not have declared

the fact that they own those flats and the income derived.

So, what we are saying to them, “Please, declare that, you have a legal obligation to do so.” This is when we talk about the “black economy”. Also, of course, any income that you may have derived from it, will be assessable but in order to bring these people to come out of their holes to declare this, we are saying, “we will give you amnesty.” We won’t charge you any penalty for not declaring it in the first place; we won’t charge any other penalty for taking the money out, we do not want to know about that..

We also won’t charge any taxable or assessable income that you have derived from the assets. So, for example, if you have been deriving \$100,000 a year as income from renting those properties, we won’t not even tax you on that. Going forward, we will, but not going backwards. If you declare everything until the end of the year, that’s fine, and we gave an amnesty period until October this year. Madam Speaker, as you know, that we had given them six months but we have extended the amnesty to 15th October. Madam Speaker, to-date, approximately \$17 million worth of assets have been declared. Fijians have come forward, and declared their assets.

What we hear from the market is , if we actually made an amendment and because there is a distrust of FIRCA, that somebody in FIRCA might decide to change their mind and you know assess them, so what we hearing from the public that if we put it in law, then they feel a lot more secure because there are a lot more people who have assets offshore who are yet to declare it . So, given Madam Speaker the fact that the amnesty runs out in October, this is why this matter is urgent.

So if we can put this into law, it is a simple amendment to the Tax Administration Decree, if we have this amendment to say that nobody will be penalised, we will find that more people will come forward. It is good for the country. We know what assets are offshore, we will also know that these are the income going forward is assessable. It will also be good for the country and also good for these people because at the moment, they are playing hide and seek. They are hiding it, so now they can come out open, come out of their closet so to speak, and to be able to declare their income, Madam Speaker, and I urge that this motion be put to Parliament.

Thank you, Madam Speaker.

MADAM SPEAKER.- The motion is open for debate.

(Pause)

There being no input to the debate, therefore there is no need for a Right of Reply.

Parliament will now vote on the motion.

Question put.

Votes Cast:

Ayes	-	33
Noes	-	12
Not voted	-	5

Motion agreed to.

EMPLOYMENT RELATIONS (AMENDMENT) BILL, 2015

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

- (a) the Employment Relations (Amendment) Bill, 2015 (Bill No. 21/2015) is considered by Parliament without delay;
- (b) that the Bill must pass through one stage at a single sitting of Parliament;
- (c) the Bill must not be referred to a Standing Committee or other Committee of Parliament; and
- (d) the Bill must be debated and voted upon by Parliament on Tuesday, which is tomorrow, and
- (e) that a one hour time limit be given to debate the Bill with a Right of Reply given to me as the Member moving the motion. Thank you Madam Speaker.

MADAM SPEAKER.- Do we have a seconder?

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

MADAM SPEAKER.- I now give the floor to the honourable and learned Attorney-General.

HON. A. SAYED-KHAIYUM.- Madam Speaker, this Bill essentially seeks to regularise the public holidays that we declare every year.

Madam Speaker, the urgency, of course, is that the honourable Minister for Employment needs to put these into effect very, very soon as we are coming close to the end of the year. There were certain anomalies that existed with, for example, previously we used to have Queen's Birthday and various other holidays that were then stopped. We had, Madam Speaker, as Cabinet had approved it then, and Madam Speaker we now also have a National Sports Day.

Madam Speaker, the Bill Madam Speaker seeks to bring about those amendments and recognising all the holidays.

The Bill also proposes a new public holiday, which will be called the Constitution Day, which is the 7th of September, where people will get to know about the merits of the Constitution. It will be ingrained into our society. Many countries, Madam Speaker, uphold their Constitution in very high regard, unfortunately some Members on the other side don't, and Madam Speaker the reality is that, we need to create an awareness about the Constitution. So, Madam Speaker, the Minister for Employment

has had various consultations with various members of the faith-based organisations to get the right dates.

Madam Speaker, what the Bill proposes for next year is a:

- 1) New Year's Day;
- 2) Good Friday;
- 3) Easter Saturday;
- 4) Easter Monday;
- 5) Prophet Mohammed's Birthday;
- 6) National Sports Day;
- 7) Constitution Day;
- 8) Fiji Day;
- 9) Diwali;
- 10) Christmas Day; and
- 11) Boxing Day.

These dates, Madam Speaker, once they are regularised, the honourable Minister for Employment and Industrial Relations will be able to then have these gazetted and regularised.

Thank you, Madam Speaker.

Question put.

Votes Cast:

Ayes	-	32
Noes	-	14
Noted Voted	-	3
Abstained	-	1

Motion agreed to

MADAM SPEAKER.- Honourable Members, I have been advised by the Chairperson of the Emoluments Committee that the motion as Item 8 in today's *Order Paper* has been deferred.

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

**FJI PARLIAMENT REJOINING THE
COMMONWEALTH PARLIAMENTARY ASSOCIATION (CPA)**

HON. RATU I. KUBUABOLA.- Madam Speaker, I beg to move:

That Parliament agrees for Fiji to re-join the Commonwealth Parliamentary Association (CPA).

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

HON. RATU I. KUBUABOLA.- Madam Speaker, the CPA was founded in 1911. It was then called the Empire Parliamentary Association and it adopted its present name (CPA) in 1948.

The CPA is the parliamentary arm of the Commonwealth and the professional association of parliamentarians in the Commonwealth Legislatures. It works closely with its members to advance parliamentary democracy by enhancing knowledge and understanding of democratic governance.

Madam Speaker, there are 181 branches of the CPA around the world. As you know, Madam Speaker, you led a delegation earlier this year to visit the Parliament in the United Kingdom and it gave you some insights into the functioning of the Westminster system, and also to engage with your UK colleagues.

Your Delegation, Madam Speaker, also met with the Commonwealth Secretary General, Mr. Kamlesh Sharma, who had encouraged the Fijian Parliament to re-join the CPA, and also make use of the full benefits offered to its members. Similar sentiments were expressed to the honourable and learned Attorney-General when he met with the Commonwealth Secretary General earlier this year.

Madam Speaker, the benefits of the CPA (if I may list them) is to:

- 1) Assist us to standardise parliamentary practices and improve skills;
- 2) Increase the capacity of the individual parliamentarians through training opportunities to effectively practice in the national legislature and implement effective policies and practices;
- 3) Provide a forum for sharing ways to make democracy work better and in sharing ways to make democracy deliver its greatest dividend, that is, to serve our people.
- 4) Provide another platform among Commonwealth parliamentarians to discuss global issues, such as climate change, terrorism, financial crisis and poverty alleviation with the view to reforming parliament and strengthening governance for the benefit of the ordinary citizens; and
- 5) Create opportunities for our younger generation, the leaders of tomorrow, to participate in youth parliaments and other activities organised by the CPA.

Madam Speaker, as a young Parliament and a young democracy with a yearning to learn and better serve the people of Fiji, Fiji's re-joining the CPA can provide immense benefits to our Members of Parliament through peer to peer exchange, support and partnerships.

Madam Speaker, I, therefore, commend to this august Chamber our motion to re-join the CPA and seek the support of all Members to this motion.

Question put.

Motion agreed to.

INTERNATIONAL MOBILE SATELLITE ORGANISATION 1976

HON. RATU I. KUBUABOLA.- Madam Speaker, pursuant to Standing Order 130(4), I move:

That the International Satellite Organisation 1976 be approved by Parliament.

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

HON. ROKO T.T.S. DRAUNIDALO.- Madam Speaker, I rise on a point of order.

Madam Speaker, I note that the honourable Minister is going to move the approval of the Conventions that were contained in the Report and I did, during the break, ask the Secretary-General whether the Order was correct because we have not debated the contents of the Report, whether that should happen before this. The answer was, that the Standing Orders were not clear on the matter. I wonder if we could get some direction, maybe we can note the contents of the Report tomorrow and then proceed with the honourable Minister's programme.

MADAM SPEAKER.- The motion as has been tabled was approved by the Business Committee. Therefore, the Order Paper has been approved and procedures will be followed, but thank you for your point of order.

HON. RATU I. KUBUABOLA.- Madam Speaker, at the outset, let me thank the Chairman and honourable Members of the Standing Committee on Foreign Affairs and Defence for the effort and hard work they have put in, in coming up with the Report on the ratification of the eight IMO Conventions that was tabled this morning.

Madam Speaker, the purpose of this Convention (International Mobile Satellite Organisation 1976) is basically to improve maritime communications, thereby, assisting in improving distress and safety of life at sea communications; the efficiency and management of ships, maritime public correspondence services and radio determination capabilities.

Madam Speaker, the Convention aims to guarantee that services provided are free from any discrimination, and in a peaceful way, to all persons living or working in locations that are inaccessible to conventional, territorial means of communication.

Madam Speaker, the ratification of this Convention is a necessity for Fiji as it will enable Fiji to participate and express its views on issues related to international communication by means of satellite. Given Fiji's geographical location and the number of outer islands, this Convention could bring improvements in:

- 1) Distress alerting;
- 2) Search and rescue co-ordination;
- 3) Maritime safety information broadcast; and

4) General communications;

to name a few.

Madam Speaker, there is no fee connected with IMO Convention, 1976.

In addition, IMSO does not incur any cost or financial commitments from member States, as the budget of the organisation is funded through contributions from the companies that provide public satellite communication services. Once ratified, Fiji will benefit from attending two-yearly meetings and gain a voice to raise issues surrounding maritime communications.

Madam Speaker, I therefore commend to this august House our motion to ratify the International Mobile Satellite Organisation Convention, 1976, and seek the support of all honourable Members for this motion.

MADAM SPEAKER.- The motion is before the House for debate, if any. There being no debate and there will be no right of reply. Parliament will now vote on the motion.

Question put.

Motion agreed to.

INTERNATIONAL CONVENTION ON SALVAGE 1989

HON. RATU I. KUBUABOLA.- Madam Speaker, pursuant to Standing Order 130(4), I move that:

The International Convention on Salvage 1989 be approved by Parliament.

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

HON. RATU I. KUBUABOLA.- Thank you, Madam Speaker, the ratification of this Convention will introduce special compensation to be paid to salvors who have failed to earn a reward in the normal way, that is by salvaging the ship and cargo. The compensation consists of the salvage expenses plus up to 30 per cent of these expenses, if environmental damage has been prevented or minimised.

This Convention, Madam Speaker, seeks to make provision for an enhanced salvage award, taking into account the skill and efforts of the salvors in preventing or minimising damages such as pollution, contamination, fire and explosion to the marine environment, human health, marine life or resources in coastal or inland waters.

Madam Speaker, Fiji's maritime industry has evolved considerably since 1983. A number of ships navigating through Fiji Waters is increasing in size and volume. There is also an increase in ships that are wrecked that are considered as derelicts in Fiji Waters since there are no incentives for salvors to salvage their ships that are grounded in Fiji Waters. The cargoes that traverse Fiji Waters or on board the ships are becoming more and more threatening to Fiji's fragile marine environment.

Fiji's certification of this Convention will ensure the reduction in ships that are left abundant,

derelict or wrecked within Fiji waters since salvors will have an incentive to conduct salvage operations.

The Convention also allows Fiji to appoint a tribunal for arbitrator to assess the reward and compensation to the salvors for carrying out salvage operations.

Madam Speaker, I therefore commend to this august House a motion to ratify the International Convention of Salvage 1989, and seek the support of all honourable Members for this motion.

MADAM SPEAKER.- The motion is up for debate, if any. Does any Member oppose the motion? There being no opposition, the motion is in the affirmative.

Question put.

Motion agreed to.

INTERNATIONAL CONVENTION FOR THE CONTROL AND MANAGEMENT OF SHIP'S BALLAST WATER AND SEDIMENTS

HON. RATU I. KUBUABOLA.- Madam Speaker, pursuant to Standing Order 130(4), I move that:

The International Convention for the Control and Management of Ship's Ballast Water and Sediments, 2004 be approved by Parliament.

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

HON. RATU I. KUBUABOLA.- Madam Speaker, the ratification of this Convention will set the provisions to prevent, minimise and ultimately eliminate the transfer of unwanted species that is harmful, aquatic organisms and pathogens through the control of management of ship's ballast water and sediments.

Madam Speaker, under this Convention, the requirement is for all ships, especially the ships engaged on international voyage to implement a Ballast Water and Sediments Management Plan. All ships will have to carry a ballast water record book and will be required to carry out ballast water management procedures to a given standard. The existing ships will be required to do the same after a phase-off period.

Madam Speaker, as a signatory to this Convention, Fiji will be given the right to take individually or jointly with other parties more stringent measures to minimise or eliminate the transfer of harmful foreign invasive species, the aquatic organisms and pathogens through the control and management of ships' ballast water. This, Madam Speaker, is vital for a maritime State such as ours and the prevention of such threats will be greatly beneficial to Fiji's pristine maritime environment.

Madam Speaker, I therefore commend to this august House the motion to ratify the International Convention for the Control and Management of Ship's Ballast Water and Sediments (BWM), 2004 and I seek the support of all honourable Members for this motion.

MADAM SPEAKER.- The motion is open for debate.

HON. ROKO T.T.S. DRAUNIDALO.- Madam Speaker, I just wanted to say briefly on this Convention as with the other two that have been passed by the House and the ones that are to be moved by the honourable Minister later, that the issues and observations made by the Committee that are contained in the Report, important to note, we agree that the Conventions should be endorsed by the House, but there are things about how we comply with those Conventions most efficiently. We had submissions, as the honourable Chairman had already said earlier when giving his Report. We got submissions from the Fiji Navy, the Ministry of Defence, private ship operators, the University of the South Pacific; a very interesting research project that could contribute to the monitoring of our European Economic Zone (EEZ) and they say, at very cost-effective terms. One of those things, Madam Speaker, are contained in the Report and if the House could note them when the House gets to considerate it, but I thought I would mention it here. It is not just about passing these International Conventions but how we comply with them and one that does not waste too much of Government money. Thank you, Madam Speaker.

MADAM SPEAKER.- I will now ask the honourable Minister for Foreign Affairs to reply to that response.

HON. RATU I. KUBUABOLA.- Madam Speaker, that is taken note of and I have nothing else to add.

Question put.

Motion agreed to.

Since we are approaching 12.30 which is our lunch hour, Parliament will now adjourn for lunch and we will reconvene at 2.30 p.m.

The Parliament adjourned at 12.29 p.m.

The Parliament resumed at 2.35 p.m.

**INTERNATIONAL CONVENTION FOR THE CIVIL LIABILITY
FOR BUNKER OIL POLLUTION DAMAGE (2001)**

HON. RATU I. KUBUABOLA.- Madam Speaker, pursuant to Standing Order 130(4), I move that:

The International Convention for the Civil Liability for Bunker Oil Pollution Damage (2001) be approved by Parliament.

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

HON. RATU I. KUBUABOLA.- Madam Speaker, this Convention covers pollution damage caused by oil spills from ships bunkers, including any damage to the territorial seas and Exclusive Economic Zones of State parties.

The Convention further ensures that adequate, prompt and effective compensation is available to persons who suffer damage caused by oil spills when carried as fuel in ships or bunkers.

Madam Speaker, Fiji, as a crucial state with the declared 1.29 million square kilometres of Exclusive Economic Zone, the relevance of this Convention to Fiji is without any doubt, highly important.

Fiji's economy is largely dependent on earnings from tourism as well as the fisheries industries and any adverse effect to this vast marine resource caused by an oil spill can have a negative, socio-economic as well as environmental implications.

As a security to this Convention, Madam Speaker, it will offer Fiji the possibility to be financially compensated from spills in our waters during any ships or bunkering operations.

Another key provision which Fiji stands to benefit from is the requirement of direct action. This would allow a claim for compensation for pollution damage to be brought directly against any insurer.

Madam Speaker, the ratification of this international maritime organisation bunker convention will further enable Fiji to be compensated for damages caused by any future marine spills caused by ship bunkers.

Madam Speaker, I, therefore, commend to this august House our motion to ratify the Convention on Civil Liability for Bunker Oil Pollution Damage (2001), and seek the support of all Members for this motion.

Question put.

Motion agreed to.

MADAM SPEAKER.- The motion is that the International Convention on Civil Liability for Bunker Oil Pollution Damage (2001) is approved by Parliament. Pursuant to Standing Order 130(5),

written notice will be given to the President to that effect.

**INTERNATIONAL CONVENTION FOR THE CONTROL OF
ANTIFOULING SYSTEMS ON SHIPS (2001)**

HON. RATU I. KUBUABOLA.- Madam Speaker, pursuant to Standing Order 130(4), I move that:

The International Convention on the Control of Antifouling Systems on Ships (2001) be approved by Parliament.

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

HON. RATU I. KUBUABOLA.- Madam Speaker, the ratification of this Convention will allow Fiji to consider the need to adopt measures to prohibit the use of harmful organisms in antifouling paints used on under water hull of ships. This Convention will further guide us in establishing mechanisms to prevent the potential future use of other harmful substances in antifouling systems.

Madam Speaker, scientific studies have shown that certain antifouling systems used on ships pose a substantial risk of toxicity and other chronic impacts to ecologically and economically important marine organisms and also to human health as a result of the consumption of affected seafood. The ratification of this Convention is a necessity and a priority for the maritime industry.

The Convention requires that all shipping facilities including ship slipways, docks, ports and ship builders must have a waste management system to ensure that all waste removed from the underwater hull of a ship is not dumped into the sea.

Furthermore, that all antifouling paint used on ships in Fiji is Tributyltin or TBT free.

Since Fiji is a maritime island, the prevention of such threats is greatly beneficial and hence it is prudent that Fiji ratifies this Convention for the betterment of our marine life ecosystem and people in general.

The ratification of this Convention will be an indication of our commitment to meet international obligations and will further lift Fiji's standing in the international maritime arena.

Madam Speaker, I therefore commend to this august House the motion to ratify the International Convention on the Control of Antifouling Systems on Ships (AFS 2001) and seek the support of all Members for this motion.

Question put.

Motion agreed to.

MADAM SPEAKER.- The International Convention on the Control of Antifouling Systems on

Ships (2001) is approved by Parliament. Pursuant to Standing Order 130(5), written notice will be given to the President to that effect.

Honourable Members, I have been advised that Items 15 and 16 have been dropped from today's *Order Paper*.

**INTERNATIONAL CONVENTION FOR THE PREVENTION
OF POLLUTION FROM SHIPS (MARPOL 73/78)**

HON. RATU I. KUBUABOLA.- Madam Speaker, pursuant to Standing Order 130(4), I move that:

The International Convention for the Prevention of Pollution from Ships (MARPOL 73/78) be approved by Parliament.

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

HON. RATU I. KUBUABOLA.- Madam Speaker, this Convention is considered as one of the four main pillars of Maritime International Conventions, which covers the prevention of pollution, healthy marine environment by ships from operational or accidental causes. It is a combination of two treaties adopted in 1973 and 1978 respectively and also includes the protocol of 1997.

The prime objective of the Convention, Madam Speaker, is to protect the marine environment from ship-based pollution and offshore installations.

Madam Speaker, the ratification of this Convention will ensure that Fiji's marine environment and its marine resources are protected, especially from discharge of ship-based pollution, including waste oil, sewage, garbage and noxious liquid substances. A major spill of harmful substances, for example, an oil spill in the Fiji waters will cost Fiji millions of dollars and have a drastic effect on the economy and marine environment.

This Convention would require Fiji to put in place a national strategy and plan to respond to any spill in Fiji waters. Furthermore, the ratification of the Convention would indicate Fiji's desire to achieve complete elimination of intentional pollution of the marine environment by oil and other harmful substances and the minimisation of accidental discharge of such substances.

Madam Speaker, I, therefore, commend to this august House a motion to ratify the International Convention for the Prevention of Pollution from Ships (MARPOL 73/78) and seek the support of all Members for this motion.

Question put.

Motion agreed to.

MADAM SPEAKER.- The International Convention for the Prevention of Pollution from Ships

(MARPOL 73/78) is approved by Parliament. Pursuant to Standing Order 130(5), written notice will be given to the President to that effect.

PARLIAMENTARY COUNSEL

HON. ROKO T.T.S. DRAUNIDALO.- Madam Speaker, I move:

That this Parliament seeks to acquire Parliamentary Counsel and staff as a matter of urgency who are independent of the other arms of the State, to enable the Parliament to carry out its work as the law making body and highest court of the land.

HON. S.D. KARAVAKI.- Madam Speaker, I beg to second the motion.

HON. ROKO. T.T.S. DRAUNIDALO.- Madam Speaker, in bringing this motion, Madam Speaker, the main concern is to assist as it were with capacity building of this House, and it was something that was emphasised by the Attorney himself in the very lengthy debate that we had in this House, two or three months ago, talking about how we need to build this House up and make it strong in the context of our recent history. We would agree with that Madam Speaker, in bringing this motion, that this is what we seek to do.

In the United Kingdom, Madam Speaker, the Legal Unit Parliamentary Counsel there have a very different focus. They go to various departments, working closely with various Government departments in drafting Bills that are brought to the House, and that seems to be a big focus of their work. But, Madam Speaker, that is not the only model. Parliamentary Counsel is ultimately the independent advice that is given to the legislative arm, which is the separate arm of the State.

With respect Madam Speaker, our setup under our Constitution is not exactly that of the UK, the United Kingdom, our freedoms are not the same. Ours, we have the Bill of Rights, but it is limited in very many ways by the Constitution itself and then of course there is Section 173 of the Constitution, which is a favourite provision of the honourable Leader of the National Federation Party. He has talked about it a few times, Madam Speaker, and that section talks about the Decrees that were not passed through a process such as these. If I can put it as lightly as I can Madam Speaker, and to put it at its highest point, the Decrees were imposed on the country without consultation. Now that we have had Elections, Madam Speaker, those Decrees continue in existence but superimposed in the Constitution through those provisions, and so anyone who dissents with those Decrees, Madam Speaker, the only remedy that would be open to them would be to come to this House and ask for the House to repeal it.

I think the provisions are pretty clear, Madam Speaker, I have heard the honourable and learned Attorney-General saying, "go to Court." The provisions in Section 173 says that the Decree that were passed before this, (well certainly before this House started seating) that they remain in force and they cannot be changed in any other way, except we think by bringing Bills to repeal it in this House.

Now the people of this country have had their say through the General Elections. We accept the results, the Government has 32 Members on that side and there is 18 on this side. I think, Madam Speaker, from the statistics (I stand to be corrected), about 40 per cent of the population did not vote for the Government, Madam Speaker and the Opposition represents their views.

(Inaudible interjections)

Yes, we hear you, honourable Prime Minister, and we will be bringing to the House Madam

Speaker, Private Members' Bills to try to convince the majority, the Government, to repeal various laws.

Members of Parliament are allowed to do these through Private Members Bills and the Standing Orders allow for it. Again, Madam Speaker, the backdrop of our recent history and Madam Speaker, the Private Members Bills that do come to show dissent to various laws that we think ought to be repealed shows Madam Speaker, for the record to record that those 40 per cent, if they do dissent to various laws that their views were brought to this House and made known in this House so that we make this House, we build this House up to be an effective outlet for their dissent and their frustrations. We want to do that, so they do not take their frustration and dissent elsewhere. Madam Speaker, we want them to bring it here.

This is very healthy for any democratic or free society that there be an outlet for frustrations and dissent and one that follows the legal process. Having just had Elections and having Members of Parliament here is not enough. I have noted recently that there has been quite vociferous talk on social media about this dissenting of various things, but people do not agree within this country, Madam Speaker.

Madam Speaker, well I am bringing that view to you now, and because we have the Media Decree that limits what the traditional media can indulge in, if I can it put that way or print or published. I will bring it to this House Madam Speaker, as I say I am doing this really and having drafted the motion and having read the notes I made this morning, I thought to myself, "Well this is really more for benefit of the Government than anyone else" that this House be built up unless of course they did not think that, that should be the case, then in that case we will take it from there.

However, Madam Speaker in that discussion on social media, there were some discussions about taking frustrations and petitions to other Government offices and I made it very clear, "No you take it to the elected Prime Minister and you take it to the Speaker of the House" that is where you take your frustrations to, that is the lawful course.

Having said that, when Private Members bring their Bills here Madam Speaker, we would meet this service of Independent Parliamentary Counsel to check the technicalities of each and to make sure that it complies with various requirements so that it does not get knocked back. I noted recently Madam Speaker, that a Private Members' Bill was turned back because of technical glitches, in spite of the fact that, I think it was approved by the Secretariat to have been brought in this place, in spite of those technicalities and then the honourable and learned Attorney-General rightly stood up and said that it contained errors. It did not look good that day, Madam Speaker, it did not look good for this House, for the Members and for the Secretariat.

MADAM SPEAKER.- Honourable Member, can you restrict yourself to the motion.

HON. ROKO. T.T.S. DRAUNIDALO.- Yes Madam Speaker, that is why we require Parliamentary Counsel and if the Government, through the Attorney Generals Chambers prefer that their Bills be drafted by the Attorney General's Chambers, that is alright. Parliamentary Counsel can also then check theirs too, as long as they are Private Members Bills.

Madam Speaker, the other issue that I wish to tie into this, is Committee work. I am involved in quite a few Committees, and there are a lots of legal questions that arise in those Committees, Madam Speaker. This is not in any way self-serving in terms of me trying not to do the work there as a qualified lawyer, but I have until very recently I think it was just today completed the formalities of renewing my practising certificate and I have made it very clear to the Committees I have worked in therefore, I cannot give legal advice. But, Madam Speaker, it should not be left to lawyers who are on these Committees to be giving legal advice on Committee work. It would be, even better if this Independent Parliamentary

Counsel, were in existence to do just that, to assist Committees with their work.

Also, Madam Speaker, the Standing Orders are quite substantive and they almost read like the High Court rules. If I can remember what the High Court rules look like now. I have been so far out of it, but Madam Speaker, that requires interpretation of law and precedence and I think just for the look of this House, people will ask, "When the Speaker has to make a ruling, who does she consult for legal opinion?" It just looks better for this House if it were from your own Counsel, Madam Speaker, one that is here in this building and serving your requirements, instead of there being an impression given that it is an opinion that is being given from the Attorney General's Chambers or from foreigners who are in the UNDP project.

Madam Speaker, again the appearances and all I am saying today is that, we want to build this House up and this is the capacity building, really it is for that. And I think it will be good for the Government that this could be looked into, they could support it, that the Parliament, and through you, Madam Speaker, "seek to acquire", those are the words of the motion. "Seek to acquire services of Parliamentary Counsel", in fact to just add briefly to that Madam Speaker. If that were the case, then if a bipartisan committee like the Law Justice Human Rights Standing Committee could look into the issue in more detail, in terms of qualifications and who is to be appointed.

Because Madam Speaker, this appointment would be a very important one, it requires a senior lawyer who has had extensive experience in government and/or related private sector experience. We all know from whatever background we come from, sometimes more years at the job actually does come with much greater qualification for it and those sorts of technical issues on who is to be appointed as Parliamentary Counsel then be left to him or her to deal with other staff that come under his or her perview, Madam Speaker, if that could be appointed in that way.

Those are my brief remarks in support of the motion.

Thank you, Madam Speaker.

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

HON. F.S. KOYA.- Madam Speaker, I think that honourable Draunidalo has actually raised in the motion itself and it is quite important to realise what she has actually spelt out. She is questioning the independence of the office that currently takes care of the activities that have talked about.

Basically, it is seeking to acquire Parliamentary Counsel and staff as a matter of urgency, who are independent of other arms. Just a little specifics, Madam Speaker, first and foremost what must be realised is that the core activity that we were talking about, and I think there are a few other things, but the core activity that is being talked about is legal drafting and that currently has been taken care of by the Office of the Solicitor General, and at no time, Madam Speaker, has this position ever been compromised. The Office of the Solicitor General, in terms of its legal drafting, has been taking care of this particular issue since we have had independence.

These functions that are being talked about emanate from us being in the Commonwealth and actually it is coming out of England. And I know for a fact, in England Madam Speaker, the Parliamentary Counsel office that has been talked about actually falls under the Cabinet office. There is no other office that is assigned to Parliament itself. It falls under the Cabinet office. The legal drafting section, of course Madam Speaker, which is one of the core functions of that office looks after the drafting work for

Parliament, to ensure the efficiency of Parliament.

Madam Speaker, the office has done this. The current office, the Office of the Solicitor General and their legal drafting team has done this, and the previous one with absolute dignity and independence at all times.

Madam Speaker, there is no evidence and nothing has been pointed out to say that this has ever been compromised or that there has been an inability for Parliament to function properly with respect to its normal day to day functions.

Such a Counsel is neither necessary nor required, it is just a doubling up of duties. Generally speaking, as I have said earlier Madam Speaker, this Counsel is basically a group of government lawyers, the ones that being referred to in England. It is a group of government lawyers who specialise in drafting legislation. They work closely with all the relevant stakeholders and departments in order to get the proper Bills produced, and their job is really to translate policy into clear effective readable law, and in England, as I say it is part of the Cabinet office.

Madam Speaker, I see no reason as to whether a Parliamentary Counsel's office should be established. In our current system, the Office of the Solicitor General has without fear or favour and with complete independence served all the governments from 1970 and onwards, so I certainly do not support the motion, Madam Speaker.

MADAM SPEAKER.- Thank you. I give the floor to the honourable Karavaki.

HON. S.D. KARAVAKI.- Madam Speaker, thank you very much. I would like just to add to the views that have already been expressed in this House on this motion. I would have thought Madam Speaker, that this motion would have been a motion that we would all agree to without opposing it.

We are talking about the role of this House, Madam Speaker. The role of this House is to make laws and to make laws, we need all the resources that we need to be available at all times, not only sometimes but at all times.

Madam Speaker, I have already aired our voice in this House the need to have this and I am glad that this have been brought up in this way and I was looking forward to it that we would all embrace it, but unfortunately if we have different views that I am starting to question how do we regard the role of this House.

I am a member, Madam Speaker, of the Standing Committee of Justice, Law and Human Rights. We have been deprived most times of the resource that we need, especially the Parliamentary Counsel. It may be correct that we say that those who have been doing this work as Parliamentary Counsel in the past were under the Office of the Solicitor General. Maybe, if we look at the post that was awarded for lawyers, but the work they do or they did at the time, they were directly responsible to the Speaker. And it is true that all government departments will bring their proposed laws to them because they are the people who had the qualification, not only in drafting but also in international laws, in conventions. So, they were in a position to actually provide the services that were required in Parliament.

We had some very small deals that we ask as a committee, but I would express even before the committee, even before this Parliament Madam Speaker, the necessity for us to allow this to happen, to have the Parliamentary Counsel available here, readily available and also the support staff.

I remember, Madam Speaker, when we used to take the laws to the Parliament complex in Veiuoto,

where the Parliamentary Counsel were based. They were not based at that time in Suvavou House. I was there in Suvavou House but we have to take the laws down there to Parliament where the Parliamentary Counsels would look into the legislation and even they always sit with the committee all the time. But here, we have the Committees that do not have the services of this Parliamentary Counsel but we need that, we need their services.

What I am saying, Madam Speaker, they should be readily available all the time. Because if we defer, the committee defer its seating for the availability of those that were expected to come and advice on legislation, that would defer the work of the committee and all that we are saying here is for us to look at this. This is supporting the role of this House and we must look forward to that, to provide capacity building, to provide institutional strengthening over here, that we can always carry out our work with the provisions and the resources always available.

With those few words, Madam Speaker, I rise to support the motion.

MADAM SPEAKER.- Thank you, the honourable and learned Attorney General.

HON. A. SAYED-KHAIYUM.- Thank you Madam Speaker. Madam Speaker there are a couple of issues that has been brought about by this motion, I would like to highlight them. Firstly, if you read the motion itself Madam Speaker, it seems to be factually and legally flawed. It reads:

“That this Parliament with urgency seek to acquire Parliamentary Counsel and staff independent of the other arms of the State to enable the Parliament to carry out its work as the law making body and highest court of the land”.

Parliament is not the highest court of the land, there is separation of powers. We have the Executive, we have the Legislature and we have the Judiciary. The highest court of the land in Fiji is the Supreme Court, Madam Speaker. So we are not the highest court of the land number one. Number two Madam Speaker, as the honourable Karavaki has pointed out, since our independence, the Solicitor General’s Office or the Crown Law office preceding that, always provided the legal advice and expertise to Parliament. In the same way Madam Speaker, at the moment, you are being defended by the Solicitor-General.

Previous committees in previous governments, in previous parliaments had the advice of the Parliamentary Counsel and other lawyers that worked with him or her. The Parliamentary Counsel is now called the Chief Legal Draftsperson, that’s what is called in the Solicitor-General’s Office.

I do not know which Committees have actually requested the assistance of the lawyers from the Drafting Division of the Office of the Solicitor-General. Most certainly, I know that the Chairman of the Justice, Law and Human Rights Committee has visited this Drafting Division. He has set down with them and he is the only one I know and if there are other members of other Committees wanting legal advice, they must please, reach out to them and ring up the Solicitor-General. Nobody has said from the other side so far that they had been turned down. It would be very problematic if they stood up and said, “we have requested independent legal advice from the Solicitor-General and he has turned us down”, then definitely, we have a problem but we do not have that problem, Madam Speaker.

Under Section 116 of the Fijian Constitution, the Solicitor-General is appointed by the Judicial Services Commission for a very good reason, that is to maintain the independence of the Solicitor-General’s Office because the Solicitor General’s office does provide such independent legal advice and this is the separation, Madam Speaker.

Unfortunately, I think the pr

emise of this motion is that the Solicitor-General is not independent. That is the premise and that is a flawed premise because how come all of a sudden, even when we had Decrees for five years, from 1987 to 1992, nobody then saw it fit to change the Solicitor-General as the Parliamentary Counsel, how come suddenly it is a problem now?

The other issue, Madam Speaker, I think that the other side has not grasped, Madam Speaker, is the fact that they are misreading the Constitution. Section 173, which honourable Draunidalo has not read in its entirety to this House, does say “that any laws or any Decrees that are being made prior to the sitting of this Parliament continues”, however, it must be in conformity with the Constitution. If there is no conformity with the Constitution, then the law obviously needs to be amended. The best way to test that is to take it before the Courts. This is why we keep on saying that and there is a history, Madam Speaker, there is jurisprudence on this, that in other governments in other parliaments, laws have been challenged for its unconstitutionality. That is what we are saying. So, an ordinary person, a political party, a Member of this House, in their capacity can actually challenge the law for being unconstitutional and the Court will decide that. It is very simple as that, Madam Speaker.

Now, I think the other premise of this motion, Madam Speaker, is that the Opposition wants to bring in new Bills. The reality is Madam Speaker, they do not have the majority. Yes, FijiFirst won 60 per cent of the votes and 40 per cent of the votes went to the other side in various shapes and forms but it is a feature of the new electoral system.

Let me put into perspective, Madam Speaker, the National Federation Party in 2001, won over 20 per cent of the votes. They do not win a single seat. This time around, they had the lowest number of votes that they had ever received, 5.4 per cent votes and yet, they are here, three of them precisely because of this electoral system under this very Constitution.

So, Madam Speaker, it is very easy to say 60:40, very easy to say 60:40 but the reality is this; when a government is formed and most certainly, Madam Speaker, most certainly the FijiFirst Government, irrespective whether people did not vote for them, they are here for 100 per cent of the Fijians.

GOVERNMENT MEMBERS.- Hear, hear!

HON. A. SAYED-KHAIYUM.- So, Madam Speaker, the point is this. They believe that they should be drafting Bills all the time, but modern day democracy, which I assume that they all support, although from some of the recent comments by some of the Members from the other side, we beginning to wonder what they are thinking, in particular with the recent events.

Madam Speaker, the reality is this, that the Government forms the majority, most laws emanate from Government. The reality is that Madam Speaker. Madam Speaker the reality is also that if any Committee of Parliament, if a member of this House wants to seek independent legal advice, the door of the independent Solicitor-General’s Office is always open and they can go and seek their advice, but unfortunately, they are viewing everything from a very narrow prism.

So, Madam Speaker, it is on this basis Madam Speaker that this motion is actually quite frivolous and Madam Speaker what we are saying is this motion needs to be defeated. Thank you, Madam Speaker.

MADAM SPEAKER.- I now give the floor to the honourable Dr. Biman Prasad.

HON. DR. B.C. PRASAD.- Thank you, Madam Speaker. I think the point we have to understand and appreciate in this context, and I appreciate the honourable Koya talking about England and I heard

honourable Draunidalo talking about the fact that we are not in England, we are not in Australia or New Zealand. I think she is right when she talked about the fact that we are under a new Constitution, we are under a new democracy and we all want to make it work, Madam Speaker.

We are all looking forward to 2018, and I can tell the honourable and learned Attorney-General that the electoral system is not the one that he should use to explain why we are here today, that is another matter and that is for another day. But what I want to say, Madam Speaker, is there are a lot of issues within the Constitution and there are issues about the decree. Many of the decrees, Madam Speaker, have ouster clauses and let me just give you an example, where the One Hundred Sands company took the Attorney-General to Court. One of the judicial reviews of the decision, Case HB 9/15, and in that Judgment, Madam Speaker, it is very interesting because the Office of the Attorney-General argued that the High Court did not have the jurisdiction to actually hear the Judicial Review by One Hundred Sands.

I am not a lawyer but I can read that very well what the judge says that he explains Section 173(4) and he actually talks about a comma, and he uses that comma to actually talk about the intention of the draft of the Constitution. Basically what the Judge is saying that the Court had jurisdiction to hear the application for Judicial Review. Of course, the Attorney-General won the case because it was based on the legality and the judge very clearly said, Madam Speaker, that any Decree between September 2006 and 6th October, the first day of sitting of this Parliament, cannot be challenged. But, what is happening, the Government is still trying to use ouster clauses to strike out, and in this particular case, Judicial Reviews.

So, there are issues, Madam Speaker, which honourable Draunidalo quite rightly pointed out, and having an independent Parliamentary Counsel, Madam Speaker, is not going to suggest that we are questioning the independence of the Solicitor-General.

Madam Speaker, these are institutional things, laws that need to be understood, the culture of how things need to be done in a parliament democracy, and I think the intention of the motion, Madam Speaker, is a very noble one, she is not casting doubt on the independent offices in this country and these things come with time.

We had a lot of disruptions in this country, Madam Speaker, with respect to institutions, with respect to laws and we are all tuned up and geared to making sure that we improve on laws, improve on institutions. Institutions just do not get imposed by someone and that is the end of the story. Institutions evolve over time, Madam Speaker, they keep evolving and keep improving, and they can only evolve and improve, Madam Speaker, if we as legislators, if we, as Members of Parliament, constantly question this, scrutinise it, and if possible bring a culture of scrutiny and improvement together and I think what the honourable Draunidalo suggests, Madam Speaker, is to have additional support so that we are able to deal with some of these difficult issues as we go forward and one of the reasons why she talked about repealing the Decree was because of some of the ouster clauses that you can only do that if you repeal it. Now if the Government says we take this case to court, we are striking out judicial review and the court has to make a judgement but if we know that these Decrees are not working, Madam Speaker, we should be good enough to actually use the resources, the capacity to change some of those and I think having an independent Parliamentary Counsel will help that. Thank you.

MADAM SPEAKER.- Thank you, there being no other input, I will now give the floor to the honourable Draunidalo for her right of reply.

HON. ROKO. T. T. S. DRAUNIDALO.- Thank you, Madam Speaker, I just wish to reiterate in answer to the honourable Minister that I was in no way questioning the independence of the Solicitor General's Office. All that I am saying in bringing this motion, Madam Speaker, is that the Solicitor

General's Office has its work cut out for it and under this Constitution, which I repeat, we are not under the same structure as they are in the UK, with all of their freedoms that they have got through hundreds of years of struggle. Madam Speaker, we are very different under this Constitution to the UK and so comparisons are not fair.

The substance of my moving this motion is in no way to question that independence but it is more of suggesting what could assist this arm of the state, the legislative arm do its work and I had set out the various areas where that would be of great assistance. Madam Speaker, I am very happy to hear the honourable and learned Attorney-General say today that this is not the highest court of the land. I deliberately put that in Madam Speaker, so that I could get that rebuttal. I was sick of hearing it in this House, Madam Speaker, and now the honourable and learned Attorney-General has put it in too for the record, now we know that this is not the highest court of the land. Madam Speaker, and this is the law making body, it is the law making body, thus that is what we are and I am glad that the honourable and learned Attorney-General has set that out very clearly for us. He did say if he had complaints about the matter being legally flawed again that supports the reasons why I would have thought that we want and independent Parliamentary Counsel to tell us that it was legally flawed. Instead of a partisan Minister of State to tell us the same thing.

Madam Speaker, Section 173 of the Constitution, a very long section covers almost the whole of page 113 of the Constitution, I am not going to bore anyone in here by reading out all of it but I urge Members to please read it and put those sections and think of the Decrees that it upholds that Section 173 and then you just cross reference that with the Bill of Rights, for example Madam Speaker. I do not know whether that is meant to be deliberate - sending people around from one part of the Constitution to another and if God grants me the time to have to take it myself and test it in court I will, but for now anyone wants to read that entire page 113, and just look at how it sets out those Decrees, I just read a few sentences, "made or maybe made between 5th December 2006 until the first sitting of the first Parliament under this Constitution and which I enforce and have not been repealed or replaced by another promulgation Decree or Declaration goes on shall continue to be enforced in their entirety.

That is subsection (2), Madam Speaker, a very small reading of it and I urge Members to read the entire thing and perhaps, when a similar motion comes before the House, they would be better prepared to deal with it.

MADAM SPEAKER.- Thank you, the House will now vote on the honourable Roko Tupou Draunidalo's motion.

Question put.

Votes Cast:

Ayes	-	14
Noes	-	32
Not Voted	-	4

Motion lost.

INDIGENOUS LANDOWNERS' GRIEVANCES

HON. ROKO. T. T. S. DRAUNIDALO.- Thank you Madam Speaker, I move that:

The Standing Committee on Social Affairs investigate and reports back to the Parliament on indigenous land owner grievances relating to the payment, non-payment and or investment of monies accrued to the iTLTB for the benefit of the various landowning units.

HON. P. SINGH.- I beg to second the motion.

MADAM SPEAKER.- Thank you, I now give the floor to the honourable Roko Tupou Draunidalo to speak on her motion.

HON. ROKO. T.T.S. DRAUNIDALO.- Madam Speaker, with this motion, the emphasis is on what was also a point made in the previous motion but it is brought to the floor in this one, the emphasis is placed on having an outlet for landowning units members of whom have various complaints about how money that have accrued to iTLTB are paid; not paid or invested.

Madam Speaker, I had received complaints from members of prominent land owning units in the Western Division who have expressed a frustration to me that the allocation of monies for those who are minors were being kept by the ITLTB without sufficient information to them of what the policy was and if they were going to be invested, where the investment was going to be made and that is the sort of frustration that has led them to ask that the Parliament sent out a bipartisan committee to hear these grievances.

Madam Speaker, again I say it is an outlet for those expression of dissent and frustration to be channelled in the proper channel to this House, the elected House and if a bipartisan committee could go out and investigate that and invite submissions from various landowning units to air those views to it and then that committee brings its report back to Parliament, it would help, Madam Speaker, I believe the Government in terms of policy. iTLTB may have very good reasons and very good policy basis for what they have done, it is just that the landowners that have called me, those members of landowning units and the ones that did call me Madam Speaker, are prominent in the sense that they pay a lot of poundage in the percentage that is taken off from the monies that the landowning units received. They pay that to the administration of NLTB and they would like to be heard as it were on these issues of why certain money is paid, not paid; and if it is withheld for investment, how and where their monies are invested, Madam Speaker and that was really the whole basis of bringing this motion and I would urge the Government to see it in that light and again having drafted the notes this morning, I thought it was for the benefit of the Government but really it is for the benefit of the House and channelling those issues of dissent and frustration here than to anywhere else. Thank you, Madam Speaker.

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

HON. A. SAYED-KHAIYUM.- Madam Speaker, this is not my contribution, I just want a point of clarification from the honourable Member, just the motion it says the Standing Committee on Natural Resources or the most appropriate Standing Committee of Parliament investigates and reports back to Parliament indigenous land owner grievances relating to the payment, non-payment and or investment of monies accrued to the ITLTB, the benefits of various land owning units. I was hoping that the honourable Member when speaking on the motion, she would explain whether it is money accrued to ITLTB, by who or is it money accrued to the landowning units?

HON. ROKO T.T.S. DRAUNIDALO.- Monies accrued to the Landowning Units which are collected by the iTLTB and kept there.

HON. A. SAYED-KHAIYUM.- So we need to amend the motion then, if that is what it is.

HON. ROKO T.T.S. DRAUNIDALO.- If you move an amendment and we agree to it.

HON. A. SAYED-KHAIYUM.- So, Madam Speaker just a clarification. The honourable Draunidalo is saying it should be monies accrued to the Landowning Units, but the motion says accrued to iTLTB, but she is saying that is what she intends, but that is not what is written here, so how can we debate it unless the honourable Member agrees with the amendment and we can then amend it to read what she intended for it to read.

HON. ROKO T. T. S. DRAUNIDALO.- Madam Speaker, it says here, money is accrued to the ITLTB for the benefit of various landowning units, I think that is very clear.

HON. A. SAYED-KHAIYUM.- Sorry Madam Speaker, but accrued by who?

MADAM SPEAKER.- You need to clarify this motion.

HON. ROKO T. T. S. DRAUNIDALO.- Accrued to the ITLTB for the benefit of the landowners from wherever they come from.

HON. A. SAYED-KHAIYUM – Sorry Madam Speaker, so its by the lessee. Thank you.

MADAM SPEAKER.- The point has been clarified, the motion is still open for debate.

HON. V.R. GAVOKA.- Madam Speaker, this is a very critical and a very important motion and a subject that is affecting the *iTaukei* community in a very big way. I think that it is broader than this, I think this committee should sit, Madam Speaker, and be broad based in a way it approaches this, because there was a petition raised by the honourable Tui Namosi, it was given to the Economic Affairs Committee on similar lines, but unfortunately, it was killed by the Economic Affairs Committee.

Madam Speaker, I am a member of that committee and it is the committee who have the petition for it to die. Madam Speaker, the fundamental with this is that our people wants to have a bigger say in how their money is shared, today it is being imposed upon them on how they should share it, no other community in Fiji has this imposition by anyone on how to share their proceeds. No other community.

You cannot go to the Fiji Muslim League, you cannot go to the Chinese community and say this is how you are going to spend your money, only to the *iTaukei*, Madam Speaker. It raises the question why? Madam Speaker, what we are talking about here in terms of the quantum. Last year, Madam Speaker, the total amount of proceeds collected by ITLTB owing to the *iTaukei* whether it was cane money or tourism money or gravel and all that was \$61 million. That is it and just over the weekend we were told by Government that the GDP of this country is \$8 billion and yet, we appear to be consumed with the sharing of \$61million, which is really if everyone of us share it, every *iTukei*, comes down to about \$143 per person.

So why is it that this small amount of money consumes a lot of debates or when it is really to be decided by the landowners for the *iTaukei* per the way it was set up in the beginning when the NLTB was set up. When I talk about the \$8 billion, Madam Speaker, let me just go back to the time NLTB was set up by the Government of the day said this is one of the most noble, one of the most generous act by the people to surrender their land to a trust to be used for development over a country and that is it, and only get \$61,000 a year. So rather than trying to tell the Fijians on how to share their money, can you look around the ways of increasing the buyers really I mean \$61 million, \$8 billion in this country.

Madam Speaker, this committee must sit, this committee is to meet with the people, they must not be dictated to on how their money should be distributed, it is something that is very important to us, we want to see more land being made available, we want to see the cane farms to blossom again to have more

land given to cane, but it all comes down to a fair share of the proceeds, the farmer and the landowners sitting together and having an equitable share of the proceeds, create some goodwill and get it going, Madam Speaker, because right now that goodwill is missing within the community because they do not have enough and the little that they get, they have been told on how to use it.

People have projects, Madam Speaker, they have invested their money in some projects but now they are told that it is going to be equal distribution. What is happening, Madam Speaker, what is happening? It is a wedge that has been driven between the parents in Fiji and the children because of the way it was dictated to them for the shared for these funds. What is being driven between the people in the villages and the people in the cities, the way we have separated them through this lease money, Madam Speaker.

We need to be holistic, we need to appreciate the Fijian community, the *iTaukei* community in the village, we need to bring these two together instead of using this little fund, the \$61 million to guard that wedge and separate us and divide us.

Madam Speaker, I cannot over-emphasize how important this was, let us have this committee sit Madam Speaker, iTLTB or NLTB is something that is supreme to this country, goodwill needs to come back, they need to decide on how they look after their money exactly the way it was from the beginning and this country will progress in the way we all wanted to be. Madam Speaker, please I will support this motion to get this committee to sit and address this issue. Thank you, Madam Speaker

MADAM SPEAKER.- Honourable Leader of Opposition.

HON. RO. T.V. KEP.A.- Madam Speaker from 2007 to 2013 more than 17 Decrees were formulated to impact on the indigenous people and as rightly said by our own members no other ethnic community in Fiji has had so many Decrees legislated against them not the Chinese or the Rabi or the Kioa Islanders and more than seven Decrees, Madam Speaker directly affects the Landowning Units. In 2010, Madam Speaker, there was an amendment Decree which was named the Native Lands Trust Amendment Decree which was gazetted in that year and this change the composition of the Native Lands Trust Board.

HON. REAR ADMIRAL (RET'D) J.V. BAINIMARAMA.- Can you speak on the motion, please.

HON. RO. T.V. KEP.A.- I am speaking on this particular motion, Madam Speaker.

HON. REAR ADMIRAL (RET'D) J.V. BAINIMARAMA.- You are not speaking on the motion.

HON. RO. T.V. KEP.A.- This impacts on this particular motion, *dou vakamalua, dou vakamalua*

HON. REAR ADMIRAL (RET'D) J.V. BAINIMARAMA.- *segai o keitou qori*, (laughter)

HON. RO. T.V. KEP.A.- On this particular Decree, Madam Speaker, the GCC members were removed

HON. REAR ADMIRAL (RET'D) J.V. BAINIMARAMA.- *O kemudou yavavala tiko keitou sega ni yavavala tiko*

MADAM SPEAKER.- I am hearing vernacular here please refrain from speaking in the vernacular

HON. RO. T.V. KEP.A.- The GCC member nominated the President he was removed, he was the Chairman of that Native Lands Trust Board to be replaced by the Minister so that was a political

appointment, five members appointed by the GCC were also replaced by the Minister's appointment, another three members who were appointed into the Native Lands Trust Board from the Fijian Affairs Board were replaced by the Ministers Appointment and two other members were appointed by the Minister, so Madam Speaker...

MADAM SPEAKER.- Point of Order, let us hear the point of order before we continue

HON. M. VUNIWAQA.- Madam Speaker, there is a motion before this august House, the statements we have heard so far are irrelevant as far as the motion is concerned. We ask you, Madam Speaker, to direct the current speaker to please speak only on the motion before the House.

HON. RO.T.V.KEPA.- Madam Speaker, all members of the iTLTB.

MADAM SPEAKER.- Thank you. Can I make a ruling on that? My ruling is that, for debates, each Member is allowed 20 minutes to speak and what you are saying in the debate, will decide on the votes of the Members at the end of the debate. So, if they are speaking out of the substance of the debate that of the motion, then that will have an impact on the vote. Meanwhile, each one is given 20 minutes and they will give free speech.

HON. RO T.V.KEPA.- Thank you, Madam Speaker. So, what I am saying here, is what people cannot understand, is why such decisions are made when there was no consultation at all by the community and they do not understand that the chairman and all 10 members of the iTLTB are political appointments, which means that when we go around and speak the truth, the people in our constituency, this is one thing that they are complaining about and they cannot understand why is it. For example, that they are paid equal share when it does arrive to them sometimes, some of the land owning units, *mataqalis* have not received their share. They have heard that they are going to be given equal distribution. So, whoever is 80, 90 years of age, somebody born today, or somebody born yesterday they all get their equal share. So, what we cannot understand, Madam Speaker, is why these Decrees are still in place when they should be shared out with this money that is being provided by the people who are leasing the lands accrued by iTLTB and it should be for the benefit of the various land owning units. So, Madam Speaker, I support this motion that the Standing Committee on Social Affairs look at this so that they receive equality in terms of money that is being paid out to them and in this case for the landowners, Madam Speaker.

MADAM SPEAKER.- Honourable Minister of Lands, you have the floor.

HON. M. VUNIWAQA.- Madam Speaker. We have heard that the basis of this motion, emanated from one phone call from a landowner who wanted to vent frustration to this august House. Frustration about the lack of information, going to land owning units on the payment, non-payment or investment of monies. Madam Speaker, the motion in itself is a shot in the dark, it is a fishing expedition. We have not heard detail of this particular land owning unit and if we were to bring every vented frustration to this House to look at, Madam Speaker, the Ministry of Lands could fill the whole calendar for this august House.

There is a mechanism already in place. It is a lack of information that is going to the landowners is the issue here. And yet it has been twisted and turn around by other speakers from the other side attacking the laws of this country that are in place. Decrees that are recognised

(Chorus of interjections)

MADAM SPEAKER.- Order! Order!

HON. M. VUNIWAQA.- Decrees that are in place that are recognised by our Constitution. This side of the House has stated over and again, if there are issues in these Decrees which honourable Members think are contrary to our constitution, there is an avenue for that. They can challenge these provisions and take it to court, yet that has not been done. In the last objection we heard about, it is an attack on the equal distribution of lease monies.

Madam Speaker, every person in the land owning unit has a right to a fair share of these lease monies. Every person, whether that person is over 90 years old, is born today, as yet to be born, born in to a land owning unit, has a fair share to the benefits accrued from such land. But, Madam Speaker, again I say, this fair share argument is really shifting away from the focus of the motion which was stated by the mover of the motion.

My point, Madam Speaker, is that when there is a lack of information, that particular land owning unit, there is a board already in place, a statutory board created by law, the iTLTB. They have a duty as trustees to relay this information to the land owning units. There has been no allegation of any corrupt practices here, it is just a lack of information. That can easily be addressed by the body that is already in place. I reiterate, Madam Speaker, if this august House were to be inundated, or to be tasked to address all these vented frustration here, we would really, the Standing Committees would be using up the entire calendar year, just looking at this frustrations. On that point, I object to the motion that is before this House. Thank you.

MADAM SPEAKER.- Thank you. I give the floor to the honourable Ratu Isoa Tikoca.

HON. RATU. I.D.TIKOCA.- Thank you, Madam Speaker. The recent comment just made by the Minister of Lands does not represent the many, many thousands of people have raised their concern for this issue to be brought to the Parliamentary Select Committee and democracy and fairness to all. Bless them to make our decisions collectively as responsible Parliamentarian on the outcome of that. Let us not nip it in the bud here, let us open it up.

We are talking about indigenous Fijians income versus nations of its use of each resources. In 1933 the Governor General of Fiji, Sir Philip Mitchell described the agreement by the Great Council of Chiefs on behalf of all the indigenous Fijians to deposit their land and resources with the Native Land Trust Board, to allow access by all for the long term benefit of the nation as one of the greatest acts of faith and trust in colonial history.

Certainly, 82years on since that show of faith and trust by the indigenous people, we find that even with Fiji's gross domestic product expecting to be \$8 billion this year, according to the Minister for Finance, remarks at the recent accounting congress. The sad part is that the income earned by each indigenous person in Fiji whose resort is used to help generate that \$8billion is less than \$168.15 per annum or \$3.23 per week or less than one per cent of GDP and we represent 50 per cent of the population. And you know, the number of percentage that the land belongs to us, but it is controlled by you people there. Do you not think there is something wrong with this equation? When we are there an acquirable share of the gains, made their resources be given to our indigenous people. Thank you.

(Laughter).

MADAM SPEAKER.- I now give the floor to the honourable Ratu Kiniviliame Kiliraki.

HON. RATU. K. KILIRAKI.- Thank you, Madam Speaker. May I just diffuse the curt atmosphere at the moment by congratulating the teams of QVS and RKS.

(Laughter)

Commiseration to Marist Brothers High School, QVS for winning the under 14, 15, 16 and 17 Grades, I know there are some supporters too on the other side. The ex-scholars of RKS and QVS and also for RKS for winning the under 18 Deans and the Under 19 age category.

Madam Speaker. I would relate if you can allow me to go back prior to the formation of the NLTB or iTLTB for today, giving the insight of the grassroots or people in the village as landowners. As you know, Madam Speaker, the land was originally owned by the chiefs whereby there was land given by the chiefs as freehold. It was not only after the *Veitarogi Vanua* that the social structure of the indigenous people, through their *mataqalis* for their roles and responsibilities in the social structure of the *Vanua*, were given land for their livelihood purposes to plant food for themselves, their traditional role to be able to contribute to the traditional responsibilities of the *vanua* in the *iteitei* and all the *iqoliqoli*, and also for the economic benefits they could derive from the land.

For that, Madam Speaker, the land was divided through the *Veitarogi Vanua* and the *Butu Vanua* for the allocation of land for the social structures of the indigenous people as the *Mataqali Turaga* or the *Matanivanua* or the *Bete* or the *Gonedau* and all the social structures for these generousities of the *Tui*, the kings or warlords, who originally owned the land and going into ITLTB, the land is owned by these landowning units. Therefore, the money derived belongs to the landowning units and the Native Land Trust Board is the trustee for these landowning units in terms of the land administration, as well as the income derived thereof. So, that money belongs to the landowning units and the landowning units have the right to distribute to the people for these three main issues or points in the distribution of land in the first place, for their obligation to the *Vanua*, as well as the general economic development. As we understand now most of the landowning units have gone into business and entrepreneurship, transportation, some have gone into scholarships apart from the TELS and the 600 Toppers because that is the way for them to go and it is time that given the regulation to even distribution without any consultation or referendum, it is the issue from the grassroots level that we should take back from them through this committee.

I support the motion, Madam Speaker.

MADAM SPEAKER.- I now give the floor to the honourable Minister for Education.

HON. DR. M. REDDY.- Madam Speaker, I see two problems with this motion. One is that, while the honourable Member is asking that we establish a committee to investigate, I do not know what research background the honourable has. Whenever we set up a committee to investigate or research, we do it with an open mind.

Madam Speaker, if you note the discussion and discourse from the other side, they have already made up their mind that this is wrong, they are not getting enough money, they are comparing unnecessary, totally incorrect comparison about GDP versus the rental income. Rental income is a factor, return to the factor which is in this case, land, and GDP is the total volume of national income (output). How can you compare that GDP, the total income should be equivalent to the factor prices, the price of land totally?

(Chorus of interjections)

Madam Speaker, I have been saying that we need to run a workshop for the other side. For example, today, the honourable Member who is a lawyer is saying that the highest court is Parliament. My goodness, the highest court is the Supreme Court and for a lawyer to say that, I am worried about, Madam Speaker.

The second problem, Madam Speaker, is that, there is an issue with iTLTB, go and ask the research arm of iTLTB to do a research on those issues, not for Parliament to come and establish a committee where you have already made up your mind with all incorrect figures.

Madam Speaker, I join my colleagues in not supporting this motion.

HON. A. SAYED-KHAIYUM.- Madam Speaker, Madam Speaker I would like to make a few comments. A number of issues, Madam Speaker, as you quite liberally allowed for in this discussion for the motion in support or otherwise, has been made. I would like to address some of them, primarily, trying to stick to the law of the land which is the Constitution.

Madam Speaker, an issue was raised about landowners getting a fair share of return in terms of the rental. Madam Speaker, no other Constitution prior to this Constitution actually has a specific provision regarding equitable returns to the landowners.

HON. GOVT. MEMBER.- Hear! Hear!

HON. A. SAYED-KHAIYUM.- Madam Speaker, Section 29(4) of the Constitution says, :

“Parliament and Cabinet, through legislative and other measures, must ensure, that all land leases and land tenancies provide a fair and equitable return to the landowners whilst protecting the rights of land lessees and land tenants....”

No other Constitution Madam Speaker has done that.

It is, therefore, incumbent upon, not just the Government but this honourable House, to ensure that this happens. So, we are all driven by this, Madam Speaker. So, for the other side to say that somehow or the other, the landowners are caught in a lurch, therefore, they are in the state where their only salvation is the other side, is completely incorrect. Their salvation is the Constitution because it gives that guarantee and no other Constitution has ever done that, Madam Speaker. It is enshrined in the Constitution, and that Madam Speaker, that Madam Speaker has been the problem. Whilst Madam Speaker there has been protection, for example in the setup, et cetera, about the landownership, now the Constitution does that.

As we have said before, Madam Speaker, when I was asked the question regarding Government's allocation of \$10 million to help *iTaukei* landowners develop their own land, in that, we had said that the landowners are asset rich but cash poor. That has been said quite a lot, but no other government has done anything positive about it.

(Chorus of interjections by Opposition Members)

This government has done it, Madam Speaker.

(Chorus of interjections by Opposition Members)

This government has done it. The \$10 million dollars, the \$10 million dollars that has been allocated Madam Speaker.

Madam Speaker the poundage, that ITLTB, used to take out 25 per cent for administrative costs, 25 per cent of all the land leases collected, what do they get now? 10 per cent. Who did it? The Minister responsible for *iTaukei* Affairs and the Chairman of the ITLTB, not the SDL Government, not the SDL Government.

(Chorus of interjections by Opposition Members)

If you listen, Madam Speaker, if you listen Madam Speaker to the other side, you would think there was heaven on earth prior to 5th December, 2006, it wasn't. One of the honourable Members talked about how in the grand old days when the decision was made by the then NLTB to do this, that was the most undemocratic system that was in place.

HON. GOVT. MEMBER.- Hear! Hear!

HON. A. SAYED-KHAIYUM.- The honourable Roko Draunidalo and I have had discussions about this when we were companions and worked together, about how until today some landowners have grievances because of the very demarcation of which were the landowning units that own which land. How until today some landowners are crying over it because someone decided to skewer the boundary. Til today, we have the problem.

Under that old system, we have 999 year lease in Tavua. *iTaukei* land leased for 999 years. We at the moment trying to resolve it through the Attorney-General's Chambers. No other government has done that and they talk about protection for *iTaukei* landowners, Madam Speaker.

Madam Speaker, the Minister for Agriculture has also reminded me that under the Bainimarama-led Government, we had in order to ensure or to entice (more like it), to entice landowners to renew leases, expiring leases for the continuation of farming, the sugar industry which the NFP is most obsessed about for that to continue because we all know Madam Speaker, that we require land to plant cane they don't not talk about that. Under the SDL government, under the SVT Government, vast tracts of land with leases expired but there was no encouragement to renew the leases.

Under the Bainimarama-led Government, we paid from six to 10 per cent of UCV rate to the landowners directly without any poundage being deducted. Government has paid that directly to the landowners, to entice them, Madam Speaker, to pay it to them, to encourage that.

HON. RATU I.D. TIKOCA.- Why not?

HON. A. SAYED-KHAIYUM.- Madam Speaker, really, is the honourable Member even worth responding to? Is he even worth responding to?

Madam Speaker, they talk about goodwill, this is the kind of goodwill that is created. There was no goodwill under the SDL government, no goodwill under the SVT Government, we are creating the goodwill.

This Constitution is creating the goodwill, Madam Speaker, and I would like to thank the honourable Minister for Education for highlighting again, with due respect, the obtuseness of the other side to compare \$68 million to \$8 billion GDP. Anyone would tell them that there is no comparing apples with apples.

They talk about the return on investment. In today's *Fiji Sun*, on page 3, you should read it and maybe comment on it, Madam Speaker.

(Chorus of interjections)

Read it! Read it! Madam Speaker.

(Chorus of interjections)

“The *iTaukei* Land Trust Board has achieved a 56 per cent reduction in rent arrears in the first-half of this year. And some 3000 tenants have been taken to court by iTLTB.” So, iTLTB obviously is an institution that is doing its job. Now, they are saying, “it is only \$68 million” but have they given the figures previously? What was collected previously? Have they told you how many leases have not expired or had expired?

So Madam Speaker, the reality is, as the honourable Minister for Lands had highlighted, a very valid point, if a member of a landowning unit feels aggrieved by a particular process of iTLTB, they can go to iTLTB. They can raise it with the Ministry of *iTaukei* Affairs. They can raise it with the Minister for *iTaukei* Affairs, who is the most accessible Prime Minister we have ever had. He is the most accessible Prime Minister!

(Chorus of interjections)

People are calling him up on his `phone, people hang out over here outside his office, and he talks to every single one of them. I wonder how many of the other side would do that.

Madam Speaker, the reality is that, if it is a question of a complaint Madam Speaker, then they can go directly and follow those mechanisms, you do not need a Committee. This is the problem, Madam Speaker, that the Opposition have not remodelled themselves. Again, I say this Madam Speaker, they want to be in the driving seat. The reality is, the Fijian people have put this Government in the driving seat

HON.MEMBERS.- Hear, hear!

Honourable Biman Prasad today, Madam Speaker, did the right thing. He came and had a discussion with me about the sugarcane farmers, whose sugarcane is being eaten by the cows from Yaqara Pastoral. That matter was raised with us previously, and I did say to him, “Yes, we will again ring up the management and tell them to fix it up.”

These are everyday issues. If they are truly concerned about everyday issues, come and raise it with the Ministers if they are not being attended to; come and raise it with the different ministries and the Ministers will attend to it because the objective should be, how do we get the best services to the people of Fiji and not to political point score. That is the problem – they are political point scoring.

My last point, Madam Speaker, again, there has been this issue about how things were so hunky-dory prior to 5th December, 2006. Let me very briefly remind them, Madam Speaker, what happened to the Schedules A and B land monies? They disappeared!

We had the Ballu Khan connection. We now have three people in prison because of the fiddling of funds. Whose funds were they, Madam Speaker? They were the individual members of the landowning units who deserve them, not the elite to put it in their pockets and to give it to someone called Ballu Khan, who sold them something dodgy for \$18 million, not to set up the Vanua Development Corporation, where monies were lost. That was what was happening, and that is what they want us to go back to.

HON. RATU I.D. TIKOCA.- \$100 million.

HON. A. SAYED-KHAIYUM.- This is why, Madam Speaker, this motion needs to be defeated. I can answer to the \$100 million, but that is not the motion on the floor.

(Laughter)

Thank you, Madam Speaker.

HON. J. DULAKIVERATA.- Madam Speaker, I would like to contribute to the motion.

Madam Speaker, some time ago, I asked a question to the honourable Minister for *iTaukei* Affairs, who owns the native land? I think my colleague on the other side has rightly said that it belongs to the landowning units.

The purpose that I asked that question is, whoever owns the land should be given the lease money and it is up to them to distribute to whoever are the members of the *mataqali*. That was the issue. My concern, Madam Speaker, is when this policy came into being, there was no consultation. The problem is, when we give equal shares to the small children, the babies who have just been born and the old people, there is no clear cut as to how these funds will be administered. Who is going to have the trustee for all these young people? What happens if someone dies and the money comes every six months? So, if it takes time to administer the estate of these people, the money would still be going to their accounts and it will create a lot of problems to the landowning units. That is one issue.

It is unfortunate that we are talking about today's issue without understanding the past. We must understand that the Fijian people, with their goodwill, gave land to the Government for individuals to lease for the benefit of the economic development of this country. However, it does not seem to be appreciated by the people here, especially the Government of this day.

HON. RATU I.D. TIKOCA.- Hear! Hear!

HON. J. DULAKIVERATA.- We are talking about the fair share of leases but they never mentioned about reviewing the basis of assessing the rental due to the landowners. The use of UCV, Madam Speaker, has been in use for a long time and it is irrelevant to today's economic issues. The UCV is Unimproved Capital Value. When people sell their land, they sell on market value, they do not sell on UCV. I know the Opposition party in the olden days, fought tooth and nail, to try to convince the government that we should have this UCV.

We all know about the Agricultural Landlord and Tenants Act (ALTA) which is very regulated. Why? For the benefit of the lessees, the sugar industry and the agricultural sector. So, who was disadvantaged? The landowners, the indigenous people of this country.

Now, when the leases have expired, people are saying, "why not you renew the leases?" Times have changed, they have been landlords all the time, so they also want to contribute to the economic development of this country. They want to use their land but over the years, there is no development or training to ensure that when the leases expire, those people can take over the management and the cultivation of their land. So, give them the time to learn to do these things, they will come. That is one reason why we have all these issues.

I think they should be very much appreciated by everyone in this country, that it is the goodwill of the indigenous people of this country that allowed the economic development of this country, especially the sugar industry.

Thank you Madam, Speaker.

HON. B. SINGH.- Madam Speaker, I rise to contribute to the debate on the Bill.

Madam Speaker, pursuant to Section 14 of the Native Lands Trust (Leases and Licences) (Amendment) Regulation, 2010, I hereby contribute that previously as *yavusa, mataqali and tokatoka*, only 4,500 individual *iTaukeis* benefited. Now, after the implementation of their policy, 300,000 *iTaukeis* benefit from the LOU, Madam Speaker.

That is reality. This also ensures that all individual members of the LOU registered in the VKB gets a fair share of rent from their land.

Madam Speaker, distributing lease monies individually have resolved internal and external disputes within LOUs, whereby some members get their share while others do not. The policy has eliminated discrimination and encourages equality in sharing of resources and wealth within the LOU.

HON. J. DULAKIVERATA.- None of your business. Shut up!

MADAM SPEAKER.- Did I hear someone say, “shut up” there? I just want to clarify – did I hear someone say “shut up”, which is an unparliamentary word in this Chamber? I request that you withdraw your comment.

HON. J. DULAKIVERATA.- I withdraw, Madam Speaker.

MADAM SPEAKER.- Thank you.

You may continue honourable Singh.

HON. B. SINGH.- Madam Speaker, it also enhances greater accountability with the LOUs. Now, individual members are empowered to think for themselves on how best they can utilise their lease monies. It also encourages individual LOUs into a culture of savings and investment, rather than consumption driven only as experienced with most LOU members.

Madam Speaker, it also assists LOU members to contribute to the growth of small businesses and micro-enterprises as if they think of establishing one for their lease contribution. It also encourages LOUs to make their unused and unutilised land available for leasing. The more leases an LOU has, the more lease monies they can get, rather than the land being left idle without production.

Madam Speaker, it also encourages LOUs to provide their land for economic growth. The equal distribution has created more economic activities with individuals now looking at buying shares, investments and just a general spending, they use the money for better returns.

Madam Speaker, it also gives an equal distribution into constructive making decisions that are prudent for return on investments. Therefore, Madam Speaker, I do not support the motion.

HON. DR. B.C. PRASAD.- Madam Speaker, I was not planning to speak on this motion, but I do so now.

Madam Speaker, as we all know, land is always a sensitive issue in this country, whether we talk about land ownership, land leases or land rent, they have always been sensitive issues. Long after we are all gone, we will continue to have that debate in this country because 90 per cent of the land in this country are owned by the indigenous people. That is a historical fact, and no one has dared to change that.

Madam Speaker, I think the contributions from the other side was very general, they actually missed the point of the motion and let me bring them back to this specific point. I want to raise some questions in support of the motion so that when there is a discussion.

Madam Speaker, let me just say this as well, that when Parliament puts out a law or a policy, they are not set in stone and policy decisions always have a life. There is an opportunity to talk about that policy and discuss it after a certain period of time when people have looked at it, and the impact of a particular policy is not always the intended outcome of what is the original intention of any policy. Sometimes, the policy intention, Madam Speaker, may be different but the outcome could be completely different because the circumstances in which the policy is implemented, and honourable Minister for Education as an economist, should understand this better. I think he should be the first honourable Member, Madam Speaker, to support any sensible, logical discussions about a particular policy.

Madam Speaker, it is very important for us as Members of Parliament to think about discussion and dialogue. This could be time consuming, sometimes you may not like to have a lot of discussions on a particular policy that you are very passionate about, but the impact of that policy on other people and the perception of a particular policy by other people could be very, very different. It is always sensible for politicians like us, policy makers, to keep that in mind at all times, because sometimes, the perception rather than the reality can create a lot of problems.

Therefore, it is very important to deal with those perceptions or issues. Let me say this issue about 'fair and equitable', and I know that the honourable and learned Attorney-General read the Constitution. Madam Speaker, what is always equitable is not necessarily fair, and what is always fair, is not necessarily equitable. So, when we talk about fair and equitable, I think we need to understand the meaning of those two words and I am afraid that the honourable Members on the other side are confusing the two.

The other point, Madam Speaker, I want to make is, when you look at the LOUs, some are big units, some have more members, some have small numbers. You could have a *mataqali*, an LOU which is very small but owns large tracts of land. That land could be leased to an activity which could be, for example, tourism or commercial or industrial which will bring a much higher return and if you distribute those high returns with a smaller number of members in a particular LOU, obviously they will get more. On the other hand, Madam Speaker, if you have a much bigger LOU ...

HON. MEMBER.- It's your choice!

HON. DR. B.C. PRASAD.- I know it is a choice but let me explain. It is the choice that you have imposed.

HON. GOVERNMENT MEMBERS (Chorus of interjections)

HON. A. SAYED-KHAIYUM.- No! You're misleading!

HON. DR. B.C. PRASAD.- Madam Speaker, let me continue, it is not misleading.

A larger landowning unit with a bigger number of members, with a smaller piece of land, that land being put into a leasing arrangement which does not necessarily bring high value rentals, but obviously if you distribute a smaller amount among a larger number of people, they could actually get very small amounts. There is always the value, this is the question that I want to ask, Madam Speaker, and this is probably why the motion makes sense because it is always good to go back to a Committee to discuss those issues.

Madam Speaker, does that mean that if every member of a landowning *mataqali*, which is very large, does not get a lot of rents distributed among themselves and getting very very small amounts? Sometimes there is always this value about whether individual distribution or collective savings and then putting it to investment, getting higher returns and distributing that. So, Madam Speaker, it does not stop

at one single point. There are different ways of creating a fair, equitable system. This is what I think, honourable Members on the other side are not getting is, that we should always be open.

One formula, Madam Speaker, is not necessarily the only formula and so if honourable Members of Parliament are asking for a debate, a discussion, a committee to look at what is the best formula, what is wrong with that, Madam Speaker? If Parliament actually agrees to that, we are sending a much better signal. We are saying, we are responsive and I heard some honourable Members on the other side say, "These are some disgruntled people". Let us not, as Members of Parliament ignore one disgruntled person, Madam Speaker, under equal citizenry. Every individual has the right to be disgruntled about anything that they feel that they are aggrieved with. This statement from an honourable Minister that there is one disgruntled person, Madam Speaker, does not do us good as Members of Parliament. So, Madam Speaker, my final word on this, this is a very sensible motion. I am saying that the Committee may decide in the end after more inquiry, further information, listening to the people that the system is working but let us give a chance to re-look at that and there is no harm for Parliament, Cabinet, Ministers, we as Members of Parliament on this side to re-look at a policy to see how things can be improved, and that is the gist of the motion, Madam Speaker.

HON. ROKO T.T.S. DRAUNIDALO.- I thank the honourable Dr. Biman Prasad, the Leader of the NFP for stating that, really that is my second motion. This motion is meant to encourage a listening and consultation process so that grievances can be aired and alternative formulas, as it were, can be suggested and it will be contained in a bi-partisan Report. It can only be good for the Parliament, the Government will look good, the Parliament will look good that we are listening, consulting, we cannot just hear them once and go away for two or four years. If it seems to be an on-going process, the report will contain that, Madam Speaker, it is a bi-partisan one. We will take politics out of it and as the honourable Leader of the NFP had said, that land is a sensitive issue but going out in a bi-partisan manner in this way, that is the whole point of this motion, Madam Speaker. To discuss this in that way, I would have thought that social cohesion is something that is uppermost in all of our minds at the moment, especially in relation to indigenous landowners and landowning units. This will help that, Madam Speaker, and that is why the motion was brought. The Report to Parliament is a bi-partisan one after listening, consulting, the Government can take what it wants from that. It can only, as I said, be good for the Government, be good for the Parliament. I commend the motion to the House.

MADAM SPEAKER.- We will now vote on the honourable Tupou Draunidalo's motion. Does any honourable Member oppose the motion?

Question put.

Votes Cast:

Ayes		14
Noes	-	32
Abstain	-	0
Not voted	-	4

Motion lost.

MADAM SPEAKER.- Thank you, honourable Members, for that healthy debate and that brings us to the end of our sitting today. Thank you all for your contribution to the questions and motions that were debated.

The House is now adjourned until 9.30 tomorrow morning.

The Parliament adjourned at 4.21 p.m.