

PARLIAMENT OF THE REPUBLIC OF FIJI



PARLIAMENTARY DEBATES

DAILY HANSARD

THURSDAY, 17TH MAY, 2018

[CORRECTED COPY]

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WEDNESDAY, 16TH MAY, 2018

The Parliament resumed at 9.33 a.m., pursuant to adjournment.

HONOURABLE SPEAKER took the Chair and read the Prayer.

PRESENT

All Honourable Members were present, except the Honourable Prime Minister and Minister for *iTaukei* Affairs, Sugar Industry and Foreign Affairs; the Honourable Minister for Industry, Trade, Tourism and Lands and Mineral Resources; the Honourable Minister for Women, Children and Poverty Alleviation; the Honourable Assistant Minister for Rural and Maritime Development and National Disaster Management; the Honourable Assistant Minister for Agriculture; and the Honourable A.T. Vadei.

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MINUTES

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

That the Minutes of the sitting of Parliament held on Tuesday, 15th May, 2018 as previously circulated, be taken as read and be confirmed.

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

Question put.

Motion agreed to.

COMMUNICATIONS FROM THE CHAIR

Welcome

HON. SPEAKER.- I welcome all Honourable Members to today's sitting of Parliament. I also welcome members of the public joining us in the gallery and those watching proceedings on television, internet and listening to the radio. I hope you will enjoy today's proceedings, as well as learn about the Parliamentary practices and procedures.

Parliamentary Privileges

For the information of all Honourable Members, I wish to reiterate that all Members of Parliament are protected by Parliamentary Privileges, pursuant to Standing Order 133, and Members would be aware of this.

The Statement by the Acting Prime Minister and the Honourable Attorney-General on Monday's sitting of Parliament against Mr. Sitiveni Rabuka is based on what actually happened, based on facts, and it was not allegations.

Commendation - Standing Committee Chairpersons & Members for Preparation of Reports

Lastly, I would like to thank the Chairperson of the respective Committees and their Members for the tremendous work achieved to ensure that their Reports are tabled at this sitting of Parliament.

Thank you, Honourable Members.

PRESENTATION OF PAPERS AND CERTAIN DOCUMENTS

COP23 Presidency Trust Fund First Semi Annual Report

HON. A. SAYED-KHAIYUM.- Madam Speaker, in accordance with Standing Order 38, I present the COP23 Presidency Trust Fund First Semi Annual Report to Parliament.

Madam Speaker, I have got it somewhere here but I cannot find it. I am sorry, it is here, so if I could just table that physically. I could have just handed the Secretary-General some other document and you would have thought that it is the document but I do not want to do that. It is here, so if I just hand it up later, but I want to present it to Parliament.

HON. SPEAKER.- Thank you, once it is found, you will then table it in Parliament and I refer the COP23 Presidency Trust Fund First Semi Annual Report to the Standing Committee on Public Accounts.

HON. A. SAYED-KHAIYUM.- Madam Speaker, actually there have been some confusion, we had sent the soft copy to the Secretariat and the copies are supposed to be put here, but that is all right, they are printing copies for you. If I could table the COP 23 Presidency Trust Fund First Semi Annual Report, please.

HON. SPEAKER.- Please, hand the Report to the Secretary-General.

(Report handed to the Secretary-General)

Thank you.

HON. SPEAKER.- I now call upon the Minister for Defence and National Security to table his Report.

HON. RATU I. KUBUABOLA.- Thank you, Madam Speaker, in accordance with Standing Orders 38, I present the Fiji Police Force January to July 2016 Report to Parliament.

HON. SPEAKER.- Please, hand the Report to the Secretary-General.

(Report handed to the Secretary-General)

Under Standing Orders 38(2), I refer the Fiji Police Force January to July 2016 Report to the Standing Committee on Foreign Affairs and Defence.

PRESENTATION OF REPORTS OF COMMITTEES

HON. SPEAKER.- I now call on the Chairperson of the Standing Committee on Foreign Affairs and Defence to present the Committee's Report.

Standing Committee on Foreign Affairs and Defence -
Review Report on Fiji Corrections Service 1st January to 31st July 2016 Report

HON. LT. COL. N. RIKA.- Madam Speaker, I am pleased to present the Review Report of the Standing Committee on Foreign Affairs and Defence on the Fiji Corrections Service (FCS) 1st January to 31st July 2016 Report.

The Standing Committee is established under Section 109(2)(e) of the Standing Orders of the Parliament of the Republic of Fiji. The purpose of the Review was to scrutinise the FCS 2016 Report, specifically on the department's operations and administration.

The FCS has moved from relying on punishment-based approaches to a more modern approach of rehabilitation of the incarcerated persons through the implementation of various Trade and Manufacturing Accounts (TMA) programmes that help build skills and knowledge which will assist them to reintegrate back into society upon release.

Madam Speaker, the FCS direction is forward-looking with a vision strategically aligned to the then Government Roadmap for Democracy and Sustainable Development, Socio-Economic Development and the Sustainable Development Goals (SDGs).

The positive impact of rehabilitation programmes for inmates are evident in all activities of the organisation. The Committee noted that the FCS has made the initiative to address the Sustainable Development Goal, namely the:

1. SDG 1 - No Poverty: The FCS has put in place rehabilitation programmes for inmates with the intention of instilling entrepreneurship skills to make them self-sufficient. Rehabilitation programmes such as:
 - Vegetable farming;
 - Crop farming;
 - Aquaculture (*Tilapia* farming);
 - Art Gallery;
 - Piggery;
 - Poultry;
 - Joinery;
 - Bakery; and
 - Garment.
2. SDG 2 - End Hunger: The FCS aims to achieve food security and improve nutrition through the promotion of sustainable agriculture.
3. SDG 5 - Gender Equality: The FCS is an equal-opportunity employer and currently within the service, there are good numbers of senior women officers that are placed with senior appointments in the organisation to make a difference.

Madam Speaker, the Small Business Units (SBU) of the FCS, operating under the TMA is a prime focus in providing business skillsets to inmates that are selected in various field of work. This will enable inmates upon release to be productive and law-abiding citizens of the country.

Madam Speaker, it is worth-noting that revenue collected through TMA in 2016 was \$358,160.23 which had doubled from the 2015 Returns. Revenue collected through TMA in 2015 was \$103,384.56, the variance TMA collected from 2015 1 January to 31st July is \$254,775.67.

The FCS strives to operate seamlessly to maintain quality services to ensure that the deliveries of outcomes including key financial outputs are return of investment to Government.

Madam Speaker, the Committee upon review with consultations with the Service had identified areas of concerns that need addressing to ensure the organisation is dynamic and reduces recidivism.

Madam Speaker, I take this opportunity to thank the Commissioner of FCS and all officers for the marvellous job well-done with tireless commitment to public service.

Madam Speaker, on behalf of the Standing Committee on Foreign Affairs and Defence, I commend this Report to Parliament.

HON. SPEAKER.- Thank you, please, hand the Report to the Secretary-General.

(Report handed to the Secretary-General)

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

A motion without Notice that a debate of the content of the Report is initiated at a future sitting.

HON. H.R.T. POLITINI.- Madam Speaker, I beg to second the motion.

HON. SPEAKER.- Parliament will now vote.

Question put.

HON. SPEAKER.- The question is:

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

Does any Member oppose?

(Chorus of 'Noes')

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

Motion agreed to.

HON. SPEAKER.- I now call on the Deputy Chairperson of the Standing Committee on Social Affairs to present the Committee's Report.

Standing Committee on Social Affairs
Review Report on the Ministry of Youth and Sports 2016 Annual Report

HON. V.K. BHATNAGAR.- Thank you, Madam Speaker, I am pleased to present the Committee's Review Report on the Ministry of Youth and Sports 2016 Annual Report.

The Ministry of Youth & Sports continues to strive to deliver its services on the facilitation of youth and sports development through the establishment of a conducive policy environment that

provides strategic support systems, initiatives for personal development, character-building, sports policy implementation and community-based youth-led programmes.

The Ministry is mandated to achieve youth and sports development through skills training and non-formal education to support youths between the ages of 15 and 35 to return to education or to enter any form of training or employment to expand their ability to contribute to economic health.

The Committee was pleased to note that the Ministry aligned its work and commitments towards achieving Sustainable Development Goals.

- Trainings were conducted and projects identified and funded to help young people generate income and improve livelihoods.
- The move to offer accredited trainings to empower young people.
- Capacity building and project establishment to improve livelihoods and addressing gender and disability inequality, through multi-skills training; including more women in traditionally male-oriented skills training.
- The Ministry is working towards empowering women to get jobs or start their own businesses. Likewise, they have similar trainings to empower persons with disabilities.

The Ministry of Youth and Sports recorded a total number of 138 with a target of 200 young women who completed the multi-skills training programme. And also in 2016, through the support of the United Nations Development Programme, the Ministry embarked on cash for work programme with young people in Koro Island which supported the people to rebuild their homes after the devastation of *TC Winston*.

The Committee acknowledges and commends the overall performance of the Ministry of Youth and Sports in 2016 with a few findings and recommendations for consideration.

I thank the Chairperson, Honourable Viam Pillay and the fellow Committee Members: Honourable Salote Radrodro, Honourable Ruveni Nadalo, Honourable Anare T. Vadei and Alternate Members - Honourable Alivereti Nabulivou and Honourable Samuela Vunivalu, for their contributions towards the scrutiny and the formulation of this bipartisan Report.

With those words, on behalf of the Committee, Madam Speaker, I commend this Report to Parliament.

HON. SPEAKER.- Thank you. Please, hand the Report to the Secretary-General.

(Report handed to the Secretary-General)

HON. V.K. BHATNAGAR.- Madam Speaker, pursuant to Standing Order 121(5), I hereby move:

A Motion without Notice that a debate on the contents of the Report is initiated at a future sitting.

HON. S.B. VUNIVALU.- Madam Speaker, I beg to second the motion.

HON. SPEAKER.- Parliament will now vote.
Question put.

HON. SPEAKER.- The question is:

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

Does any Member oppose the motion?

(Chorus of 'Noes')

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

Motion agreed to.

HON. SPEAKER.- I now call on the Deputy Chairperson of the Standing Committee on Social Affairs to present the Committee's Report.

Standing Committee on Social Affairs –
Ministry of Local Government, Housing and Environment's 2012-2014 Annual Reports

HON. V.K. BHATNAGAR.- Thank you, Madam Speaker. On behalf of the Social Affairs Standing Committee, I am pleased to present the Committee's Report on the assessment made to the Ministry of Local Government, Housing and Environment's 2012 to 2014 Annual Reports.

The Ministry is responsible for the formulation and implementation of Local Government, Town and Country Planning, Housing and Environment policies and programmes. The Ministry also oversees the operations of the National Fire Authority, Housing Authority and Public Rental Board.

On 8th May, 2018 the Committee deliberated and reviewed the Ministry of Local Government, Housing and Environment's 2012 to 2014 Annual Reports and a presentation was made by the Permanent Secretary, Mr. Joshua Wycliffe and his team.

The Committee noted that in 2014, the Ministry was recognised for its achievements at the Service Excellence Awards on three (3) major sectors which includes the good governance sector, economic development sector and socio-cultural sector.

The Committee also took note and applauds the Ministry's achievements in 2014:

- The Construction of accommodation units for rural women vendors at the Suva, Nadi and Sigatoka markets;
- Introduction of the 'First Home Owners' Grant, aimed at assisting Fijians own their first residential house; and
- Squatter upgrading projects, re-location and integrated income-generating projects.

In 2014, the Ministry of Local Government, Housing and Environment had received a total of 180 applications on the First Home Buyers initiative and out of the 180 First Home Buyers, 55 applicants were Males, 11 were Females and 114 combined with a total budgetary allocation of \$10 million.

While scrutinising the reports, the Committee noted that the three consecutive years from 2012 to 2014 was very challenging for the Ministry of Local Government, Housing and Environment but despite all the challenges, the overall performance of the Ministry was commendable, however the Committee has put forward a few findings and recommendations which could enhance effective and efficient service delivery.

In closing, Madam Speaker, I take this opportunity to thank the Chairperson, Honourable Viam Pillay and the Members: Honourable Salote Radrodro; Honourable Ruveni Nadalo; Honourable Anare T. Vadei and alternate Members - Honourable Samuela Vunivalu and Honourable Alivereti Nabulivou for their contributions towards the scrutiny and formulation of this Report.

With those words, on behalf of the Committee, I commend this Report to Parliament.

HON. SPEAKER.- Thank you. Please, hand the Report to the Secretary-General.

(Report handed to the Secretary-General)

HON. V.K. BHATNAGAR.- Madam Speaker, pursuant to Standing Order 121(5), I hereby move:

A Motion without Notice that a debate on the contents of the Report is initiated at a future sitting.

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

HON. SPEAKER.- Parliament will now vote.

Question put.

HON. SPEAKER.- The Question is:

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

Does any Member oppose the motion?

(Chorus of 'Noes')

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

Motion agreed to.

HON. SPEAKER.- I now invite the Honourable Ruveni Nadalo to ask his question.

QUESTIONS

Oral Question

Assistance to Sugarcane Farmers After Recent Flooding
(Question No. 186/2018)

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

Can the Honourable Attorney-General and Minister for Economy, Public Enterprises, Civil Service and Communications brief the House on the assistance provided to sugarcane farmers after the recent flooding?

HON. A. SAYED-KHAIYUM (Attorney-General and Minister for Economy, Public Enterprises, Civil Service and Communications).- Madam Speaker, given that I will be making a Ministerial Statement on the initiatives called CARE Fiji which includes also the initiatives on the sugarcane industry, perhaps I could give that full answer in the Ministerial Statement, otherwise I will be repeating myself. But the fact of the matter is that, we have in fact launched very significant initiatives to assist cane farmers who were actually affected by *TC Josie* and *TC Keni*.

HON. SPEAKER.- Thank you. We will await the Ministerial Statement where you will address the issue.

I now give the floor to the Honourable Prem Singh.

Amendment of the Omnibus Electronic Fare Ticketing Act 2014
(Question No. 187/2018)

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

Would the Honourable Attorney-General and Minister for Economy, Public Enterprises, Civil Service and Communications inform Parliament whether or not Government intends to amend the Omnibus Electronic Fare Ticketing Act 2014, to remove the heavy fines imposed on bus drivers who allow passengers without e-tickets to board and travel on their buses?

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

Madam Speaker, just for the record, the actual Act is called the Electronic Fare Ticketing Act and the penalty is actually not in the Act itself but in the subsidiary law or the legislation which sets out the maximum penalties that can be imposed, not just on bus drivers but also travelling passengers and also bus operators who, for example, do not comply with certain requirements as provided for under the Act and indeed the regulations.

Madam Speaker, as has been highlighted to Parliament, the Electronic Fare Ticketing Act has actually been bandied around for nearly three to four years. Honourable Parmod Chand will tell us, he is the immediate past president of the Fiji Bus Operators Association, and Government was very cautious about the introduction of e-ticketing as for a number of reasons has been highlighted because we wanted a number of service providers within the industry and we wanted to make sure that there was enough depth within the service providers so that the e-ticketing project would work well.

Madam Speaker, the significant point about e-ticketing is obviously to capture revenue, not just for the Government, but also bus operators. And has been repeatedly said by bus operators themselves that in their assessment, that the main culprits, so to speak, that used to, for want of a better word "pilfer" from the giving of cash as bus fares were the bus drivers. There were accounts of up to one-third, the industry's benchmark is about one-third, of the takings from the day would be taken by the bus drivers. And so there is a very strong emphasis in fact by the bus operators that

there needs to be a particular set of rules and regulations around ensuring that bus drivers do not actually continue to take cash after the e-ticketing is introduced.

Indeed, Madam Speaker, we have been deliberating on this for about three or four years and eventually when the law did come into place, we found the providers and a couple of them actually dropped off. I had given a full account of this to Parliament previously, and we then had two months where the bus companies could make the transition, and we had what we call a 'dual system of payment.'

But of course, even prior to that, companies like Tacirua Transport had introduced e-ticketing on their own volition for the one year, where they had the dual system, but once the law came into effect, then we had two months of dual system. Now, after that of course, there is no dual system. This is one of the reasons why these fines are there to ensure that the taking of cash does not actually occur and everyone gets treated fairly.

Madam Speaker, I also had the privilege of being invited to speak at the Fiji Bus Operators Association Annual General Meeting last Saturday. And again, there were certain issues that were raised. It would appear now that most of the bus drivers are actually complying with it and the law is obviously working in that respect, but we have a new issue now, of course, that some bus companies, not all of them, have raised that some passengers actually are not necessarily complying with. They simply throw the coin at the driver and walk in.

Now, Madam Speaker, if you look at the regulations itself, the law is actually very much in favour of the travelling passenger. For example, if the machine does not work, then the passenger can travel for free. If, for example, they want to buy what we call a 'disposable card' and the bus driver or the bus company does not have it, they can go in for free. So, it is very much skewed in terms of the passengers.

Obviously a couple of the bus companies actually raised it with us that on some of the routes, one that always actually highlighted was Veisari and Lami area that there was lot of abuse going on. Passengers simply coming in and throw in money and then walking away. So, that is an area that obviously needs to be addressed.

The LTA actually, Madam Speaker, has put in place what we call 'inspectors' to see that everyone is actually complying with the law. We will also be reaching out to the Fiji Police Force to ensure that there are people who do try and breach it, there is some form of regulation in that respect.

As far as the penalties, et cetera, are concerned, of course, it is a changing platform. This is why it has been actually put in the regulations. So, should the circumstances change, of course, later on and if the power of dynamics becomes different then regulations will be amended accordingly but at this point in time, that is the rationale behind it.

And, of course, now with the drivers' inability to take out one-third of the takings, we have reached out and said on a number of occasions and also publicly that the bus companies need to remunerate the drivers properly. They need to increase their salaries because otherwise, if that was seen as a source of income, you are now cutting that source of income so you need to remunerate them properly so they do not actually pilfer because there is no room or opportunity for them to pilfer.

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

HON. P. SINGH.- I thank the Honourable Minister for his response and a very good answer.

Madam Speaker, my concern is, why this question was raised as the Honourable Minister alluded to, it was the disposable cards, where people come in to buy disposable cards for one journey. This is where when they do not have change, when they have a bigger note, the drivers need to give them the change for what the fare costs and above that.

Madam Speaker, this is where the e-ticketing regulations need to be reviewed to suit the occasion because when I say "suit the occasion", that is, the drivers under this e-ticketing system, they are not supposed to collect cash, but when they have to give change to a customer or a passenger, this is where LTA has an upper-hand in imposing fines, Madam Speaker.

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

That is incorrect, Madam Speaker. The drivers at this point in time actually can accept cash for the payment of the purchase of a disposable card. So, if a passenger comes on board and says, "I want to buy a \$2 or \$5 disposable card", he gives the cash to the driver who will then give him the card and he takes and taps the card. That is how passengers pay for their bus fare.

So, at the end of the day the bus operator will know, for example, that if he has given the bus driver 10 disposable cards, he want that amount of cash, if there is only eight left. So he will want the money for two and that is how they reconcile it. I urge you to talk to Honourable Chand he has far more greater knowledge in that respect.

So, Madam Speaker, that is how the system operates. In fact, Madam Speaker, just to highlight to Parliament also that we have been constantly talking to Vodafone. We are also saying that there should be less usage of renewable cards, so you would see that Vodafone recently has put out various promotional activities. You can now get top ups on e-ticketing cards, you can win top ups, so as we have with the phone, you get a 'five up' or 'seven up', et cetera. You can now actually get those types of top ups in your e-ticketing card also. There are various draws in that respect.

As I will highlight in my Ministerial Statement regarding CARE Fiji Initiative, we have topped up the cards of people who use e-ticketing cards by \$50 for adults. Now the condition of that was that the top up will only be given of course if you have a permanent card. So that encouraged a lot of people to go and register to get a permanent card. It does not cost a single cent.

Now, those people who used to use disposable cards now have got permanent cards which makes it a lot easier for the bus operator, makes it lot easier for them and makes it easier for Government too because the next time we want to target a group of people, for example, if there is a flood in Rewa and we need to give assistance to the people in Rewa by way of giving them means of financial assistance, we can say, "Bring all your permanent cards, we will top it up by \$100 or \$50." In that way, of course, it helps us to be able to monitor things properly. There is better accountability, better transparency. So, these are some of the initiatives that we have undertaken to ensure that the system is actually working, more people will be able to get the permanent cards.

The other initiative that we have done, we are talking with Vodafone. We will start having actually what we call, "vending machines" at bus stations, various supermarkets and shopping areas. So, people can go in, you can put in your \$5, like you go overseas when you buy your train tickets, you get vending machines. You put in your \$5, you get a disposable \$5 card, or I put in my permanent card, I want to top it up so I put in my \$5, it gets loaded.

At the moment, Madam Speaker, they are looking at various suppliers. So, once that comes in, it makes a lot easier too. So, we can, for example, put that up at Nadi Airport and various other places where a lot of people use the buses too. For tourists they can buy disposable cards and also ordinary citizens. For example, if I have a permanent card and I am returning from the nightclub at 12.00 p.m. and I had run out of cash, I can go to the vending machine at the bus stand and I can top it up, if I want to buy disposable cards. All those provisions are being put in place and, in fact, you will see lot of attraction in that area. Thank you, Madam Speaker.

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

HON. S. V. RADRODRO.- Thank you, Madam Speaker, and thank you Honourable Minister for that explanation.

The Honourable Minister said that e-ticketing works in favour of customers but, Madam Speaker, just last week a gentleman lodged his complaint with me that going back to Makoi, what was deducted from the card was almost \$5 for his student son. So, the question to the Honourable Minister is, what kind of monitoring and evaluation has been done to be able to address or highlight the effectiveness of the system and where can the people go to be able to address their concerns on those kind of problems? Thank you, Madam Speaker.

HON. SPEAKER.- Thank you. Honourable Minister.

HON. A. SAYED-KHAIYUM.- Madam Speaker, for example, if the travelling passenger is a school student and if the student is a subsidised student, in other words, Government is paying for the bus fare, then obviously they can immediately tell the school. We have had, in the beginning in the first couple of weeks, had some of the issues similar to that.

In fact at the beginning we had some bus drivers who tried to actually make sure the system did not work. So we have picked out those issues and they have been addressed. If in this particular case, this subsidised student can immediately tell the school and they tell the Education Office in that area, they will get that remedied. They will provide the funding that has been taken out from the card without rhyme or reason. If it is an adult, again you can go to any Vodafone outlet and tell them about it. You can also inform the bus company about it, the bus operator's deal with those types of issues when there are some problems with that, Madam Speaker. Thank you.

HON. SPEAKER.- Thank you. Honourable Aseri Radrodro, you have the floor.

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

I note the Honourable Minister's explanation but the reality is that, people still pay cash even though the e-ticketing system has been introduced. The situations where passengers were not able to access the machines or where they were not able to get e-ticketing, they still pay cash. So the question, Madam Speaker, to the Honourable Minister, would Government consider introducing the dual payment system to cater for those who cannot access e-ticketing cards, especially in the rural areas with only one card supplier - Vodafone? Will Government consider introducing the dual payment system where cash is also considered to be used instead of machines?

HON. SPEAKER.- Honourable Acting Prime Minister.

HON. A. SAYED-KHAIYUM.- The short answer is, no, Madam Speaker, because the dual system is not going to work. In fact, that question had been asked earlier on.

A dual system is not going to work, Madam Speaker. The fact of the matter is, just because you have one service provider, does not mean there is inability to service everyone. What it simply means is that, the bus operators, vending machines, the shops, et cetera, need to have a bigger footprint in that respect.

In fact, like I said and I have informed Parliament about this, we originally have three suppliers and Honourable Chand can confirm that. We had Digicel, we have a company called *Bula Mai* Fiji and we had Vodafone. When we got them to actually put their money where their mouth is, two of the operators pulled out because actually it costs a lot of money to put in the machines.

It is a large scale capital investment by the service providers. So Vodafone was the only one that was left standing and there are different types of technology that are being used. I am sure many of the Members of Parliament have travelled to Hong Kong and if you go with the things called Opal, the system that they have (Singapore has that), those cards have now become a form of transaction card. They can not only use it on trains, buses and ferries, in fact, they go and do shopping with it too because they load money in it. It has become like an ATM card.

(Honourable Member interjects)

HON. A. SAYED-KHAIYUM.- Octopus card, there you go. Honourable Nath has it. He regularly travels to Hong Kong, obviously. Octopus is there.

Madam Speaker, the fact of the matter is, all of those countries like Singapore, Hong Kong and even Australia, when they did introduce it, there were some teething problems but as I have said, their regulations itself are very much skewed in favour of the passenger. If, for example, the bus company does not have the disposable card, the passenger does not have to pay, they can get on the bus for free.

The regulation actually provides for that and, in fact, the bus operators do not like that provision and they have actually been complaining about it. This is why they do not actually like the disposable card but we very much skewed it for the passengers because the argument or the reason why we introduced disposable card was, assuming that I live in Kadavu, there is obviously no regular bus service in Kadavu or if I come from Moturiki and then I visit my relative in Suva, obviously I am not necessarily going to get a permanent card. I may be here only for one or two weeks and I may be living in Tamavua or Nabua or wherever it is, and I may want to travel to town, so I can buy a simple \$5 disposable card and use it. Now, if there is any money left on the disposable card before I go back to Moturiki, I can actually get my money back. All of it, as low as five cents, so no one actually loses out.

Again, we have protected the consumers and the travelling passengers. Yes, there are some passengers who are not necessarily honest, no doubt about that. They are taking advantage of the fact that Government has actually put in place a regulation to favour the passengers and some of them are abusing it now.

We have seen the decrease of abuse by drivers drop significantly. Now, it is the passengers who are doing it and obviously we need to keep a monitor on that, we get a better regulation in that respect but, by and large, Madam Speaker, the travelling public have adopted for this. The travelling public are respecting it and travelling public are following the regulations. Thank you.

HON. SPEAKER.- Thank you. Honourable Mikaele Leawere.

HON. M.R. LEAWERE.- Madam Speaker, my question was on the same line as raised by Honourable Radrodro. Thank you.

HON. SPEAKER.- Thank you and last question, Honourable Niko Nawaikula.

HON. N. NAWAIKULA.- Madam Speaker, the vending machine will come at a later stage but we have an immediate problem of availability of these top up agents. When the scheme started, every second or third shop has that but somehow, now when you go to an agent they will say, "It is not working," or they are no longer an agent and the difficulty is in rural areas. Can the Honourable Minister assure us that he will look into that immediately of making available top up agents to be accessible?

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

HON. A. SAYED-KHAIYUM.- Madam Speaker, as I highlighted earlier on, together with Vodafone we have been constantly monitoring and telling them about expanding the footprint they have through, for example, co-operative stores in the rural areas and various other places.

Also now, Vodafone has launched what we call "mobile conductors". I do not know if you have seen them or not; they are in fact going to hire about 100 of them. These young people, some of them are not so young, have actually been given a start-up business, so they are now travelling on buses on some of the routes. They have the top up capacity, they also have the ability to sell the disposable cards and they will be wearing the Vodafone t-shirt, cap and what have you, so the bus drivers do not actually have to handle the cash.

Someone, for example, may be travelling from Savusavu to Labasa, if it is a bus. They can sit on that, they travel for free and that is the whole deal. The bus operators let them travel for free and anyone who wants to deal with cash, they actually can deal with the conductor, and they have their own start-up business. In fact, they will be working very closely with the Micro Finance Project of the Ministry of Industry and Trade. That is one way of dealing with it and that is what we are doing.

You will find more people. In a way it is a form of employment, it is also a form of getting people into businesses. It is like people, for example, who sit and sell *Fiji Times* and *Fiji Sun* on the streets, they get a particular commission. In this way Vodafone is actually dealing with that to be able to get a much bigger footprint, for example, places in Cakaudrove or Nabouwalu or inner parts of Ba, et cetera, we should be able to have bus conductors sit there. All bus companies used to have bus conductors, so in this way these people will be running their own businesses and we are going to do more and more.

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

Role of Fiji Hydrographic Unit
(Question No. 188/2018)

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

Can the Honourable Minister for Defence and National Security inform the House on the role of the Fiji Hydrographic Unit?

HON. RATU I. KUBUABOLA. (Minister for Defence and National Security).- Madam Speaker, I thank the Honourable Ashneel Sudhakar for the question.

Madam Speaker, Fiji as a coastal State has an international obligation under Article 24 of the United Nations Convention on the Law of the Sea (UNCLOS) to provide safe and secure maritime routes in Fijian waters. As such, it is required to provide updated and accurate surveyed nautical charts to maritime shipping.

Madam Speaker, this critical role is delegated to the Fiji Hydrographic Unit which comes under the Republic of Fiji Naval Division. The Unit undertakes the role of collection, compilation of hydrographic data and the publication, dissemination and updating of all nautical information necessary for safe navigation. The Unit issues nautical charts, and additionally issues sailing directions, list of lighthouses, tide tables or essential navigational safety information of Fiji Waters, annually through the nautical calendar (Almanac).

Madam Speaker, this work is critical for the development of Fiji's oceans economy most notably in the maritime trade sector and the cruise tourism sector. Furthermore, the Unit supports the work of the United Kingdom Hydrographic Office with its traditional responsibility for charting Fiji Waters. Thank you, Madam Speaker.

HON. SPEAKER.- Thank you. Honourable Kiliraki.

HON. RATU K. KILIRAKI.- Thank you, Madam Speaker. In terms of the unchartered waters of Fiji, can the Honourable Minister inform the House how much of the unchartered waters in terms of percentage needs to be surveyed currently?

HON. RATU I. KUBUABOLA.- Madam Speaker, I thank the Honourable Member. I do not have that information right now, but the charts are updated weekly with the help of the British Hydrographic Office through the Fiji Hydrographic Office. It is updated weekly, but with unchartered waters, I do not have that information. I can supply that later on.

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

HON. P. SINGH.- A supplementary question, Madam Speaker. Non-safety compliance is very critical for maritime navigation and I note from a recent media story on 28th March this year (2018) where the Deputy Commander of the Royal Fiji Military Forces (RFMF), Brigadier-General Mohammed Aziz when updating the Public Accounts Committee said that they were looking at acquiring multi-role vessels and I believe \$350,000 was allocated in the 2017-2018 Budget. What is the progress on the purchase of the fleet?

HON. RATU I. KUBUABOLA.- Thank you, Madam Speaker, I think the Honourable Member must be referring to the new hydrographic vessel which is currently being constructed in China, and we should be getting that sometime next year. Thank you, Madam Speaker.

HON. SPEAKER.- Thank you. Honourable Jiosefa Dulakiverata.

HON. J. DULAKIVERATA.- I have no question.

HON. SPEAKER.- Honourable Aseri Radrodoro.

HON. A.M. RADRODRO.- Thank you, Madam Speaker. Just a supplementary question to the Honourable Minister in regards to the sunken cargo ship, *MV Southern Phoenix*. There was an

exercise undertaken by this Fiji Hydrographic Unit in terms of the survey of the safety of the wharf. Can the Honourable Minister enlighten this House on the status of that survey that was conducted by Fiji Hydrographic Unit on this sunken cargo vessel, *MV Southern Phoenix*?

HON. RATU I. KUBUABOLA.- Thank you, Madam Speaker, I am very sorry that I do not have the answer to that question but I can provide that at a later date.

HON. SPEAKER.- Thank you. Honourable Ratu Suliano Matanitobua.

HON. RATU S. MATANITOBUA.- Thank you, Madam Speaker. A supplementary question to the Honourable Minister: the new manpower in the Unit, how many are civilians and how many are with the Republic of the Fiji Navy?

HON. SPEAKER.- Honourable Minister.

HON. RATU I. KUBUABOLA.- Thank you, Madam Speaker, I thank the Honourable Member. We have 22 personnel in that Unit.

HON. SPEAKER.- Thank you. I now invite the Honourable Ratu Naiqama Lalabalavu to ask his question.

Assistance to Fiji's Minor Sporting Organisations
(Question No. 189/2018)

HON. RATU N.T. LALABALAVU asked the Government, upon notice:

From the recent 2018 Commonwealth Games, Fiji won a lone Gold Medal in the women's weightlifting category (with the combined lift of 233 kilogrammes, that is a well-known fact now). Can the Honourable Minister for Youth and Sports inform the House as to what sort of assistance is given to sporting organisations like weightlifting (minor sports) to help better Fiji's participation at International tournaments?

HON. LT. COL. L.B. TUITUBOU (Minister for Youth and Sports).- Thank you, Madam Speaker. The Acting Prime Minister and the Honourable Leader of the Opposition, I rise to respond to the question raised by the Honourable Member and I must thank the Honourable Ratu Naiqama Lalabalavu for the question.

Yes, Madam Speaker, every year, all National Sports Organisation (NSOs) are given the opportunity to submit their request for Government grant through the Fiji National Sports Commission so that they can go into the next financial year. The Commission has four funds from which it is able to make grants to the National Sports Organisation for weightlifting, as follows:

1. Funding for overseas tours for elite and talented athletes and teams to attend international events to qualify them for world events, such as the Commonwealth, Olympics and the Para-Olympic Games in the World Championships.
2. Funding for the hosting of International Tournament, to provide funding for hosting Oceania and World Events.
3. Funding for international coaches, to provide the highest possible coaching for our elite and development squads. Under that funding are sports scholarships which are grants that are made for elite and talented athletes to train overseas.

4. Grant for short-term experts. These grants are made for annual salary. We do individual sports development to development officers and bring in experts from overseas for a short duration to train and support Fijians to qualify as technical officials or coaches.

Through the funding provided to our NSOs, the Government provides \$8,698,920 during this financial year. We are able to help the NSOs in achieving their goals and set out their four-year development plans.

Madam Speaker, the success we saw was not just in weightlifting with a Gold but our athletes also won Bronze Medal in Boxing, together with a Silver Medal in our Men's Sevens Rugby at the Commonwealth Games. This is evidence of their success on these sports' well-executed and funded plans.

Over the past four years, weightlifting has received Government grant, supported by grants from the International Olympic Committee to enable their elite and talented lifters to participate in international events, to be coached at the IS level locally and to train overseas at the Special Weightlifting Academies. However, Weightlifting Fiji has set the example, Madam Speaker, in developing a four-year strategic plan with clear targets and outcomes and the implementing of good governance. Instructors have also had a significant impact on the NSOs which is the weightlifting ability to perform.

So we continue to work with all NSOs to ensure that all athletes are given the same opportunity to reach their full potential and to represent Fiji on the international stage. This, Madam Speaker, include our athletes with disabilities and our women. Thank you for the opportunity, Madam Speaker.

HON. SPEAKER.- Honourable Ratu Naiqama Lalabalavu?

HON. RATU N.T LALABALAVU.- Thank you, Madam Speaker. A supplementary question. First of all, I thank the Honourable Minister for his detailed reply as to how they have been helping weightlifting. The question that I would like to raise is to do with the trainer who has helped Fiji attain Gold. Will the Ministry recognise the great efforts of Mr. Paul Coffa, a Nauruan former Olympian? He has been helping most of the Pacific Islands in achieving this great feat of scoring or attaining Gold Medals in the Commonwealth and most likely in the Olympics.

HON. SPEAKER.- Honourable Minister?

HON. LT. COL. L.B. TUITUBOU.- I must thank the Honourable Member. Madam Speaker, the granted scholarship given to Eileen Cikamatana since 2016 was \$41,761; the second one was in 2017 and 2018. So she prepared herself at the Oceania Academy in Noumea under Mr. Paul Coffa, so that amount was given to the Academy. It falls under that fund for Mr. Paul Coffa, the Nauruan weightlifting coach.

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

HON. M.R. LEAWERE.- Thank you, Madam Speaker. A supplementary question. I would like to thank the Honourable Minister for his response and I would also like to congratulate our Medallists from the Commonwealth Games, in the likes of:

1. Eileen Cikamatana;
2. Apolonia Vaivai;
3. Mr. Winston Hill; and of course
4. Our Sevens Team

Just a question, Madam Speaker,, does the Government intend to recognise medallist achievements, like Eileen Cikamatana, Apolonia Vaivai and Mr. Winston Hill as awarding them with some benefits from their achievements at the Commonwealth Games?

HON. SPEAKER.- Honourable Minister?

HON. LT. COL. L.B. TUITUBOU.- Thank you, Madam Speaker. I must thank the Honourable Member. I think we have already given the incentives to the medal winners. Thank you.

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

HON. P. SINGH.- A supplementary question, Madam Speaker. I thank the Honourable Minister for his response. Weightlifting Fiji has recently recruited a coach of international repute. These are individual organisations like weightlifting, boxing and others. My question is; what role does the Ministry play in the recruitment of such technical experts for individual organisations?

HON. SPEAKER.- Honourable Minister.

HON. LT. COL. L.B. TUITUBOU.- I think I have answered that question. Every year the NSOs are given to present their annual budget. Those are the four funds that are available in the Fiji Sports Commission through the Ministry or Youth and Sports. They can be provided through those four.

HON. SPEAKER.- Last question, Honourable Aseri Radrodro.

HON. A.M. RADRODRO.- Thank you, Madam Speaker. Just a supplementary question to the Honourable Minister. Specifically in sports like weightlifting and boxing have achieved medals at the recent Commonwealth Games. Are there plans in place to bring in local setup instead of sending, for example, Ms. Eileen to Noumea, to localise the setup so that we can have more available participants in this setup?

HON. SPEAKER.- Honourable Minister.

HON. LT. COL. L.B. TUITUBOU.- It comes under the Short Term Experts Grant where we bring in experts so that they can set up locally. They come and train our top athletes, elite athletes and give the chance to locals to understudy them.

Actions to Address Complaints from Hotel and Catering Industry
(Question No. 190/2018)

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

Can the Honourable Minister for Employment, Productivity and Industrial Relations inform the House on the actions taken to address complaints received from the Hotel and Catering Industry from 2015-2018?

HON. J. USAMATE (Minister for Employment, Productivity and Industrial Relations).- Madam Speaker, I would like to thank the Honourable Rika for his question.

The Ministry for Employment has a Unit called the Standards and Compliance Services. The responsibility of this Unit is to make sure that the requirements of the Employment Relations Act and also the Wage Regulations Act that govern the hotel and catering sector are complied with. So, if there are any complaints about their wages, annual holiday, sick leave pay or overtime pay, if it is not being paid, it is this Unit that goes out and deals with the complaints.

Over the period as the Honourable Member has asked this question for about that period from 2015 to 2018, from this sector we have had 854 complaints and the Unit has been addressing these. Investigations are carried out, some of those investigations have led to money being recovered over that three year period to the tune of more than \$48,000 and this money is then transferred into the accounts of their workers responsible through Electronic Fund Transfers.

Five percent of the payments are done through cheques but most of the money now has been deposited directly into their accounts. So, the short answer to that question: for this very important sector for Fiji, we treat it as all the other sectors, we have a department that focuses, investigates and tries to make sure that money that needs to go to the workers goes to them.

There are some cases from this period where we have not been able to complete the investigations and our investigations continue. Employers have to provide the data, wage records, et cetera, and scrutinized. Should our Ministry find that the money has to be paid to the workers, we try to recover that money, if not it goes up to the Employment Relations Tribunal which then comes up with the decision that the employers have complied with this. So, those are some of the measures that are undertaken by the Ministry in relation to the Hotel and Catering sector, just as it would for any other sector.

HON. SPEAKER.- Honourable Ro Kiliraki.

HON. RATU K. KILIRAKI.- Thank you, Madam Speaker. Apart from the monetary complaints in terms of work, this sector of the economy has a lot of gender employment in terms of female. Can the Honourable Minister provide some sort of information in terms of the gender-related cases that arise from the industry? Thank you, Madam Speaker.

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

HON. J. USAMATE.- I see that is a very broad question to ask on the gender-based issues. I think there are number of provisions that we have in the legislation:

1. There should be no discrimination between different genders, different people and different ethnicities. If sometimes people of female persuasion or sex feel that they have been discriminated against, they have provisions to be able to bring that up to the Ministry.
2. Also, provisions on sexual harassment. When this does take place, the Ministry will also address that.
3. The Ministry has also been involved in the past in HIV and AIDS training workers, because sometimes HIV leads to discrimination in the workplace. The person with HIV and AIDS need to be treated as a person who is just normal as other people.

So, where we find that some particular gender has been discriminated against, there are provisions within the legislation that the Ministry staff will look into and try to address it, to make sure that people are treated fairly.

HON. SPEAKER.- Honourable Mikaele Leawere.

HON. M.R. LEAWERE.- Madam Speaker, a supplementary question. In 2017, staff workers at the Pearl Resort at Pacific Harbour were subjected to victimisation by the Management because of the working conditions and the aspects of the work. Can the Honourable Minister inform the House as to what it has done to address this issue as raised by the staff at the Pearl Resort?

HON. SPEAKER.- Honourable Minister.

HON. J. USAMATE.- Can he just repeat the first part of his question?

HON. SPEAKER.- Please, repeat the first part of your question.

HON. M.R. LEAWERE.- Thank you, Madam Speaker. The staff workers at the Pearl Resort were victimised by the Management due to their working conditions. Can the Honourable Minister inform the House as to what it has done to address the issue at the Pearl Resort?

HON. J. USAMATE.- Madam Speaker, I do not have the specific information on that specific complaint. If it was something in 2016 because I joined in 2017 so I invite the Honourable Member to perhaps, send me an email and I will make sure that I send him a response for that specific complaint.

HON. SPEAKER.- Honourable Viliame Gavoka.

HON. V.R. GAVOKA.- Madam Speaker, a supplementary question. Madam Speaker, as you would recall I brought a Petition here regarding the mistreatment of the staff at the Grand Pacific Hotel (GPH) and what it discovered was that, this person was degrading a staff by the use of words and the like.

On the Pearl Resort incident, there was a letter to the Honourable Minister and copied to us where the gentleman used the four letter word against a staff. Can I ask the Honourable Minister to state categorically today that anyone who demeans a staff and degrades them with the use of foreign words and the like, will be treated very seriously by the Ministry?

HON. SPEAKER.- Thank you. Honourable Minister.

HON. J. USAMATE.- I think everyone needs to be treated with respect. The former Minister for Employment tells me that that particular matter has been addressed, but people need to be treated with respect and with dignity. I know in some workplaces, people like to use all kinds of language when they speak to their workers. The workers have the right to be treated with dignity, the kind of words that are spoken to them, and we will also try to make sure that that happens. Those specific cases, the GPH one and the Pearl Resort, I will follow them up to see whether it actually happened in that particular areas, but generally workers need to be treated with respect and my Ministry will be focusing on that.

HON. SPEAKER.- Honourable Dr. Brij Lal.

HON. DR. B. LAL.- Supplementary question, Madam Speaker. Can the Honourable Minister explain to this House the proactive measures taken to curb complaints from the Hotel Industry?

HON. J. USAMATE.- Madam Speaker, the measures that I have been talking about so far are reactive measures, complaints happen and what we do to try to deal with a particular complaint. But we also need to have things that we try to do to anticipate or try to stop the complaints from happening in the first place. And a major tool that is used by the Ministry in this is to have visits, where our workers would go and actually make inspections, even when there is no complaint. So within the Ministry, we have for all the inspectors, they have a number of inspections that they are required to do. So the inspectors will go out and visit hotels on a timely basis.

From that particular period that we had from 2015 to 2018, almost 1,600 of these inspections are taking place. So they go, they give advice to the employers on what the conditions are, the wage conditions and all those terms of employment. So those sorts of information are given to the employers and also to the workers.

We try to make sure that we have fair labour practices being done in the workplace that we try to prevent discrimination, that we promote orderly and individual collective bargaining and also settling employment grievances and disputes. That is one of the most important things that we have where we are trying to have the inspectors go.

But over and above that, one of the mechanisms that exists in the Employment Relations Act is where workplaces that have more than 20 workers, they are required to have a committee called the Labour Management Consultation and Cooperation Committee.

These Committees have representatives of workers in Government, and the intent for these Committees is to listen to potential grievances so that they can be addressed in-house so they do not have to be brought outside. So we have the inspections, we have these Committees set up as proactive measures to try to address complaints to stop them from happening in the first place.

HON. SPEAKER.- Thank you. I will now give the floor to the Honourable Mikaele Leawere to ask his question.

Reduction of Teachers' School Term Holidays
(Question No. 191/2018)

HON. M.R. LEAWERE asked the Government, upon notice:

Can the Honourable Attorney-General and Minister for Economy, Public Enterprises, Civil Service and Communications inform the House why the Teachers' Terms 1 and 2 holidays are now reduced to one week instead of two weeks?

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

Madam Speaker, actually that is incorrect. It has been reduced, not to one week but it has actually been reduced by only two days. For this purpose and the purpose for providing professional development of the teachers because the teachers themselves actually had been requesting. It has been reduced only by two days.

As part of the Civil Service Reforms, Madam Speaker, initiatives have been introduced to provide better coordinated professional development for teachers. During the 2018 Budget announcement, we confirmed that the teachers would be required to attend school for an additional

seven days over the entire year. So three days before Term 1 begins and two days before Terms 2 and 3. Professional development, Madam Speaker.

The Ministry has been programmed for professional development activities for teaching days which started from the 10th January to 12th January and continued on the 3rd May and 4th May. This was done on the request of the teachers themselves and indeed, Madam Speaker, we consulted the unions about this and the unions actually welcomed these efforts because what used to happen before, Madam Speaker, is that the Ministry at times used to have what we call, ad hoc training. So they may decide one month before or maybe a few weeks before and say, "All right, this weekend we want all the teachers in Tailevu to come to some hall in Nausori and we will do professional development." They, of course, have their own lives. They have their own families. They may have prior engagements. Some of them maybe getting married on that day, who knows, but they will miss out.

So in this way, we have specific days that are laid out prior to the year beginning to say, "Three days before Term 1, two days at the end of Term 2 are specific days for development." Of course, Madam Speaker, it means that there are focussed programmes and then we ask the Ministry of Education to then ensure that the programmes that they have and conduct training on those days are specifically targeted, and that is what these days are for. So the Honourable Member is incorrect to say that the Term 2 holidays have actually been reduced by one week. Thank you.

HON. SPEAKER.- Honourable Ro Teimumu Kepa. Supplementary question.

HON. RO T.V. KEPA.- Madam Speaker, there was a study undertaken in 2015 and the final report was given in 2016. The study was carried out by University of the South Pacific, University of Bristol and University of Nottingham in the United Kingdom (UK). The questionnaire was responded to, 92 percent of them, Madam Speaker, said, "It is not a good time to be a teacher in Fiji, especially if you are responsible for an exam class or form, as you have evening classes, Saturday classes and even holiday classes. So there is less time off and even less family time."

So my question, Madam Speaker, to the Honourable Minister is on quality. How can the Honourable Minister ensure that teachers have more reasonable working hours, to enable the retention of higher quality teachers and to ensure that the quality of teaching and learning is maintained? Thank you, Madam Speaker.

HON. SPEAKER.- Honourable Acting Prime Minister.

HON. A. SAYED-KHAIYUM.- Thank you, Madam Speaker. There is no doubt that teachers play a very pivotal role and any Government should do and that is to ensure that the teaching career becomes a very attractive career.

There are various ways of doing that and one, of course, is by paying them the right amount of salary, and another one, of course, is to ensure that they have specific career paths that they feel that they have been rewarded in terms of if they want to climb up the hierarchy or indeed, ensuring that they have access to on-going training and accessibility training.

Madam Speaker, that is all part of the Civil Service Reforms. As we know that teachers have got a pay rise - the Head Teachers, Principals, Deputy Head Teachers, et cetera, and those people have got very significant pay rises.

There is also now a specific career path being developed. Of course, for a number of decades, Madam Speaker, and the Honourable Leader of the Opposition will know this because she

was Minister for Education, that many policies actually were not there. For example, there were no specific policies on transfers.

At the moment we have got a number of areas in which we are developing specific policies, for example, on how to get transfers, when people apply for compassionate leave, when they can get it, and just last night after Parliament I had a whole pile of papers where we are now trying to develop a policy for specific areas. Now, it includes things like e-ticketing. We have got a restructure that has been carried out by the World Bank, we are looking at how we can make the Divisional Education Offices a lot more relevant.

As I have highlighted in Parliament previously, the dynamics has been very different. The administrators are the ones who have been ruling the roost and the teachers have been the subservient ones. In fact, (and I have said this repeatedly) the teachers are the ones who should be ruling the roost and the administrators are the ones who should be actually running after the teachers, trying to make sure that the environment for them is very conducive so they become better teachers and they want to be able to go to classes and be able to teach properly. So those are some of the reforms that we are carrying out, Madam Speaker.

I do not know this specific report that the Honourable Leader of Opposition is referring to, but what I have just responded is actually the general principles because I am sure that that report she is actually alluding to, Madam Speaker.

Let me just highlight, Madam Speaker, for the interest of Members of Parliament, what are the things that these training workshops have been doing? For example, in the three days before the professional training development for Term 1, it addressed the following issues:

1. Planning for 2018.
2. Review of the academic achievement for 2017 to focus on the planning for 2018.
3. School improvement plan which requires continual updating and monitoring to address any weaknesses.
4. Identify the introduction of newer change curriculum.
5. English literacy.
6. Improvement for classroom teachers. This is, again, something that we have highlighted continuously. If you see the quality of English in Fiji, it is deteriorating quite significantly which we need to improve.
7. Training the civil servants on performance management guidelines.
8. Activity around improving pedagogy teaching and learning issues.
9. Finalising the extra-curricular activity programme.
10. Teacher planning for the specific subjects in classes for Term 1.

All of those can be all planned out so they have actually better quality time with their students.

There are other areas, for example, in Term 2, the programme covered things like and I am going to read out all of them:

1. Plans for remedial studies for teaching and learning to ensure quality delivery in across all areas in the curriculum and promoting shared best practice.
2. The Behavioural Management Policy to encourage positive student discipline without corporal punishment. We see that a lot. This issue has been raised in Parliament about

some of the disciplinary issues and how we can actually reinforce discipline through what we call positive discipline processes.

3. Child Protection Policy to outline teachers' responsibility to create and maintain a safe and secure environment for the students.

Again, the planning for Term 2.

Madam Speaker, the issue, of course, is there are a number of reforms currently on foot at the moment, and we are addressing those issues that have been highlighted. We have also said publicly, we are in fact talking at the moment to the Australians about getting some technical assistance also looking at our curriculum. One clear example is, Madam Speaker, as far as the syllabus is concerned, in high schools in Fiji where maths is compulsory and everyone does the same maths subject. The maths also teaches you algorithms, Pythagoras theorem; all those other sorts of sophisticated maths areas of study.

Not every student wants to study all of that, not every student will actually use that. For example, if they go and work for Honourable Dr. Samisoni's company, they will not need algorithms but they do need some fundamental basics of maths.

For example, in Australia, they have two streams maths. They have what we call pure maths and they also have what we call life maths. In fact, I was talking to my brother-in-law recently a few days ago in which he actually teaches maths in Australia, and we were actually looking into details as to how they do the break down, and that is what we can actually do.

We can introduce those maths subjects so those who actually want to do for example science or a professional career that requires maths, they can study the pure maths. Those who do not need it, they can do the other maths which will also encourage them to study maths because at the moment, people shy away from maths. But this will become life learning experiences for them, so they can apply it in a very practical sense.

So we are looking at an overall training of that but also to be able to provide opportunities for our teachers to go on to do Masters, to be able to do further studies and specific training. It is all part and parcel of the holistic review that we are carrying out, Madam Speaker. Thank you.

HON. SPEAKER.- Thank you, Honourable Members. Time has caught up with us. We will now take a break for refreshment and we will resume at 11.15 a.m.

The Parliament adjourned at 10.46 a.m.

The Parliament resumed at 11.16 a.m.

HON. SPEAKER.- Thank you Honourable Members. We will now resume from where we left off and I now give the floor to the Honourable Samuela Vunivalu to ask his question.

Learning Pathways at Youth Training Centres
(Question No. 192/2018)

HON. S.B. VUNIVALU asked the Government, upon notice:

Can the Honourable Minister for Youth and Sports highlight how the Ministry is creating learning pathways at the Youth Training Centres?

HON. LT. COL. L.B. TUITUBOU (Minister for Youth and Sports).- Madam Speaker, the Acting Honourable Prime Minister and the Honourable Leader of Opposition; I would like to thank the Honourable Member Samuela Vunivalu for the question.

The Ministry of Youth and Sports has already accredited the programmes we offer to our Youths Training Centre for Certificate III in Carpentry, Certificate IV in Organic Agriculture and Certificate IV in Music from the Fiji Higher Education.

The second part of training is mobile training, where our resource personnel are taken to the *tikina* and the youths from the villages around that *tikina* decide what type of training they want and we take it to them. During the past cyclones, we had one in Rotuma, and right now we are having one in Ono-i-Lau. This allows us to issue Certificates of Attainment rather than the participation which is more marketable for our trainees here as they search for work.

Madam Speaker, the Certificate III in Carpentry Programme provides a second chance for school leavers, youth and disengaged learners who is to obtain a carpentry qualification which would offer them the opportunity to earn a decent living that Certificate III will allow them to sit for Certificate II then Certificate I. This is either through self or paid employment, hence providing the necessary leverage and transition to the world of work or to continue on to advance of formal learning to establish their own small business. We are providing choices, Madam Speaker, where they did not previously exist.

Similarly, Madam Speaker, Certificate IV in Organic Agriculture promotes sustainable development for youths in Fiji through organic farming practices, developing a holistic approach and processing the interconnectedness of agriculture, ecological integrity and the human spirit.

In addition, Madam Speaker, through our partnership with the organisations for industries, spiritual and cultural advancement, some of our trainees get opportunities to pursue further studies in Japan after the organic farming training of six months in Nasau, to hone their skills in further training organic farming on their return to Fiji.

Madam Speaker, Certificate IV in Music Programme focuses on recognising and appreciating the music and its application in choir, brass band and dance band; all of these run in the veins of the Fijians and this year we are targeting a recording studio for youths. We have been approached by the locals that they want to do their recording at the studio when it opens.

So, in this Certificate IV in Music, we have two young people from Tuvalu attending this training, to add a more diverse approach so a component of the programme also covers

performance of traditional protocol music and dances. The music provides non-formal education in residential environment.

As I had mentioned before, we take it out to the *tikina* where youths from the villages attend this training. This ensures that young people from our remote areas who would otherwise not get access to such opportunity get a second chance, and a further opportunity to choose to apply their newfound skill at home or to continue studies in a more formal environment or to create employment for themselves and others. We are open to register youths and all youths all over Fiji. Thank you for that opportunity, Madam Speaker.

HON. SPEAKER.- Thank you. Honourable Dulakiverata?

HON. J. DULAKIVERATA.- Thank you, Madam Speaker. I thank the Honourable Minister for his reply to the question. My supplementary question, Madam Speaker, the youths in the Youth Training Centres acquire some skills to help them obtain meaningful employment. Now, that the Fiji Police Force (FPF) requires recruits to have driving licences to be able to be recruited in the Force; will the Ministry also consider providing driving courses in the Youth Centres?

HON. SPEAKER.- Honourable Minister.

HON. LT. COL. I.B. TUITUBOU.- Yes, Madam Speaker, that is included in the Mobile Training and we have already conducted one in one of the Divisions.

HON. SPEAKER.- Honourable Ratu Suliano Matanitobua?

HON. RATU S. MATANITOBUA.- Thank you, Madam Speaker. A supplementary question. I thank the Honourable Minister for the answer he gave. My question to the Honourable Minister, can he enlighten this House, how many youths have passed out through this training process and secure jobs or actively engaged in the economic life of this country? Thank you, Madam Speaker.

HON. SPEAKER.- The question is statistical in nature, the onus is on the Honourable Minister. Yes, you have the floor Honourable Minister.

HON. LT. COL. I.B. TUITUBOU.- Thank you, Madam Speaker. The question is statistical in nature and I will provide the figures to the Honourable Member at a later date.

HON. SPEAKER.- Thank you. There being no other questions, Honourable Dr. Mere Samisoni.

Rural Households – Solar Home Systems
(Question No. 193/2018)

HON. DR. M.T. SAMISONI asked the Government, upon notice:

Can the Honourable Attorney-General and Minister for Economy, Public Enterprises, Civil Service and Communications inform the House whether all 2,600 households located in rural areas within the four (4) Divisions who applied for new solar home systems have all been catered for as budgeted in the 2017-2018 Budget allocation?

HON. A. SAYED-KHAIYUM (Attorney-General and Minister for Economy, Public Enterprises, Civil Service and Communications).- Yes, they have been, Madam Speaker.

HON. SPEAKER.- A supplementary question, Honourable Dr. Mere Samisoni?

HON. DR. M.T. SAMISONI. - Thank you. My question is framed around Sustainable Development Goal No. 7 - Affordable and Clean Energy. The Honourable Prime Minister gave out on Thursday, 26th April, 2018 kerosene stoves for people who were involved in the flooding, et cetera. It was announced that he gave it out, this was a fact. My question is because of the carbon footprint of kerosene, it is so big, and I will read that out shortly, but is there someone in the Office of the Prime Minister who knows about the technology of carbon footprints to advise, Madam Speaker? It is so, so very important, and if I could just read out the carbon footprint

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

(Honourable Members interject)

HON. A. SAYED-KHAIYUM.- Madam Speaker, firstly, if I can highlight again, I refer all the Honourable Members of Parliament to the flyer. The Honourable Member obviously was referring to the list of 2017-2018 areas for installation in new solar home systems and has got 2,600 at the bottom, including all the different provinces: Ba, Nadroga, Namosi, Navosa, Ra, Bua, Cakaudrove, Macuata, Kadavu, Lau and Lomaiviti. It covers 2,600 homes and the budgetary allocations have been made.

I also in that respect would like to refer the Honourable Members, and you will all have copies of this — it is a 20-year plan, it is very good reading and you will get a lot of information and knowledge from it. In that also, Madam Speaker, you will see highlighted the plans for the next 5 to 20 years in respect of moving to renewable energy sources.

What the Honourable Member is trying to do is draw some sort of a relationship between the Honourable Prime Minister giving out stoves to people who have completely lost their kitchens with stove, pots, pans and everything and saying that he should not in fact be giving out kerosene stoves because we could have put solar panels in the roofs so that they can start having stoves that they can use solar energy to cook from.

As I highlighted, Madam Speaker, we did look at the option of gas but if for example a village, right up in the inland of Ba, that is far away from any shop. Can you imagine what would be the reality if we took one stove with a gas cylinder and took it up to them? And when the gas would finish, what would happen? They have to carry the gas cylinder or maybe 20 kilometres, hire a carrier to go and refill the gas cylinder. It can happen in Namosi too - a lot of isolated places.

(Honourable Member interjects)

HON. A. SAYED-KHAIYUM.- I am sure there are not many stoves in Namosi that recharge gas cylinders because they are right in the interior. It is the practicality of it, Madam Speaker. It is one thing to pontificate about the theory, but we, as a Government, need to look at the practical side of this.

So, yes, the ideal situation would be to use solar panels and you have stoves that uses energy from the solar panel to cook the food. At the moment that does not exist and it is not readily available. These people were cold and hungry, they do not have a stove, they want to cook their food, so this is what was given to them.

But overall as a country, Madam Speaker, we can make enormous inroads in reducing our carbon footprint by targeting the major users of carbon, fossil fuel as we have said, diesel-generated electricity and also the public transportation; buses, ships and diesel generators, have one of the largest carbon footprints in Fiji. Those are the areas we are targeting, not targeting some small house in the village in Ba and we tell them, "Sorry you cannot cook your food, let us wait until the technology comes, with the solar panels we can cook, to light up your stove."

(Honourable Members interject)

HON. A. SAYED-KHAIYUM.- Madam Speaker, that is why they were given the stoves and that is also why the Honourable Prime Minister has vast knowledge in respect of carbon footprints. He is the President of COP23; he has a lot of people around him; he has the Climate Change Champion; we have our negotiator, Luke Daunivalu; we have Nilesh Prakash, who heads the Climate Division, Ministry of Economy; and the numerous people, they know what they are talking about and they know what they are doing, probably more than the Honourable Member.

But the fact of the matter is to be able to draw an analogy, and I think it is preposterous to object to the giving out of a kerosene stove to some villagers and cane farmers, et cetera, who needed the stoves to cook their food.

(Honourable Member interjects)

HON. SPEAKER.- Thank you. Honourable Salote Radrodoro you have the floor.

HON. S.V. RADRODRO.- Thank you, Madam Speaker. I request the Honourable Minister if the statistics on the 2,600 households, the distribution of that could be submitted because I ask, Madam Speaker, the question on solar in those areas that have been affected by *TC Winston* are still without lights. For example, in Vanuabalavu they still do not have any source of electricity.

The panel that is coming in is coming in, is coming in through Adventist Development and Relief Agency (ADRA) which is a Seventh Day Adventist organisation. And the question to the Honourable Minister, when will these villages that were affected by *TC Winston* be provided with solar power to be able to at least give them light, I mean let alone cooking, but first lighting? Thank you, Madam Speaker.

HON. A. SAYED-KHAIYUM.- Madam Speaker, we can never take what the Honourable Member makes representation of various projects around the country. We cannot take it at face value. As the Honourable Minister for Provincial Development has highlighted, all of these areas work in clusters and these NGOs actually do come through a Committee that is actually chaired by Government. It is incorrect to come to Parliament and represent and say that Government has got nothing to do with it. In fact, they are doing it under the auspices of Government.

Madam Speaker, the list of the solar system is actually here again in the flyer. It says here:

- Nadragu Village, household - 48, estimated cost \$184,000;
- Nadevo Village, Ba, 55 homes, estimated cost \$220,000;
- Dreketi Village, Ra Province, 12 homes, \$48,000;
- Tiliva Village, Bua Province, 18 homes, \$72,000;
- Tavuca Village, 31 homes, \$124,000.

Those

are

examples.

HON. S. V. RADRODRO.- Madam Speaker, my question was on the *TC Winston* affected areas, the villages. What kind of assistance will be given to them to be able for them to have the solar power installed in their various homes, not on that list? Thank you, Madam Speaker.

HON. A. SAYED-KHAIYUM.- Madam Speaker, that is a separate programme. Wherever there were solar panels installed by Government, there is a re-engineering and a separate budgetary allocation made for that for those homes to be actually connected to the solar panels again.

HON. SPEAKER.- There being no other question, I now move on to the next item on the agenda - written questions. I now call on the Honourable Leader of the Opposition, Ro Teimumu Kepa to ask her written question.

Written Questions

Companies Involved in Leasing/Selling Vehicles to Government (Question No. 194/2018)

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

Would the Honourable Attorney-General and Minister for Economy, Public Enterprises, Civil Service and Communications inform the House which companies are involved in leasing or selling vehicles to Government and the total amount each company has received?

HON. A. SAYED-KHAIYUM (Attorney-General and Minister for Economy, Public Enterprises, Civil Service and Communications).-Madam Speaker, I would like to thank the Honourable Leader of the Opposition for this question. I will provide the answer as provided for under the Standing Orders. Thank you.

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

Resolution to OHS Issues and Complaints (Question No. 195/2018)

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

Following the introduction of the reformed OHS law, a total of 1,443 workplace injuries were recorded in 2017. How does the Ministry of Employment, Productivity and Industrial Relations intend to provide an early resolution of OHS issues and complaints to reduce serious accidents and fatalities in the workplace?

HON. J. USAMATE (Minister for Employment, Productivity and Industrial Relations).- Thank you, Madam Speaker, I would like to table my response to the written question.

HON. SPEAKER.- Thank you very much and question time is over. We move on to the next item in the agenda.

MINISTERIAL STATEMENTS

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

1. Honourable Minister for Employment Productivity and Industrial Relations;
2. Honourable Minister for Defence and National Security; and
3. Honourable Acting Prime Minister, the Honourable Attorney-General and Minister for Economy, Public Enterprises and Civil Service and Communications - two Ministerial Statements.

Each Minister may speak up to 20 minutes. After each Minister I will then invite the Leader of the Opposition or her designate to speak on the statement for five minutes and the Leader of the National Federation Party (NFP) or his designate will also be invited to speak for five minutes. Also, there will be no further debate.

I now call on the Minister for Employment, Productivity and Industrial Relations to deliver his statement.

Tackling Child Labour through Education (TACKLE) Project

HON. J. USAMATE.- Thank you, Madam Speaker. Honourable Madam Speaker, Honourable Acting Prime Minister, Honourable Leader of the Opposition and Honourable Members. I rise today to provide an update on the impact of the child labour Tackling Child Labour through Education (TACKLE) Project in Fiji and the outcomes of the implementation of the project.

As the name speaks for itself, it is about child labour. This Project that has been ongoing in the country for a number of years and I know that Fiji in the Constitution of the Republic of Fiji basically guarantees the rights of children and these rights are embedded in Chapter 2 of the Bill of Rights, Section 41 of the Constitution.

This particular project was something that was trying to get more into the issue of addressing child labour, not only in Fiji but in a number of other countries around the world. The overall objective of the TACKLE Project or the child labour project was to see how we can contribute to eliminating child labour in Fiji. To see how we could eliminate this, basically through three different approaches:

1. To try to have a national child labour response and prepared to do this through a number of ways:
 - effective cooperation by different agencies rather than just looking at the work of one;
 - coordinating between these different agencies; and
 - enforcement and monitoring. This was one of the first approaches that was used, this national child labour response.
2. To see how we can strengthen the implementation of policies and programmes for formal and non-formal education that promotes school retention and access to education for our school children. So the whole project, the basis was to try to get children back into the school system especially those who had left the school system.
3. To enrich the knowledge base to combat child labour especially its worst forms. The worst forms of child labour through a number of ways, through research, direct actions, knowledge sharing and withdrawal of children from child labour and returning them to school.

Madam Speaker, from 2008 to 2013, the European Union (EU) actually funded the global programme. It was a global programme on tackling child labour through education, what I have referred to as TACKLE Project. The Project was implemented by the International Labour Organisation (ILO) in 11 countries in the African, Caribbean and Pacific region. And in the Pacific, Fiji and Papua New Guinea were the two countries selected for the Pacific portion of this programme. Through the Project, it ensured the timely implementation of child labour programme and awareness in implementing countries for reduction of child labour cases including the worst forms of child labour.

How was this achieved? First of all, there was a lot of emphasis on information and research on child labour that was updated on a wide scale capacity building programme with awareness and advocacy conducted, entrepreneurship education was introduced in schools and resource and knowledge sharing platform, that also promoted amongst all the different agencies that came together to implement this programme in Fiji.

The initiative also noted that cases of child labour are not only about working children but also about the right of a child to be in school. I think one of the fundamental beliefs that we have is about children, the children have the right to be developed, children have the right to be in school when they are in the age that they should be in school and when we stop this from happening, we are stopping them from reaching the potential that they have, the ability that they have to be able to rise to.

Madam Speaker in 2014, the ILO sub-regional programme on child labour and trafficking expanded TACKLE's work to the Pacific region so that it was not just looking at programmes within Fiji but we started sharing with other countries in the region. So there was a sharing of information and experience including our experience in Fiji in child labour inspections and child labour research.

This information was shared between Fiji, PNG, Kiribati, Samoa and the Solomon Islands. So we have an initial programme here in Fiji and as a result of what we learnt, we began to share this with other countries in the Pacific because we know that child labour is a problem also in a lot of our smaller island countries around the Pacific.

In February 2015, the ILO and EU in partnership with the Ministry of Employment, Productivity & Industrial Relations, the Ministry of Education, Fiji Bureau of Statistics, Fiji Police Force and Social Welfare Department, Fiji Trades Union Congress and Fiji Commerce and Employers Federation and other stakeholders launched a second phase of this Child Labour Programme which we call TACKLE II. This was implemented in Fiji over a 24-month period and ended on 28th February, 2017.

Madam Speaker, through the Labour Reform Process, the Employment Relations Act (ERA) came into full force from 2nd April, 2008. This law (ERA) provided very clear guidelines and provisions in terms of child labour and also criminalised the employment of under age children.

The law provides for minimum terms and conditions of employment for all workers including the provisions of employment for children who are above the age of 15 years and who wish to work in non-hazardous light work environment. For children between the ages of 15 years to 18 years, they can only work in that kind of environment. It is non-hazardous and it is light work.

Our Constitution also guarantees the rights of children and the right to education for every person. This indeed is the best possible protection provided to our children under the supreme law of the land.

Madam Speaker, the law also provides conditions where children between the ages of 13 years to 15 years can be employed in light work environments in which members of the same family or communal or religious groups are employed provided that the employment must not be in any way harmful to the health or development of the child and must not also prejudice the child's attendance at school or participation in vocational orientation or training programmes. So, that means it does provide for some scope in where children could work in certain particular kinds of situations with those added riders that we have at the bottom there about the kind of things that stops the children from working in.

Madam Speaker, the law also provides provision on worst forms of child labour and these include:

1. All forms of labour slavery or practices similar to slavery, because this still happens, I hope it is not happening in Fiji but I know it happens around the world. All forms of labour slavery or practises similar to slavery such as the sale and trafficking of children, debt bondage and any form of force or compulsory labour, including force or compulsory recruitment of children in armed conflict; which thankfully it does not happen in our part of the world.
2. The use, procuring or offering of a child for illicit activities in particular for the production and trafficking of drugs as defined in relevant international treaties.
3. The use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances.

This is also something that is absolutely a no-no and I know that later on today we might be considering other issues related to this, other Bills that might be introduced around this particular area.

Madam Speaker, the Fijian Government has ratified ILO core Convention 182 on Worst Forms of Child Labour in April 2002 and Convention 138 on Minimum Age in January 2003. The provisions and principles of these conventions are already embedded within the provisions of the ERA. Fiji has also ratified all 8 ILO core Conventions, all 4 Governance Priority Conventions and 26 ILO Technical Conventions.

According to the ILO, there are around 541 million young workers between the ages 15 to 24 in child labour out of which 37 million are in hazardous child labour. This accounts for more than 15 percent of the World Labour Force. This is something that calls for a global action to eradicate child labour and support Sustainable Development Goal 8.7 on ending all forms of child labour by 2025 and SDG Goal 8.8 on safe and secure working environment for all workers by the year 2030.

Madam Speaker, through the establishment of a robust Labour Inspection System on Child Labour within my Ministry from 2011, my Ministry has investigated a total of 200 child labour cases to-date and has withdrawn these children and returned them to the various schools through the efforts of the Inter-Agency Committee on Eradication of Child Labour, as I said, that includes the Social Welfare, the Police Department, the Provincial Administrations, District Offices; all of these working in tandem to children who are working who should be in school and working

together with the Ministry of Education to take these children and place them back into places of education.

From 2011 till to date my Ministry has trained school teachers, police officers, sugarcane farmers, Fiji Sugar Corporation field officers, community leaders and Labour inspectors on Child Labour Awareness and Monitoring Programmes.

The Labour Standard Services of my Ministry is responsible for the enforcement and withdrawal of children from child labour and through the ILO's TACKLE Project. We have implemented a robust child labour database that captures and profiles cases of child labour and the withdrawal of children from child labour who have been returned to school. The Ministry has also successfully prosecuted an employer for the employment of a child, and the employer was convicted and fined \$8000 for that particular offence.

Madam Speaker, a child who is fifteen years and above can be employed in light work and non-hazardous work after school and during school holidays where the parents or the guardians must provide written consent to the employer authorising their child to be in employment. The child must be paid the minimum rates of pay as stipulated under the Wages Regulation Order. A child must not be employed for more than eight hours and must be given thirty minutes paid rest, no child shall be employed during school hours.

As part of the continuous improvement and labour reform process, my Ministry has also implemented the Hazardous Occupations Prohibition for Children Under 18 Years of Age - Order 2013. This Order prohibits work which is hazardous in nature and can be harmful to the health and safety of children.

My Ministry, with the assistance of our inter-agency partnership, including the Ministry of Women, Children and Poverty Alleviation and the Fiji Police Force is continuously creating awareness to all workers and employers in the area of child labour and ensuring that no child is in child labour and every child is given the universal right to education.

The Fijian Government has committed a total sum of \$964.5 million towards the provision of Quality Education in the 2017-2018 National Budget, and this is a massive investment towards our children. The emphasis is to ensure that we can provide them the best possible guidance and education for all Fijians. Now, we know that children have access to education from early childhood to tertiary even they are given assistance for transport, food in the morning, text books, et cetera, to try and make sure that we can remove the barriers that have stopped children from participating in school.

Also we know that a lot of children who have ended up in child labour because they do not have anyone to look after them, pay for the bills so the children are expected to go and sell things for the poor or their grandfathers or their guardians at home and because of that, the Government over the past few years, has invested a lot in the safety net to ensure the most marginalised society have a lot of their needs taken care of.

We have heard recently in the past in Parliament about the subsidy we have on things like water and electricity, free medicine, social pensions for the elderly.

A lot of the young we find selling *roti*, *sasa* brooms around the place. When we go and talk to them, you will find that they are living with their grandmothers or grandfathers. So, we need to be able to provide some things to their elderly grandparents so that they can sustain themselves and allow the children to go to school, so social pensions for the elderly, food vouchers, assistance to handicap and the poor.

The National Minimum Wages and Minimum Wage Regulation Orders - all of these things try to put in place that safety environment that allows us to try to make sure that our children can have a future and we can get rid of Child Labour in Fiji.

I think all of us in Parliament have a role to play in this that all of us are listeners in Fiji and we need to all join hands together to try to eradicate child labour in our society. My Ministry, together with our tripartite partners and together with the International Labour Organisation, will be celebrating World Day against Child Labour on 12th June 2018 with the theme “Generation Safe and Healthy”, and I invite all of you to celebrate with us for the benefit of our children and the future generation of our country. Thank you, Madam Speaker.

HON. SPEAKER.- Thank you. I now call on the Honourable Leader of the Opposition or her designate to deliver his response.

HON. M.R. LEAWERE.- Thank you, Madam Speaker. I would like to thank the Honourable Minister for his Ministerial Statement on Child Labour TACKLE Project in Fiji but before that, I would just like to correct the anomaly as alluded to by the Honourable Attorney-General regarding the planning and training of teachers in the Ministry of Education, before it was under the Curriculum Development Unit. The training was conducted and planned and not ad-hoc as alluded to by the Honourable Minister.

The Honourable Minister for Employment, Productivity and Industrial Relations, Madam Speaker, sounded very serious in his statement, but that seriousness on this issue does not find a mention of such project in the Annual Report of the Ministry presented just a few days ago on the recent activities of the Ministry.

The first point, Madam Speaker, I want to raise in relation to this matter is aligning our laws, policies and programmes to be on par with the United Nations Convention on the Rights of the Child (CRC). That is not merely fulfilled by legislation or having a Ministry for Children or making sugar-coated Ministerial Statements. It needs some serious soul-searching solutions, planning, implementation and monitoring.

It is a pity, Madam Speaker, and I will not mince my words, I am sorry to say that for too long we have had too many good ideas but very badly lack quality implementation and quality monitoring processes which have not only made those initiatives and dreams a fuss but kept some of the vulnerable sections of the people in our society exposed to considerable risks.

So far, Madam Speaker, we have seen the monitoring of the National Employment Centre (NEC) and this is used as a yardstick. The Opposition expressed its grave doubt about this Child Labour TACKLE Project through its implementation and monitoring.

What I would like to mention at this point, Madam Speaker, is the absence of long-term planning due to lack of supply of analytical analysis or statistics which is an issue which we cannot ignore and must learn to address. I am sure we will hear a lot on this this afternoon when we get down to debate on the Information Bill 2016.

The second point, Madam Speaker, is on funding. How much funds are there to implement this initiative? When will these funds be made available? A similar project, Madam Speaker, in Jamaica is allocated \$25 million, what about Fiji? The issue is funds allocated in the Budget under “R” which many of us have come to label as “R” which is for “red”, because it helps the

Government to look good when the Budget is announced but in actual reality, Madam Speaker, nothing changes or happens on the ground.

Thirdly, Madam Speaker, child labour is not so much spread all over the economy. There are some specific sectors that need to be targeted to curb and control the matter.

Let us not shy away from mentioning and putting it under the microscope. It is about children engaged in selling newspapers, working during festivals and bazaars, doing holiday jobs in supermarkets, those engaged as farm labour or in the building industry during holidays and those engaged in the roadside stalls.

Madam Speaker, I intend to end on a lighter note by saying that I was watching the Hibiscus show on TV some years ago when one of the queens was asked about child labour and the poor queen who had no idea about it ended by saying "Oh, child labour is a good thing, I support it." That is what this Opposition finds in this vague Statement, it is all about coming from a Government that has miserably failed to tackle child labour in Fiji.

Madam Speaker, the Ministry needs to be more serious in implementing this project through budgetary funding. If the Ministry wants to reach out and bring children back to school they need the financial and human resources to qualify this programme.

HON. SPEAKER.- Thank you. I now give the floor to the Honourable Leader of NFP or his designate.

HON. MEMBER.- One more minute.

HON. SPEAKER.- I am sorry, one more minute?

HON. M.R. LEAWERE.- I agree, one minute for the Government.

(Laughter)

I end the response by quoting from a Chinese gentleman, Madam Speaker, when he said "*posa lipalipa, takataka uma*", this is what this project is all about. Thank you, Madam Speaker.

(Laughter)

HON. SPEAKER.- Thank you. Now, I invite the NFP to speak in response.

HON. P. SINGH.- Thank you, Madam Speaker, and I thank the Honourable Minister for his Ministerial Statement. Madam Speaker, I will just confine my response to what the Honourable Minister has shared and I totally agree with the Honourable Minister that as Fiji is committed to the UN Convention on the Rights of the Child which should never tolerate child labour.

Madam Speaker, in fact the second phase of the Tackling Child Labour through Education which commenced in 2015 until 2017 had some great revelations in that as far as education is concerned on the aspects of it, the enforcement then the implementation. So, taking that into consideration, I just give you an example of how effective child labour tackling is in the sugar industry.

As you know that the Cane Producers Association, Madam Speaker, are funded by various organisations like Australia and New Zealand, under that umbrella body. Before they even disburse

funds, there are very strict requirements which spell out what areas of engagement by children is allowed, and one of the areas is that, children under 15 years as the Minister rightly observed should be in school but they can assist their parents. They should not be engaged in hazardous or harmful environment like spraying weedicides, carrying loads of fertiliser bags.

Madam Speaker, these are some of the areas that this law said is very strict and when the Minister talked about enforcement and implementation, these organisations, if you have time to study these, they operate in a very structured manner. This structure allows the 200,000 people who are dependent on the sugar industry to not only access the goodness that comes with it but actually address the socio-economic problems like child labour.

As you know, child labour is always attached to poverty and our social economic standing (the minimum wage of \$2.68), yes, this is why we are asking for review of it, because with the current cost of living, people who are employed with gainful employment, Madam Speaker, this barely puts three square meals on the table for them. So, as a result it is not the adults but the children suffer and these children take upon themselves without parental consent or guidance, so they resort to look for work to subsidise the family, and this is a real fact in rural areas and even in some urban areas, Madam Speaker.

So, child labour is very well defined in the sugar industry. We are addressing it but that needs a lot to be done particularly in the areas of continuity or sustainability of this.

So, the consistency as the Honourable Minister said is in enforcing these goals through:

1. Awareness; and
2. Implementation (at what stage of the implementation is the Ministry involved at all times);

The Ministry's response, many at times are reactive in nature so through the pro-activeness of the Ministry we would be able to address or tackle this problem in a more refined way.

Madam Speaker, despite the budgetary increases on the stimulus package provided by the Government, it probably continues unabated in certain sections of the society. As I gave you an example the sugar industry through the Cane Producer Associations, are coming on board and a similar arrangement can be seen with the other organisations or institutions who are involved in this. Thank you, Madam Speaker.

HON. SPEAKER.- I now call on the Honourable Minister for Defence and National Security to deliver his statement.

Commissioner of Police, UN Mission – Mrs. Vuniwaqa

HON. RATU I. KUBUABOLA.- Madam Speaker, the Honourable Acting Prime Minister, Honourable Leader of the Opposition, Honourable Ministers, Honourable Members of Parliament, ladies and gentlemen. I wish to make a statement this morning on the outstanding achievements of Mrs. Unaisi Bolatolu Vuniwaqa, recently appointed as the Commissioner of Police for the United Nations Mission in South Sudan.

(Applause)

Firstly, I wish to acknowledge the hard work that Mrs. Vuniwaqa has done over the years and we acknowledge that the accomplishment is remarkable for a small country like Fiji, with a relatively small police force.

Mrs. Vuniwaqa has become the first Fijian woman to get the top job in the United Nations Peacekeeping Mission and is vested with its overall command interaction and, Madam Speaker, this is the highest post achieved by any officer of the Fiji Police Force (FPF). It is a first for Fiji and it is, indeed, greatly encouraging to all women in our disciplined forces and those considering joining the forces.

Preceding her recent appointment as Police Commissioner, Mrs. Vuniwaqa took up her assignment in South Sudan as the Deputy Police Commissioner on 9th June, 2017, since the departure from the Mission of her predecessor. Madam Speaker, in February, 2018 she has been acting on the position of Police Commissioner until the confirmation to the post on 30th April, 2018.

Prior to joining United Nations Mission in South Sudan (UNMISS), Mrs. Vuniwaqa held the position as Acting Assistant Commissioner of Police Administration in the FPF, having served as Director in various portfolios, including Community Policing, Strategic Planning, Human Resources and Training.

Commissioner Vuniwaqa started her career in UN Peacekeeping in 2016 with the UNMISS as an individual Police Officer and was the Contingent Commander of the Fiji Police Contingent from May 2016 to May 2017. During this tenure, she had served in the Protection of Civilian Sites in Juba and later as a Planning Officer.

Highlights of her career in the FPF, includes the:

- setting up of the Sexual Offences and Child Abuse Unit in 1995;
- establishment of the Juvenile Bureau in 2003;
- establishing the School of Community Policing in 2006; and
- leading the review and launching of Fiji Police Home Grown Community Policing Model, now known as the *Duavata* Model of Community Policing.

Madam Speaker, she was also instrumental in initiating the setting up of the Fiji Police Women's Network in 2004, and was the Network Coordinator for a number of years. Through continuous effort and recognition of the role of the Network in the Force, the Fiji Police has seen an increase in the number of female officers from less than 5 percent in 2004 to more than 20 percent to date. In addition, Madam Speaker, female officers have been successfully mainstreamed into all areas of the Force, including Peacekeeping.

She launched her career into Peacekeeping when she led the Contingent to the Regional Assisted Mission in the Solomon Islands (RAMSI) as Fiji Police Contingent Commander in 2007 to 2008, during which she assumed the role as Pacific Islands Contingent Commander for the 14 Pacific Island Police Contributing Countries.

Commissioner Vuniwaqa's career in the Fiji Police started on a high note when selected as the best all round recruit, part of a batch of 100 Police Officers in 1986. She was later nominated as the first female Cadet Officer in 1995.

Madam Speaker, her appointment as United Nations Police (UNPOL) Commissioner in South Sudan is for an initial period of one year secondment, with opportunity of extension.

Commissioner Vuniwaqa holds a Master's Degree in Business Administration from the University of the South Pacific.

Madam Speaker, it is a great honour for a small country and our Police Force to have developed and trained a person who is serving the top job in a UN Peacekeeping Mission.

Madam Speaker, I wish to take this time to thank also the Ministry of Social Welfare, Women and Poverty Alleviation for introducing the Fiji National Gender Policy in 2014. As a direct result of Government's agenda mainstreaming policies which were approved by yourself, Madam Speaker, whilst you were the Minister for Social Welfare, Women and Poverty Alleviation, my Ministry has implemented paragraph 5.10 on Peace and Security from that document.

Our Government was tasked with ensuring an ongoing commitment to peace, security and an environment of non-violence for all citizens of Fiji and a commitment to the policies at all human security includes, women's security; also ensuring an ongoing commitment to the implementation of the Crimes Act 2009 and offences against women, the Domestic Violence Act 2009 proposed legislation of cyber security and the sex offenders legislation currently being debated.

Madam Speaker, we are committed to ensure that humanitarian relief is administered and distributed in a gender awareness process. It also includes conflict resolution and peace building skills for children in the school curriculum in the Ministry of Education for children.

Most importantly, this Government implements gender mainstreaming and the leadership of women in young women and conflict prevention and management; in political decision making, in peace building and in peacekeeping.

Madam Speaker, we are implementing gender mainstreaming and young women's participation in security sector, oversight and accountability.

Gender equality is further enshrined in Fiji's Constitution, Madam Speaker, and Mrs. Vuniwaqa's achievement is a reflection of the Government's persistent campaign to provide equal opportunity for women.

Madam Speaker, we are beginning to change mind-sets with the vision we have for a new Fiji, a fair Fiji and a just Fiji in which all Fijians are equal, begins with empowering women and girls to be a fundamental part of Fiji's developmental aspirations and achievements.

Madam Speaker, as part of our efforts to modernise the FPF and take into consideration gender equality, my Ministry encourages members of the FPF, particularly females to explore the opportunities and learn from the example set by Mrs. Vuniwaqa.

In conclusion, Madam Speaker, I again express my sincerest appreciation to Mrs. Vuniwaqa for her excellent performance and achievements. And I would like to assure this august House of Government's commitment in enhancing FPF's capabilities.

My Ministry will continue to support and encourage any officers who apply for senior positions and I am confident that many more women will join our Security Forces and reach new heights as Mrs. Vuniwaqa has.

Madam Speaker, by promoting gender equity and gender equality and by removing all forms of gender discrimination and inequality, this Government is on the path to attain sustainable development and the Defence and Security Forces are actively working towards this goal. Thank you, Madam Speaker.

(Applause)

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

HON. S.D. KARAVAKI.- Thank you, Madam Speaker. I thank the Honourable Minister for his Statement. I am one, not alone but the whole Opposition is really glad and appreciate the achievement of Mrs. Vuniwaqa. I was thinking, Madam Speaker, this is a big achievement for women in Fiji but unfortunately, it takes the United Nations to recognise this.

(Honourable Members interject)

HON. S.D. KARAVAKI.- As had been elucidated to by the Honourable Minister, she is a career woman, a Fiji Police career woman.

(Honourable Members interject)

HON. S.D. KARAVAKI.- What the Honourable Minister did not say, Madam Speaker, whether she had resigned from FPF. He did not say that whether she had resigned from FPF and applied for this position. He did not say that. That is exactly an indication of how the United Nations had recognised the knowledge and the experience of our women in Fiji, but not in Fiji.

(Honourable Members interject)

HON. S.D. KARAVAKI.- she had been sitting there at the Police Headquarters, knocking at the door for the possibility to become a first woman to be the Police Commissioner in Fiji.

(Honourable Members interject)

HON. S.D. KARAVAKI.- And it did not happen but all the time, someone from outside is brought in to be the Commissioner of Police. She could not find an opening anymore, and this is how our knowledge and experiences in Fiji are being drained out of our country.

(Honourable Members interject)

HON. S.D. KARAVAKI.- And other countries, even the United Nations are benefitting from this. This is a glaring indication, a glaring testament to the world, Madam Speaker, what are women in Fiji able to achieve?

(Honourable Members interject)

HON. S.D. KARAVAKI.- Madam Speaker, we continue, even in this Government, not only in the Police Force, we see this overall in all Government Ministries. We are not acknowledging the wealth and the knowledge that we have here in Fiji. We are bringing in expatriates.....

HON. RATU I. KUBUABOLA.- Point of order, Madam Speaker.

HON. SPEAKER.- Point of order!

HON. RATU I. KUBUABOLA.- Mrs. Vuniwaqa is seconded to the UN. She is still with the FPF.

(Honourable Members interject)

HON. S.D. KARAVAKI.- Madam Speaker, he did not state in this House how she got there.

(Laughter)

HON. S.D. KARAVAKI.- He did not say whether she has resigned, he did not say whether she had applied he did not say it. I just said that he did not say it, Madam Speaker.

(Honourable Members interject)

HON. RATU I. KUBUABOLA.- I did say that she has been seconded. Did you hear that?

HON. S.D. KARAVAKI.- We did not hear that.

HON. RATU I. KUBUABOLA.- I said that.

HON. S.D. KARAVAKI.- We did not hear that.

(Honourable Members interject)

HON. SPEAKER.- Thank you for the clarification, you may continue.

HON. S.D. KARAVAKI.- I did not hear that, Madam Speaker. That is why I asked the question. Why he did not say that?

Madam Speaker, this is a continuous practice that has been adopted by this Government. They ignoring the knowledge and the wealth of experience that we have here in Fiji; ignoring and we are bringing in expatriates from outside.

(Honourable Members interject)

HON. S.D. KARAVAKI.- This is exactly what had been said is a basis for reform in the Public Service because they are looking for the best person to come and do the job.

HON. A. SAYED-KHAIYUM.- Yes.

HON. S.D. KARAVAKI.- But the United Nations is the one who is able to recognise the best person to go and do the job; a person from Fiji but we cannot find people locally to say they are the best to do the job, and they are bringing people from overseas; the expatriates.

Madam Speaker, may I just read an inspirational quote from the *Bible*. This is from Deuteronomy 28:13. It says, and I quote:

“And the LORD shall make thee the head, and not the tail; and thou shalt be above only, and thou shall not be beneath; if that thou hearken unto the commandments of the LORD thy God, which I command thee this day, to observe and to do them.”

Madam Speaker, I am really glad for Mrs. Vuniwaqa. She had worked hard; attended the training, endless nights of studying and she got a qualification, she is able to be there. You know, Madam Speaker, I was marvelled too when you went and sit there in the United Nations Body. I have accompanied you on a number of times, Madam Speaker, and I marvel that you sit over there and be recognised by the United Nations.

HON. SPEAKER.- Thank you.

HON. S.D. KARAVAKI.- There goes the first bell, Madam Speaker.

HON. SPEAKER.- No, that is the second bell.

HON. SPEAKER.- But thank you for those last comments.

The Honourable Leader of the NFP or your designate, you now have the floor.

HON. P. SINGH.- Thank you, Madam Speaker, and I thank the Honourable Minister for his Statement.

I join every Honourable Member in this House and, in fact, the whole of Fiji in congratulating Mrs. Vuniwaqa on her achievements. Madam Speaker, this gives praises to the elixir that. "The Hand that rocks the cradle rules the world", where our women, especially our mothers have an eternal and decisive influence on our lives. Now, we have a woman and a mother from Fiji influencing the UN Police for the UN Mission in Sudan. This is, indeed, a proud and defining moment for women in Fiji. We wish her and her contingent, especially in these times when peace evades them at this part of the world.

Madam Speaker, let me say that Mrs. Vuniwaqa's rise to the position of recognition is through her dedication, hard work, her family support, and of course the FPF.

Madam Speaker, she also sacrificed a lot and we know that during the upheavals that Fiji has faced since 1987, she stood as a man. And, Madam Speaker, she not only was instrumental in initiating a lot of projects for the Police Force, the Community Based Policing is one of her achievements which the whole of Fiji is benefiting from.

Madam Speaker, she has had a very illustrious career with the Fiji Police Force and this in itself should be an epitome of recognition by the people. Madam Speaker, if I were to write a reference for Mrs. Vuniwaqa, I would say that she comes from a very religious and cultural background, she has a winsome personality, is of sober habits, and she is an integral part of the development of women and their affairs, Madam Speaker. However, her dedication and hard work has given her the opportunity to not only serve for herself or the Police Force, but represent Fiji and put Fiji in the map, where a woman is leading Fiji with all our blessings. Madam Speaker, I congratulate her once again and wish that the Fiji Police Force has time for her when she comes back and so she can assume the position that we all want her to be. Thank you.

HON. SPEAKER.- Thank you. I now give the floor to the Acting Prime Minister, Honourable Attorney-General and Minister for Economy, Public Enterprises, Civil Service and Communication to deliver his first Statement.

Fiji Pine Limited

HON. A. SAYED-KHAIYUM.- Thank you Madam Speaker. Madam Speaker, I rise to make a statement on Fiji Pine Limited (FPL) as highlighted yesterday.

Madam Speaker, pine was planted in 1960s by the Government on land leased by landowners to Fiji Pine Commission then. The leases contained benefits of really ground rent and stumpage payments and pine as harvested. Ground rent is \$2 per hectare per annum, there are no other benefits on the lessees as established in the 1960s.

In 1990 by law, FPL was incorporated to take over the assets, liabilities and obligations of Fiji Pine Commission effective from 1 January, 1999, this of course after the 1987 *coup*. Government is part of this corporatisation plan then, allocated the share capital into three classes:

1. 100,000 "A" class owners' shares of \$1 each;
2. 1 million "B" class redeemable preference share of \$1 each; and
3. 60,264,000 Class "C" Shares - redeemable shares of \$1 each and "A" class shares carry voting and dividends rights and are not transferable. That goes to the landowners. "B" class shares carrying voting rights but no dividend shares or no dividend rights that goes to Government and "C" class shares neither carry voting nor dividend rights - that again goes to government.

Fiji Pine Trust, Madam Speaker, was established to represent the pine landowners both landowners who leased their land to FPL and the landowners of extension forest in Kadavu, Lomaiviti and Lau, who are all members of the Fiji Pine Trust. The Trust has allocated Class A ordinary shares in FPL or FPL and these shares are not transferable or alienable, in other words cannot be taken away from them.

The Government classified this investment into the venture, into a redeemable preference shares and accordingly was allocated 'B' and 'C' class shares. The Honourable Niko Nawaikula, for example, has made statements to this effect on his *Facebook* page saying that Government hoodwinked landowners in the setup of FPL, where FPT received 0.2 percent shares.

Prior to FPL being established, landowners had no shares in the Commission. They are simply lessors of land to Fiji Pine Commission. The Honourable Niko Nawaikula says landowners were hoodwinked, he is then blaming, of course, the Ratu Mara-led Government that established the Commission, and then the FPL has done up to the 1987 *Coup*, Madam Speaker. Government, in Fiji Pine Trust each have equal voting rights in FPL and that is on the Board itself.

As far as dividends are concerned, Madam Speaker, Government, despite being 99.8 percent shareholder does not have any dividend rights. Fiji Pine Trust with 0.2 percent shares has 100 percent dividend rights. One may ask; why Government has this 99.8 percent shares when it gets nothing? Government provides the stability for FPL. As per the original set up, Government has the option of transferring shares to Fiji Pine Trust if:

- a) FPL pays \$60 million back to the Government redeeming shares; and
- b) Government opts to transfer shares.

As we know, FPL was insolvent and almost went into receivership in 2008. So, FPL was never in a position to pay \$60 million to Government to allow the Government the option to redeem its shares. Further, we must understand that as per the original setup if Government redeems its shares, less will go to the landowners until such time the \$60 million is paid off to the

Government as per the Articles of Association. Whether Government chooses to redeem its shares mainly depends of the ability of Fiji Pine Trust to run FPL.

FPL, Madam Speaker, provides Fiji Pine Trust with an annual grant of \$300,000 for the operations and in particular, to handle landowner affairs. Fiji Pine Trust continuously, when it is run independently by the nominees, by the landowners, runs out of money. Fiji Pine Trust, Madam Speaker, has not held any beneficiary meeting for over a decade, maybe that is why Honourable Nawaikula has got Fiji Pine Trust and FPL confused with.

Madam Speaker, 2010 was the only year since the inception of FPL when \$500,000 in dividends were declared to Fiji Pine Trust. As per Fiji Pine Trust's membership, also extension pine landowners in Kadavu, Lomaiviti and Lau, the dividends were partially distributed to landowners from the extension areas that have no link to FPL. In the extension areas, landowners in Kadavu, Lau and Lomaiviti can harvest their pine and sell and do as they please without FPL's input or say, indeed the land is not leased to FPL.

Significant monies were also used by Fiji Pine Trust in administrating the dividend distribution to landowners that \$0.5 million. This led to huge outcry from landowners leasing the land to FPL as they received next to nothing from Fiji Pine Trust, and indeed they all came to see the Honourable Prime Minister.

Madam Speaker, apart from that, FPL also pays 5.5 percent of all logging and cutters cost to what we call Forest-Based Companies (FBCs) and Forest-Based Trusts (FBTs) the monies paid out to be used for landowner business and community developments in each of the six *koros* in Bua, Macuata, Ra, Lololo, Nadi and Nabou, whilst FPL pays its levies to the FBCs and the FBTs, the Trust and the Forest-Based companies, the FBCs and the FBTs are to report to the Fiji Pine Trusts as landowner representatives. They do not report to anyone else.

However, historically, Madam Speaker, Fiji Pine Trust, the FBCs and the FBTs have not been able to use the monies for their landowner benefits. Instead money is given by FPL is abused in administration and mismanaged. For example, Bua Forest Based Company and Trust had received \$2.2 million from FPL in the last six years, but rather than growing that money for the benefit of the landowners in Bua, the monies have been used up or diminished in its overall aggregate amount.

Landowners who became aware of the failures of these institutions have raised serious questions on the manner in which these institutions function, and in fact, Madam Speaker, many of these people who tried and administered these are people from outside - lawyers and other people.

You can understand, Madam Speaker, why any government acting in the best interest of the Fiji Pine landowners will not transfer Government shares in FPL to the Fiji Pine Trust, even if FPL could pay back \$60 million to the Government as per the share structure. The Government who is the custodian of the pine landowners will not allow the return of the past culture for Fiji Pine for the ordinary landowners to be cheated and short changed to the mismanagement and corruption. Despite the Fiji Pine Trust demonstrating that they poorly managed funds, Honourable Nawaikula is saying that Government should take the option of transferring the shares to Fiji Pine Trust when they were not even been able to deliver any single cent.

Madam Speaker, to ensure that the benefits of the pine industry went directly to the pine landowners who leased their land to Fiji Pine, the Lease Security Bonus Payout (LSBP) was made. It was introduced in 2013 by the unanimous decision of the six Board of Directors of FPL, representatives from the Government, the Pine Trust and the landowners.

The LSBP, Madam Speaker, gives bonuses directly to *mataqali* and Land Owning Units (LOUs) that leased their land to FPL and renewed expiring leases in a timely manner. When the pine industry was at the brink of collapse and landowners were not renewing their leases due to the failures of the various institutions that was set up to protect and look after landowners, the FPL established direct relationship with the landowners to give them returns. The success of the LSBP is reflected in 23,434.12 hectares of expiring leases renewed from 2012 to now. Landowners have reaped the benefits of this relation handsomely and with delight.

Total land under FPL, Madam Speaker, is 83,000 hectares, not 50,000 hectares as Honourable Gavoka misled Parliament yesterday.

One 4th May, 2018, Madam Speaker, Honourable Nawaikula in his *Facebook* Page said, \$7 million. What a hefty sum! And it questioned the legality of the \$7 million payout by the FPL to its pine landowners. It appears that Honourable Nawaikula is upset that the Fiji Pine landowners received the hefty payout of \$7 million.

(Chorus of interjections)

HON. A. SAYED-KHAIYUM.- On 10th May, 2018, Honourable Nawaikula put up on his *Facebook* Page that it was difficult to work out how the \$7 million is calculated, alleging that FPL had not filed any audited accounts since 2003 and 2005. He then contradicted the \$7 million was peanuts, earlier saying what a hefty payout it was. "Peanuts" have to pay out, we do not know what it is. FPL has its annual audited accounts up to-date; the 2017 account was signed in April this year and submitted to Ministry of Forests on 1st May, 2018.

Honourable Nawaikula, Madam Speaker, has engaged in fear mongering by saying that the \$7 million could be bribes to alienate landowners land. Landowners land cannot be alienated by benefits they received from FPL.

These are the kinds of mistruth and lies, Madam Speaker, that Honourable Nawaikula spreads whenever Government is doing something good to the landowners. I wonder where he was in the 2000, 1990s and 1980s.

As always, Madam Speaker, he is perhaps confused that it is not FPL but Fiji Pine Trust, the entity he wants Government to transfer shares to or which has not filed its audited account nor held any landowner beneficiary meetings for over a decade. Fiji Pine Trust is different to FPL, Honourable Nawaikula.

Madam Speaker, I am sure a lot of our landowners will be watching this session through *Live Feed*. They can see for themselves how Honourable Nawaikula is trying to mislead them on FPL, shareholding structure and criticises the \$7 million landowners received by spreading lies that FPL has not submitted its audited accounts, when it has. I urge the pine landowners, Madam Speaker, to always get the facts and then decide what is right for them and for their future generations.

The record breaking \$7 million lease equity bonus payout has brought smiles to pine landowners. As highlighted yesterday, one of the landowning units had only eight adults in it and they received about \$340,000.

We were personally there, Madam Speaker, in Drasa to witness first-hand the joy and appreciation on the faces of the pine landowners - from zero dollar returns, the amount of LSBP

predominantly increased to \$7 million in the last five years, it is sustainable and it will continue to grow.

The transformation of the financial position from doom and gloom to a position of success and strength in a very short period of time shows what we can achieve, Madam Speaker, with the political will of the Government is combined with prudent and sound financial management of companies such as FPL and the appointment of people on merit. And it is this success that everyone should be proud of as a Fijian.

Last few years, Madam Speaker, the Honourable Prime Minister has told the pine landowners that once the historical company debts are paid off and the factory capital upgraded, pine landowners will receive more in LSBP returns.

Madam Speaker, very quickly, \$54 million of debts has been paid off in the last seven years. Honourable Nawaikula, never talks about debts. In 2013, after 28 years of borrowing, FPL fully repaid European Investment Bank loan taken in 1985, amounting to \$2.3 million. The loan was in default. It signifies the old culture of taking debt and not repaying for 28 years. In 2014, FPL paid \$6.7 million loan, taken from Fijian Holdings, within 17 months of taking the loan. This signifies the new present culture, Madam Speaker, and the interest rate, I stand to be corrected was about 8 percent.

In 2015, FPL paid \$10 million loan, taken from the Fiji Development Bank (FDB). In the last seven years, it has reduced FNPF debt by \$4 million, reduced Government debt by \$3.6 million, reduced Westpac's the main financier's debts by \$27 million. This year, it fully paid Westpac's loan amounts with a one-off settlement of \$4.4 million.

Tropik Wood Industries Ltd has a balance debt of \$1.4 million, Madam Speaker, a subsidiary company of FPL, to FNPF. FPL has \$8.4 million debt to Government. The Government debt has accumulated between 1990 to 2001. Madam Speaker, what little debt Fiji Pine Group here has is offset by the great deposits they hold and in fact I had the figures regarding the actual deposits they hold which far exceeds the debts they have in other words is debt free.

Madam Speaker, Tropik has successfully carried out \$67 million of factory capital upgrades in the last seven years. I urge, in particular Honourable Nawaikula, to go, talk to the CEO, get a site visit authorised and go and see the machinery that they have; state of the art machinery, Madam Speaker, and our boys, our local men, have been trained to go up to Sweden and other places and run those machines and come back with that knowledge. The entire Drasa factory complex, plant and equipment has been upgraded and rebuilt to a state of the art facility through cash flows generated by Tropik without a single cent of borrowing.

They are not concerned about what is happening downstream. They are simply going and actually making all these very wild allegations, not thinking about the business, not thinking about the returns the landowners will get if you run a successful business down the track. It is not about cutting the pine only, it is about how you are going to process it. All these that are renewed have been restocked with pine based on the strength of the industry's foundations, paying off historical and defaulting loans, successfully upgrading factory capital, successfully replanting of pine for the future generations to come, strengthening of the balance sheet, Profit & Loss Statement (P&L) and cash flows, and prudential financial management, the \$7 million record breaking LSBP was possible.

It has not been paid by taking loans, it is from the cash generated in the company from receiving absolutely zero, nothing in terms of bonuses or dividends from the past Governments,

pine landowners now receive \$7 million, Madam Speaker. Madam Speaker, the increase in LSBP signifies the honouring promise made to the pine landowners to renew the expiring leases to FPL and in return the landowners will receive returns and benefits from profitability.

The landowners are receiving benefits that they had never received in the past, Madam Speaker. The mistrust between the landowners and FPL, Madam Speaker, has been replaced by trust. Unfortunately, others on the other side want to come and create mistrust. Apathy has been replaced by a sense of ownership, being neglected has been replaced by a sense of partnership and care.

With all of these, Madam Speaker, confidence in the industry has been re-established. The pine landowners, the Fijian people and even the Members of the Opposition, Madam Speaker, should be proud of this success. Thank you.

HON. SPEAKER.- Thank you. I seek your leave to agree that we hear two responses before we break for lunch. Is anyone opposing?
(Chorus of 'Noes')

HON. SPEAKER.- There being no opposition, thank you. I now give the floor to the Honourable Leader of the Opposition or her designate to speak in response.

HON. N. NAWAIKULA.- Madam Speaker, I wish to start by asking the Honourable Minister not to come to the House and mislead the House and the nation by saying that this Government is responsible for these profits. No, no, no! It was all known, this is a result of the *Soqosoqo ni Vakavulewa ni Taukei* (SVT) Government, of the *Soqosoqo Duavata ni Lewenivanua* (SDL) Government and all this, this is the time of harvest.

(Honourable Government Members interject)

HON. N. NAWAIKULA.- Now you listen.

And it was known all the time that only well and until they start to harvest Bua then only will the company get profit. So do not come here and give these types of "bull". It is not yours, ask your Minister right behind you what happened to the Fiji Pine Trust?

What happened? So that is the result of the hard work of previous governments and it was known all the time that until Bua is harvested then all these profits, and sure 2011 - \$9.7 million; 2014 - \$21 million; 2015 - \$24 million, from their hard work not yours, know that.

(Honourable Member interjects)

HON. N. NAWAIKULA.- What you are doing is mismanagement, exactly.

(Laughter)

Just harvesting, harvesting and harvesting and no replanting.

(Honourable Government Members interject)

HON. N. NAWAIKULA.- And it is evident that that is the cause of the flood in the West.
(Honourable Member interjects)

HON. N. NAWAIKULA.- No, it is not nonsense. You are from Nadroga. You go, take a ride down to Nadroga ...

(Honourable Government Members interject)

HON. N. NAWAIKULA.- ... and see, have they replanted? No, replanting! Here, ask your father-in-law.

(Honourable Government Members interject)

HON. N. NAWAIKULA.- There is no replanting there. All that they are doing is wasting it, but I am happy, Madam Speaker. I am very happy that this issue has come up. It has come up in response to an issue that I raised previously namely, the injustice to the resource owners and this has come out of it. I said there are two entrenched in our laws and by these very companies that we try to assist them but we take it away.

I have been quoted as saying \$7 million is peanuts. I say \$7 million is still peanuts because of the 3 percent Unimproved Capital Value (UCV) and that is what the resource owners have been given. To explain to the other side, what these amounts do, if you take a pine tree and who are the investors there; the landowners and the company. When they get their return on their investment, what goes to the landowners is the buck. So that is your 3 percent UCV. It is the same for Vaturu Dam and the reason is because it is always tagged on the UCV. All the time.

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

HON. SPEAKER.- Point of order.

HON. N. NAWAIKULA.- All the time.

HON. A. SAYED-KHAIYUM.- Madam Speaker, the Honourable Member is misleading Parliament. The LSBP is not linked to the UCV. It is based on the profits that are derived from the company. What he is talking about, he is talking about land leases. There are many different forms of payment to landowners. Again, he is misleading Parliament. He knows that. He is smirking. Madam Speaker, he is misleading Parliament. I ask him to withdraw that.

HON. N. NAWAIKULA.- I am not withdrawing. I am not referring to this lease security. I am referring to the rent. Exactly. The rent is 3 percent of the UCV.

HON. A. SAYED-KHAIYUM.- Madam Speaker, again I would like to say the Honourable Member is misleading Parliament because Fiji Pine Ltd was the only company that went to TLTB to say, "we want to increase the rental payment on the leases" and I have got the figures here which I can give to the Honourable Member. He does not have any figures, Madam Speaker. It is incorrect for him to say it is 3 percent UCV, Madam Speaker.

HON. SPEAKER.- Thank you.

HON. N. NAWAIKULA.- Let me just continue, Madam Speaker.

On rent, we go to Vaturu because it is not tagged on what is enhanced value. The rent was stagnant there; tagged on 3 percent UCV and when they made their money by issuing out the water from Nadroga to Lautoka, it did not affect an increase in their rent. At the same time, they built a generator there. So the point is, they have been deprived because of the 3 percent UCV and I said, "it is your responsibility, it is our responsibility to change the law."

HON. A. SAYED-KHAIYUM.- Who are you?

(Honourable Members interject)

HON. N. NAWAIKULA.- And they have suffered for a long time.

Now, let me come back to Fiji Pine very quickly. For the Fiji Pine Trust, you can talk to the Minister right behind you. What happened? What is the problem? What was the reason why they have to walk past you and give this money to the landowners? Because there is nothing. There is nothing at all in the laws of *iTaukei* Land Trust Board (TLTB) that allows that.

They all came here to check on equal distribution. Where is equal distribution? Where is the portion for the future generation? What are they doing to that? And in relation to the shareholding, this is the inequity. This is where you went wrong. The redemption of the shares is not up to the Government's option, it is an entrenched part of the Articles of Association. You are obliged to give ownership to the landowners, to the Fiji pine owners. It is not at your choice and you have never done that. That is where the problem is and at that time, the value of the worth was \$240 million. It was never acknowledged...

HON. SPEAKER.- Thank you.

HON. N. NAWAIKULA.- ... and you took ownership of a company by theft.

HON. SPEAKER.- I now call upon the Leader of NFP or his designate.

HON. P. CHAND.- Thank you, Madam Speaker. I thank the Honourable Acting Prime Minister for his statement. Madam Speaker, if I recall yesterday's discussion on FPL in this august House, Annual Reports of FPL as a Government Commercial Company is subject to the Company's Act provision and therefore, is not privy to Parliamentary oversight.

Indeed the 2014 Auditor-General's Report tabled in this House highlights this also, similar to Fiji Sugar Corporation, Fiji Airways, Air Terminal Services, all these Annual Reports. This, to my mind, Madam Speaker, is quite incredible when public funds are utilised to support these companies, yet, taxpayers are not given the reciprocal courtesy of accountability.

I note in yesterday's discussions that the Honourable Acting Prime Minister had mentioned that until 2011 or just a couple of years prior to that, none of the leases that had expired were renewed because the landowners were actually feeling very aggrieved. As a result of consultations, the LSBP began in 2013. So from the LSBP first made in 2013, this year the payout has jumped by 1,917.3 percent that is to \$7 million and that is great. We want landowners to get the just returns but the questions remains, Madam Speaker, on whether the returns are fair when we break it down to dollars and cents.

Madam Speaker, on 26 April, 2017, the Honourable Minister for Forests was also updating this House on a Dorothy Dixier on assistance to landowners on machines in order for them to participate in logging, stated that his Ministry had been assisting local forest sector businesses through a Seed Capital Assistance Revolving Fund (SCARF). In this SCARF programme, the Ministry of Forests provides the initial one-third deposit in order for landowners to then borrow through the Fiji Development Bank's Loans Scheme to assist in the purchase of harvesting machines and equipment to these prospect companies and this is a loan. The Honourable Minister

for Forest stated that FPL had paid out a sum of \$7,421,755 to landowners since 2012 in order for their active participation in logging operations.

Under the SCARF programme with the FDB, the Forestry Ministry has assisted over 64 forest-based business individuals with a total allocation of \$3.38 million. Out of this \$3.38 million, \$2.9 million was approved for 49 landowner-based companies to purchase harvesting machineries to supply pine logs to the Fiji Pine list of companies.

Madam Speaker, in recording all this, we need active landowner participation but a question was posed yesterday by the NFP leader, Honourable Professor Biman Prasad on how much of the deforested areas of pine have been replanted so that there is a guarantee of pine in the future. So that like sugar, this commodity is incentivised. It was a little worrying to hear yesterday that while there were no lease renewals for pine from 2010 to 2011, but where the leases were renewed, new pine plants were planted and this House was assured that exact figures would be made available later.

I believe this point to another problem Madam Speaker where the national forest inventory has not been updated. We note there has been a forest carbon inventory report for REDD + but that is very different. However, there are introduced species planted such as *pinus caribaea* but the need for a national forest inventory is critical so as to document the change in forest classification over the years, from deriving forest in crown birth setting to canopy over so that we can understand the natural expansion of forest and also understand the spread of invasive species like the African tulip that harms natural forest cover.

Madam Speaker, I urge the Honourable Acting Prime Minister and the Minister for Forest to update this House with the national forest inventory with urgency. Thank you.

HON. SPEAKER.- Thank you. Honourable Members, at this point, we will suspend proceedings for lunch. Please note that lunch is provided for Honourable Members in the Big Committee Room. Parliament will resume proceedings at 2.30 p.m. Thank you Honourable Members.

The Parliament adjourned at 12.44 p.m.

The Parliament resumed at 2.36 p.m.

HON. SPEAKER.- Thank you, Honourable Members. I now call on the Acting Prime Minister, the Honourable Attorney-General and Minister for Economy, Public Enterprises, Civil Service and Communications to deliver his second Statement.

Cyclone Assistance Relief Effort (CARE) for Fiji Programme

HON. A. SAYED-KHAIYUM.- Thank you, Madam Speaker. I rise to provide an update on the Cyclone Assistance Relief Effort (CARE) for Fiji Programme that was announced by the Honourable Prime Minister last month. CARE for Fiji was designed to assist the affected Fijians in the aftermath of *TC Keni* and *TC Josie* and the massive flooding in the Western and Northern Divisions, and there were some damages caused by winds.

Madam Speaker, the two back-to-back cyclones and the severe flooding around the country were yet another cyclone that reminded us of how vulnerable we are to climate change and natural disasters. We lost eight Fijian lives and over 150,000 Fijians were affected with damages sustained to infrastructure, public utilities, homes and household items, crops, livestock, including, of course, crops and the sugarcane.

Madam Speaker, we would like to thank all Government Officials who worked tirelessly around the clock to ensure immediate relief was provided to affected families in the form of food ration, clean water, sanitation services and other everyday essentials.

The Government provided a total of 43,735 ration packs in the affected areas, each pack contains 5 kilogrammes of flour, four cans of tuna, 500 grammes of salt, 2 kilogrammes of sugar, two bathing soaps, one packet of raising flour, 750 millilitres of cooking oil, 4 kilogrammes of rice, 100 grammes of curry powder, 1 kilogramme split peas, 300 grammes of milk powder, 50 tea bags and 3 packets of breakfast crackers. The total cost of these ration packs was at \$1.9 million.

Of course, there were other things provided as highlighted by Honourable Dr.Samisoni. We also gave kerosene stoves, over a thousand stoves, to people who had their stoves washed away, Madam Speaker, and they were very critical and essential.

Madam Speaker, I do not think our carbon footprint would have increased dramatically because we gave out thousands of kerosene stoves. There were things like buckets and mattresses et cetera, Madam Speaker.

I would also like to thank Fijians, including those residing abroad, business houses, religious bodies and charitable organisations that joined hands in providing relief during this trying time.

Madam Speaker, to assist the affected Fijians, the Honourable Prime Minister, on 13th April, 2018 announced a comprehensive relief package by the Fijian Government; one was under the Cyclone Assistance Relief Effort (CARE) for the Fiji Programme which include:

1. Homes-CARE;
2. Farms-CARE;
3. Sugarcane-CARE;
4. Leaseholders-CARE;
5. Welfare CARE;
6. e-Transport CARE; last but not least, of course, was
7. Kadavu CARE (which is currently being finalised).

All those have been rolled out and with the implementation on the ground, it is progressing well, Madam Speaker.

In fact, Honourable Assistant Minister Viam Pillay and Honourable Minister Mereseini Vuniwaqa are absent from Parliament because they are actually out in the field, to ensure that the roll out of these initiatives are being carried out with integrity and, indeed, we have responded to the needs of the ordinary Fijian citizens.

Madam Speaker, just the information on the e-Transport-CARE, this was the first initiative to be rolled out and it was specifically designed to assist affected Fijians ease the burden of the increased bus trips, for example, to restore home supplies, visit families, loved ones and to access other assistance provided by the CARE for Fiji Programme, for example, they had to visit the DO's Office, et cetera. Fijians were given up to one month to register for the e-Transport-CARE which will cease on 21st May, 2018 (which is next week).

As of yesterday, Madam Speaker, 202,368 Fijians have been assisted under the e-Transport-CARE. These include 183,826 adults receiving a \$50 top-up and another 18,542 students topped up with \$25. So far, Madam Speaker, Government has spent \$9.65 million in this assistance and, of course, it has meant, as highlighted earlier on when responding to the question regarding e-Ticketing was that, many Fijians have actually moved over from using disposable cards to the permanent cards.

Under Homes-CARE, Madam Speaker, it was designed to assist households with annual income below \$50,000 who have lost items in their homes, or whose homes were damaged or destroyed in the Cyclones. These households were provided with prepaid electronic cards through Vodafone and values of \$1,000; \$1,500; \$3,000 and \$7,000 to purchase materials to repair their homes and replace possessions that were lost and badly damaged, including White Goods electrical appliances, furniture, beddings, curtains and everyday household items and utensils. Of course, we have visited many of these homes where people have completely lost everything or is being completely damaged beyond use.

The Government approved, Madam Speaker, 16 vendors where these prepaid cards can be redeemed. These include:

1. GS Industrial Supplies Limited;
2. Auto Care (Fiji) Limited;
3. Kasabias Limited;
4. Home and Living;
5. Vinod Patel;
6. Subrail's Group of Companies;
7. Long Term Manufacturers Limited;
8. Rups Investment Limited, which is Rups Big Bear;
9. Complete Home and Building;
10. RB Patel Group Limited;
11. Visions Investment Limited;
12. Harun's Hardware;
13. Rakiraki Hardware;
14. New World Limited;
15. Carpenters Hardware & Homemaker;
16. RC Manubhai.

As of yesterday, Madam Speaker, 23,896 households are under Homes-CARE having been assisted at a cost of \$29.17 million. Out of this, Madam Speaker, only 56 households were actually eligible for the \$7,000 payout as their homes were either totally destroyed or suffered severe structural damage. For example, I went to Ba where logs actually went through one wall and went through the other wall and they are no longer structurally sound but, of course, only of those were 46 homes.

A further 1,613 households received \$3,000 for partial structural damage, such as roofing blown away or collapsed wall. It also included homes that were not severely damaged but all or most of their possessions were lost and damaged by floodwaters. The bulk of the affected households, 18,799 received \$1,000 which included home owners who suffered water-damage and had some possessions lost or damaged, Madam Speaker.

Apart from this, Madam Speaker, 3,428 households under *vakavanua* arrangements were assisted with \$1,500 where their homes were either destroyed or severely damaged because obviously, we cannot give the full amount because they have *vakavanua* arrangements. In other words, they were temporary arrangements.

Madam Speaker, the assistance under the Homes-CARE is ongoing at the moment and we are doing what we call “a final sweep” and the Ministry today is serving affected Fijians in Lawaqa Park in Sigatoka. I have just been receiving photographs of it, the lines are quite long.

The team will then move to Prince Charles Park in Nadi on Thursday, and will be in Shirley Park, Lautoka on Friday. Next week the team will be in Ba Market Grounds and Rakiraki FSC Grounds on Monday and Tuesday. Respectively, these Centres will operate from 9.00 a.m. to 9.00 p.m. to assist those who maybe working in the hotel industry, for example, they cannot go during working hours. The full schedule has been published in the *Fiji Sun* as has been announced by FR1 and FR2, Madam Speaker.

Farms-CARE, Madam Speaker, the cyclones and the flood greatly affected the agricultural sector with major damage to cash crops and livestock. Government through the Farms-Care Initiative provided immediate decisions to farmers to help in restoring local supply of crops and vegetables in stabilised prices.

The Ministry of Agriculture and Fisheries have been visiting various locations in the affected areas to assist farmers. As of yesterday, Madam Speaker, Government assisted of a total of 30,697 farmers with the total cost of \$15.3 million.

Out of this, Madam Speaker, 601 fully large scale commercial farmers were assisted with prepaid cards. This is the first time the Ministry of Agriculture is doing this. We have a number of suppliers of seeds and seedlings. Of course, we visited some farms up in the Sigatoka Valley. Some farms were affected far more than others, some had, for example, the entire crops blown down, for example, large scale pawpaw plantations, others have over 1, 2 and 3 feet of sedimentation.

Obviously, the Ministry of Agriculture went out and gave the seedlings to all of them. Not all of them would be able to use it and the seeds could actually rot, depending on the availability of those farms once they have been cleared. So, the result of which the Ministry of Agriculture has given out the cards where they can actually go and buy at their leisure and will as and when they require the seeds, Madam Speaker.

Furthermore, 2,518 small scale commercial farmers were provided with \$1,200 and the remaining 27,588 small scale subsistence farmers were assisted with prepaid cards ranging from \$150 to \$1,000, depending on the extent of damage and, of course, the Ministry of Agriculture did give out things like cassava tops, *dalo* tops, et cetera.

Sugarcane-CARE: Madam Speaker, Government is also providing assistance to all our sugarcane farmers under the Sugarcane-CARE Scheme.

The Sugarcane-CARE Programme will provide affected sugarcane farmers with fertiliser for rehabilitation of damaged cane plants by late last year because obviously they have used that fertiliser, they need more now in order to get it up back up, including clearing of debris, waterways, including drainage repairs, repairs to cane access roads, crossing, bridges and crop replanting.

Madam Speaker, to date a total of 5,678 forms have been assessed. The FSC and the Ministry of Sugar Industry have conducted a few verification of 4,212 farmers (which is about approximately 75 percent) and the rest will be completed by the end of the week.

Madam Speaker, most of the request with the assistance from farmers are for cane access roads, culverts, infield drainage and, of course, the huge debris that had been left over in some of the farms, and the crossings and fertiliser input obviously is very important too.

The Rarawai Mill area was the most badly affected area because that included Ba and the areas surrounding it.

Leaseholders-CARE: Madam Speaker, all households leasing iTaukei or State land for residential or agricultural purposes with incomes less than \$50,000 and were affected by the recent cyclones will be assisted by Government with one year lease payment for them. This, of course, will increase the burden of carrying out the lease payments.

Fijians have been registering for this assistance at the various Legal Aid Offices around the country because they will have to go and make the declarations there because we know now that we have Legal Aid Offices in every urban centre in Fiji.

Government will assess these applications and liaise with the iTaukei Lands Trust Board and the Ministry of Lands for the payments to be made, Madam Speaker.

Welfare-CARE, Madam Speaker, is with the Ministry of Children, Women and Poverty Alleviation. We have provided an additional one month top up to 13,165 Social Welfare recipients who were affected by the cyclones and the floods. A total of \$1.14 million has been used for the assistance.

Madam Speaker, of course, coupled with this we have the Fiji National Provident Fund who also assisted members in affected areas with up to \$1,000 cash, depending on the member's balance. You could get up to \$1,000 but some of the members' balance was less than that so they got less than \$1,000. This, of course, complements the assistance provided by CARE for Fiji. Totdate 13,540 members have been assisted with the value of \$11.3 million.

Madam Speaker, the other point that I also would like to highlight was about Kadavu. As we know that we have also given out food ration packs there. The FRA fixed up the jetty so the ships, et cetera, could get into that place where we have distributed clothes and a couple of the schools were damaged and we provided tents for them. Of course, Madam Speaker, we have a whole new package which will be announced, including Agricultural assistance in the next week.

Madam Speaker, the CARE for Fiji Programme is designed to provide the targeted assistance that will affect the Fijians who genuinely suffered losses, damage in the recent disasters. As of yesterday, the total assistance provided under CARE for Fiji stood at \$55.3 million.

We have our audit teams with the Ministry of Economy, Madam Speaker, undertaking undertaking random verification and spot audits for households and individuals. We want to ensure that there is no abuse and the assistance is only provided to those who deserve to be assisted.

We also have a toll free line where Fijians can dial 2273 and anonymously also report suspected abuse of this programme. We have actually found some people who had done it. They have actually gone off to the Elections Office and changed their address. So, their address actually sits in an area where there was a flood and then they have gone off and said, "I live in area x, therefore, I should be given the assistance." We have already had a couple of people, they will soon be charged, Madam Speaker. The audit teams have already gone out.

It was interesting. I received a *viber* message from Honourable Vuniwaqa where in Lawaqa Park today, she said that people are lining up and someone was saying, "We are here to collect it on behalf of my father, or mother or grandfather who is sick and because they are bedridden, they cannot come." So the team said to them, "Alright, let us go to the house", then they suddenly disappeared from the line. So, Madam Speaker, I urge all Fijians who are going to queue up and try and apply for this assistance, "Please, do not try and trick the system, we will catch up with you eventually."

Madam Speaker, we also want to remind them through this Parliament that they all have to sign a statutory declaration under the False Information Act 2016. Any false information given to Government for the purpose of receiving the benefit is an offence, punishable by law and will result a requirement to pay the benefit or fine of up to \$20,000 or imprisonment term for up to 10 years. So, I urge everyone, please, do not abuse the system, we cannot afford to have that happening.

Madam Speaker, we are now, however, going to provide an amnesty period for two weeks. So, essentially we are saying to anybody that if you have actually taken a card under false pretences, we are going to give you two weeks to return the card. If you have incorrectly applied for assistance, come and give back the card.

The Honourable Prime Minister was telling us a story before he left, he said some lady called up and said, "My husband applied and I applied also, but we have not been talking to each other for the last couple weeks. That is why we applied separately." So, she said, "Can I keep the card?", but she cannot keep the card. We are giving them two weeks to return all the cards. So if you have illegally obtained or illegally made false declarations, please, return them, otherwise the teams are actually out. We have got Pankaj Singh from the Ministry of Economy who is heading the team, he does the audits out there in the field, to ensure that we go and do not only random checks but also have the various centres where they are going to collect those cards from.

So, Madam Speaker, this is an update on the CARE for Fiji Programme. As highlighted, todate we have spent \$55.29 million with this respect. But I would like to finish off, Madam Speaker, and say that no Government can continue to do this year in year out. And we have, Madam Speaker, of course this is the first time such initiatives have been undertaken but as highlighted to Parliament previously, we are currently working with the World Bank and the ADB Team in developing various insurance products, where we can get what we call some basic cover, so households can be covered.

As you know in this year's Budget, we made a budgetary allocation to pay premiums to about \$1 million for household insurance and also about \$300,000 for crop insurance. We are very close in developing a product for household insurance and we are willing to, of course, pay for the premiums of those low income families and this is how it is.

For example, it started in countries like India, where the Indian Government, for example, got into the space of providing crop insurance. And we are also looking at crop insurance what we call Parametric Crop Insurance. So you do not have to individually go and assess each farm but, for example, flood waters go above a particular height, then everyone in that area will be paid out a particular sum of money.

Similarly, with the homes, we have to ensure that to get the insurance is not an onerous requirement but we need to get some basic standards and then we can get the cover which would actually be good for the citizens also and will also be good for Government and put less pressure on the budgetary requirements.

However, Madam Speaker, I can reassure the House that we now have enough fact (as I have said) within the Budget to be able to pay for this unexpected expenses and again, I would like to thank everyone who have been involved, including all the civil servants and all the members of the civil society who have come forward and assisted and, of course, the business houses. Thank you, Madam Speaker.

HON. SPEAKER.- I now call on the Honourable Leader of the Opposition or her designate to speak in response. Honourable Salote Radrodro.

HON. S.V. RADRODRO.- Thank you, Madam Speaker. I rise to respond to the Honourable Minister's Statement on the Cyclone Assistant Relief Efforts Package.

Yes, Madam Speaker. It is the Government's mandated responsibility to help our people through this CARE Package to help those who suffered during *TC Keni* and *TC Josie*, and I am sure we are all happy.

We are all happy that our people have been assisted or are continuously being assisted through the various CARE Programmes - the Homes-CARE, Farms-CARE, Sugarcane-CARE, Leaseholders-CARE, Welfare-CARE, e-Transport-CARE and the additional one, Kadavu-CARE.

But, Madam Speaker, it is concerning to note that for the Home-CARE, if your home is destroyed and severely structurally damaged, you qualify for the \$7,000 but for those living under *vakavanua* arrangement, are only eligible for \$1,500 on the assistance, even if their house is severely damaged or destroyed. But that is the difference, severely damaged or destroyed, those on *vakavanua* arrangement, they only get \$1,500. So the question, Madam Speaker, I ask is, why the difference? If the homes are both destroyed.

Madam Speaker, what is also concerning on this side of the House is the manner this CARE Package is being implemented. For example, Fiji had been affected by a number of devastating disasters and the most recent one is *TC Winston*. But we have never seen such big handouts like what is happening right now.

(Honourable Members interject)

The media continues to highlight the crowds as they rushed to the various distribution centres, braving the rain, the hot sun so that they can also benefit from these handouts because they

had already been struggling with the high cost of living and low wages and now their lives have been made worse off with the disaster.

Madam Speaker, those who suffered *TC Winston* in early 2016 also lost their boats and engines, household items, their farms, small businesses like poultry farms, village canteens, coconut-based business, et cetera, but they were not really helped out like this kind of help that is going on right now with this CARE Package. For example, Madam Speaker, those in the maritime and outer islands had to be evacuated to Viti Levu but they had to pay for their own boat fare. They had to look after their own transportation. There was no transport CARE programme and, Madam Speaker, *TC Winston* victims are still struggling to rebuild their lives. So we ask the question, why such big handouts now?

(Honourable Government Members interject)

HON. S.V. RADRODRO.- Why such big handouts now? Is it because, Madam Speaker, the FijiFirst Government is realising the slippage in their voter support.

(Honourable Government Members interject)

HON. S.V. RADRODRO.- And because of the upcoming election, it is using this situation as a promotional strategy campaign to buy votes using Government resources. Shame on you! Shame on you! Shame on you!

(Honourable Government Members interject)

HON. S.V. RADRODRO.- Madam Speaker, in my recent visit to Ba, I saw the big crowd and also there were jokes that, "Let us just go in there and lodge our application because you can get the \$1,000." There was even mention that three people from the same household applied and got the \$3,000. But we hear that there is going to be effective monitoring and evaluation, Honourable Minister.

(Honourable Government Members interject)

HON. S.V. RADRODRO.- Madam Speaker, on the budget, we heard the Honourable Minister mentioned the amount that has been given to each CARE Programme but there was no mention on the total expected budget for this rehabilitation under this CARE Programme. There was no total budget being mentioned or where this money is going to come from. Is it going to come from Head 50 or is it going to come from the Ministry of Infrastructure, or from the Ministry of Health, where is the budget going to come from? We would like to know and we demand for good governance. We demand the other side of the House to tell us that, Honourable Speaker.

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

HON. PROF. B.C. PRASAD.- Thank you, Madam Speaker. I thank the Honourable Acting Prime Minister for his Statement. At the outset, Madam Speaker, let me say that Government has exactly done what the NFP had suggested it to do.

(Laughter)

Madam Speaker, we outlined a very comprehensive package on Monday, 2nd April, 2018 before Government even started the survey and hours before the Honourable Prime Minister

actually went to see the affected areas. Government has actually done what we had suggested with a different name and I want to thank Government, Madam Speaker, for the CARE Programme, in accepting our suggestions and delivering it to our people.

While Government may vehemently deny this, Madam Speaker, this is one example where we can work in a bipartisanship manner and we can suggest, Government accepts the idea and people actually benefit.

Might I add, Madam Speaker, on this occasion that if Government had actually accepted our suggestions right at the beginning of the Parliamentary term on the sugar industry and the dairy industry, these two industries would have been thriving now. Let me just quote, Madam Speaker, what the NFP said on 2nd April, 2018, and I quote:

“Massive rehabilitation is required. Most of the Municipalities in the Western Division have got millions of dollars’ worth of damages. The business communities have suffered damage and losses, hundreds of houses were destroyed by flood waters, farmers lost their livestock, agricultural crops, including sugarcane have been either destroyed or severely damaged.”

It is clear that millions of dollars would be needed to bring some degree of relief to the flood victims in the affected areas in Fiji. As a priority, we suggested that the Government’s machinery do the following:

- Deploy Engineers to repair badly damaged...”

(Honourable Government Members interject)

HON. PROF. B.C. PRASAD.- I am quoting from my statement. Listen man! Listen carefully!

Madam Speaker, I marvelled at the interjection from the Government side. If I may continue:

- Approve a cash grant package to assist flood victims rebuild loss or damaged homes and purchase necessary household goods.
- Approve a crop rehabilitation package to assist the agriculture sector, including the sugar industry.
- The businesses that have lost everything and those in danger going under cannot survive even, with the system by the banks or delay in loan repayments; the rehabilitation package is also needed for them.
- Funds from the COP 23 Presidency Trust Fund should be diverted towards relief efforts.”

Madam Speaker, once again, I want to thank the Government for accepting our suggestions.

(Laughter)

Madam Speaker, I agree with the points raised by Honourable Salote Radrodoro in terms of the way in which the whole Programme is being delivered. I think there could have been a much easier and better way of delivering these assistance because instead of thousands of people lying,

spending the whole two days to actually get near the people, in fact, they should have learnt from the Elections Office where they have different polling stations and for each polling venue, they will have people actually going there and providing the services for compulsory identification.

Madam Speaker, the delivery and the implementation of the CARE Programme could have been better. I have heard a lot of complaints from a lot of people. Those from homes themselves now complaining about different amounts; some are claiming that those who needed more assistance are not getting enough because the way in which the whole Programme is being implemented, the

Officials are not able to actually screen properly and ensure that the declarations people are making and those who are coming from really affected areas are actually getting assistance.

Madam Speaker, my advice to the Government right now is, instead of just warning the people, I think we should ensure that the system that they are using to deliver the cards is actually good enough to screen the people who actually need it and make sure that people are not abusing the system, as pointed out by the Honourable Acting Prime Minister.

We cannot just blame the people, Madam Speaker, I think we need to develop the system and all I want to say to the people or advise the people is that, “this is your money, and this is Government’s responsibility. Please ensure that if you need it, you take it, and say thank you to yourselves and to the people of this country.” Thank you, Madam Speaker.

HON. SPEAKER.- Thank you. We will move on to the next item on the Order Paper.

FAIR SHARE OF MINERAL ROYALTIES BILL 2018

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

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

That the –

- (a) Fair Share of Mineral Royalties Bill 2018 be considered by Parliament without delay;
- (b) Bill must pass through one stage at a single sitting of Parliament;
- (c) Bill must not be referred to a Standing Committee or other committee of Parliament;
- and
- (d) Bill must be debated and voted upon by Parliament today, Wednesday, 16th May 2018, with the right of reply be given to me as the Member moving this motion.

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

HON. A. SAYED-KHAIYUM.- Thank you Madam Speaker. Madam Speaker, this Bill, of course, which we would debate later on and just by way of introduction, we know that under Section 30 of the 2013 Constitution, there is a provision that we must have “a fair share of royalties or other money paid to the State in respect of the grant by the State of rights to extract minerals from the land or the seabed in the area of those fishing rights.”

And this Bill, Madam Speaker, now gives substance to that particular provision in the Constitution. The FijiFirst Government, of course, Madam Speaker, has ensured through the Constitution that all landowners are able to access a fair share of royalties earned from prospective and mining of minerals under the Mining Act 1965, when I say ‘landowners’, Madam Speaker, we mean ‘referring to the owners of freehold land and the landowners of *iTaukei*, Rotuman and Rabi Island landowners’.

So, if minerals are found in any of these types of land and prospecting of mining for minerals takes place by way of a grant of that right by the State, as we know all minerals belong to the State, the surface land belongs to the owners of the land, but the minerals have always belonged to the

State. However, there is a Constitutional requirement that now we give a fair share of the royalties that will be gained by the State and give a fair share of that royalty to the landowners, Madam Speaker.

Madam Speaker, I would like to point out that, as has been highlighted, I think Honourable Members from the other side had a similar provision, not exactly the same, but similar provision existed in the 1997 Constitution under Section 186 (3) and it says:

“The Parliament must make provision granting to the owners of land or of registered customary fishing rights an equitable share of royalties or other moneys paid to the State in respect of the grant by the State of rights to extract minerals from the land or the seabed.”

Madam Speaker, that 1997 Constitution came into being in 1997. Guess what, Madam Speaker? Neither the Rabuka-led Government nor the Qarase-led Government brought about any law to give effect to the 1997 provision of Section 186, none whatsoever.

(Honourable Members interject)

HON. A. SAYED-KHAIYUM.- Madam Speaker, similarly, there was a provision in the 1990 Constitution put in place by the Rabuka-led Government, and again Madam Speaker, right from 1990, all the way up to 1997, it was not put in place. This Government, Madam Speaker, is today putting in place the law for the share of royalties for all landowners.

And Madam Speaker, I would urge all Honourable Members that we actually debate this Bill today because we actually need to put in place measures very quickly, and as we have said, we have been consulting various stakeholders and we can highlight this when we have the debate on this and we will also highlight as to what percentage we are saying that the landowners should get.

Just to save you from going through it, we are saying that 80 percent of all the royalties must go to the landowners, only 20 percent will be retained by the State as provided by the Constitution. The provision in the Constitution says, Madam Speaker, that there are certain things that the States needs to look after. So, 80 percent of all the royalties will go to the landowners as proposed under this Bill.

So, Madam Speaker, we have had a Mineral Development Technical Committee that has....

(Hon. S.D. Karavaki interjects)

HON. A. SAYED-KHAIYUM.- Madam Speaker, the Honourable Karavaki unfortunately does not know the law. All minerals actually are owned by the State.

(Honourable Members interject)

HON. A. SAYED-KHAIYUM.- So the royalties that the State will collect, we are saying that 80 percent of the all royalties will be given to the landowners, Madam Speaker.

(Honourable Member interjects)

HON. A. SAYED-KHAIYUM.- It would appear he is opposing that.

Madam Speaker, we had, for example the Department of Mineral Resources, Department of Lands, Ministry of iTaukei Affairs, iTaukei Affairs Board, iTaukei Lands Trust Board, Ministry of Environment, Ministry of Economy, Ministry of Foreign Affairs, Office of the Solicitor-General, Fiji Revenue and Customs Services, Ministry of Fisheries, Mining and Quarrying Council, and the Secretariat of the Pacific Community actually sat on the Technical Committee and then they went out to all their stakeholders, including the landowners, to consult them and come back to the Technical Committee and make their recommendations. Government of course, Madam Speaker, then looked at their contribution. In fact, Madam Speaker, I can say that Government decided to actually increase the percentage of payments to the landowners.

I know, Madam Speaker, in the SODELPA Manifesto, which I have in my hand ...

(Honourable Opposition Members interject)

HON. A. SAYED-KHAIYUM.- ... they have not clearly enunciated about what they will do. They have a Mineral Resources section here, they will say that they will review the current agreement.

(Honourable Opposition Member interjects)

HON. A. SAYED-KHAIYUM.- One of your people. And ensure that the protection of the interest of the resource owners will be given.

(Honourable Members interject)

HON. A. SAYED-KHAIYUM.- Madam Speaker, so they have not even say the percentage.

What we are stating, Madam Speaker, is that 80 percent of their fair share of the royalties would work. The Bill, Madam Speaker, actually provides the mechanism through which the royalties will actually be distributed and Honourable Members will also be glad to know that what we are saying is that, the royalties must be equally distributed to all the members of the landowning unit.

Madam Speaker, we would also want to inform Parliament that since the Constitution has been put in place, we have said that some of the mining that that has taken place since then, we have kept aside the royalty in trust and that is in particular where the mining is taking place in Vanua Levu.

We have kept the royalties in trust, the moment that this Bill becomes an Act of Parliament, we will then be able to distribute those royalties to the members of the landowning unit through equal distribution and will give them 80 percent of the royalties. I understand from the Permanent Secretary of Lands and Mineral Resources that approximately \$1 million is currently sitting in their trust that we have gained from royalty or approximately thereabouts, Madam Speaker.

Madam Speaker, I would urge that we actually debate this Bill today, but as discussed with the Secretariat, if we could through your indulgence, perhaps have a break subsequent to this at some point in time to give Honourable Members time to be able to look at the Bill so then they can then come back and make some worthwhile contributions, and we look forward to that. Thank you, Madam Speaker.

HON. SPEAKER.- Now, the Bill is open for debate and I invite input, if any.

1638

Fair Share of Mineral Royalties Bill 2018

16th May, 2018

(There

was

no

contribution)

Since there are no input, the Honourable Acting Prime Minister, would you like to make concluding remarks?

HON. A. SAYED-KHAIYUM.- Thank you, Madam Speaker. I think I have said by way of introduction, the motion is about to refer this Bill under Standing Order 51, ready to be debated later on today. Thank you Madam Speaker.

HON. SPEAKER.- Parliament will now vote.

Question put.

The question is:

That pursuant to Standing Order 51:

That the -

- (a) Fair Share of Mineral Royalties Bill 2018 be considered by Parliament without delay;
- (b) Bill must pass through one stage at a sitting of Parliament;
- (c) Bill must not be referred to a Standing Committee or other Committee of Parliament;
- and
- (d) Bill must be debated and voted upon by Parliament on Wednesday, 16th May, 2018, with the right of reply given to me as the Member moving the motion.

Does any Member oppose the motion?

(Chorus of 'Noes')

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

Motion agreed to.

ONLINE SAFETY BILL 2018

HON. SPEAKER.- Before we proceed, I remind Honourable Members that pursuant to the resolution of Parliament on Thursday 15th March, 2018, the Online Safety Bill will now be debated, voted upon, and be passed.

I now call on the Honourable Acting Prime Minister to move his motion.

HON. A. SAYED-KHAIYUM.- Madam Speaker, pursuant to resolution of Parliament passed on Thursday 15th March, 2018 I, move:

That the Online Safety Bill 2018 be debated, voted upon and be passed.

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

HON. SPEAKER.- I now call on the Acting Prime Minister to speak on his motion.

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

Madam Speaker, the Online Safety Bill was tabled in Parliament and we are debating the substance of the Bill.

On 15th March, 2018, pursuant to Standing Order 51 and of course, it was referred to the Standing Committee that has been receiving public submissions in respect of this very important Bill and prior to that, we had various consultations that took place widespread within Government itself.

Madam Speaker, in 2016, a study was carried out which showed that about 50 percent of cyber bullying victims in Fiji were children, while 50 percent were other members of the general public.

According to an online article published in the media this year, Madam Speaker, according to the *Fiji Times*, maybe it might make it more credible for them, the Fiji Women Crisis Centre received seven cyber bullying cases in 2017, five of which were by husbands or former boyfriends, who threatened to post or actually posted intimate images of their partners. As a result of these, victims of suicidal or suffered from anxiety attacks while others lived in fear, Madam Speaker.

Madam Speaker, in another incident also in 2017 in Fiji, a video of students engaging in sexual activity at a school dormitory went viral on social media; much to the detriment of the students themselves and their families. The male student in the video was 17 years old at that time and the female student was 14 years old.

More recently in April this year, Madam Speaker, pictures of a 14 year old female student went viral on social media when someone took pictures of her lying down, at an angle which exposed her private parts or genitalia. Madam Speaker, the absurdity and extent of the distribution of these images is disturbing.

In another place in the world, Madam Speaker, similar stories of cyber bullying and cyber harassment are continuously being brought to light.

In Singapore recently, Madam Speaker, for instance, a man was arrested for allegedly taking a video up the skirt of a woman as she went up an escalator, oblivious as to what was all happening. The man was caught by an alert commuter, who noticed the man's recording button activated to indicate he was in fact taking a video.

Madam Speaker, in an article published in the Singapore newspaper, the *Straits Times*, photos of minors were being shared on micro blogs which published pornographic content, attracting the range of lurid comments. In this instance, the complaint to the Police was made by a school saying "the micro blogs were targeting his students." It is reported that youths whose everyday pictures are misused have little recourse and suffer from trauma, similar to trauma suffered by sexual assault victims.

In New Zealand, one of the first cases of this kind to come before the court involved a man who sent a video of his ex-partner involved in lured act to her mother in a message entitled, "What your daughter is really up to". The man was subsequently jailed for 11 months. The Presiding Judge, David Ruth at Nelson District Court recognised the reason for the then new legislation stating, and I quote:

"We live in a world where it is very easy and certain in a very cowardly manner and impersonal third person way to communicate with others without fronting up yourselves".

You can say that about too many people. In my view, do not imprison you, it would send totally the wrong message to you and others who might embark on this sort of behaviour.

Madam Speaker, there is only a fraction of the actual number and type of online harmful activities that is happening around us highlights just how real these kinds of online activities are in our everyday lives and how much impact they have in our homes, particularly on our children and the vulnerable members of our society.

Madam Speaker, with Fiji's current internet penetration to be above 48 percent and, of course, it is increasing everyday with these smart phones, there is a greater urgency and the need for laws and for mechanisms to be put in place to address and curb these issues whilst at the same time, personal education on personal responsibility about how to use the internet and a mode method of transmitting electronic communication safely as well as respect for individuals, Madam Speaker.

Madam Speaker, it was interesting when the recent Human Rights Commissioner came to Fiji. We had a private discussion and he was saying to me, "You know, I tell my children who are teenagers to be careful of how you get your photographs taken. Be careful of how you take the photographs of other people. Seek their permission first."

Madam Speaker, I have got here numerous articles from New Zealand. The *New Zealand Herald* quoting, "cyber bullying law nabs 38 bullies." With other jurisdictions, of course, in Australia too and as highlighted in Singapore where new laws are being put in place.

Some people who appeared before the Committee quite incredulously said that it is an affront to democracy; what stupidity! What is democratic about photographing someone's genitalia? What is democratic about having lewd pictures of girls and having it go viral? What is democratic, Madam Speaker, of having a Bill that is saying that we have a Commissioner who can actually try and mitigate these issues, not necessarily drag them to the courts but mitigate these issues?

If people, for example, fear that an ex-partner will do something untoward, they can go to the Commission and have it stopped. It is not about locking up people, it is about creating a culture of respecting other individuals. It is maintaining the dignity of other individuals. There is nothing undemocratic about that, Madam Speaker.

Madam Speaker, it is very critical for us to be able to understand that technology is phenomenally changing, not just the way we view each other but interpersonal relationships - how we communicate, how we are actually able to integrate with each other. You can still go today, Madam Speaker, even downtown Suva to a restaurant, you can see a family of five people and no one is talking to each other but everyone is on their phone. It is happening everywhere. So, the sense of reality, in fact, is quite surreal, that people get their sense of reality from these things. And to be able to use this contraption to say that it is somehow or the other democratic to allow the publication of people's intimate body parts, to allow the publication of intimate relationships is absolutely wrong and incorrect.

As I had highlighted when I introduced this Bill, Madam Speaker, a young lady from Lautoka had someone put a camera in her room unbeknownst to her and those images of her as anyone would change in the room, go to the bathroom, everything was captured, it was live-streamed and then she was put up for "sale" on the internet.

Madam Speaker, it is not just only about girls too, it is also about young men. It is happening now. There are people who are being enticed through social media, people make false identities. So, you may have a man posing as a woman trying to lure young men. In fact, it

happened recently in Australia, lure young man and said “let us meet at the park” and he goes there, somehow or the other take him to the house and they sell him online.

Young boys are being raped by using social media. This is the hard core reality and to prevent it, it is not an affront to democracy. And I actually find it an affront to our intellect when people actually come and make these kind of presentations, Madam Speaker.

So, Madam Speaker, I would urge all Members to speak about this, all of us. I think nearly everyone, perhaps one or two exceptions, have children. A lot of people here have grandchildren, some perhaps, even have great grandchildren. How would we like that, Madam Speaker, if it happened to your child, to your grandchild? We do not want that to happen, Madam Speaker.

And we as lawmakers of this country, as Members of this Parliament must ensure that we have particular provisions in place. There are also various protections within the law itself where it does not infringe upon aspects of our rights as enunciated in Section 26 and there are other provisions within the Bill of Rights provision, Madam Speaker. So, I would urge that we have some very fruitful discussions on this and, in fact, I urge Parliament to unanimously vote for this, to show and give confidence to our people.

Madam Speaker, one of the issues we are having now as we had highlighted to Parliament, we are working on a project at the moment to Wi-Fi all the schools in Fiji. We are starting off with all the high schools. We are using the *Walesi* platform to Wi-Fi all the schools, but one of the issues that has been raised with us, once we Wi-Fi all the schools, how will we police what they will access. Will they be using the Wi-Fi capacity and taking photographs of each other or other people unbeknownst to them and sending out images? These are some of the challenges.

On one end we have schools, for example, in Rotuma, Lau, in deep Vanua Levu, Naitasiri, Namosi and other areas in Fiji where school children do not have access to internet. Schools in Suva do. They have the ability to do better research, they have access to internet, we need to provide them with the internet services, and we are going to target those schools first. But on the other hand, we also have the social dilemma about this. So, we need to have various provisions within our laws, within our policies. In fact, at the moment we have asked the PS for Education to develop some policy guidelines around the usage of this, so it is a holistic approach.

The reality is that, we cannot stop technology, it will be here. It has already come here. The issue is, how do we manage it? For our own benefit, get the maximum utility out of it but at the same time, try and stop the negative effects of the use of technology. Madam Speaker, I will stop there now and I urge all Honourable Members to speak on this motion in favour of the Bill. Thank you, Madam Speaker.

HON. SPEAKER.- I now invite input from Members, if any.

Honourable Semesa Karavaki.

HON. S.D. KARAVAKI.- Thank you, Madam Speaker. I rise to contribute to the Online Safety Bill 2018. I would like to thank the Government for bringing this Bill, but it is not construed or structured in the right way. I have not seen anywhere where we have a Commission set up like this.

The Commission set up in this Bill, Madam Speaker, consists of the Commissioner and members of the staff. That is what I am saying that I have not seen any Bill structured like this. This is under Clause 6 of this Bill and it is difficult to see how it will work because normally when

you have a Commission, you have a certain number of members of the Commission and they normally meet through their resolutions. This is what is normally called the decision of the Commission, but here we have the law that is being proposed to guide the Commission. It says that the Commission consists of the Commissioner and members of the staff that the Commissioner appoints.

(Honourable Member interjects)

HON. S.D. KARAVAKI.- They can be “she”.

Under the Interpretation Act, “he” is also referred to as “she”. You do not need to come and say “she” over here.

So Madam Speaker, for the purpose of this Parliament and for gender equality, I should say ‘he’ or ‘she’ but under the law, he is also referred to as ‘she’. That is why I am saying, it is good that they have brought this but it is not in the right manner. It is not rightly structured.

In the Bill when we see the decision under Clause 15 and Clause 16 being referred to as the decision of the Commission, it should mean in its actual context that the decision there is a decision that comes out of a resolution of a discussion made by the Commissioner and his members of the staff. That is what it means in law because if the Commissioner under those clauses makes his own decision, imputing that the decision that he has made as Commissioner and as the decision of the Commission is wrong in law and that is subject to a judicial review.

I raise this, Madam Speaker because I had raised this in the Committee and I come here as a responsible Member of the House to also mention it here, to state this clearly in this House.

Secondly, Madam Speaker, I am contributing to this Bill with a heavy heart because this Bill also opens the door to immoral issues that should have been considered and not allowed in the Bill to be still part of the Bill.

I have listened to the Honourable Attorney-General explain all those examples. Yes, we do not like those to happen and even to come to the internet for people to see because of the moral issues. But what the Government is embarking on is the harm that is caused, it is not focussing on the immorality. The harm caused to another person is immoral because it should not be done. One should not cause harm to a neighbour. A neighbour is anyone that he cares for, anyone that you should look after.

This Bill, Madam Speaker, allows for two people in an intimate relationship (sexual conduct), if they both consent to the fact that they should take pictures and post it onto the web, the Bill allows for that. That is the moral issue I am talking about. But that is the very thing that the Government wants to protect; but the Government is only looking after the harm that is caused, it is not looking after the moral issues.

Madam Speaker, this is actually the Sodom and Gomorrah situation we are in, the Sodom and Gomorrah situation being brought into this House through this Bill. They should have looked at this Bill properly. While on one end they do not want postings of those graphic explanations that the Attorney-General had made to be done as it will harm someone, on the other end they are allowing those kinds of postings to go on the internet. You will see what I am talking about in Clause 25.

Today, Madam Speaker, I will read from Jeremiah 50: 40 and this is what it says, I quote:

“As God overthrew Sodom and Gomorrah:” overthrew Madam Speaker, who did it? God himself did it. Why? *“... and the neighbouring cities thereof, saith the LORD; so shall no man abide there, neither shall any son of man dwell therein.”*

It is because of these kinds of activities. Those nations were not overthrown by men, but they were overthrown by God himself because of this. Now, we are bringing this Bill, again allowing that to happen. I think the Government should expect being overthrown very soon, not by men but by God himself.

HON. LT. COL. I.B. SERUIRATU.- That is not the intention of the Bill.

HON. S.D. KARAVAKI.- Then fix it. If that is not the intention of the Bill, then fix it.

HON. A. SAYED-KHAIYUM.- People will continue to do this

HON. S.D. KARAVAKI.- I will read, Madam Speaker, Clause 25. This is a forbidden act that should not be done. Subclause (1) states, and I quote:

“Subject to Subsection (3), a person must not post or threaten to post an intimate visual recording of an individual.”

Then Sub-clause (3) says, and I quote:

“Subsection (1) does not apply if the individual, who is the subject of the electronic communication concerned, consents to the specific post of the intimate visual recording.”

That is what I am talking about, Madam Speaker. If they consent, the Government allows that, stating that it should be allowed to be posted on the internet. No one wants to see it; that is a moral issue. While they want to prevent other postings being made, just because they are focusing on harm, they turned a blind eye. They have turned a blind eye on this issue.

Madam Speaker, I have read from Jeremiah, I have to read from the Apostle Peter where he says in II Peter 2:6

HON. GOVERNMENT MEMBER.- Jeremiah?

HON. S.D. KARAVAKI.- I have already read Jeremiah to you. Now, I will read Peter to you.

(Laughter)

HON. S.D. KARAVAKI.- II Peter 2:6 says, and I quote:

“And turning the cities of Sodom and Gomorrah into ashes, condemn them with an overthrow, making them an ensample unto those that after should live ungodly.”

That is an example for us that are here today. What happened then is an example for us who live here and then we are allowing this ungodly act to be perpetrated in this Bill is the worst thing that ever happened in this House.

Madam Speaker, the Government should withdraw this Bill and go and fix it again because if not, time will tell us when God's judgment will fall. Thank you, Madam Speaker.

HON. SPEAKER.- Thank you. Honourable Minister for Waterways.

HON. DR. M. REDDY.- Madam Speaker, I rise in support of this Bill. Madam Speaker, I will start on the specifics. I think what the Honourable Member is alluding to here, I think there is a bigger issue about pornographic sites, et cetera. I think that is something that needs to be dealt with.

HON. GOVT. MEMBERS.- The Crimes Act.

HON. DR. M. REDDY.- The Crimes Act, so I do not think he should bring that issue here in this Bill.

Madam Speaker, I want to make an overarching comment that private knowledge should remain private and should never be placed for public scrutiny or made public knowledge until such time that it can be verifiable or can be reproduced with evidence, Madam Speaker, or it should never be made public knowledge if it will infringe the rights of others, at least the vulnerable or the children who cannot defend themselves.

Often people, Madam Speaker, confuse between private knowledge and public knowledge, like gossips amongst people at home, et cetera, that is private knowledge. It should never be made public or never be placed on the public arena and subjected to public scrutiny until and unless you have evidence.

Madam Speaker, one of the objectives of the Bill is to ensure that people understand how much damage it can make to individuals, families, households in society by putting these knowledge which cannot be verified or subjected to a process where evidence can be reproduced.

Madam Speaker, our screens are our powerful tools for good as the Honourable Minister for Economy has alluded to earlier on. You go to any public place, bus station, et cetera, you will see how many people are using the internet for any purposes, Madam Speaker, and now when we want to open up internet to our children, to schools or to use them in a positive manner for their growth and development, we need to ensure that we have appropriate legislations to protect them so that they do not fall prey to false information, misleading information that will destroy their entire future.

We do not want to open up the cyber space without having appropriate guards and protection mechanism which can lead them or astray them into long paths.

Madam Speaker, I feel that we are a bit late in bringing this Bill. We should have brought it a long time back when we got into mobile communication and smartphones because already, Madam Speaker, this is creating havoc in our society and communities. Some of us are victims of this, Madam Speaker, you will see the kinds of posts on social media about some of us.

I have been subjected to all kinds of allegations and comments on social media, all kinds of photos, images about myself. Madam Speaker, I wonder where that is coming from; who is behind this? So if all of us support this Bill, that is the issue, Madam Speaker.

(Honourable Opposition Members interject)

HON. M. REDDY.- Some of the shadowy figures that are here hiding behind different garbs trying to say that we need more time, “we do not need this”, et cetera. Madam Speaker, this is the opportunity. We should all rise and support this Bill and this is not casting stone, Madam Speaker. Come next year if you think that we need to further strengthen and revise this, we can come back to the House and revise the Bill, Madam Speaker.

(Honourable Opposition Members interject)

HON. N. NAWAIKULA.- We do not have the time.

HON. DR. M. REDDY.- Madam Speaker, the objectives of this Bill is to promote responsible online behaviour and online safety due to harm caused to individuals by electronic communication, provided efficient means of redress for such individuals. These are most relevant to our society now then anytime in our history, and upload the architects from our Government to ensure that we provide safety online and protect our children (the vulnerable) from accessing information which may be totally untrue, which may have no basis and which could destroy their future, Madam Speaker.

Madam Speaker, as alluded to by the Honourable Minister for Education, we are looking at going full on in terms of ensuring that our children can access all the massive information out there for their own growth and development, but we need to protect them.

Madam Speaker, the provision in the Bill is to organise an awareness and education, including the provision of online safety material constitutes our conscience to online safety and it will help guide our behaviour online, Madam Speaker. We need to ensure that we empower our children, the women, the vulnerable groups for all Fijians.

Furthermore, this section empowers us to participate and the stakeholders through positive internet use rather than being potential victims, Madam Speaker.

Madam Speaker, this Bill further provides Government’s commitment to address violence against vulnerable groups (the women and children) who have scrolled through the social media website. Madam Speaker, we can see how people willy-nilly the minor issues that can be resolved at home or in the village, they think that by putting that on the social media, they will be able to resolve that, without understanding how much damage they are doing to other families, households, individuals and children.

Madam Speaker, with these words, I congratulate our colleagues on our side for getting this as I said. I think this should have come much, much earlier. This is there to provide the platform for bigger and greater internet usage so that our children and the vulnerables are protected. Thank you.

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

HON. N. NAWAIKULA.- I agree with Honourable Karavaki. Please, take this back and do a better work. The simple message we are telling the other side is that, “You do not know how to make a law.”

(Honourable Government Members interject)

HON. N. NAWAIKULA.- You do not know how to make a law to resolve a problem. We all agree victims need to be protected, privacy needs to be protected but this does not protect it. This does not protect it.

(Honourable Government Members interject)

HON. N. NAWAIKULA.- I will tell you how: the simplest thing to do is to amend the Crimes Decree, identify all these and make them criminal, make the sentences more

(Honourable Government Members interject)

HON. N. NAWAIKULA.- But that has not been done here. I was hoping that after this is passed, a victim can say “Good, I can have my remedy now.”

(Honourable Government Members interject)

HON. N. NAWAIKULA.- But no, it does not have the remedy. The simplest way to that effect for him, for her, the victim is to go to the Police and complain but he has to file a civil action, go to a lawyer and even here

HON. GOVT. MEMBER.- Go to the Commissioner.

HON. N. NAWAIKULA.- Yes, go to the Commissioner but what? It comes a civil measure.

(Honourable Government Members interject)

HON. N. NAWAIKULA.- It is time consuming, it is costly. The simplest thing is just to criminalise it.

(Honourable Government Member interjects)

HON. N. NAWAIKULA.- I am a lawyer, I am telling you what to do. You remain with your profession.

(Honourable Government Members interject)

HON. N. NAWAIKULA.- This is coming from a lawyer and the lawyer is saying “this is useless”. It does not give the remedy at the right time, at the shortest time to the victim. If there is a victim tonight, you would expect him to go to the Police tomorrow and they will be charged, but no, it does not happen. It gives it a very long winding way and it will cost the victim time, it will cost the victim a lot of energy and unnecessary expenses. So I am asking the Honourable Attorney-General, please, take your draftsmen to task. Ask them, “How can they come up with a law like this that does not resolve the problem that we have. Thank you, Madam Speaker.

HON. SPEAKER.- Honourable Sudhakar.

HON. A. SUDHAKAR.- Thank you, Madam Speaker. I was a bit surprised that the former Member of the Justice, Law and Human Rights Committee is speaking like that.

(Honourable Members interject)

The former Member of the Committee is trying to tell the current Members how to make laws, I was a bit surprise by that.

Madam Speaker, just to respond to a few aspects of the Bill that was raised by Honourable Karavaki and Honourable Nawaikula just now.

Honourable Karavaki has raised that the Commission cannot perform his duties because the Commission does not have more than one Commissioner.

(Hon. N. Nawaikula interjects)

HON. A. SUDHAKAR.- Listen!

Madam Speaker, Clause 6(5) of the Bill clearly stipulates the Commissioner's function. In fact, Clause 6 itself lays down the duties of the Commissioner and the functions of the Commission and it further adds that the Commissioner may appoint such other staff as necessary to assist the Commissioner in the performance of the Commission's functions under this Act, on such terms and conditions every Commissioner think fit.

The Honourable Member here is trying to tell us that it takes time. There is a specific provision here for the Online Commission to deal specifically with these matters.

Anyone who attends court on a regular basis as a lawyer not to be suspended at any time of his life would know that it takes a lot of time to go to court, to file the papers, to go to the discovery processes and get a hearing date. Sometimes it takes two to three years. Within minutes and we were told at the Committee hearing that there are 2.9 billion *Facebook* active users everyday, of those 800 million are fake accounts.

You post something now within minutes it is all over the world. If you wait for two years for the court to give you a hearing date, the damage is already done. You are already there, you have already faced the damage. No sort of remedy, no sort of fine will have to remedy that. The reason why we have a separate function of the Commission and a separate function of the police here is that, there are civil elements as well as criminal elements to the Bill.

I will read the pertinent parts for the benefit of the Members who do not know about it, and you are trying to teach us how to make laws.

Clause 8 of the Bill reads, and I quote:

“The Commission has the following functions-

- a) to promote online safety;
- b) to organise awareness and education programmes, including the provision of online safety material;
- c) to receive complaints in relation to electronic communication that causes or intends to cause harm;
- d) to assess and provide advice in relation to any query or complaint submitted to the Commission;
- e) to investigate complaints and seek to resolve such complaints, as appropriate;
- f) to consult and work with relevant agencies, organisations or governments for the purposes of this Act;

- g) to advise the Minister on any issue or matter pertaining to online safety;
- h) to comply with any reporting requirement prescribed under this Act; and
- i) such other functions conferred upon it or prescribed by this Act.”

So, there are civil elements in the Bill which only the Commission can have it and therefore the need for the Commission and how they operate is provided in Section 6.

Madam Speaker, this is no different from the Independent Legal Services Commission where they need one Commissioner and it is respectively carrying out its processes and functions by employing suitable staff and then have the lawyers too in their ranks.

There has been no challenge so far to the appointment of the Independent Legal Service Commission, is a one member Commission. FICAC is also a similar body that runs on similar lines. The Act guides how the Commission operates and it is similar to the Commission here. The assertion that the Commission is not suitable, does not know how to function is totally wrong.

Honourable Karavaki raised another point regarding clause 25(4) that having a section like subsection (1) does not apply if the individual who is subject to the electronic communication concerns to the specific post of intimate visual recording is in view, it is going to encourage people to post the intimate recording. I do not think anyone, Madam Speaker, in Fiji is of that unsound mind that will engage in a sexual activity and ask the people to publish it on the website.

(Honourable Member interjects)

HON. A. SUDHAKAR.- You are not getting it, look at the point. Now just to bring it with analogy, in the Crimes Act where under Section 212 talks about indecent assault, there is a difference provided, which says and I quote:

“It shall be a sufficient defence to charge for an indecent assault on a boy or a girl under the age of 16 years to prove that –

- (a) the boy or girl consented to the act of indecency and that the person so charged had reasonable cause to believe, and did in fact believe, that the boy or girl was of or above the age of 16 years to prove that the boy or girl concerned to the Act on indecency and that the person or charge have reasonable calls to believe and did in fact believe that the boy or girl was above the age of 16; ...”

This is the important one, Honourable Karavaki, you have to listen to this, I quote:

- “(b) that the offender was of a similar age to the boy or girl and that consent to the act of indecency was given in the context of a continuing friendship between the offender and the boy or girl.”

Madam Speaker, that defence there, it is not....

(Hon. S.D. Karavaki interjects)

HON. A. SUDHAKAR.- You have got to listen to me first.

This Clause here does not encourage our youngsters to make the decision to go and engage in sexual activity. It is a protection provided to an accused person who might be wrongfully accused, where he might be brought to court and he will be facing a sentence because he has been charged for indecent assault, it is a defence provided to that person. It goes in all criminal law, there will be statutory defences available.

The second Clause 25(3)(4), that Honourable Karavaki has spoken about has static defence provided in such a case, it is not encouraging our people, our youngsters to go and engage in sexual activity or to promote illicit material on the website. In fact, the Crimes Act is clear on that. If someone is caught, if someone is publishing obscene material, they can be charged under the Crimes Act. So it is no defence to come and say, "I did not know the law" - ignorance of law is no defence, "these specific steps are provided as defensive.

Madam Speaker, I come to the other point where we have received submissions and there were people who came to the Committee and they have also gone to the media and social media as well, saying that this law is an attempt by the Government or by the Parliament to curtail the freedom of expression of people. And I have read Section 17 of the Constitution numerous times at the Committee level, but I think the pertinent point should be addressed here again so that people are aware of what we are talking about.

In the Constitution, Section 17(1) guarantees everyone; "...their right to freedom of speech, expression, thought, opinion and publication." However, Section 17 (2) (3), go on to say and provide for, I quote:

"To the extent that it is necessary, a law may limit, or may authorise the limitation of rights and freedoms mentioned in subsection 1 in the interests of -

"... for public morality purpose, public health, public safety, protection and maintenance of reputation, privacy, dignity, rights or freedoms of other persons including -

(i) Right to be free from hate speech."

Now, these things are provided for in the Constitution that if someone can claim that they have a right of freedom of expression or speech, that does not mean then you can go and tamper upon or impinge upon other persons rights of privacy and right of reputation.

Madam Speaker, the Public Order Act, for long time in fact this law was first brought in 1969, and it still has provisions where at Section 14, it is noted that:

"If any person utters abusive or insulting words or behaves with an intent to promote a breach of peace, then those persons can be liable for imprisonment and a fine not exceeding \$100 and three months imprisonment."

There were also offences of inciting violence, maliciously promoting false news under Section 15. So if a person is talking to another person can incite and cause hate speech, why should he be treated differently when he posts such things on social media?

Now, this is a minor element, the main element that I was trying to point here was the issue of circulation of intimate visual recording. And there were two cases that I have in my hand which was dealt with by the New Zealand Courts, where "harm" has been described and by saying

that, we have put the word “harm “ in the Bill, it is too wide, it is not too wide. An Act and a legislation will never be accurate to the point of describing everything.

The Courts have a freehand in describing within the limits of those boundaries of how to interpret laws. And the High Court of New Zealand, Auckland Registry, in the case of the New Zealand Police against B, because there was a name suppression order that is why they just put B there, they have gone to say that evidence such as where this lady who was the victim of the offence, she went and gave evidence at the District Court and said:

“I was very upset for long time, stressed. It actually caused a lot frustration, anger. I was anxious, medically I felt unfit to work for a few days because I was just really upset.”

This evidence was unchallenged. She said that the complainant was very shocked and very depressed. “D” attested to whether the depressed was advanced, conforming to the term’s medical meaning but even then the evidence was capable of arriving at the conclusion that the complainant had suffered serious emotional distress in consequence of the respondent’s unsolicited digital communication.

In this case, Madam Speaker, the victim’s nude photographs were circulated on social media, on *Facebook* and this case went all the way up to the Appellate Court in the New Zealand Court of Appeal, where it was stated that the word “harm”, an emotional distress caused to a person can be elaborated further. So, it is not that if I am just harmed subjectively, that is the end of the matter. It is open to the Court to go through the evidence and analyse it properly.

Madam Speaker, in the other case of New Zealand Police -v- Joshua William Kelly, the District Court in this case, the complaint was against the ex-partner of the victim who took her nude photographs and then communicated it on *Facebook* and sent it through text message to a lot of people. In this case, the sentencing Court had considered a fine but the perpetrator had offered to pay a \$1,000 fine so that covered that fine part but was still sentenced to three months in detention in a home of a juvenile.

So the other countries are taking these things very seriously where their circulation of materials on social media which can affect the person emotionally so badly that they are contemplating suicide.

In fact on Tuesday when I presented the Bill, I had read an article from the *Fiji Times* where it said that an 18-year-old girl in fact committed suicide because of the distressing material about her that was circulated about on social media and other electronic platform. Therefore, Madam Speaker, it is not enough for the Honourable Members just to look at some parts of the Bill and say it is not workable. If you read the Bill in its entirety, the mechanism provided there, I am not just saying because I feel like saying it.

We have heard from experts, we have heard from technical people who came to the Committee and gave us their views. We have analysed the Bill with other jurisdictions, other laws and we have gone through case authorities. If it is workable, if those sections are workable in New Zealand, if those sections are workable in Australia, then there is no reason why it should be workable in Fiji. There should be more forethought, more foresight when reading this Bill, just not pick up some section from somewhere and start saying that the Bill is not workable. Thank you, Madam Speaker.

HON. SPEAKER.- Thank you, Honourable Professor Biman Prasad.

HON. PROF. B.C. PRASAD.- Thank you, Madam Speaker. As I said when this Bill was first presented that we needed more time, we needed more discussion.

Madam Speaker when we consider making laws in Parliament, we must give ourselves the maximum time so that there is maximum scrutiny, maximum understanding of what the law, the intended law will have, the kind of repercussions, and Madam Speaker, sometimes it is better not to have a law than to have a bad law. And I think this is a bad law in the sense that we have not considered all the consequences of this law. I agree with the Honourable Attorney-General on all the emotional points that he raised with respect to cyberbullying and videos, we understand that Madam Speaker. No one wants that. But the law has to be a good law, whether it is going to have the intended consequences.

We cannot just theoretically imagine here that what we intend to do with the law is going to actually resolve them. I think, Madam Speaker, we need to, we should have looked at the Cybercrime Unit, we should have looked at, if one of the objectives of the Bill is to make people aware, we should have looked at that.

We should have looked at the Crimes Act of 2009 or Decree but Madam Speaker, I also want to say that I do not see a consensus report. I do not think the Committee has considered its work as a bipartisan work, as a Committee which should have looked at the different viewpoints and come up with a report or an amendment to the Bill which should have reflected a bipartisan approach, which was not there and that was why I do not see Opposition Members or any of the Members signing the report.

Out of all the members of the public that came to make submissions, Madam Speaker, on this Bill, the majority had reservations. In fact, only two I see from the report who supported the Bill - the Director of the Anti-Discrimination and Human Rights Commission, understandably and the FijiFirst Concerned Youths. Madam Speaker, I have a lot of issues with the Director of the Anti-Discrimination Human Rights Commission.

HON. GOVT MEMBER.- Don't personalise.

HON. PROF. B.C. PRASAD.- No, I am not personalising. He has become a politician, he has become a tool of Government to attack politicians, Madam Speaker. It is not personalising, I am making a point, he is a Director of an independent Commission.

(Honourable Members interject)

HON. PROF. B.C. PRASAD.- We understand, Madam Speaker,

HON. SPEAKER.- Honourable Member, I think this is one case where your reach should not be getting to personal issues about....

HON. PROF. B.C. PRASAD.- It is not a personal issue matter.

HON. SPEAKER.- ...because he is not here to defend himself.

HON. PROF. B.C. PRASAD.- Madam Speaker, there are lot of people here who note that this is my right to actually talk about the Anti-Discrimination Commission. I am not personalising an individual, I am talking about the position, Madam Speaker.

The other point, Madam Speaker, with respect to the Bill, is the definition of ‘harm’ as serious emotional distress is still too vague and is, therefore, subject to misinterpretation. Sought too is what the determination of what constitutes responsible online behaviour which is why, when the National Federation Party made the submission, we had suggested that this Bill adopts the 10 principles from the New Zealand Act which is actually called New Zealand Harmful Digital Communications Act.

Madam Speaker, for the purpose of clarity, I just list those 10 principles in the New Zealand Act:

Article I Principle 1

A digital communication should not disclose sensitive personal facts about an individual.

Article I. Principle 2

A digital communication should not be threatening, intimidating, or menacing.

Article II. Principle 3

A digital communication should not be grossly offensive to a reasonable person in the position of the affected individual.

Article III. Principle 4

A digital communication should not be indecent or obscene.

Article IV. Principle 5

A digital communication should not be used to harass an individual.

Article V. Principle 6

A digital communication should not make a false allegation.

Article VI. Principle 7

A digital communication should not contain a matter that is published in breach of confidence.

Article VII. Principle 8

A digital communication should not incite or encourage anyone to send a message to an individual for the purpose of causing harm to the individual.

Article VIII. Principle 9

A digital communication should not incite or encourage an individual to commit suicide.

Article IX. Principle 10

A digital communication should not denigrate an individual by reason of his or her colour, race, ethnic or national origins, religion, gender, sexual orientation, or disability.

This is very clear, Madam Speaker in the New Zealand Act. The principles are well laid in the Act and I think that this Bill or this Act when it is passed, should have had this, Madam Speaker. Section 1, clause 2 details that this Act comes into force on a day or dates appointed by the Honourable Minister by notice in the gazette.

Madam Speaker, there is no clarity on whether this Bill is retrospective in nature or not. The considerations highlighted in Clause 24(13) should define serious emotional distress through

competence psychological evaluation. It is very important for us to get the definition right Madam, Speaker.

The new definition for “online content and host” under clause 2 would include online websites such as *Facebook, Twitter, Instagram* and other social media networks. Under Clause 22, Madam Speaker, there is a new clause now which says “the Court may, on an application made under clause 17, make the following orders against an online content and host. I am not sure if the Opposition Members of the Committee agreed to this addition of the clause.

Madam Speaker, if they did, I do not necessarily agree with that.

- a) An order to take down or disable public access to material that has been posted or sent.
- b) An order that the identity of the author of an anonymous or pseudonymous communication be released to the court.

- c) An order that the correction be published in any manner that the court specifies in the order or making the application in any manner that the court specifies in the order.

So, Madam Speaker, under Section 22 these social media networks could be ordered by the court to take down posted information that has been posted on the websites. What happens if these websites do not do that? Does that mean that they would not be allowed to operate or continue to operate in Fiji? The definition of “online contempt” that falls under the Bill is so broad, Madam Speaker, and far reaching that it would also include internet service providers. Will the court be empowered to make orders to Vodafone and Digicel, for example, to block an internet website that the Commissioner deems to be in contravention of the Act? These are questions that have not been answered by the Committee nor the Bill.

Under Section 3(b) of the Bill, it mentions internet trolling. There is no definition under the Act to clarify what is meant by internet trolling, because internet trolling, Madam Speaker, is a very widely defined term. It could mean anything from making sarcastic comments, posting of memes that ridicule, to more sinisterly motivated internet commentary. So, these are very broad definitions, there is still nothing under the Act to ensure that the Ministry of Education is also bound to provide rigorous and appropriate education, Madam Speaker, this is absolutely vital.

(Hon. A. Sudhakar interjects)

HON. PROF. B.C. PRASAD.- The Commission will still have to work with the Ministry of Education. It cannot do it on its own, Madam Speaker. They are assuming that the Commission will be able to do that.

(Honourable Government Members interject)

HON. PROF. B.C. PRASAD.- Ministry of Education, Madam Speaker, would be the best Ministry to do that.

There is no mention of the degree of competence that the Commissioner should hold, nor is the remuneration. This is at the sole discretion of the Minister. Madam Speaker, as I said when this Bill was presented, that we need more time, we need to be very careful about this law because whether the Government side likes it or not, in fact we are not cynical about this intended law, Madam Speaker. There is no cynical attempt on our part to actually suggest that this might restrict freedom of association or freedom of communication, but the way the law is drafted, the content of the Bill, Madam Speaker, can do that in the long run and it is open, it could be open to abuse.

(Hon. A. Sayed-Khaiyum interjects)

HON. PROF. B.C. PRASAD.- It could be open to abuse by

HON. A. SAYED-KHAIYUM.- Paranoid!

HON. PROF. B.C. PRASAD.- We are not paranoid, Madam Speaker, we are not scared or paranoid about this law. We are not disputing all the emotional harm and distress that might be caused by people engaging in that kind of communication, but that does not mean that you bring in a bad law. In fact, Madam Speaker, I was listening to Honourable Ashneel Sudhakar where he read the New Zealand Judgment.

Madam Speaker, when laws are made, this is why when laws are made, we need to take a lot of time, we need to look at it. We cannot leave everything to the courts, the law as far as possible should be specific, it should consider all the intended consequences; we cannot leave everything to the courts. The courts rely on the laws that are there.

HON. A. SAYED-KHAIYUM.- Rely on the Constitution.

HON. PROF. B.C. PRASAD.- Yes, they need to interpret the Constitution as well and the laws must conform to the Constitution.

HON. A. SAYED-KHAIYUM.- Exactly.

HON. PROF. B.C. PRASAD.- If there is any hint, Madam Speaker, that the law is going to contradict the Constitution

HON. A. SAYED-KHAIYUM.- It gets thrown out.

HON. PROF. B.C. PRASAD.- It is not necessarily going to be thrown out, Madam Speaker, in all circumstances.

So it is a responsibility of us, as legislators in this Parliament to ensure that we get the best advice and this is why I said, majority of the people who made their submissions actually rejected the Bill.

(Honourable Government Member interjects)

HON. PROF. B.C. PRASAD.- They suggested amendments if they did not reject the Bill outright and that makes sense, Madam Speaker. As I said, it is quite difficult to understand why the Government rushes into this law when there are existing mechanisms....

(Honourable Member interjects)

HON. PROF. B.C. PRASAD.- I said that. I said when you look at how we can improve the education, how we can strengthen the Cyber - Crime Unit, how we can look at provisions in the Crimes Decree, we talk about the Public Order (Amendment) Act, Madam Speaker.

(Honourable Government Member interjects)

HON. PROF. B.C. PRASAD.- There are laws but if you rush and create a bad law, you are going to create consequences which not only, Madam Speaker, is going to solve the problem that you are trying to solve. Madam Speaker, it is not unusual, bad laws instead of actually resolving the issue, addressing the issue at hand actually makes it worse. I do not necessarily share the biblical perspective of Honourable Karavaki but one point that he made was that people could post a consensual video or picture but that could cause emotional distress to others. So it is not resolving the problem that we have, Madam Speaker, that is why we cannot support this Bill in its current form. I would suggest to the Government that they should take it back, take our suggestions that we should give ourselves maybe another six months, go through this carefully...

(Honourable Government Members interject)

HON. PROF. B.C. PRASAD.- ... get some better legal advice, Madam Speaker.

(Honourable Government Members interject)

HON. PROF. B.C. PRASAD.- In fact, Madam Speaker, we have talked about this. The Parliament Madam Speaker, if I may say so right now on this occasion, we must have an independent Parliamentary Counsel ...

HON. OPP. MEMBERS.- Hear, hear!

HON. PROF. B.C. PRASAD.- ... to give advice to the Committees especially when we are looking at difficult laws, laws which may have far reaching consequences. This is why I am saying that the Government side, I mean all of them, Madam Speaker, use this emotional anecdote. I have no problems with that, we do not condone that, no one condones that, Madam Speaker. The only issue when we are looking at this Bill because all I heard from the Chairman in his public utterances was those emotional anecdotes without actually talking about the legal aspects of what and how the law is going to be implemented.

HON. GOVT. MEMBER.- We know the law better than you.

HON. PROF. B.C. PRASAD.- Madam Speaker, he might know the law better than I but what we need is an Independent Legal Counsel because the Committee itself has not been able to come with the consensus report. It is the responsibility of the Chairman of the Committee, Madam Speaker, in a Parliamentary democracy such as ours ...

(Honourable Government Members interject)

HON. PROF. B.C. PRASAD.- ... where they have both Government, Chair and the Deputy Chair, Madam Speaker, they have everything. They must have the decency to create that bipartisan environment and take into account good suggestions from the Opposition and if we had done that, Madam Speaker, this Bill would not have come in this form. We would have given ourselves more time, Madam Speaker, and come up with a law to address this very, very important issue.

I see, Madam Speaker, some of the FijiFirst official *Twitters* and websites saying all those who are opposed to this Bill, Madam Speaker, are supporting all these negative consequences, all these bad things that are happening on the internet is far from the truth. No one is doing that; to insinuate our position on the Bill based on very clear issues and principles is denying justice to those who might be affected by this. So, Madam Speaker, that is why we do not support this Bill and we reject this Bill. Thank you.

HON. SPEAKER.- Honourable Veena Bhatnagar?

HON. V.K. BHATNAGAR.- Thank you, Madam Speaker. I rise to give my short contribution towards the Online Safety Bill, Bill No. 7 of 2018.

Madam Speaker, people who do not care about the affected and abused will come up with any excuse not to support the Bill.

HON. GOVT. MEMBER.- Hear, hear!.

HON. V.K. BHATNAGAR.- I am confident of the lawyers on our side of the House to make good laws and in the best interest of the Fijians.

Madam Speaker, online abuse is sheer mental torture and the target almost always are children, women and girls.

Madam Speaker, the increase in cyber bullying, exposure to very derogatory mean and extremely offensive comment needs to be controlled and I strongly believe that this Bill is the way forward to at least increase awareness. And of course, the Bill will increase awareness, educate people on the matter and of course on responsible online behaviour. More so, Madam Speaker, affected people will have their concerns heard, addressed or rather dealt with.

Madam Speaker, there is no doubt that the incidents of cybercrime is increasing. There has been an incident, Madam Speaker, where this unscrupulous individual substituted the profile of a colleague with that of someone who was believed to be a sex worker and giving her personal phone contact as well. Madam Speaker, this lady went through sheer hell as she went into depression, abuse and mental torture day and night. There were abusive messages and calls and is to anyone's guess what she went through. There are many more cases which are more severe than this and the Honourable Acting Prime Minister has already mentioned a few of them. Some even thought of taking their lives subject to social media.

Madam Speaker, it is very important that together we have to stop discrimination, challenge abusive behaviour online and provide support to those affected.

Madam Speaker, we are very hopeful that this Bill will deter the unscrupulous behaviour of some people, I would rather call them "cowards" who choose to hide behind technology and attack, torture and abuse the vulnerable.

Madam Speaker, I fully support the Bill.

HON. SPEAKER.- Thank you. Honourable Dr. Brij Lal.

HON. DR. B. LAL.- Madam Speaker, I rise to support this Bill and provide some statistical information on how fast information travels around this small world.

It takes just a few seconds to reach any corner of the world. The fourth quarter report of the *Facebook* from 2017 was released on 3rd April, 2018 and some of the statistics I would like to quote now.

1. Worldwide, there are over 1.3 billion monthly *Facebook* users;
2. 1.15 billion mobile daily active users;
3. 1.40 billion people on average log onto *Facebook* daily;

4. 1.74 million mobile active users;
5. In Europe only 307 million people are on *Facebook*;
6. The most common age that uses *Facebook* is 25 to 34 years old;
7. 5 new profiles are created every second;
8. The highest traffic occurs between mid-week between 1.00 p.m. to 3.00 p.m; Thursdays and Fridays there is over engagement by 18 percent;
9. There are 83 million fake profiles;
10. Photo uploads about 300 million per day;
11. Average time spent on *Facebook* is about 20 minutes;
12. Every second on *Facebook*, 510 comments are posted, 293 million status are updated, 136,000 photos are uploaded;
13. 4.75 billion pieces of content was shared in the month of May 2013;
14. 50 percent of the people between the age of 18 and 24 years go onto Facebook as soon as they wake up;
15. 42 percent of the marketers prefer Facebook;
16. every month, there are 2.13 billion people using Facebook, 500 million using "WhatsApp";
17. 284 million using the Twitter and 200 million using Instagram.

Very briefly some of those statistics tell us how fast information travels and we all have to be very careful of what we say or put on any of the gazettes because it will just take seconds to reach the world. Thank you, I support this Bill.

HON. SPEAKER.- Honourable Viliame Gavoka.

HON. V.R. GAVOKA.- Thank you, Madam Speaker. We agree entirely with what we are hearing from the other side on why we want to have this Bill. We need to protect our people, we know that. What we are against is the way this Bill has been crafted and once you read the Report from the submissions, a lot of people are suggesting that we need more time for this. There are aspects of the Bill that need to be improved upon. In some areas, people are even questioning, whether we need this Commission.

But, Madam Speaker, let me just touch on Section 25. I am not a lawyer but I think I know how to read, I know what they say here. On the first part of the section, Madam Speaker, they are saying that you cannot post an intimate visual of another person and at the bottom part, it says "You can do so, send your own visual if you decide to do so."

I mean, that is basically what you are saying here. You cannot post someone else's intimate visuals, graphic stuff, but you can post graphics about you, if you decide to do so, that is basically what it is. You ask the question, why did you bring this Bill to Parliament with this such contradiction in one section?

I guess that I am not a lawyer but I have been around and I know there are lot of sick people in this world, who would not hesitate to post graphic images about them for distribution, and you talk about our children and grandchildren needing protection. How can you protect ourselves if you are allowing someone who is sick in the mind to do what he wants to do?

So, please, can you take it back, relook at it and bring it back to Parliament. I think it is important that you do it. Anyone here, a lot of us are lawyers but we all read English, we understand what it says. One part it says that, and on the other side it is saying "You can do it." My colleague, Honourable Karavaki is true. It destroys exactly what you are trying to do, if you do not amend this Section 25.

Madam Speaker, setting up a Commission; the belief on this part of the House is that, you need a Commission, all you need to do is strengthen the Crimes Act and let the Police handle it. They have a very strong Cyber Security Unit already in existence. All you need to do is to go to the Police to report that you are aggrieved by something like this.

With the Commission, Madam Speaker, may you can answer this when you reply, "I am in Nadroga, if something happens to me, with strengthening the Crimes Act, I can go to the Sigatoka Police Station and report. With your Commission, do I come to Suva to come and do it or you are going to set up commissions all over Fiji? I mean, these are issues that you need to consider.

So, really we believe on this side of the House there is no need to set up a Commission. We need this kind of protection for our people but within the Police system that we have today, that only needs to be strengthened. Thank you, Madam Speaker,

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

HON. P. CHAND.- Thank you, Madam Speaker. I rise to oppose this Bill. I marvel every time I hear Government Members declare such colourful anecdotes denoting socially inappropriate scenarios to cause shock and horror to the people all around this nation. We have heard all these same commentary before by the Chairman of the Committee, who looked at this Report and also by the Director of Human Rights and Anti-Discrimination Commission.

Madam Speaker, we are by now quite accustomed, very accustomed to dramatic scenarios of nudity, genitalia, cassava sticks in private parts but that is not only what this Bill is about. Madam Speaker, this grandstanding on social morality and decay in this august House will not stand judged today, we will, we will be. This proposed draconian law is unfit for the people of Fiji in its present form.

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

Madam Speaker, the Honourable Member is misrepresenting what I said. Yes, and it is very shameful what he has done. Madam Speaker, when introducing this Bill, yes, I did talk about how women can get exploited but the cassava vaginas was discussed when I talked about the events of 2000 in Muainaweni. He is misrepresenting me and making fun of those women. It happened in 2000, Madam Speaker.

It is within that context I talked about, shame on you, for their own political gain, Madam Speaker, they are saying that. Madam Speaker, I did not say that in the context of the introduction of this Bill when we introduced it two months ago, nor did I say it today and, Madam Speaker, the Honourable Member is misrepresenting me and making fun of it. Madam Speaker, I object to that in respect of those women to what happened to them.

HON. SPEAKER.- When the Point of Order is made, it is the Speaker that responds to the Point of Order. Honourable Parmod Chand, would you like to withdraw the statement that you have made, insinuating

HON. P. CHAND.- Well, I withdraw that.

HON. SPEAKER.- You withdraw.

HON. P. CHAND.- Yes, Madam Speaker, indeed, this grandstanding on social morality and decay in this august House, as I said earlier, will not stand judged today but we will. This proposed draconian law, as I said, is unfit for the people of Fiji at this point in time. Indeed, I support what the Leader of the National Federation Party (NFP) had said. This Bill needs more time for discussion, more time for clarity, more time for going out to people because consequences, when you look in this Bill, are very great - \$50,000 fine, \$100,000 fine.

(Chorus of interjections)

HON. P. CHAND.- What we are saying, this Bill should be discussed very properly and, Madam Speaker, yes, I heard it all. We should all show some intellectual integrity and that is what we shall do, Madam Speaker, and therefore I oppose this Bill.

HON. SPEAKER.- Thank you. Honourable Alvick Maharaj.

HON. A.A. MAHARAJ.- Thank you, Madam Speaker. At the outset, I am obliged to say this now that we definitely need more vibrant and young Opposition who can actually progress at the rate at which FijiFirst Government and Fiji is progressing. They seem to be too slow to cope up with the Government's rate of progress. That is why for everything, they need more time.

Madam Speaker, I would like to thank the Government for having the foresight to promote a safe online culture and environment, especially with regards to harmful online behaviour. While I would like to say that everyone sitting in this Chamber has at least once been harassed online while most of us now, having thick skin such online behaviour really does not matter to us.

But, Madam Speaker, there are many young and vulnerable Fijians who are not yet ready as to how to handle such online bullying and they go through a lot of mental stress, thus leading to depression, especially trying to hide from parents, teachers and colleagues what they are going through and not knowing how to handle the scenarios and having no professional help or counselling, some of them finally end up for psyche rehab or even end up committing suicide.

Madam Speaker, online bullying and harassment is becoming a major cause of depression. Without help, it turns into major depression thus leading to psychosis. Such act online, Madam Speaker, topples up a flourishing life of a young Fijian. It just does not end up there, Madam Speaker, the victim's families are harassed in real life as well. Just imagine, Madam Speaker, how much a family would have to go through if their daughter or son's intimate scenes or photos are posted online. It becomes really difficult scenario for the family.

Madam Speaker, we have also seen that there are times when a relationship breaks; one of the partner with an upset piece of mind post related videos or pictures online, but by the time one realises what he or she has done, it becomes too late. With the peace of mind, Madam Speaker, when they realise while exposing the partner he or she has exposed themselves as well, just going through the same torture that the other partner went through.

Madam Speaker, while the Bill establishes a civil process for removal of intimate video recording without consent or an electronic communication, it will also deter people from posting it in the first place.

Madam Speaker, no one is stopping anyone from posting decent pictures but people posting pictures, they need to be responsible about what they are posting. If someone is posting anything, it should not harm or hurt anyone in anyway. With the other consideration Madam Speaker, I strongly support the Bill. Thank you.

HON. SPEAKER.- Thank you. Honourable Mohammed Dean.

HON. M.M.A. DEAN.- I thank you, Madam Speaker, and I would like to give a brief discussion on why I support this Bill. This is especially in relation to what I have experienced; it is currently happening in the schools around Fiji.

Madam Speaker, on this note, let me just share my experience. I once attended to one of the issues of one of my cousins in one of the schools in the Western areas. She called me and asked if I could come and attend to one of the problems that she was facing in school. Whilst I went, I had a discussion with the school administrators. The issue was that, there were some students who had cut-and-paste certain posts from her profile, including her photos and they posted it into their accounts and they were in a way bullying and harassing my cousin. Then when I asked the school

administrators, “Why can you not take action on this kind of issues?” They said, “Unfortunately, we do not have the legal authorities to do so because there is nothing in terms of how we can take action in regards to issues like online bullying.” That is something that had me questioning that I know a person who can go to the verge of even resorting to suicide. Unfortunately, there are no legal ways in schools which can actually stop this harm and the problems that she faced.

This issue, Madam Speaker, is very much relevant in the school systems around Fiji. Most of the users of social media like Facebook are young people. A lot of them are from high schools and because there are no legal impediments out there that can address these issues, especially, if we are talking about online bullying, et cetera, this also sort of creates a difficult scenario for the teachers of how to deal with the problem in regards to social media.

These are very current and contemporary issues, Madam Speaker. These are urgent issues; it is happening. Unfortunately, there was a case lately where one of the girls had committed suicide one or two years back in Lautoka because of all that was published on social media about her, it created an outrage and uproar.

When we went and visited the families, the sad nature of their faces, the horror that they went through because of all these problems and the lack of legal ways out there to actually address such kinds of issues. This is something that we are lacking and this is something that we need to urgently address and that is why, especially considering that if we want to improve the discipline, the behaviour, and how we are going to address issues like these, issues like whatever is happening in the social media, this is the Bill, Madam Speaker, which actually finds a solution to these kinds of problems so there is a legal framework. It will be adopted to the institutions where it is happening, in this particular case I have said about schools and it will help a lot to also reduce the current discipline problems that we are finding in schools as well.

So, on that note, Madam Speaker, this Bill will help a lot in terms of education, in terms of addressing these issues in the institutions, where we provide education to the children and this will provide more solutions as to how better they can deal with issues like online bullying, et cetera. So, on that note Madam Speaker, I strongly support this Bill and I strongly support the urgency why this Bills needs to be passed in the Parliament today. Thank you.

HON. SPEAKER.- Thank you Honourable Members the time is asking us to move a suspension motion and I would like to give the floor to the Leader of the Government.

SUSPENSION OF STANDING ORDERS

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

That under Standing Order 6 that so much of Standing Order 23(1) is suspended so as to allow the House to sit beyond 4.30 p.m., today to complete all items as listed in today's Order Paper.

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

HON. SPEAKER.- I call upon the Leader of the Government to speak on his motion. If you like, Leader of the Government to speak on the motion.

HON. LEADER OF THE GOVERNMENT IN PARLIAMENT.- Thank you Madam Speaker, we still have a few more Bills and of course in the Order Paper as well we have a few

motions. Therefore, the motion to suspend Standing Order 23(1) so that we can finish all the items in the Order Paper. Thank you Madam Speaker.

HON. SPEAKER.- The Parliament will now vote.

Question put.

The Question is:

That under Standing Order 6, that so much of Standing Order 23(1) is suspended so as to allow the House to sit beyond 4.30 p.m., today to complete all items as listed in today's Order Paper.

Does any Member oppose the Motion?

(Chorus of 'Noes')

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

Motion agreed to.

I, therefore, now give the floor to the Honourable Mataiasi Niumataiwalu.

RESUMPTION OF DEBATE ON THE ONLINE SAFETY BILL 2018

HON. M.A. NIUMATAIWALU.- Thank you Madam Speaker, I rise to add my short contribution to the Bill before the House. A key word in this Bill is 'safety' and it says that to ensure there is safe and appropriate use of the internet, especially social media, it is about protecting users and the public from harmful online behavior. The perspective that I wanted to bring to this discussion was from a parental responsibility in regards to how things are done because family is very important in that aspect we are looking at the objective of the Bill and how it protects the young, especially the young generation.

As you look at the census that we have, 64 percent are below 40 years and these are mainly the population that use social media. I say that because I have been involved in an NGO called Married Ministry International and we have been doing parental training for couples for the last 20-odd years and as we are trying to build up a better society training up married couples, the impediment that we are facing now is social media.

We have not got anything to deal with how people are starting to see images that come up on social media. It is something that we were trying to work with parents on how they train their children. There are limitations and I said that because I got a granddaughter who is one year and seven months. She is into those movies that come up on mobile phones. The reason why I am saying this is I am talking about safety because there are pop ups that come up on social media. There are images and these are the sort of things that could affect the way they think and I am saying that because before when we were growing up, we used to go out and play marbles and do other things.

But the kids nowadays focus on social media and I believe that looking at it from the parental perspective in terms of responsibilities, we are having a lot of issues that is happening, abuse because parents are not sitting with their children or not even eating with them. When we go to restaurants, there is a family sitting there, the father and mother are on their mobile phones; and

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the children are sitting waiting for meals. That is why, Madam Speaker, I rise to support the Bill
before the House

because it addresses the gaps in legal protection of victims, it sets us on the right path, we need to be objective in the way we look at things because we want to build a better nation for tomorrow. Thank you, Madam Speaker.

HON. SPEAKER.- Thank you. I now invite the Honourable Acting Prime Minister to speak in reply.

HON. A. SAYED-KHAIYUM.- Thank you, Madam Speaker. Madam Speaker, just very quickly some of the legal aspects I would like to talk about. Madam Speaker, the fact is that all laws actually have an emotional content to it. We all human beings the law actually pertain to human beings and, therefore, they obviously need to have emotional context to it. But very quickly some of the contradictions I start off with Honourable Prasad because that is where most of the contradictions actually emanate from.

Madam Speaker, he talked about New Zealand and he said we should not follow the New Zealand line. The New Zealand law that I have here with me, if he reads Section 19 (2) we raised the issue about orders given by Court regarding content. It says:

“The District Court may, on an application, make 1 or more of the following orders against an online content host” (which is your *Facebook* and other social mediums)

So, the Courts in New Zealand, the law in New Zealand actually allows them to make orders against them and:

- (a) an order to take down or display public access to material that has been posted or sent: (all of these)
- (b) an order that the identity of the author of an anonymous or pseudonymous communication be released to the court: (The New Zealand law actually allows to but he has the New Zealand law is some kind of example for us to follow. He is contradicting himself because he is questioning the provision of the Fijian law.

In fact in the Australian law, Madam Speaker, at least in Fiji’s case, if we go to the Court in the Australian law, it says:

“The Commissioner must keep both the laws by the way of Commissioners.” It says “the Commissioner must maintain a register of social media services without even having going to Court and then the Commissioner without having going to Court can tell the media service provider to pull down certain things” (that is the extent to which they have gone).

In fact there is a Bill before the Senate in Australia to further strengthen the law. You see they have not done their research. We gave two months for this to be taken before the Committee, we gave them two months to do research, and they should stop relying on lawyers who actually have a political angle to everything. I would give them good legal advice.

Madam Speaker, a lot of issues have been raised about why the Commissioner, why should we have a Commission? Madam Speaker, again, you see they have kind of caught on to something everyone is saying why the Commission. Australia and New Zealand allows to Commission, UK is still the provision, why Madam Speaker, let us look at the objectives of the Commission. What is the Commission going to do? Promote Online Safety, organise awareness, but listen to this:

“To investigate complaints and seek to resolves such complaints as appropriate.”

If, for example, a parent feels that his/her nine year old daughter and 12 year old son, a 12 year old daughter somehow or the other some intimate images have been put on them and they want it down, they know who has done it but they are seeking relief. Do you think you are going to run off to Sigatoka Police Station, where every 10 and 20 different people get to see the images?

The nine year old child gets dragged to the court system. This is how stupid their comments are, Madam Speaker. It is completely inappropriate, it is completely insensitive to the issue that this Bill is trying to address. It is about vulnerable people, it is about children. They went on about trolling, and what does the Act say?

It says here in clause 3, the objective of this Act is to:

- a) Promote responsible online behaviour and online safety; promote a safe online cyberbullying, et cetera, particularly in respect of children; and
- b) Deter harm caused to individuals by electronic communications.

All of these issues, Madam Speaker, have been addressed in the Act. It talks about the intimate visual recording. It lays down in detail exactly what it is.

The Committee actually made a recommendation. Initially, we had the display of female breast only. They said, "No, remove female and put all breasts." Some males might get offended by it. Amendment has been put in, it says "very narrow". It is only about things such as intimate visual recordings and is restricted to children, the Commission is there to provide an intimate resolution mechanism. Not for every Tom, Dick and Mary police officer has to go and see it. Call them through the court system; it shows the lack of sensitivity on their part. A lack of understanding of the relationship and dynamics between adults and children completely irresponsible, Madam Speaker.

Madam Speaker, you want to drag it to the police station.

Madam Speaker, the Commission obviously can have hotlines. The Commission can set a branch. One of the reasons why we bring it now is because we are preparing for the budget. We have to make the appropriate budgetary allocation, Madam Speaker.

Madam Speaker, they went on about clause 25, that we are now saying you can put any photo you like just because you want to put it on. No, Madam Speaker.

If tomorrow someone goes and puts up an image of them masturbating or a lured photograph of themselves is against the law. It gets caught in the Crimes Act. What utter nonsense to say we are now allowing under clause 25, as long as you consent, and therefore you can put up whatever you like. No, there is a Crimes Act to deal with that.

This, Madam Speaker, is about certain images. So, for example, I may find the display of my daughter's thighs an intimate image and I do not like it. If two people or a parent may think that their daughters, revelation with their daughter thigh, it is nothing wrong with it, they are going to object to it. But if they have their daughter or their son carrying out the sexual act it is an offence under the Crimes Act. It does not mean that this Act will allow that to happen. This is a problem with half-baked analysis. They have lawyers on their side, they have extra outside lawyers they should get them to read the law, and the Bill actually provides you that specifically, Madam Speaker.

We are sitting here, Madam Speaker, and arguing about things simply because they have a particular political proclivity. That is the problem. They are not looking at the rationale behind it. They are not looking at the limitations in this law. They are objecting to the Commissioner. All the other country jurisdictions have Commissioners. They have been through years of that and they are not even reading the objectives of what the Commissioner or the Commission will do. Both, Australia and New Zealand have single Commissioners. Now, they are saying, “we should not have a single Commissioner.”

The Honourable Whip actually gave examples of various Commissions made up of the single member Commission or single person that makes a Commission. .

So, you will see, Madam Speaker, again we have clause 11 that talks about, Madam Speaker, Confidentiality. See it fits in well with what the Commission is there for. Some people are feeling aggrieved and we know that lot of the postings that actually go up on social media is because you have agreed parties. It provides an alternative form of dispute resolution. That is what he is trying to do. It is a modern way of doing things. You do not drag everyone to the courts.

Most people previously, Madam Speaker, when they used to get raped did not want to go to the court because everything will be aired out in public. It was an embarrassment, it was humiliation. Similarly, as being highlighted by various Members of this side of the House, that even the posting of yourself can cause humiliation, embarrassment. So, you need a mechanism through which you can go and resolve that in private, an intimate mechanism of resolution.

Madam Speaker, again I wanted to highlight the fact that we have as far as the Courts are concerned, all Members should know that any law in Fiji is subservient to the Constitution. Section 7 of the Fijian Constitution, Madam Speaker, that deals with the Bill of Rights, also says that when the Courts actually interpret the law, when they make a judgement they have to, for example, Madam Speaker, it says:

“In addition to complying with section 3, when interpreting and applying this Chapter, a court, a tribunal or other authority-

- (a) must promote the values that underlie a democratic society based on human dignity, equality and freedom; and
- (b) may, if relevant, consider international law, applicable to the protection of the rights and freedoms in this Chapter.”

So, Madam Speaker, there is a depth of protection provided for under the Bill of Rights provision, in particular Section 7 and indeed a guidance and indeed an authority to the Courts to refer to other laws developed in other jurisdictions and indeed international law too. So, Madam Speaker, I cannot understand the shenanigans that has been put forward by the other side. It would appear now that because one person has suddenly decided to oppose it, they all going to join the fray without a rhyme or reason, without looking at other laws.

We have developed these laws, Madam Speaker, by looking at other jurisdictions. We did not decide one morning, “okay, let us draft this.” All of this has been enunciated through the Committee system. Madam Speaker, the fact of the matter is that this law is necessary, this law is relevant to Fiji but more importantly, this law is relevant to protect the vulnerable. It is not about postings hate speech, et cetera. No, I disagree.

Some Members on this side said, it is not about that. I mean, yes, we get postings about ourselves, we have to bear the brunt of it, some of them may breach the law. I shared with

Honourable Prasad postings by two of his provisional candidates today, I shared it with him in good faith. Now they were completely out of context, factually incorrect, he needs to talk to his candidates but that is something we bear on the chin, we roll with the punches. This law is not about that. If he does not remedy the situation with his provisional candidates, I will use that in the campaign. I am telling him, I have said that to him that I will use that in the campaign.

But, Madam Speaker, this is not about that. This is about ensuring that we have a mechanism to protect people who are the most vulnerable in our society. It is about also providing for them an alternative dispute resolution mechanism where they can go and get some form of resolution, some redress mechanism.

And Madam Speaker, I can understand Honourable Karavaki about him saying we are now opening it up. We are not opening it up. Madam Speaker, all of us in this House believe that rape is a bad thing. Even our religious law says it is not a good thing. But, Madam Speaker, it does not mean just because it is not a thing to do that we do not have laws about it. We have to have laws about it because people actually do not follow the canonical laws.

The 10th Commandment says that “Thy shall not steal”, it does not mean that everyone will suddenly say, “Alright, let us not steal”, people still steal. So we have to have laws about it. The fact of the matter is that people do, do these things and so we have to have laws about it. And Madam Speaker, we are trying to deal with it in a manner that actually gives people the privacy. They are saying, “go straight to the Police.” How many parents do you think will all go rushing to the Police because they feel aggrieved about their daughter or their son who may be also a child? They will not. We should provide them with the mechanism. In the same way, we have, for example, counselling services. This is essentially what it is about, Madam Speaker.

I would like to thank the Committee, of course, there are many members of the public who actually have phoned us up and said it is great thing. Not all of them want to come and make submissions, there are many people like that. Some of course appeared, some supported it, and some said, “let us make some changes.”

So, Madam Speaker, the reality is without being too long, with the amendments that have actually been put in place by the Committee, we welcome the recommendations and I urge all Members of Parliament, please look at the overall rationale of it. Let us not get into political point scoring. This Bill is not about political point scoring, this Bill is about ensuring we provide the right legal mechanism.

Madam Speaker, in two years’ time, it will change, the technology will change. This is why the Australians for example, have got over here as I pointed out again have another amendment the Enhancing Online Safety (Non-consensual Sharing of Intimate Images) Bill 2018. They had one Act in 2015 and they are already amending it now. Why, because the technology is changing. We have not even started addressing it in Fiji. We need to start with it somewhere and the safety guards are already built-in within the law to be able to ensure that no one goes overboard. It does not mean by having this Bill being passed that suddenly everybody is going to report everybody; the Government cannot do it. It is individuals who feel aggrieved by some postings that they may face and I urge, Madam Speaker, for the sake of the vulnerable in our country, in particular our children, please let us support this Bill. Thank you.

HON. SPEAKER.- Thank you. Parliament will now vote.

Question put.

HON. SPEAKER.- The Question is:

Pursuant to the resolution of Parliament passed on Thursday, 15 March 2018 that the Online Safety Bill 2018 be debated, voted upon and be passed. Does any Member oppose the motion?

(Chorus of “Ayes” and “Noes”)

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

Votes Cast:

Ayes	:	27
Noes	:	14
Not voted	:	9

HON. SPEAKER.- Thank you. There being 27 Ayes, 14 Noes and 9 Not Voted, the motion is agreed to.

Motion agreed to.

SECRETARY-GENERAL.- A Bill for an Act to establish the Online Safety Commission for the promotion of online safety, deterrence of harmful electronic communication and for related matters, Bill No. 7 of 2018, enacted by the Parliament of the Republic of Fiji.

(Applause)

HON. SPEAKER.- Thank you. Honourable Members, we will now suspend Parliament to have refreshments and we will resume at 5.30 p.m.

The Parliament adjourned at 4.57 p.m.

The Parliament resumed at 5.30 p.m.

HON. SPEAKER.- Thank you Honourable Members. We will now resume from where we left off.

INFORMATION BILL 2016

SECRETARY-GENERAL.- Committee of the Whole Parliament on a Bill for an Act to give effect to Sections 25 and 150 of the Constitution of the Republic of Fiji to facilitate the right of access to information held by the Government and public agencies, to correct or delete false or misleading information that directly affects a person, to promote access to information and for related matters (Bill No. 34 of 2016).

In Committee:

Clause 1:

MADAM CHAIRPERSON.- The floor is now open for comments on Clause 1, if any.

The Parliament will now vote on Clause 1.

HON. PROF. B.C. PRASAD.- Madam Chairperson, I am sorry this is just matter of clarification, my apologies, I should have raised this before. Are we having the Committee first then the debate or we should have the debate first then the Committee?

MADAM CHAIRPERSON.- No, we are debating this now, it has gone through the Committees already.

HON. PROF. B.C. PRASAD.- So we are not going to have a debate on the Bill itself?

MADAM CHAIRPERSON.- We will now look at it clause by clause, and at the end of this, we will then vote for whether the Bill is going to be enacted or not. So this is the opportunity to make an amendment, if you wish.

HON. PROF. B.C. PRASAD.- Madam Chairperson, we were hoping that we will have the debate first, like the Budget we had the debate then we have the Committee.

MADAM CHAIRPERSON.- I am inviting comments on each of those clauses. You can comment on it and then we will debate on it. For each clause, you may speak up to 20 minutes in the normal rules of debate. We have 48 clauses to go through.

HON. P. SINGH.- Madam Chairperson, just a clarification, we have a report tabled by the Committee in Parliament, are we not going to debate this report prior to committing it to Committee as a Whole?

MADAM CHAIRPERSON.- Whatever comments you want to make on that report, we can make it while we are debating. Now we are getting into the details of the report and the Bill, so whatever comments you want to make on the report related to the Bill, you can comment as we go through these clauses. We will make the amendment and we will vote on the amendment; we can

accept it or not accept it. You make an amendment now, propose an amendment and we will debate on that amendment and then to vote whether to accept or not to accept.

HON. A.M. RADRODRO.- Madam Chairperson, just a clarification, the previous Online Safety Bill that we have just voted upon, we did not go through this process, can we just have clarification on the process that we are doing now.

MADAM CHAIRPERSON.- You can recall some of the things that had happened because in fact the First Reading, Second Reading were done in 2016, so you had all the time until now to be looking at it on the Third Reading.

All right, otherwise we are debating on the process if you want to take time. Let us have a look at the details of this Bill, look at the clauses and if you want to propose any amendment you can propose and we will debate. In that respect we have a look at Clause 1.

Clause 1:

The question is “that Clause 1 as amended stands part of the Bill.” Does any Member oppose the motion?

(Chorus of ‘Noes’)

MADAM CHAIRPERSON.- The Clause is therefore agreed to unanimously.

Clause 1 agreed to.

Clause 2:

HON. SPEAKER.- The floor is now open for comments on Clause 2.

HON. PROF. B.C. PRASAD.- Madam Chairperson, I think the definition of “information” itself is somewhat problematic. The problem with the definition, Madam Chairperson, I am looking at the Bill overall. The objective of the Bill should be “to source information from Government institutions and bodies”, it is not very clear that the definition of the information seems to me that it relates to an individual. If I want this information I go and get it or I ask for it, go through the process.

MADAM CHAIRPERSON.- We have Clause 2, exactly where on these definitions you want to make amendments to make it clearer. Do you have any clause?

HON. PROF. B.C. PRASAD.- This is why I was saying, Madam Chairperson, we should have had the debate first so we can point all these out, but it does not matter.

MADAM CHAIRPERSON.- So, do you have any proposal?

HON. PROF. B.C. PRASAD.- No, I will just seek clarification there.

MADAM CHAIRPERSON.- Thank you. The Clause is therefore agreed to unanimously.

Clause 2 agreed to.

Clause 3:

MADAM CHAIRPERSON.- The floor is now open for comments on Clause 3. I want to hear some noise from the left side - Clause 3.

The Parliament will now vote on Clause 3. The question is “that Clause 3 stands part of the Bill.”

Does any Member oppose the motion?

(Chorus of “Noes”)

HON. SPEAKER.- The Clause is therefore agreed to unanimously.

Clause 3 agreed to.

Clause 4:

MADAM CHAIRPERSON.- The floor is now open for comments on Clause 4.

The Parliament will now vote on Clause 4. The question is, “that Clause 4 stands part of the Bill.”

Does any Member oppose the motion?

(Chorus of ‘Noes’)

MADAM CHAIRPERSON.- The Clause is therefore agreed to unanimously.

Clause 4 agreed to.

Clause 5:

MADAM CHAIRPERSON.- The floor is now open for comments on Clause 5.

The Parliament will now vote on Clause 5. The question is, “that Clause 5 stands part of the Bill.”

Does any Member oppose the motion?

(Chorus of ‘Noes’)

MADAM CHAIRPERSON.- The Clause is therefore agreed to unanimously.

Clause 5 agreed to.

Clause 6:

MADAM CHAIRPERSON.- The floor is now open for comments on Clause 6.

(Chorus of ‘Noes’)

HON. PROF. B.C. PRASAD.- Madam Chairperson, Clause 4, the Objectives.

MADAM CHAIRPERSON.- I will allow your Clause 4.

HON. PROF. B.C. PRASAD.- Yes, Madam Chairperson, what I want to say is, if you look at the similar Freedom of Information Acts in Australia and New Zealand, and if you look at the purpose and compare that with the objectives set out in this Act, it really does not give the fact to the right of access to information as stipulated under Sections 25 and 150 of the Constitution because in the end it talks about a person, in respect of a person, for example, clause 4(d) says:

“Allow a person to make a request to correct or delete personal information held by a public agency in respect of the person to ensure that the information is correct, accurate, complete and not misleading.”

So if I were an individual seeking information in terms of public interest information, if I say “I need this document from so and so Ministry because I believe that the tender process was not followed properly or the objectives do not set out for me to do that.”

MADAM CHAIRPERSON.- I think right now, I would rather just really focus on what is in the Bill itself.

HON. PROF. B.C. PRASAD.- No, that is the clarification we

MADAM CHAIRPERSON.- If you want to suggest any amendments, let us focus on these amendments.

HON. PROF. B.C. PRASAD.- No, maybe the

MADAM CHAIRPERSON.- And then you can speak on your amendment.

HON. PROF. B.C. PRASAD.- Maybe the Honourable Attorney-General can clarify that, Madam Speaker, before I move an amendment. I was just comparing the objectives.

MADAM CHAIRPERSON.- All right, what is there to be clarified on this?

HON. PROF. B.C. PRASAD.- I want him to clarify whether I will be in a position as a member of the public

MADAM CHAIRPERSON.- Which part of the clause you have got - a, b, c, and d?

HON. PROF. B.C. PRASAD.- All the objectives of the Act and whether this objective actually conforms to Sections 25 and 150 of the Constitution. I want to give an example, if I am looking for

MADAM CHAIRPERSON.- (Inaudible)

HON. A. SAYED-KHAIYUM.- Thank you, Madam Chairperson. I urge the Honourable Member to turn to Page 18, Section 25 of the Constitution.

HON. PROF. B.C. PRASAD.- Ye, that is what I am pointing out.

HON. A. SAYED-KHAIYUM.- Section 25:

“(1) Every person has the right to access –

- (a) information held by any public office, and
- (b) information held by another person and required for the exercise or protection of any legal right. (It is about you).

(2) Every person has the right to the correction or deletion of false or misleading information that affects that person.”

Those are the three main objectives actually, but sub-section 1 has two objectives, it is to do with the person, so access to information. We found, for example, many people may go to the hospital and instead of say, “Write in Honourable Professor Biman Prasad”, they might write “Honourable Biman Prasad” or “Honourable Bimal Prasad”, whatever it is.

HON. PROF. B.C. PRASAD.- That is a cheap shot.

HON. A. SAYED-KHAIYUM.- It is not a cheap shot, but say, there is a mistake.

(Chorus of interjections)

HON. A. SAYED-KHAIYUM.- What I am saying, if for example they do that, they will not actually correct it so you have a right to have that information corrected or deleted.

Secondly, any information held of you by a public office, say if, for example, there is any information held for you or of you by a public office, I have a right to access that information. So I can go to BDM, I can go, for example, to various other agencies and I can have the right of access to that information held by any public office.

Section 150 of the Constitution says on the other hand: “A written law (which is what we are doing now, that is another Bill of Rights. That Bill of Rights obviously is an action claimable by you through civil proceedings. You can get constitutional redress in that particular instance which we are trying to also address in this Bill.

Section 150 says:

“A written law shall make provisions for the exercise by a member of the public of the right of access to official information, documents held by the government and its agencies.”

So, I apply for a taxi permit and everyone on that side has applied too. I did not get it, five other people have got it. I have a right to know as to how they got it because it affected my decision. So, I have a right to be able to, for example, look at the process by which they arrived at the decision to say, “No” to me. That is what this Bill does.

HON. PROF. B.C. PRASAD.- But that is where I have a problem. You are interpreting Section 150 very narrowly which means that if I, as a member of the public, am interested in getting an information from a State institution which is of public interest then this Bill does not cater for me.

HON. A. SAYED-KHAIYUM.- No, most jurisdictions do not, but I have not finished yet. The 1997 Constitution which you all held up as the Holy Grail had a similar provision. It says: “...

as soon as practicable after the commencement of this Constitution” (which they never did) that Parliament should enact a law to give members of the public the right of access to official documents of the government and its agencies, right?

HON. PROF. B.C. PRASAD.- Yes.

HON. A. SAYED-KHAIYUM.- Now again that would be read in respect of individual access to right of access. Otherwise, for example, if you open it up, I can go and start getting information about you that may be personal about your medical records. I should not be allowed to do that, that is your private intimate personal records.

HON. PROF. B.C. PRASAD.- No, I understand that.

HON. A. SAYED-KHAIYUM.- Let me finish, in public interest then if you want to, for example, get information in respect of public interest, you will go to official documentation, get a court order, that is what people normally do in obtaining documentation. You, for example, can subpoena for documents if you want to get access to information. We can do that in what we call “general public interest matters”. This is about your individual rights.

HON. PROF. B.C. PRASAD.- But if you look at the Australian and New Zealand laws, they actually allow members of the public to access public interest information through those particular Acts. With this Act, it does not do that, that is my problem.

HON. A. SAYED-KHAIYUM.- We just talked about Australia and New Zealand law which you neglected regarding the previous Bill, we just passed where they actually control social media organisations but my point is that, obviously at this point in time, this law here is specifically regarding access of information by individuals. That is what it is focused on, it is not about public interest information, it is about individuals.

HON. PROF. B.C. PRASAD.- Madam Chairperson, my understanding of clause 4 was more than just an individual because if we are talking about the Freedom of Information Act, it is about accountability, transparency of State institutions.

HON. A. SAYED-KHAIYUM.- No, it is not.

HON. PROF. B.C. PRASAD.- As a matter of public interest, Australia and New Zealand laws allow that, we do not, this Bill does not, so if it is just about individuals then that is another matter, Madam Chairperson.

MADAM CHAIRPERSON.- So you do not have suggestions to any amendments to this?

HON. A. SAYED-KHAIYUM.- No.

MADAM CHAIRPERSON.- All right, Honourable Niumataiwalu.

HON. M.A. NIUMATAIWALU.- Thank you, Madam Chairperson. The difference here, there is Freedom of Information and there is an Information Bill. This is an Information Bill regarding the individual. Freedom of information as in Australia and New Zealand are different to this one so specifically you can only get details about you but to get details about others, that is the Freedom of Information.

So, this is the Information Bill, the other one is the Freedom of Information, so two separate Bills.

MADAM CHAIRPERSON.- Thank you, there being no proposals to amend clause 4? We have gone past clause 4, we are into clause 6 now.

HON. A.M. RADRODRO.- Clause 2, just need a clarification on the public agency.

MADAM CHAIRPERSON.- I will only allow clause 4. If we keep going back then we may not be able to complete this, we have got 48 clauses to cover.

HON. A.M. RADRODRO.- We need clarification.

MADAM CHAIRPERSON.- We had two years to look at this Bill.

HON. A.M. RADRODRO.- That is why we are asking for clarification after two years.

(Laughter)

MADAM CHAIRPERSON.- I am sorry, I have to be very strict here and just move on. Once we have moved on across we are not going to go back, and this is the last time I am moving back to clause 4. Now, clause 6, please, are there any amendments to clause 6? There being none, it is agreed to unanimously.

Clause 6 agreed to.

Clause 7:

MADAM CHAIRPERSON.- The floor is now open for comments on Clause 7.

The Parliament will now vote on Clause 7. The question is, “that Clause 7 stands part of the Bill.”

Does any Member oppose the motion?

(Chorus of ‘Noes’)

MADAM CHAIRPERSON.- The Clause is therefore agreed to unanimously.

Clause 7 agreed to.

Clause 8:

MADAM CHAIRPERSON.- The floor is now open for comments on Clause 8.

The Parliament will now vote on Clause 8. The question is, “that Clause 8 stands part of the Bill.”

Does any Member oppose the motion?

(Chorus of ‘Noes’)

MADAM CHAIRPERSON.- The Clause is therefore agreed to unanimously.

Clause 8 agreed to.

Clause 9:

MADAM CHAIRPERSON.- I am giving time to the Opposition, if you want to raise amendments, please raise it. Honourable Dulakiverata.

HON. J. DULAKIVERATA.- As been alluded to by Honourable Niumataiwalu, this Information Bill concerns individuals, so there will be a separate Bill that covers public information, is that right?

HON. A. SAYED-KHAIYUM.- After the Elections, we will, as Government, present the new Bill, but we have to empower our individuals, Madam Chairperson. Individual citizens need to be empowered in terms of getting access because there are so many complaints, Madam Chairperson, that we have received from individual members of our country where they, for example, make an application to the municipal council.

They apply for Town and Country Planning application to get, for example, the rezoning from residential to commercial or municipal council for extension or whatever. And they do not, they simply sometimes get told, 'no', but now actually if they want to know why, they need to be told and also then they can have the ability to go and check who made the decision regarding the 'no' and what process was followed regarding the "no".

So this Bill empowers them to do that. It gives them the whole chain of decision-making process. This is why this Bill is very important, it will also stop a lot of corruption by individuals who may be making for example, the money along the way, in particular when there is competing interest. Even things like, for example, I may apply for a water metre permit, sometimes it does not get done because someone may say, "I know you are about to get a completion certificate for your building and you are desperate and therefore, you pay for my beer for Christmas or whatever it is." So this actually gives you the ability to get the information for yourself.

HON. S.D. KARAVAKI.- Madam Chairperson, I just would like, for the Honourable Attorney-General to clarify that and confirm because the Committee was told that there is not going to be any Freedom of Information Bill. This is it, there is not going to be, this is by the Solicitor General and I believe the Honourable Attorney-General knows that; whether he can confirm that that there is going to be a free demo of Information Bill as it need to come under Clause 150.

HON. A. SAYED-KHAIYUM.- Madam Chairperson, if you look at Clause 150, if I can just read out Clause 150 again, it says:

"A written law shall make provision for the exercise by a member of the public of the right to access official information and documents held by the Government and its agencies."

Now you can read it in a very wide context, you can read it under the context of Section 25 under the Bill of Rights provisions. What we are saying is this access to Information Bill gives you access to documentation about yourself and decision is made about you is what this Bill addresses. In the future of course, the Government can come up with new provisions, providing wider access to information. Now, Madam Chairperson, the Solicitor-General does not make policy decisions. The Solicitor-General is the Chief Legal representative, as you know.

HON. S.D. KARAVAKI.- How come he is stating that to the Committee?

HON. A. SAYED-KHAIYUM.- Madam Chairperson, as far as he knows there is nothing there before him. And I have already said to Honourable Dulakiverata that is what we will do as Government in the future when we get re-elected. There was a point.

HON. S.D. KARAVAKI.- Yes, that is what SODELPA will do.

(Laughter)

MADAM CHAIRPERSON.- Therefore, no amendments and no opposition to clause 9?

(Chorus of 'Noes')

MADAM CHAIRPERSON.- Thank you. Let us have a look at Clause 10.

HON. A.M. RADRODRO.- Clause 9.

MADAM CHAIRPERSON.- You have to speak fast.

HON. A.M. RADRODRO.- I was early. Just a clarification regarding the refusal for information by the Commission on clause 9. Can we just get a clarification in terms of the request for the refusal of information by the Commission under clause 9 (c).

MADAM CHAIRPERSON.- Clause 9 (c); can we have clarification on that, please?

HON. A. SAYED-KHAIYUM.- Madam Speaker, I urge the Honourable Member to read 9 (c) and refer to clause 20. It says, "the Commission must refuse a request made under section 6 if the Commission is satisfied that the (c) information requested exempt from disclosure under section 20."

So Section 20 says, for example, notwithstanding anything contained in this Act, the following information is exempt from disclosure and any request made under Section 6 for such information shall be refused by the Commission. Information, the disclosure of which would adversely affect the sovereignty, security or scientific and economic interest of the State. All countries have this. Information, the disclosure of which would lead to an incitement or commission of an offence. That is what you have to read. The whole heap of areas. Sorry!

HON. A.M. RADRODRO.- (Inaudible)

HON. A. SAYED-KHAIYUM.- *Areh!* You cannot read Clause 9 on its own. That is what I am saying, you read the law. Clause 9 (1) (c) says information requested is exempt from disclosure under Section 20. So if it falls under 20 then they exempt it. It is exempted.

HON. A.M. RADRODRO.- Will those exempted information be kept in a private, public agency or

HON. A. SAYED-KHAIYUM.- No, no! You cannot as you know. If sometimes for example, a document. If you see, if you read the Bill itself there maybe for example and I will give you an example. The information that you are applying for, for example if I can use a taxi permit. There may be a decision made by the Manager of Land Transport Authority (LTA) whoever it is

and half the page maybe in relation to your taxi permit and the decision about taxi permit. The other half of the page could be in his memo, would be about something else completely different.

By law they have to send you the document. When they send you the document, they will have to blank the other half. That is how it is done. Even if you go and obtain, I mean India has for example one of the most liberal forms of access to information. Of course, now with the current Government, things are changing. But it has very liberal laws regarding that. You will see and you will see overseas too. When they send certain information, there are certain bits that are blanked out because it does not relate to you. It does not relate to the decision being made. So these are for example, you know in respect of, for example over here, it says “information disclosure which could cause a breach of privileges of Parliament or a Committee or sub-committee of Parliament.”

So obviously you know, sometimes the Committee may make certain decisions that could be made public, others cannot so they have to blank that out, whatever it is. The information subject to legal professional privilege. I mean for example, if Honourable Prasad goes and hires a lawyer in his private capacity, just because I may want to get information regarding that, I cannot do that because he is protected by legal profession privileges which is the relationship, the fiduciary duty that his lawyer has to him; that is protected.

MADAM CHAIRPERSON.- All right - no amendment.

HON. A.M. RADRODRO.- Can I ask 20 now? Or is it relating ...

HON. A. SAYED-KHAIYUM.- ... no, go 10 now.

HON. A.M. RADRODRO.- All right. You have to go by clause.

MADAM CHAIRPERSON.- So no opposition to Clause 9?

(Chorus of ‘Noes’)

Clause 9 agreed to.

MADAM CHAIRPERSON.- Thank you. We will look at Clause 10. But I like the way that you brought up your issue. You said, I am talking about Clause 9 (c). That means you are really focusing on these clauses rather than being general and then we spend too much time....

HON. A. SAYED-KHAIYUM.- Very focused, Madam Speaker. He is very focused.

Clause 10

MADAM CHAIRPERSON.- The floor is now open for comments on Clause 10.

The Parliament will now vote on Clause 10. The question is, “that Clause 10 stands part of the Bill.”

Does any Member oppose the motion?

(Chorus of ‘Noes’)

MADAM CHAIRPERSON.- The Clause is therefore agreed to unanimously.

Clause 10 agreed to.

Clause 11:

MADAM CHAIRPERSON.- The floor is now open for comments on Clause 11.

The Parliament will now vote on Clause 11. The question is, “that Clause 11 stands part of the Bill.”

Does any Member oppose the motion?

(Chorus of ‘Noes’)

MADAM CHAIRPERSON.- The Clause is therefore agreed to unanimously.

Clause 11 agreed to.

Clause 12:

MADAM CHAIRPERSON.- The floor is now open for comments on Clause 12.

The Parliament will now vote on Clause 12. The question is, “that Clause 12 stands part of the Bill.”

Does any Member oppose the motion?

(Chorus of ‘Noes’)

MADAM CHAIRPERSON.- The Clause is therefore agreed to unanimously.

Clause 12 agreed to.

Clause 13:

HON. PROF. B.C. PRASAD.- Madam Chairperson, Clauses 13(3) and (4)

MADAM CHAIRPERSON.- Thank you.

HON. PROF. B.C. PRASAD.- I move that those should be deleted because it really seeks to unfairly look after the interest of the State rather than the person. So I move that we delete (3) and (4), it is unnecessary.

MADAM CHAIRPERSON.- Does anyone want to speak on that in support of this amendment or deletion? None. All right, anyone would you like to speak in support of that?

HON. PROF. B.C. PRASAD.- Yes. Just that I feel it is unnecessary in the sense that it protects the interests of the State more than the person. It is unnecessary burden on the person seeking the information, so I believe that it is unnecessary. It should be made simple – delete it.

HON. A. SAYED-KHAIYUM.- Madam Chairperson, if the Honourable Member read carefully, sub section 2 and 3 talks about it, it says” the public agency must make information

available in the form preferred by the person who made the request unless to do so, would impair the efficient

HON. PROF. B.C. PRASAD.- I am talking about 3 and 4.

HON. A. SAYED-KHAIYUM.- Oh, 3 and 4

HON. PROF. B.C. PRASAD.- Yes, 2 is all right.

HON. A. SAYED-KHAIYUM.- Clause 3 says, "if information cannot be made available in the form preferred by the person who made the request, the public agency may provide the information in another form. In other words, "another form" meaning you want an electronic copy

HON. PROF. B.C. PRASAD.- Then read (b) also says....

HON. A. SAYED-KHAIYUM.- Can I just finish?

HON. PROF. B.C. PRASAD.- Yes

HON. A. SAYED-KHAIYUM.- So 3 (a) means you will request it on a flash drive. I cannot give you a flash drive, I can only give you a hard copy, it is a different form but I have to give you the information, which is in another form; and must be the person written statement of the reason for not making information available in the form preferred; not giving the information, they have to give the information. If you ask for electronic copy or on a flash drive, I cannot give it to you, as the agency, I can give you only the hard copy then it is incumbent upon me as government agency, to explain why I cannot give it to you in that form, so 3 is fine. What is the other one? If the person who made the request has indicated that access to information be given on a particular form and access in that form is refused, but given another form, that person is not required to pay a charge in respect to that access that is greater than the charge that the person is required to pay and the access been given the form.

Again, what is wrong with that? In other words, you come in and give me the flash drive and I say to you, flash drive is going to become cheaper and cheaper, so I say to you 'no, I have to copy 100 pages, you pay me now, \$1.00 a page - no, Government cannot do that.

HON. PROF. B.C. PRASAD.- Such excuse can be used..

(Inaudible)

MADAM CHAIRPERSON.- Thank you, Parliament will now vote..

HON. A. SAYED-KHAIYUM.- No, Madam Chairperson, if I can clarify, no the agency must give the information, and if the agency gives it to you in a form, please understand this. If the agency gives it to you in the form that you requested, but they cannot give it to you, they cannot charge you anything more. That is the point, it actually protects the person requesting the information.

MADAM CHAIRPERSON.- Parliament will not vote on clause 13?

HON. A.M. RADRODRO.- On the timely facilitation of requests.

HON. A. SAYED-KHAIYUM.- Which one, Clause?

HON. A.M. RADRODRO.- Clauses 1 and 2.

MADAM CHAIRPERSON.- We are looking at Clause 13.

HON. A.M. RADRODRO.- Madam Chairperson, just on the facilitation of request, it says the minimum within 20 days. As we know, there needs to be a review of this Clause 12(1)

HON. A. SAYED-KHAIYUM.- Where? Where?

HON. A.M. RADRODRO.- 12(1)

MADAM CHAIRPERSON.- We are on 13.

HON. A. SAYED-KHAIYUM.- We have already done 12.

MADAM CHAIRPERSON.- We are on 13.

HON. A. SAYED-KHAIYUM.- We on 13.

HON. A.M. RADRODRO.- On 12 (1) (2), especially the amount of charge....

MADAM CHAIRPERSON.- We have done with 12, now on 13, does any Member oppose the motion?

HON. A. SAYED-KHAIYUM.- I am sure he will want to withdraw it, now that I have clarified it.

Clause 13 agreed to.

Clause 14:

MADAM CHAIRPERSON.- The floor is now open for comments on Clause 14.

The Parliament will now vote on Clause 14. The question is, "that Clause 14 stands part of the Bill."

Does any Member oppose the motion?

(Chorus of 'Noes')

MADAM CHAIRPERSON.- The Clause is therefore agreed to unanimously.

Clause 14 agreed to.

Clause 15:

MADAM CHAIRPERSON.- The floor is now open for comments on Clause 15.

The Parliament will now vote on Clause 15. The question is, "that Clause 15 stands part of the Bill."

Does any Member oppose the motion?

(Chorus of 'Noes')

MADAM CHAIRPERSON.- The Clause is therefore agreed to unanimously.

Clause 15 agreed to.

Clause 16

MADAM CHAIRPERSON.- The floor is now open for comments on Clause 16.

The Parliament will now vote on Clause 16. The question is, "that Clause 16 stands part of the Bill."

Does any Member oppose the motion?

(Chorus of 'Noes')

MADAM CHAIRPERSON.- The Clause is therefore agreed to unanimously.

Clause 16 agreed to.

Clause 17

MADAM SPEAKER.- The floor is now open for comments on Clause 16.

HON. A.M. RADRODRO.- Madam Chairperson, just on Clause 17, I think it also related to 12 (1) in terms of facilitation of information, maybe you can get clarification. There is free of charge there, by public agencies on Clause 17, but on Clause 12 it says minimal charge, maybe the Honourable Attorney- General can give us clarity on this?

Clause 17, it says there "free of charge", the provision of information.

HON. A. SAYED-KHAIYUM.- Sorry, I do not understand.

"Where a public agency fails to provide the person who made the request with the particulars of the information specified in the request within the period prescribed in section 12 or the extended period determined by the Commission in section 18, the information must be provided free of charge by the public.

So, if they go beyond the time, the 20 days. They get a minimum charge before 20 days, where they go beyond, then they cannot charge you. That is their fault for doing it late. That is what it is for.

MADAM CHAIRPERSON.- So with that clarification. No opposition to Clause 17?

HON. A.M. RADRODRO.- Madam Chairperson, just another clarification. For instances such as, when we request for medical report, police clearance, et cetera, how does that factor into this free of charge and minimal charge?

HON. A. SAYED-KHAIYUM.- See that is a separate issue and there is a separate fee for that. That is actually getting a police clearance; that is not accessing information. This is about accessing information, that is a right too, for example, the police clearance. Those are separate things.

MADAM CHAIRPERSON.- Thank you. Clause 17 is agreed to unanimously?
(Honourable Member interjects)

HON. A. SAYED-KHAIYUM.- Title search is different.

MADAM CHAIRPERSON.- Clause 17?

HON. J. DULAKIVERATA.- Yes.

HON. A. SAYED-KHAIYUM.- You can do a title search for anything, you have no restriction, it is not only for your title.

HON. J. DULAKIVERATA.- (Inaudible interjection)

HON. A. SAYED-KHAIYUM.- Pay for it.

Clause 17 agreed to.

Clause 18:

MADAM CHAIRPERSON.- The floor is now open for comments on Clause 18.

The Parliament will now vote on Clause 18. The question is, "that Clause 18 stands part of the Bill."

Does any Member oppose the motion?

(Chorus of 'Noes')

MADAM CHAIRPERSON.- The Clause is therefore agreed to unanimously.

Clause 18 agreed to.

Clause 19:

MADAM CHAIRPERSON.- The floor is now open for comments on Clause 19.

The Parliament will now vote on Clause 19. The question is, "that Clause 19 stands part of the Bill."

Does any Member oppose the motion?

(Chorus of 'Noes')

MADAM CHAIRPERSON.- The Clause is therefore agreed to unanimously.

Clause 19 agreed to.

Clause 20:

MADAM CHAIRPERSON.- The floor is now open for comments on Clause 20.

HON. RATU N.T. LALABALAVU.- For Clause 20, I seek some clarification regarding the refusal by the Commission to provide information but from the outset why cannot we have some agencies like the Native Lands Commission to be totally exempt from releasing of information because through the Commission, Madam Chairperson, it has already made a very firm decision that nothing whatsoever will enable the reopening of any decision that has already been made. I am not clear here and that is why I am seeking clarification as to the requirement by the individual for this. So, I am suggesting if it is all right then perhaps put this kind of agencies right from the Bill that they be exempt and it comes under Clause 21. Thank you.

HON. A. SAYED-KHAIYUM.- Madam Chairperson, if I can guide the Honourable Member, if you read the particular provision, Clause 20, they are not in respect of agencies, they are in respect of, for example, principles. So, for example, if you read, Clause 20 (a), it states and I quote;

- “(a) information, the disclosure of which would adversely affect the sovereignty, security or scientific or economic interests of the State;
- (b) information, the disclosure of which would lead to the incitement or commission of an offence;”

So, for example land disputes, chiefly title disputes, et cetera. If the Commission has made a decision on it and the Commission then feels that if someone else comes along and says, “I want that information” and they believe by giving of that information, it can fall under that, they have the right to refuse that information. But you see, by actually having blanket naming of agencies, you are kind of causing a lot of problems in that respect and every other agency will start doing that but these are broader principles.

Say, if you look at, for example, information;-

- “(c) information expressly forbidden to be published by any court of law or tribunal or which would constitute a contempt of court;
- (d) information, the disclosure of which would cause a breach of the privileges of Parliament or a committee or subcommittee of Parliament;
- (e) information that is subject to legal professional privilege;
- (f) information available to a person in the exercise of the person’s fiduciary duty, unless the Commission is satisfied that the disclosure of such information is in the public interest;
- (g) information received in confidence from a foreign government or an international organisation;
- (h) information, the disclosure of which would endanger the life or safety of any person or identify the source of information or assistance given in confidence for the purposes of law enforcement or security;

- (i) information which would impede the process of investigation, apprehension or prosecution of an alleged offender;"

So, for example, if the police are investigating a case, you cannot come half way through and want that information because you can actually compromise the investigation. So similarly, for example, if there is a land claims or titles dispute going on and just because someone else comes along and says, "I want to know what is happening or what decision have they arrived at so far?". They cannot give it, they would not give it because it will compromise the Commission's enquiry. So, this is why we have to have broader principles because it can apply to specifically a number of reasons. So, Cabinet obviously is always restricted, you cannot get information, recording or deliberations of Cabinet, only after a period of time.

- "(k) information which relates to personal information, the disclosure of which has no relationship to or does not affect any public activity or interest, or which could cause the unwarranted invasion of privacy of the person.
 (l) information which could endanger or harm any protected site or environment.
 (m) a trade secret, business know-how..."

So I think what you are saying, Honourable Member, is actually captured by that under the general principles.

HON. RATU N.T. LALABALAVU.- Madam Chairperson, if Cabinet is identified here, it is an office that is not allowed to be accessed in terms of information. Why can we not include the Native Lands Commission here as well?

HON. A. SAYED-KHAIYUM.- Because the Cabinet represents an arm of the State, it represents the Executive that is why and it is to do with sovereignty issues, that is why. But the Commission is captured in scenario that you are saying because, for example, there are certain instances where a person wanting information from the Commission, they can give it.

In other instances, they will not give it because of these general principles. If you, for example, just completely put the blanket exemption on the Commission itself then some people would say "it is unfair" because there are certain information that the Commission has, that is not going to affect anyone else and they should be able to give it to them.

But if it falls under these sorts of issues, about it causing harm, about disruption, et cetera, then they have the full right to do that. Now, if for example and obviously over here, if an agency decides not to give the information, they say "Look, it is caught under Section 20", and you feel like aggrieved by it. For example, you want information, you feel aggrieved by it, you can take the agency to Court, you can do that for you to be able to exercise your right. That is the leverage you are given, for the appeal of the administrative decision.

But it is better, believe you me to have a wider principle so a lot of more things can be caught under but if you just put the Commission, you will have a lot of people who will say "look, I want information from the Commission" and it is got nothing to do with some chiefly dispute or land dispute. It is just simple information that I want for my information because my grandfather used to live here, I want to know-how the family tree worked, whatever the case may be. So this is why it is kept on that basis.

HON. RATU N.T. LALABALAVU.- Again there is nothing to stop them, Madam Chairperson, from getting a subpoena from the Court to get that.

HON. A. SAYED-KHAIYUM.- The whole idea of Freedom of Information is to make it easily available for members of the public without any cost to them. Otherwise you will get into the argument that someone who may be an ordinary citizen, he will then have to find the money, get a lawyer, et cetera.

The idea is to make it easier for members of the public but then we have a set of restrictions and the different agencies can say “look I am relying on Section 20” and I say that if I make certain information available of the NLC, that it will cause certain issues and I believe it is caught under that and I am going to give it to you or I can give you this page but I want a blank out three quarters of it because it can cause problems. That is the way it works. Otherwise you will not have any freedom or access to information.

MADAM CHAIRPERSON.- Is there any place in this clause where you would like to insert iTLTB?

HON. RATU N.T. LALABALAVU.- No, Madam Chairperson.

MADAM CHAIRPERSON.- Thank you. So any objection?

HON. GOVT. MEMBER.- No.

HON. PROF. B.C. PRASAD.- Madam Chairperson, do you not think we should have some timelines for things like Cabinet papers after which this could be released? Say, for example, if someone is doing a research on history and wants Cabinet papers which were 20 years old which may not have any implications for State secret or anything?

MADAM CHAIRPERSON.- Sorry, can you just refer to Clause 20 which section is it?

HON. PROF. B.C. PRASAD.- Yes, I am just asking a general clarification from the Honourable Attorney-General. Say for (j), (k) and (l) whether we could have a timeline after which this information can be made available, if someone is looking for information which is 20 years old or 30 years old whether we should have a timeline in each one of them?

HON. A. SAYED-KHAIYUM.- Madam Speaker, we have the Officials Secrets Act. I need to refer to it and I can get back to you, I will just get the people to bring in the Officials Secrets Act for me. It has certain timelines where you can actually make certain information available after period of time in other jurisdictions and Commonwealth jurisdictions too.

MADAM CHAIRPERSON.- Thank you. Anyone in the Opposition to Clause 20?

HON. A.M. RADRODRO.- Section 20(o), in terms of information disclosure. Is there any set criteria that can be easily accessible to, to assist the public for certain information that may probably fit into this section?

HON. A. SAYED-KHAIYUM.- I am sorry, Madam Chairperson, my apologies. Can you please repeat your question?

HON. A.M. RADRODRO.- Clause 20(o).

HON. A. SAYED-KHAIYUM.- I am sorry, Section 20(o).

HON. A.M. RADRODRO.- In terms of disclosure of information, that is deemed not for public interest. Is there any sort of criteria that the Commission will set out?

HON. A. SAYED-KHAIYUM.- Yes, I assume that once the Commission is set up and this is of course the Commission that will be approved by the Judicial Services Commission . They can set up their own rules around that and that obviously again needs to be made public and again that is obviously subject to review too.

Clause 20 agreed to.

Clause 21:

MADAM CHAIRPERSON.- The floor is now open for comments on Clause 21.

HON. PROF. B.C. PRASAD.- Given the exemptions already in Clause 20, I believe that Clause 21 is actually unnecessary because it gives additional power to the Minister. You could have a situation where that is corrupt practice or something and that power could be used to actually stop information coming or the individual wanting a particular information about himself or herself. So, the exemption in Clause 20 is enough so I move that we remove Clause 21.

MADAM CHAIRPERSON.- Anyone support that?

HON. P. CHAND.- I second that, Madam Chairperson.

MADAM CHAIRPERSON.- Would you like to speak on that?

HON. A. SAYED-KHAIYUM.- Yes, Madam Chairperson. Clause 20 is separate to Clause 21.

If you read Clause 20, Madam Speaker, it talks about the specific principles surrounding the non-disclosure.

Clause 21, is about the exemption of certain agencies. Now that obviously has to be gazetted.

Clause 20, relates to, that, that particular agency is supposed to give the information. But even though he is supposed to give information, if the agency like the Honourable Lalabalavu raised a case, so we have not specifically for example mentioned the Native Lands Commission. The Native Lands Commission can give the information. However, if someone makes a request and they believe that it could lead to incitement or the commission of an offence, they will not give that information. Whereas, Clause 21, is regarding the agencies itself in the first place. They need to gazette that and say that these agencies are exempt from giving information in that respect.

Of course, Madam Chairperson, if for example, they do come up with that, we can still actually challenged it too. We can actually challenge and say, "Look it is unconstitutional because it breaches Section 25 or breaches 150 of the Constitution, it has denied me my right as an individual citizen by exempting this particular agency."

MADAM CHAIRPERSON.- The Parliament will now vote on Clause 21. The question is, "that Clause 21 stands part of the Bill."

Does any Member oppose the motion?

HON. A. SAYED-KHAIYUM.- Yes.

(Chorus of “Ayes” and “Noes”)

HON. A. SAYED-KHAIYUM.- I am sorry, Madam Chairperson, what is the question?

MADAM CHAIRPERSON.- We are voting on whether we accept Clause 21.

HON. A. SAYED-KHAIYUM.- As it is.

(Honourable Member interjects)

HON. A. SAYED-KHAIYUM.- Your motion is defeated. No, we do not support his motion.

MADAM CHAIRPERSON.- Oh, your motion?

HON. PROF. B.C. PRASAD.- Yes, that is right.

MADAM CHAIRPERSON.- Yes, they do not support your motion.

HON. A. SAYED-KHAIYUM.- We do not support your motion.

HON. PROF. B.C. PRASAD.- Have we voted?

HON. A. SAYED-KHAIYUM.- We have already voted and we said, no.

MADAM CHAIRPERSON.- Already voted. Cancel, delete, let us vote again.

HON. A. SAYED-KHAIYUM.- On what, on his motion?

MADAM CHAIRPERSON.- On that motion, support say, “Yes”, if do not support, say, “No”.

(Chorus of “Ayes” and “Noes”)

Votes cast:

Ayes	:	12
Noes	:	26
Not Voted	:	11
Absent	:	1

The motion is defeated.

Now we will go to Clause 21. The question is “that Clause 21 stands part of the Bill.”

Does any Member oppose the motion?

(Chorus of “Noes”)

MADAM CHAIRPERSON.- The Clause is therefore agreed to unanimously.

Clause 21 agreed to.

Clause 22:

MADAM CHAIRPERSON.- The floor is now open for comments on Clause 22.

MADAM CHAIRPERSON.- Honourable Dulakiverata?

HON. J. DULAKIVERATA.- If a person is refused to be given the information then he has to run around and make complaints before the thing is resolved, but the thing is, at Clause 23, the Commission had to bring him and the agency ...

MADAM CHAIRPERSON.- Can we just have a look at Clause 22, please?

HON. J. DULAKIVERATA.- Yes, this is Clause 22.

MADAM CHAIRPERSON.- Yes, do not bring in clause 23.

HON. J. DULAKIVERATA.- All right, but there is no provision there to penalise the agency for not giving this person the information required

MADAM CHAIRPERSON.- Would you like to propose an amendment to what is there? Where would you like to see it?

HON. J. DULAKIVERATA.- Yes.

MADAM CHAIRPERSON.- Where, please?

HON. J. DULAKIVERATA.- Because the person should not be made to run around.

HON. A. SAYED-KHAIYUM.- There is no running around, they go straight to the Commission. There is no running around. They always just go to the Commission, it is a one-stop agency.

HON. J. DULAKIVERATA.- No, not to the agency

HON. A. SAYED-KHAIYUM.- Just go to the Commission, that is all. Madam Chairperson, if I can clarify, may be Honourable Dulakiverata may rethink his proposed amendment. It says:

“If a public agency fails or refuses to provide a person with the information which the public agency as being directed by the Commission to make available to that person, that person may lodge a complaint with the Commission.”

So, you come and make a request to the Commission and the Commission says, “Suva City Council, give the information.” Suva City Council has not given the information, someone is sleeping on the job, for example, they do not give it. Then I come along and say, “I have not got my information.” So, then I just simply lodge a complaint with the Commission and:

- (2) The Commission upon receipt of a complaint under (1) may require the public agency to provide a written explanation for the failure or the refusal to provide information;

- (3) A public agency that is required by the Commission under subsection (2) to provide a written explanation must provide the written explanation to the Commission within 10 days from the receipt of the requirement from the Commission to provide the written explanation.”

They have to do that and they must give in the reason.

MADAM CHAIRPERSON.- Can they do it online instead of going to the Commission?

HON. A. SAYED-KHAIYUM.- I am sure the Commission would be able to put in place all those facilities. I mean, they may be able to do it online, it does not stop them from doing online. They may send them an e-mail.

MADAM CHAIRPERSON.- Yes, thank you. Does any Member oppose the motion?

(Chorus of ‘Noes’)

MADAM CHAIRPERSON.- The Clause is therefore agreed to unanimously.

Clause 22 agreed to.

Clause 23:

MADAM CHAIRPERSON.- The floor is now open for comments on Clause 23.

HON. P. SINGH.- I need the clarification because when the public agency does not comply with the Commission’s request and the Commission goes back to them and says, “Why have you not done it?” This is the facilitation clause where they undertake steps to facilitate by holding meetings and other things, and even that is not possible, why is there not a penalty clause for the public agencies?

HON. A. SAYED-KHAIYUM.- Madam Chairperson, you will see that what we have done over here it says :

“Subject to section 19, upon receipt of the written explanation from a public agency under (22), the Commission may undertake such steps as the Commission deems necessary, including

The Commission is then allowed to take further steps, including....”

It does not mean holding meetings is the only thing, but it can include meetings, so they can take other steps. They could probably take them to court. We are going to develop regulations in that respect, they could impose a penalty. The Commission is given that level of latitude. This is the enabling law, once the Commission is appointed, the Commission can make its further regulations and various other guidelines. That is where Honourable Dulakiverata is coming from.

MADAM CHAIRPERSON.- Any other comments?

Does any Member oppose this motion?

(Chorus of “Noes”)

MADAM CHAIRPERSON.- The Clause is therefore agreed to unanimously.

Clause 23 agreed to.

Clause 24

MADAM CHAIRPERSON.- The floor is now open for comments on Clause 24.

HON. A. SAYED-KHAIYUM.- Madam Speaker, just to clarify, this is one of the remedies available under clause 24. It says “If the Commission after receipt of the written explanation from a public agency under Section 22 and after undertaking such steps as necessary to facilitate access to the information, is satisfied that the public agency has failed or refused to provide access to the information contrary to this Act, the Commission may make an application to the High Court for an order requiring the public agency to provide access to the information.”

So, I as a member of the public, do not take that agency to Court, the Commission does it for me. I do not bear the legal cost, the Commission bears the legal cost. So in that way, we are trying to continuously facilitate the granting of information to members of the public in the way that is inexpensive for them. In fact, there is no cost for them.

MADAM CHAIRPERSON.- There being no further comments, Parliament will now vote on Clause 24.

HON. A. SAYED-KHAIYUM.- Madam Speaker, just a clarification and there is the incumbent now upon the High Court to make a determination within 30 days, not for it to make a decision in six months, one year, two years but within 30 days of the application made by the Commission. They must give a ruling in 30 days.

MADAM CHAIRPERSON.- The Parliament will now vote on Clause 24. The question is, “that Clause 24 stands part of the Bill.”

Does any Member oppose the motion?

(Chorus of ‘Noes’)

MADAM CHAIRPERSON.- The Clause is therefore agreed to unanimously.

Clause 24 agreed to.

Clause 25:

MADAM CHAIRPERSON.- The floor is now open for comments on Clause 25.

The Parliament will now vote on Clause 25. The question is, “that Clause 25 stands part of the Bill.”

Does any Member oppose the motion?

(Chorus of ‘Noes’)

MADAM CHAIRPERSON.- The Clause is therefore agreed to unanimously.

Clause 25 agreed to.

Clause 26:

MADAM CHAIRPERSON.- The floor is now open for comments on Clause 26.

The Parliament will now vote on Clause 26. The question is, “that Clause 26 stands part of the Bill.”

Does any Member oppose the motion?

(Chorus of ‘Noes’)

MADAM CHAIRPERSON.- The Clause is therefore agreed to unanimously.

Clause 26 agreed to.

Clause 27:

MADAM CHAIRPERSON.- The floor is now open for comments on Clause 27.

The Parliament will now vote on Clause 27. The question is, “that Clause 27 stands part of the Bill.”

Does any Member oppose the motion?

(Chorus of ‘Noes’)

MADAM CHAIRPERSON.- The Clause is therefore agreed to unanimously.

Clause 27 agreed to.

Clause 28

MADAM CHAIRPERSON.- The floor is now open for comments on Clause 28.

The Parliament will now vote on Clause 28. The question is, “that Clause 28 stands part of the Bill.”

Does any Member oppose the motion?

(Chorus of ‘Noes’)

MADAM CHAIRPERSON.- The Clause is therefore agreed to unanimously.

Clause 28 agreed to.

Clause 29:

MADAM CHAIRPERSON.- The floor is now open for comments on Clause 29.

The Parliament will now vote on Clause 29. The question is, “that Clause 29 stands part of the Bill.”

Does any Member oppose the motion?

(Chorus of 'Noes')

MADAM CHAIRPERSON.- The Clause is therefore agreed to unanimously.

Clause 29 agreed to.

Clause 30:

MADAM CHAIRPERSON.- The floor is now open for comments on Clause 30.

The Parliament will now vote on Clause 30. The question is, "that Clause 30 stands part of the Bill."

Does any Member oppose the motion?

(Chorus of 'Noes')

MADAM CHAIRPERSON.- The Clause is therefore agreed to unanimously.

Clause 30 agreed to.

Clause 31:

MADAM CHAIRPERSON.- The floor is now open for comments on Clause 31.

The Parliament will now vote on Clause 31. The question is, "that Clause 31 stands part of the Bill."

Does any Member oppose the motion?

(Chorus of 'Noes')

MADAM CHAIRPERSON.- The Clause is therefore agreed to unanimously.

Clause 31 agreed to.

Clause 32:

MADAM CHAIRPERSON.- The floor is now open for comments on Clause 32.

The Parliament will now vote on Clause 32. The question is, "that Clause 32 stands part of the Bill."

Does any Member oppose the motion?

(Chorus of 'Noes')

MADAM CHAIRPERSON.- The Clause is therefore agreed to unanimously.

Clause 32 agreed to.

Clause 33:

MADAM CHAIRPERSON.- The floor is now open for comments on Clause 33.#

The Parliament will now vote on Clause 33. The question is, “that Clause 33 stands part of the Bill.”

Does any Member oppose the motion?

(Chorus of ‘Noes’)

MADAM CHAIRPERSON.- Honourable Dulakiverata, do you want to say something?

HON. J. DULAKIVERATA.- No.

MADAM CHAIRPERSON.- The Clause is therefore agreed to unanimously.

Clause 33 is agreed to.

Clause 34

MADAM CHAIRPERSON.- The floor is now open for comments on Clause 34.

The Parliament will now vote on Clause 34. The question is, “that Clause 34 stands part of the Bill.”

Does any Member oppose the motion?

(Chorus of ‘Noes’)

MADAM CHAIRPERSON.- The Clause is therefore agreed to unanimously.

Clause 34 agreed to.

Clause 35:

MADAM CHAIRPERSON.- The floor is now open for comments on Clause 35.

The Parliament will now vote on Clause 35. The question is, “that Clause 35 stands part of the Bill.”

Does any Member oppose the motion?

(Chorus of ‘Noes’)

MADAM CHAIRPERSON.- The Clause is therefore agreed to unanimously.

Clause 35 agreed to.

Clause 36:

MADAM CHAIRPERSON.- The floor is now open for comments on Clause 36.

The Parliament will now vote on Clause 36. The question is, “that Clause 36 stands part of the Bill.”

Does any Member oppose the motion?

(Chorus of ‘Noes’)

MADAM CHAIRPERSON.- The Clause is therefore agreed to unanimously.

Clause 36 agreed to.

Clause 37:

MADAM CHAIRPERSON.- The floor is now open for comments on Clause 37.

The Parliament will now vote on Clause 37. The question is, “that Clause 37 stands part of the Bill.”

Does any Member oppose the motion?

(Chorus of ‘Noes’)

MADAM CHAIRPERSON.- The Clause is therefore agreed to unanimously.

Clause 37 agreed to.

Clause 38:

MADAM CHAIRPERSON.- The floor is now open for comments on Clause 38.

The Parliament will now vote on Clause 38. The question is, “that Clause 38 stands part of the Bill.”

Does any Member oppose the motion?

(Chorus of ‘Noes’)

MADAM CHAIRPERSON.- The Clause is therefore agreed to unanimously.

Clause 38 agreed to.

Clause 39:

MADAM CHAIRPERSON.- The floor is now open for comments on Clause 39.

The Parliament will now vote on Clause 39. The question is, “that Clause 39 stands part of the Bill.”

Does any Member oppose the motion?

(Chorus of ‘Noes’)

MADAM CHAIRPERSON.- The Clause is therefore agreed to unanimously.

Clause 39 agreed to.

Clause 40:

MADAM CHAIRPERSON.- The floor is now open for comments on Clause 40.

The Parliament will now vote on Clause 40. The question is, “that Clause 40 stands part of the Bill.”

Does any Member oppose the motion?

(Chorus of ‘Noes’)

MADAM CHAIRPERSON.- The Clause is therefore agreed to unanimously.

Clause 40 agreed to.

Clause 41:

MADAM CHAIRPERSON.- The floor is now open for comments on Clause 41.

The Parliament will now vote on Clause 41. The question is, “that Clause 41 stands part of the Bill.”

Does any Member oppose the motion?

(Chorus of ‘Noes’)

MADAM CHAIRPERSON.- The Clause is therefore agreed to unanimously.

Clause 41 agreed to.

Clause 42:

MADAM CHAIRPERSON.- The floor is now open for comments on Clause 42.

The Parliament will now vote on Clause 42. The question is, “that Clause 42 stands part of the Bill.”

Does any Member oppose the motion?

(Chorus of ‘Noes’)

MADAM CHAIRPERSON.- The Clause is therefore agreed to unanimously.

Clause 42 agreed to.

Clause 43:

MADAM CHAIRPERSON.- The floor is now open for comments on Clause 43.

The Parliament will now vote on Clause 43. The question is, “that Clause 43 stands part of the Bill.”

Does any Member oppose the motion?

(Chorus of ‘Noes’)

MADAM CHAIRPERSON.- The Clause is therefore agreed to unanimously.

Clause 43 agreed to.

Clause 44

MADAM CHAIRPERSON.- The floor is now open for comments on Clause 44.

The Parliament will now vote on Clause 44. The question is, “that Clause 44 stands part of the Bill.”

Does any Member oppose the motion?

(Chorus of ‘Noes’)

MADAM CHAIRPERSON.- The Clause is therefore agreed to unanimously.

Clause 44 agreed to.

Clause 45:

MADAM CHAIRPERSON.- The floor is now open for comments on Clause 45.

The Parliament will now vote on Clause 45. The question is, “that Clause 45 stands part of the Bill.”

Does any Member oppose the motion?

(Chorus of ‘Noes’)

MADAM CHAIRPERSON.- The Clause is therefore agreed to unanimously.

Clause 45 agreed to.

Clause 46:

MADAM CHAIRPERSON.- The floor is now open for comments on Clause 46.

The Parliament will now vote on Clause 46. The question is, “that Clause 46 stands part of the Bill.”

Does any Member oppose the motion?

(Chorus of ‘Noes’)

MADAM CHAIRPERSON.- The Clause is therefore agreed to unanimously.

Clause 46 agreed to.

Clause 47:

MADAM CHAIRPERSON.- The floor is now open for comments on Clause 47.

The Parliament will now vote on Clause 47. The question is, “that Clause 47 stands part of the Bill.”

Does any Member oppose the motion?

(Chorus of ‘Noes’)

MADAM CHAIRPERSON.- The Clause is therefore agreed to unanimously.

Clause 47 agreed to.

Clause 48:

MADAM CHAIRPERSON.- The floor is now open for comments on Clause 48.

The Parliament will now vote on Clause 48. The question is, “that Clause 48 stands part of the Bill.”

Does any Member oppose the motion?

(Chorus of ‘Noes’)

MADAM CHAIRPERSON.- The Clause is therefore agreed to unanimously.

Clause 48 agreed to.

MADAM CHAIRPERSON.- That brings us to the end of Committee of the Whole Parliament.

The House resumed:

SECRETARY-GENERAL.- The Committee of the Whole Parliament has agreed on a Bill for an Act to give effect to Sections 25 and 150 of the Constitution of the Republic of Fiji, to facilitate the right of access to information held by the Government and public agencies, to correct or delete false or misleading information that directly affects a person, to promote access to information and for related matters, Bill No. 34 of 2016, without amendments by the Committee of the Whole Parliament.

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

SECRETARY-GENERAL.- The Committee of the Whole Parliament has agreed to the Information Bill 2016 (Bill No. 34 of 2016).

HON. SPEAKER.- I now call on the Acting Prime Minister and the Hon. Attorney-General and Minister for Economy, Public Enterprises, Civil Service and Communications to move the third reading.

HON. A. SAYED-KHAIYUM.- Thank you, Madam Speaker. I would like to highlight that this particular Bill gives unprecedented access to individual members of our society, ordinary Fijians access to information that they would otherwise not get or indeed have not received the level of accessibility, Madam Speaker.

HON. SPEAKER.- Is there a seconder?

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

HON. SPEAKER.- I now call upon the Acting Prime Minister and the Honourable Attorney-General and Minister for Economy, Public Enterprises, Civil Service and Communications to speak on his motion.

HON. A. SAYED-KHAIYUM.- Thank you, Madam Speaker, I think we have had some good discussions and some of the clarifications that were sought regarding the Bill itself.

Madam Speaker, as you know that Sections 25 and 150 of the Constitution are relevant. By way of history, Madam Speaker, there was back in 1999, the then Labour Government that presented a Freedom of Information Bill that was actually prepared by the SVT Government, the 1998 Bill. The 1999 Bill was circulated for many years and was criticised by Article 19, a British Human Rights Organisation with the specific mandate on the protection of Freedom of Expression and Information worldwide.

The key criticism of the draft Bill in 1999 was that they exempted specific agencies as Honourable Ratu Lalabalavu was mentioning. This Information Bill, Madam Speaker, does not provide this blanket exemption, directly within the text of principal legislation which carries a particular impression of an intention for permanence. There is room for exemptions of bodies however this may be viewed in line with the fact that it can only be done in consultation with the Accountability and Transparency Commission.

Previously, there was no such organisation under the 1997 Constitution and the independent body now is established under the Constitution, so that is the check and balance which you have and it is an independent body, Madam Speaker. It is actually appointed by the Judicial Services Commission through the Honourable Chief Justice, Madam Speaker.

The Minister, in consultation with the Commission, of course, can always remove any such exemptions.

Madam Speaker, this as we know as I highlighted before, that notwithstanding the fact that the 1997 Constitution had those provisions, the 1997 Constitution, Madam Speaker, did not have an equivalent of Section 25 as we have in the 2013 Constitution. It had actually the 174 equivalent which is “as soon as practicable after the commencement of this Constitution, the Parliament should enact the laws to give members of the public rights of access to the official documents of the government and its agencies.”

The 1990 Constitution did not have any such provision, even the equivalent of 174 or 150.

So, Madam Speaker, what we have done in this Bill and has been highlighted, this Bill is the first step towards what we may call “democratisation of information”. That is giving people access

to information regarding themselves. It is also giving them the ability to correct the information about themselves.

There are so many times, Madam Speaker, we have had people, for example even at the Births, Deaths and Marriages, where someone has misspelt a person's name and they have gone to get married or at birth, they misspelt the name and for them it has been a real chore to actually get it changed or they have been to a hospital and they have written down the name incorrectly, or the parents name incorrectly; they simply do not change it. This gives them the legal right to be able to change as the Constitution does in 2013.

Now, this is the law that actually governs that and says you have to do that and it is now through an independent Commission which is appointed by the Judicial Services Commission to ensure that those laws are actually followed and indeed enhanced, and also given substance to. You can of course set in place, I am giving an overall summary regulations governing that Madam Speaker.

So, I think Madam Speaker, this Information Bill needs to be supported. The Honourable Prof. B.C. Prasad talked about general access to information. So, for example what he talked about was if he wanted to know what happened in Labasa, completely unrelated to him personally about what happened, maybe, I do not know. Some geothermal mining licence that was given for example, what he calls public interest in that sense, no, this does not do that. This is specific to individuals, there are of course other mechanisms through which information can be gained regarding the public interest information and that is the next step that we want to take obviously, Madam Speaker.

But this, we saw as very important because this relates to individual rights, and most people if you go and speak to them they always will want to say, I want to know why they made that decision. No one has ever told me, no one has ever said, why have these four people got this application through and I have not got it or simply they just said, no you did not get it because XYZ. They will say, "I want to know who made the decision about me." This will allow them to get that information, who made that decision? And what was the process that was followed?

The example that I always use is LTA, of course the Board is trying to clear that up, but we find numerous such aggrievements by individuals, they are aggrieved by the fact, why did the municipal council? Why did the Department of Lands do this? Why did iTLTB do this? How come that fifty people applied for that particular piece of land and not any of the fifty got it, but the fifty first person who came two hours just before it closed got it? They want to know that. So, these are the issues.

So, for example people who would have access to information about various other issues that relate to them personally in respect of say medical reports, et cetera. So, you know a lot of doctors for example sometimes are very coy about giving access to the information as to how they made that decision. Why did they want to put the penicillin shot instead of the other antibiotics? You can actually get all that information now through this and that is also very empowering and that is why this Bill is very important, Madam Speaker. So, we decided to focus our attention on firstly empowering our people then we can look at other wider context, Madam Speaker. It has taken us two years to do this.

Imagine the public interest one, how many objections you would have to that? You have to actually garner, you actually have to make sure the parameters are right. So, I say Madam Speaker, please if the House can support this Bill, this will empower people to actually get information about

themselves and indeed have the information that is incorrect about themselves having it corrected. Thank you Madam Speaker.

HON. SPEAKER.- Thank you. The Bill is now open for debate. Please ensure that the debate is only on whether the Bill should be passed or not, not on the content. We have done the content. Should we pass the Bill or not? So, please restrict yourselves to that. Open for debate, input if any. Honourable Prof. B.C. Prasad.

HON. PROF. B.C. PRASAD.- Thank you Madam Speaker. Madam Speaker, the main issue that I had was that this was an opportunity for the Government, and I think the Honourable Attorney-General did say what was the history in terms of the Freedom of Information Bill and I think the idea Madam Speaker, as far as we are concerned that is why I have problems supporting this Bill because I still feel that Section 150 of the Constitution, which clearly says;

“A written law shall make provision for the exercise by a member of the public of the right to access official information and documents held by the Government and its agencies”.

So, what we hear is this Bill only concerns information for particular person or individual. There is no provision in this Bill and I am surprised that we did not include this. We could have had that provision as well in term of public interest because I am more concerned, Madam Speaker, about transparency, accountability and good governance and I am sure the Government is concerned as well.

I think the legacy that this Government can leave, Madam Speaker, is to have that provision because I think more than individual persons because many of the people will find it very difficult to actually get information following the process although some of the provisions are making it easier. But for me, I was looking for a Bill which was going to allow us as an individuals or organisations for example if a particular NGO is concerned about a certain public interest matter and is concerned about say corruption, a particular type of corruption by a particular public agency. Then right now they do not have that possibility by law to get that kind of information. While this Bill may be meeting the needs of Section 25, I do not think it does for Section 150 that is why, Madam Speaker, I find it difficult to support the Bill. Thank you, Madam Speaker.

HON. SPEAKER.- Thank you.

HON. A. SAYED-KHAIYUM.- You do not support it?

HON. SPEAKER.- Are there any other input? Honourable Ratu Naiqama Lalabalavu?

HON. RATU N.T. LALABALAVU.- Just a few comments that I would like to make regarding the Bill that is before us and the only concern that I have has already raised is to do with the sanctity of the reports with some agencies.

I fully understand where Honourable Mataiasi Niumataiwalu is coming from that there is freedom of information and this one is access to information, but it is the access of information to the agencies that are most concerned. In other countries, there is exemption, especially in the United States of America are exempted from information, but for this one here the only concern I have is, it is only for the group of people, it is only for a race that this information needs to be protected. It is not for the members of the public at large you are freely accessible to this that is the point that I am driving here. Because only those that are raised in the VKB can access this or there

is always the Courts if you want to get information then you go for a subpoena or something but we need to protect this. Thank you, Madam Speaker.

HON. SPEAKER.- There being no other input. I now give the floor to the Honourable Acting Prime Minister for his right of reply.

HON. A. SAYED-KHAIYUM.- My apologies. Madam Speaker, again I respond to Honourable Ratu Lalabalavu. I think your fears are misplaced because again, I refer him to section 20 that it does give that level of protection. In an instance that he is perhaps has some trepidation about. The fact of the matter is the respective agencies can actually stop the giving out information, should it fall within those provisions and they are actually wide enough to be able to preserve that, Madam Speaker.

Madam Speaker, again I think it will be amiss of Honourable Members of this House, of Parliament not to vote for this Bill, Madam Speaker, just because it does not perhaps address the wider context of getting access to information. I think if you were to go down the street now, go outside this Parliament if you went and told every single individual citizen “Do you want this Bill so you can find out the decision made about you? They will to support the Bill because people want to know about decision made about them. I mean a lot of people are saying to us, “I used to get welfare, I no longer get welfare”. That simply told me that you are not allowed to receive it. So, they will need to know and through this they can actually find out and they can also know who actually decided not to give them the welfare. Who decided to stop them from getting it?

So, Madam Speaker, what is really important about this Bill is not just about the individual accessing information. The people who are making decisions about Fijians will actually let you now have to be cautious because they can be pulled up.

Madam Speaker, this Bill actually allows the Permanent Secretary or the Head of the Agency to also know what is happening within the organisation because many of the times the decisions are made at the junior level or middle management level or say a Director of a particular Ministry.

The Permanent Secretary does not know about it, the Minister does not know about it. So, there are numerous complaints. So, by this, the civil servants or the people around the different agencies will actually now be cautious. Because they know every single decision they make can actually be seen or people can trace back as to how they arrive at the decision. So, we will now get better documentation. Just because I wake up in the morning and feel like I do not like this persons' face, or he is from Kadavu or Tailevu whatever, I do not think I should give it to them, even though meet the criteria. I actually have to have a reason for it. I cannot have that as the only reason. So, everyone will need to follow the process.

Everyone will need to ensure that there is transparency. This is the implication of this Bill, Madam Speaker, and I believe that this is very empowering for individual citizens of our country. Never happened before. This, once it comes into place, Madam Speaker, it will open up a new chapter altogether. That is why, Madam Speaker, I believe it is critically important that this Parliament unanimously support this Bill. Thank you.

HON. SPEAKER.- The Parliament will now vote. The question is “pursuant to Standing Order 88, that the Information Bill, 2016, Bill No. 34, 2016, be read a third time and do pass.”

Does any Member oppose the Motion?

(Chorus of 'Ayes' and 'Noes')

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

Votes cast:

Ayes - 28

Noes	-	12
Not Voted	-	10

There being 28 Ayes, 12 Noes and 10 Not Voted, the motion is agreed to unanimously.

SECRETARY GENERAL.- A Bill for an Act to give effect to Section 25 and 150 of the Constitution of the Republic of Fiji, to facilitate the right of access to information held by the Government and public agencies to correct or delete false or misleading information that directly affects the person to promote access to information and for related matters (Bill No. 34 of 2016) enacted by the Parliament of the Republic of Fiji. (Act No.of 2018).

(Applause)

COMMUNITY-BASED CORRECTIONS BILL 2016

Clause 1:

MADAM CHAIRPERSON.- The floor is now open for comments on Clause 1.

The Parliament will now vote on Clause 1. The question is “that Clause 1 as amended stands part of the Bill.”

Does any Member oppose the motion?

(Chorus of “Noes”)

HON. SPEAKER.- The Clause is therefore agreed to unanimously.

Clause 1 agreed to.

Clause 2:

MADAM CHAIRPERSON.- The floor is now open for comments on Clause 2.

The Parliament will now vote on Clause 2. The question is “that Clause 2 as amended stands part of the Bill.”

Does any Member oppose the motion?

(Chorus of “Noes”)

HON. SPEAKER.- The Clause is therefore agreed to unanimously.

Clause 2 agreed to.

Clause 3:

MADAM CHAIRPERSON.- The floor is now open for comments on Clause 3.

The Parliament will now vote on Clause 3. The question is “that Clause 3 as amended stands part of the Bill.”

Does any Member oppose the motion?

(Chorus of “Noes”)

HON. SPEAKER.- The Clause is therefore agreed to unanimously.

Clause 3 agreed to.

Clause 4:

MADAM CHAIRPERSON.- The floor is now open for comments on Clause 4.

The Parliament will now vote on Clause 4. The question is “that Clause 4 as amended stands part of the Bill.”

Does any Member oppose the motion?

(Chorus of “Noes”)

HON. SPEAKER.- The Clause is therefore agreed to unanimously.

Clause 4 agreed to.

Clause 5:

MADAM CHAIRPERSON.- The floor is now open for comments on Clause 5.

The Parliament will now vote on Clause 5. The question is “that Clause 5 as amended stands part of the Bill.”

Does any Member oppose the motion?

(Chorus of “Noes”)

HON. SPEAKER.- The Clause is therefore agreed to unanimously.

Clause 5 agreed to.

Clause 6:

MADAM CHAIRPERSON.- The floor is now open for comments on Clause 6.

The Parliament will now vote on Clause 6. The question is “that Clause 6 as amended stands part of the Bill.”

Does any Member oppose the motion?

(Chorus of “Noes”)

HON. SPEAKER.- The Clause is therefore agreed to unanimously.

Clause 6 agreed to.

Clause 7:

MADAM CHAIRPERSON.- The floor is now open for comments on Clause 7.

The Parliament will now vote on Clause 7. The question is “that Clause 7 as amended stands part of the Bill.”

Does any Member oppose the motion?

(Chorus of “Noes”)

HON. SPEAKER.- The Clause is therefore agreed to unanimously.

Clause 7 agreed to.

Clause 8:

MADAM CHAIRPERSON.- The floor is now open for comments on Clause 8.

The Parliament will now vote on Clause 8. The question is “that Clause 8 as amended stands part of the Bill.”

Does any Member oppose the motion?

(Chorus of “Noes”)

HON. SPEAKER.- The Clause is therefore agreed to unanimously.

Clause 8 agreed to.

Clause 9:

MADAM CHAIRPERSON.- The floor is now open for comments on Clause 9.

The Parliament will now vote on Clause 9. The question is “that Clause 9 as amended stands part of the Bill.”

Does any Member oppose the motion?

(Chorus of “Noes”)

HON. SPEAKER.- The Clause is therefore agreed to unanimously.

Clause 9 agreed to.

Clause 10:

MADAM CHAIRPERSON.- The floor is now open for comments on Clause 10.

The Parliament will now vote on Clause 10. The question is “that Clause 10 as amended stands part of the Bill.”

Does any Member oppose the motion?

(Chorus of “Noes”)

HON. SPEAKER.- The Clause is therefore agreed to unanimously.

Clause 10 agreed to.

Clause 11:

MADAM CHAIRPERSON.- The floor is now open for comments on Clause 11.

The Parliament will now vote on Clause 11. The question is “that Clause 11 as amended stands part of the Bill.”

Does any Member oppose the motion?

(Chorus of “Noes”)

HON. SPEAKER.- The Clause is therefore agreed to unanimously.

Clause 11 agreed to.

Clause 12:

MADAM CHAIRPERSON.- The floor is now open for comments on Clause 12.

The Parliament will now vote on Clause 12. The question is “that Clause 12 as amended stands part of the Bill.”

Does any Member oppose the motion?

(Chorus of “Noes”)

HON. SPEAKER.- The Clause is therefore agreed to unanimously.

Clause 12 agreed to.

Clause 13:

MADAM CHAIRPERSON.- The floor is now open for comments on Clause 13.

The Parliament will now vote on Clause 13. The question is “that Clause 13 as amended stands part of the Bill.”

Does any Member oppose the motion?

(Chorus of “Noes”)

HON. SPEAKER.- The Clause is therefore agreed to unanimously.

Clause 13 agreed to.

Clause 14:

MADAM CHAIRPERSON.- The floor is now open for comments on Clause 14.

The Parliament will now vote on Clause 14. The question is “that Clause 14 as amended stands part of the Bill.”

Does any Member oppose the motion?

(Chorus of “Noes”)

HON. SPEAKER.- The Clause is therefore agreed to unanimously.

Clause 14 agreed to.

Clause 15:

MADAM CHAIRPERSON.- The floor is now open for comments on Clause 15.

The Parliament will now vote on Clause 15. The question is “that Clause 15 as amended stands part of the Bill.”

Does any Member oppose the motion?

(Chorus of “Noes”)

HON. SPEAKER.- The Clause is therefore agreed to unanimously.

Clause 15 agreed to.

Clause 16:

MADAM CHAIRPERSON.- The floor is now open for comments on Clause 16.

The Parliament will now vote on Clause 16. The question is “that Clause 16 as amended stands part of the Bill.”

Does any Member oppose the motion?

(Chorus of “Noes”)

HON. SPEAKER.- The Clause is therefore agreed to unanimously.

Clause 16 agreed to.

Clause 17:

MADAM CHAIRPERSON.- The floor is now open for comments on Clause 17

The Parliament will now vote on Clause 17. The question is “that Clause 17 as amended stands part of the Bill.”

Does any Member oppose the motion?

(Chorus of “Noes”)

HON. SPEAKER.- The Clause is therefore agreed to unanimously.

Clause 17 agreed to.

Clause 18:

MADAM CHAIRPERSON.- The floor is now open for comments on Clause 18.

The Parliament will now vote on Clause 18. The question is “that Clause 18 as amended stands part of the Bill.”

Does any Member oppose the motion?

(Chorus of “Noes”)

HON. SPEAKER.- The Clause is therefore agreed to unanimously.

Clause 18 agreed to.

Clause 20:

MADAM CHAIRPERSON.- The floor is now open for comments on Clause 20.

The Parliament will now vote on Clause 20. The question is “that Clause 20 as amended stands part of the Bill.”

Does any Member oppose the motion?

(Chorus of “Noes”)

HON. SPEAKER.- The Clause is therefore agreed to unanimously.

Clause 20 agreed to.

Clause 21:

MADAM CHAIRPERSON.- The floor is now open for comments on Clause 21.

The Parliament will now vote on Clause 21. The question is “that Clause 21 as amended stands part of the Bill.”

Does any Member oppose the motion?

(Chorus of “Noes”)

HON. SPEAKER.- The Clause is therefore agreed to unanimously.

Clause 21 agreed to.

Clause 22:

MADAM CHAIRPERSON.- The floor is now open for comments on Clause 22.

The Parliament will now vote on Clause 22. The question is “that Clause 22 as amended stands part of the Bill.”

Does any Member oppose the motion?

(Chorus of “Noes”)

HON. SPEAKER.- The Clause is therefore agreed to unanimously.

Clause 22 agreed to.

MADAM CHAIRPERSON.- Thank you. That brings us to the end of Committee of the Whole Parliament. Parliament will now resume its sitting.

The House resumed:

SECRETARY GENERAL.- The Committee of the Whole Parliament has agreed to a Bill for an Act to provide for a Community-Based Corrections System that fosters community-based sentencing options and the rehabilitation and re-integration of offenders and for related matters, Bill No. 33 of 2016 (with amendments) by the Committee of the Whole Parliament.

HON. SPEAKER.- I now call on the Acting Prime Minister, the Honourable Attorney General and Minister for Economy, Public Enterprises, Civil Service and Communications to move the third reading.

HON. A. SAYED-KHAIYUM.- Thank you Madam Speaker, my apologies for that. Madam Speaker, pursuant to Standing Order 88, I move that the Community Based Corrections Bill, 2016 (Bill No. 33 of 2016) be read a third time and do pass. Thank you, Madam Speaker.

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

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

HON. SPEAKER.- I now invite the Honourable Acting Prime Minister to speak on his motion.

HON. A. SAYED-KHAIYUM.- Madam Speaker, the Community-Based Corrections Bill was tabled in Parliament on 1st June for the first reading and on 2nd June, 2016 for the second reading. The Bill, Madam Speaker, is envisaged to deter low risk offenders from entering the prison system and being exposed to high risk offenders and other elements within the prison system which would most likely lead to a person to reoffend.

The Bill targets low risk offenders who commit crimes which are punishable by imprisonment. However, if the Court is of the opinion that these offenders would benefit best from training, counselling or learning life skills instead of imprisonment, the Court may issue an order for the offender to undergo community-based corrections. We have at the moment what we call the “*Yellow Ribbon Programme*” but you actually have to go to prison to be part of the Yellow Ribbon Programme.

Secondly, the need for the Bill stems from the struggles of the criminal justice system, not only in Fiji but throughout the world to deal with the high rates of imprisonment resulting in overcrowding Correction Services.

Madam Speaker, we also in Fiji used to have what we call a very high level of recidivism; 50 percent of those people who went to prison at one point in time used to always go back. I also remember as a prosecutor, Madam Speaker, when I was at Director Public Prosecutions (DPP) Office, at that point in time it was mandatory, if you got caught with possession even a minute amount of cannabis or *marijuana*, you have to go into prison for a minimum of three months and most of the people who actually got caught were from low income families, they did not have fancy cars or did not have individual rooms where they could go and smoke *marijuana*. They probably tried it for the first time behind the coconut tree or behind the public toilet somewhere and they are generally between the ages of 18 and 23 at that point in time, and of course some of them were subject to sexual abuse too in the prison system. So when they came out, because they were subjected to those trials within the prison system or mixed around with hardened criminals, they themselves became part of the problem.

Some of them were in universities, in technical colleges, so this, Madam Speaker, overall just to simplify it, gives the Court an opportunity to be able to recognise those types of offenders and not necessarily send them to prison and not have that stigma attached to it. Imprisonment is used as a presumptive choice for responding to offending behaviour where there are insufficient resources allocated to developing effective alternatives, that addressed the underlying factors that lead to criminal behaviour and by doing so, also reduce the likelihood of that person reoffending.

Again, Madam Speaker, in the Bill, I do not want to harp on about this; the issue about the Commission in the Online Safety Bill. Why do we have the Commission? Because we have an alternative dispute resolution mechanism. Sometimes a person may post something in the heat of the moment. It does not mean we take them and send them to prison. We may be able to have that resolved through the Commission. Again, this provides another avenue. We need to show a little bit of sensitivity and think outside the box, think of alternative dispute resolution mechanisms.

Madam Speaker, the Bill offers that alternative to defenders and to the criminal justice system and in accordance to Clause 10 of the Bill, the Courts in Fiji will be able to with their discretion, based on the nature and the circumstances of the offence committed, sentence an offender to Community-based Correction in order to subject the person to counselling or similar character building and life skills training that intends to improve the life and character of the offender, not only on a personal level but also on a level that benefits the Fijian society as a whole.

The Bill is a result of the review of the Probation of Offenders Act 1952 by the Ministry of Women, Children and Poverty Alleviation with the assistance of the United Nations Children's Emergency Fund commonly known as UNICEF. The Bill seeks to reflect the law. In law, it is enforced by the Department of Social Welfare with regard to administration of the Community-Based Corrections orders. Of course, I have the whole summary of the Bill itself but I think the point of the matter is, I would like to also tell another story.

I remember when I was at the DPP's Office, there was at one point in time, I was prosecuting someone who had actually stolen systematically over a period of time, from that time Burns Philip and they had stolen over \$50,000, and when he was sentenced to approximately two and a half years, he appealed in the Magistrates Court. We went to the High Court and at the same time, I remember, Madam Speaker, there was a young man from Taveuni (and you can check this), he actually had stolen the shoes of a tourist in one of the hotels and the Magistrates Court gave him

18 months imprisonment to demonstrate and teach him a lesson that he should not steal from
tourists because

these people bring in money into our country. Here we had a person educated, et cetera, stole over \$50,000, getting two and half years, here we had a person who stole the shoes of a tourist getting 18 months. If we had this provision here, Madam Speaker, and the Judiciary was trained in that, he probably could have got some counselling.

Now that person by ending up in prison for 18 months would completely change his life, his experience, probably taking away a lot of innocence and also reduces productive capacity as a productive member of our society.

So what this Bill does, Madam Speaker, and I urge all Honourable Members to actually support this Bill, it provides a mechanism for our Judicial System to be able to recognise these offenders. I am not saying that therefore this will be given to hardened criminals or someone who has carried out sexual offence or sexual assault. But it is for those people, Madam Speaker, who may be actually guilty before the legal system, but we need to be able to provide them an alternative form of deterrence and counselling. In short Madam Speaker, I urge all Honourable Members to support this Bill. Thank you.

HON. SPEAKER.- Thank you. The Bill is now open for debate and the debate is only whether the Bill should pass and not on content. So no one is opposing the motion?

(Chorus of “Noes”)

SECRETARY GENERAL.- A Bill for an Act to provide for a Community-Based Correction System that fosters Community-Based Sentencing Options and the Rehabilitation and Re-integration of Offenders and for related matters, Bill No. 33 of 2016 enacted by the Parliament of the Republic of Fiji.

(Applause)

HON. SPEAKER.- Before we proceed, I remind Honourable Members that pursuant to the resolution of Parliament passed earlier this afternoon, the Fair Share of Mineral Royalties Bill 2018 will now be debated, voted upon and be passed.

I now call on the Acting Prime Minister, the Honourable Attorney General and Minister for Economy, Public Enterprises, Civil Service and Communications to move this motion.

RESUMPTION OF DEBATE ON THE FAIR SHARE OF MINERAL ROYALTIES BILL 2018

HON. A. SAYED-KHAIYUM.- Thank you, Madam Speaker. Pursuant to the resolution of Parliament passed earlier this afternoon, I move that the Fair Share of Mineral Royalties Bill 2018 be debated, voted upon and be passed. Thank you, Madam Speaker.

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

HON. SPEAKER.- I now call on the Acting Prime Minister to speak on this motion.

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

Madam Speaker, as highlighted in the introduction of this Bill earlier this afternoon, this Bill is in conformity with the provisions under Section 31 of the Constitution, that says, and I quote:

“...the owners of any particular land, whether customary of freehold, or of any particular registered customary fishing rights shall be entitled to receive a fair share of royalties or other money paid to the State in respect of the grant by the State of right to extract minerals from the land or the seabed in the area of fishing rights.”

Madam Speaker, the provision in the Constitution does go on to say furthermore that a written law may determine the framework for calculating fair shares under sub-section (1) which is the one that I just read, taking into account all relevant factors including the following:

- “a) any benefit that the owners received or may receive as a result of mineral exploration or exploitation;
- b) the risk of environmental damage;
- c) any legal obligation of the State or contribute to a fund to meet the cost of preventing, repairing or compensating for any environmental damage;
- d) the cost to the State of administering exploration or exploitation rights;
- e) the appropriate contribution to the general revenue of the State to be made by any person granted exploration or exploitation rights.”

Madam Speaker, as stated earlier on, if for example this area has got minerals underneath it, whoever is the owner of the land, is the owner of the land. So if, for example, is owned by a particular landowning unit, in order for one to access the land, they need to be able to pay lease on the land and that money obviously goes to the owners of the land. Anything six feet below, I think the amount is, below that, if you want to extract minerals, all minerals as in most countries in the world belongs to the State; belongs to the sovereign.

Now, the sovereign, for example, will then give a mining licence to the miner. There are certain conditions under the Mining Act that the State can actually impose and there are various conditions on the licence. Many of which nowadays include things like the environmental bond, and includes, for example, how do you deal with silk that may come out of it? How do you dispose of the chemicals that will come out of it? All of those conditions maybe put by the State.

The State also as we see in the extraction of minerals also then apart from charging a licence fee which is determined by the State, the State can also put what they call a royalty fee in the extraction of the minerals. Now, the company that extracts the minerals then, Madam Speaker, processes the minerals in most cases and then they may pay tax on the profits they make. Then as part of that also they pay a royalty to the State. What this provision does is in respect of that royalty.

As has been seen Madam Speaker, the royalty that the State actually gets from the mining company, the State always keeps and it goes to Government's Consolidated Fund.

Madam Speaker, by way of history, the 1990 Constitution had a provision that said and I read Section 9(7) of the 1990 Constitution, Madam Speaker, which says:

“Where any law makes provision for the vesting in the State of the ownership of unextracted minerals as defined under subsection (11) of this Constitution, then notwithstanding the provision of that or any other law, any royalties or proceeds received by the State in respect of any minerals extracted from any land or from the seabed from which

there exists any registered customary fishing rights, shall from the date of the commencement of this Constitution become payable to the owner of the surface of that land or the beneficiary of the registered customary fishing rights as the case may be, subject to the right of the State to retain such proportion of any such royalties or proceeds as may be approved by Cabinet from time to time, and to retain in addition the cost of administration by the State of any mineral exploration and extractions”.

So, Madam Speaker, there is that provision, there is no specific subsequent law to give effect to this. The 1997 Constitution, Madam Speaker, had a similar provision, under Section 186, it says;

“(3) The Parliament must make provision granting to the owners of land or of registered customary fishing rights an equitable share of royalties or other moneys paid to the State in respect of the grant by the State of rights to extract minerals from the land or the seabed”.

Madam Speaker, no such Law was put subsequent to the implementation of the 1997 Constitution. Unfortunately, the government actually did not do it then otherwise we would not be dealing with this Bill but we would have already had a Bill.

So, Madam Speaker, again it is very similar to the provision of the 2013 Constitution and today we are now giving substance to this Constitution provision as provided for in the 2013 Constitution which is under Section 30 of the Constitution, Madam Speaker.

Madam Speaker, the Bill itself if I could refer to the Bill, the provision of the Bill, if you see the definition, the Act binds the State because that is the only entity it can bind, Madam Speaker, Section 5 says that; “80 percent of the royalty that Government collects, Government will collect the entire 100 percent, 80 percent of that will go to the owner of the land”.

Say, if we collect \$1 million as royalty, \$800,000 will go to the owners of the land. The State will only keep \$200,000. Now, Madam Speaker, why have we done this? Because we believe that the State should be able to firstly, by imposing some very stringent conditions in the licence that we will give to the Mining Company, impose a number of conditions including environmental issues, and there should be a commensurate environmental bond put in place. Apart from the bond obviously they need to take steps on a daily basis to ensure there is no destruction of the environment thereabouts.

Of course, the State is willing to, in the same way in the Land Use Act, Madam Speaker, any lease land in particular *iTaukei* land that goes to the Land Use Act, all the moneys that is collected by the State as leased moneys from the lessee, 100 percent is paid to the landowners. iTLTB when they collect moneys from the lessees they keep 10 percent currently as their administration cost. Now, government believes that we need to play a facilitative role to encourage economic development. So in the same way we are saying that the owner of the land wherever the mineral is extracted from, whether it is the *itaukei* land, whether it freehold land the owners of that land will get 80 percent of the royalties that the State collects.

Madam Speaker, royalties to be held in trust, any royalty receive by the State in Section 6 must be held in trust by the Ministry until such time as the royalties is shared in accordance with the Act. So obviously when we get the royalty, when we may not be able to immediately dispense that but we need to keep it in trust and we can then give that out, Madam Speaker.

Section 7, Madam Speaker, actually says:

“The Ministry must (the Ministry of Lands) following the receipt of mineral resources, the receipts of any royalty liaise with the relevant agencies and consider the relevant registers to correctly identify the owner (to make sure who the owners are) and ensure the royalty is shared in accordance with Section 5 and pay to the State and the owner and if the land is communally owned, the share with the royalty that is paid to the owner is equally distributed to all owners of the communally owned land (in other words all members of the landowning unit)”.

If the Ministry is unable to identify the owner for the sharing of any royalty the Ministry must hold the royalty in trust until such time as the owner is identified. Any royalty that is shared in accordance with this Act must be paid in the case of the State into the consolidated fund and in the case of the landowner to the person who is owner at the time the royalty becomes payable.

Section 8 says:

“The Minister may make regulations or prescribed matters that are required or permitted by this Act to be prescribed or convenient to be prescribed for the carrying out or giving effect to this Act.”

Of course, Madam Speaker, we can put in place penalties, et cetera, if people do not follow this. That is the extent of the Act, Madam Speaker, and of course if you see the definition of “minerals”. The definition of “minerals”, Madam Speaker, has the meaning given in Section 163(1) of the Constitution but does not include clay, gravel, sand and other common mineral substances, Madam Speaker. Of course, we are looking at building upon them. This is in relation to specifically the Mining Act as has been defined with minerals, Madam Speaker, and the Minister responsible is the Minister responsible for mineral resources, the Ministry means the Ministry responsible for mineral resources also, Madam Speaker.

So Madam Speaker, that is the gist of this particular Bill. It is a very important Bill as we have highlighted in the introduction of this Bill that we need to disburse the moneys that are already held in trust as you know that we have the mining that was carried out in Vanua Levu and the royalties that have been received we have not disbursed them nor has it gone to consolidated fund, in fact it has been kept in trust because we knew that we have this Constitution provision and we simply, Madam Speaker, waiting for the Act to be put in place to be able to give substance to this particular provision.

Therefore, Madam Speaker, I would recommend that the Parliament actually supports this Bill. I think the provision of 1820 is actually we are erring on the side of being over generous. But we believe it is a good incentive and initiative to make the landowners also feel that they are being given a real stake in this. We believe that also, there is a requirement the Mining Act in Fiji is actually quite archaic. Honourable Dulakiverata would agree with that and again the current Ministry of Lands and Mineral Resources is actually looking at reviewing the Mining Act to make it a lot more modern.

Papua New Guinea of course, Madam Speaker, has revamped its Mining Act, they have a lot of more minerals than we do but, Madam Speaker, it also ensures that we modernise our laws.

Madam Speaker, also lastly I just want to refer Honourable Members of this Parliament that under Section 163(1) of the 2013 Constituon it defines “minerals”. It says, “minerals include all minerals extracted from land or seabed and includes natural gases also.”

So in the event that we do get it like I said in respect of clay, gravel, sand there are some other perimeter of an area that we currently looking at and how we can incorporate that too. But this obviously pertains to what we call the mainstream minerals.

So with those few introductory remarks, Madam Speaker, I would recommend that we support this Bill. Thank you.

HON. SPEAKER.- Thank you. The Bill is now open for debate and I invite input. Honourable Ratu Naiqama Lalabalavu?

HON. RATU N.T. LALABALAVU.- Thank you, Madam Speaker. I rise to make my contribution as well on the Bill that is before this august House.

From the outset, one can say the Bill is quite a timely one since it was part of the 2013 Constitution now it is into the fourth year and we are having something that is before us now.

In a way it is good but that does not stop us from trying to raise our views as well as to how best we can help clarify some of the ambiguities that we find with this Bill that was just presented this afternoon.

From the outset, Madam Speaker, some of the comments they have been making would be touching on areas that have been highlighted by the Honourable Acting Prime Minister and that is to do with the definition of the word “minerals” under Section 168 of the Constitution and that of Section 30 as well.

So, from the outset, Madam Speaker, in Section 168, it says “all the Members”. Yet, with the interpretation clause here on minerals on clause 2, it says, “but it does not include clay, gravel, sand or other common mineral substances.”

I understand what the Honourable Acting Prime Minister has stated that that will follow on or maybe they will come up with another legislation to cover the areas that have been exempted.

But again, as I said from my opening line, Madam Speaker, that on one hand this is good, but again it is half done. Why I am saying it is half done because the very minerals that we have been crying so much to have the rates reviewed on because of how it affects resource owners are these ones here; gravel, sand and other common mineral substances, including water.

If we are to leave this out, this is a wasting asset, it is a one-off thing. You extract it now it is gone. It takes a while for it to replenish or act on its own accord then we have some more gravel or sand for that matter.

So, I think that is important that we have this included as well so as to ensure that what has been stated here falls in line with Section 161 of the Constitution. It says, all the minerals, including Section 30 as well.

The second point that I would like to raise, Madam Speaker, is to do with the interpretation clause of royalty. To me, the definition of “royalty” here kind of fall short of what it really needs to specify.

If we look at clause 5 of the proposed Bill, Madam Speaker, it says 20 to 28 percent of a royalty to be paid but when you look at the definition of royalty they only state here that it means any royalty or other money paid to the state. What I am trying to bring up here, Madam Speaker, is

the percentage, 20 percent and 80 percent, is it linked to what? What would be the basis of the linkage of the 20 percent and 80 percent?

Like with the Fiji Pine Act, the definition of royalty there is a percentage payment of what comes out in the market or what the sale price is, so to speak. But here it just says 20 percent, 80 percent shares, and that is the requirement of the Constitution and I understand that. You just have to come up with the fair share formulae. But again the point that I am trying to drive here, Madam Speaker, it is linked to what? Is it linked to a turnover, the sale price or whatever mineral is going to be sold and it makes sense there to have a 20 percent, 80 percent equated on some price.⁵

The other point that I would like to raise, Madam Speaker, is to do with Clause 7. What is missing here, like the example given by our Acting Prime Minister in that it is just this piece of land, the surface right is owned by the native owners, freeholder or State, the mineral below belongs to the State. What happens to the right of adjoining lands that provides access to this development? Do they have a cut from the 20:80 percent as well, because they hold the key to the development of the mine? Because without their approval, there will not be any access, and we cannot be giving landlord mining leases without the provision of access.

So the point that I am trying to raise here, on this side of the House is that, how best can we include the provision of access and how does that lead on to the sharing of royalty because for sure if we allow access, then I would like to get a cut, a certain percentage or the output that is going to be derived from the mining investment. Those are the few issues that I wish to raise, Madam Speaker. I thank you for that.

HON. SPEAKER.- Honourable Ratu Kiliraki?

HON. RATU K. KILIRAKI.- Thank you, Madam Speaker. If I can elaborate a bit more on what my Honourable colleague had highlighted in terms of the exclusion of clay, gravel, sand and other common mineral substances which could be included too in the review of the Mining Act that is in place, because from the submissions to the Natural Resources Committee, there is about \$100 million to \$200 million generated in what they call as “waste minerals”. According to the Mineral Resources Department, this is a neglected development of minerals that is currently used, especially with FRA for the roads and buildings. This is where the resource owners have totally missed out from this money which is generated from the development minerals.

So in terms of royalty, you may remember, Madam Speaker, I had highlighted that the royalty from gravel used to be \$6.61, going through iTLTB because they were the issuing authority for those licenses until last year when it went back to the Ministry of Lands. The landowners completely missed out on the royalty because of the definition of the ownership of land whether it is in the middle of the river or as Government states, the tidal demarcation of the river belongs to the Government.

So, on the issue of the \$100 million to \$200 million as suggested, the resource owners are totally missing out on this for the development of the country. So I hope that this will also be taken care of when the Mining Act is reviewed, I believe it is currently ongoing. The other one is accessibility as also referred to by my Honourable colleague.

As we have always mentioned in regards to Nawailevu Mining, there was mining in Nawailevu where the bauxite was extracted and there is an access which belongs to another *mataqali*, and Naiviqiri where the jetty is, belongs to another *mataqali*. This jetty is used when bauxite is to be shipped out of the country. So those are the issues as highlighted whether this

mataqali that contribute to the extraction of the minerals, will they also be taken care of in this formula of fair share.

The third issue that I would also like to raise is in regards to Clause 7 (b) (ii); paid to the owner, is equally distributed to the owners of community-owned land. This is in regards to the Ministry as the authority to give out the money.

Equal distribution as I understand through the *iTaukei* Land Trust Board (TLTB), they have a system and process in place which also takes care of those who are under 18; whether this process of equal distribution will be taken care of in this Bill. Why I am highlighting that through the TLTB because they have all the names of the *mataqali*, their account numbers, those who are under 18, where will their money go to for investment and will they be able to receive their money that has been invested? So those are the issues that I would like to be taken into consideration in regards to this Bill. I commend the Government for putting this Bill through Parliament. Thank you, Madam Speaker.

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

HON. V.R. GAVOKA.- Thank you, Madam Speaker. Like my colleagues, we are grateful that this Bill has made it to Parliament but before I speak on it, Madam Speaker, can I move an amendment to the Bill?

I wish to move a motion that Clause 5 of the Bill to reflect a sharing formula that gives 10 percent of royalty to the State and 90 percent to the owner.

HON. SPEAKER.- No, we are onto the third reading now.

HON. V.R. GAVOKA.- You cannot change it at third reading, Madam Speaker?

(Honourable Member interjects)

HON. V.R. GAVOKA.- When did this Bill come to Parliament?

(Honourable Member interjects)

HON. V.R. GAVOKA.- All right. But I can speak on that, Madam Speaker?

HON. SPEAKER.- Yes.

HON. V.R. GAVOKA.- Yes, Madam Speaker. If TLTB is keeping 10 percent of the lease and whatever they collect, I think they work harder for it than the Government in this case where they want 20 percent. The basis for 20 percent is a little difficult to understand. We hear from the Honourable Minister that on the Land Bank, 100 percent goes to the landowners.

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

HON. V.R. GAVOKA.- 100 percent?

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

HON. V.R. GAVOKA.- TLTB, 90 percent goes to the landowners, so I do not really see any basis to justify the State to keep 20 percent. There may be complications on the line in terms

of the access that the Honourable Ratu Naiqama Lalabalavu has highlighted. So you need to put more into the pockets of the owners.

Madam Speaker, also on the matter of what is included under the definition of “minerals” in here. You remember we had that session at the Marriott where we had people from United Nation who came in to talk to us about, what they call the “Low Value Minerals and Materials” (LVMM). What they highlighted to us was that throughout the Caribbean, Africa and the Pacific countries, is that we tend to focus a lot on the high value minerals; the gold, the silver whatever, but what they indicated to us is that there is more money that is made out of LVMM; the gravel, the clay and all those stuff.

Unfortunately as highlighted by my colleague, Honourable Ratu Kiliraks, this LVMM, the process from it now goes to Lands Department because of the ownership of the river bed. What I would like to see is this Bill, not only talk about the sea bed, but also to talk about the river bed so that owners of the *qoliqoli* who own the *qoliqoli* and the rivers can also benefit from the LVMM that is extracted from the *qoliqoli*.

As has been proven that there is more value in terms of quantum from the low value minerals and materials than the higher valued ones. This has been proven and indeed the United Nations is trying to impress upon the Caribbean countries, African countries and the Pacific countries to focus more on this LVMM and I think it would complete this Bill, it would add to its value, to the recipients if we include that into this Bill. But other than that, Madam Speaker, the time has come that we have this, hopefully with the comments that we have made they could be factored in into this Bill. Thank you Madam Speaker.

HON. SPEAKER.- Thank you. Honourable Dulakiverata.

HON. J. DULAKIVERATA.- Thank you, Madam Speaker. I want to make a brief contribution to the Bill and I agree with my colleagues that it is good that this Bill has eventually come to this House. It has been over three years and I just want to make a few comments.

The current Mining Bill of 1965 dictates the royalty payment for the minerals. There are only two categories, Madam Speaker. On precious metal is 5 percent and poly metallic and heavy metal is 3 percent.

Madam Speaker, I think the Mining Act should first of all review this rate; the 5 percent and 3 percent. Say for instance, Madam Speaker, the company that mined the minerals at Nawailevu, \$10 million worth of bauxite, 3 percent of that will be \$300,000. That is all, Madam Speaker, the nation is going to get from the wealth or income and on that \$300,000 (3 percent) when we take 80 percent for that for the landowners, which is \$240,000 and 20 percent would be \$160,000. But the Government, Madam Speaker, will be getting other revenue from the taxes and all other fees that the company would be required to pay for the mining activities.

The point I would like to make, Madam Speaker, is the value of mineral fluctuates and increases over the years, but the rate of royalty is static, it has been 3 percent and 5 percent since 1965. If that is to be incorporated in the new Bill to reflect the increase in value of the minerals and we get an increase in percentage as well.

As had been mentioned by my colleague, the royalty shares of 80 percent and 20 percent, I go along with my colleague. I think the landowners should get more because it is the Governments' duty to look after the resources in the country and I think 20 percent is too much for

them to administer the resources. I go along with my colleague, if not 90 percent then they should pay the full 100 percent to the landowners.

As I had said, Madam Speaker, the Government had other avenues to charge the mining company other fees, to be able to get their revenue. That is all my contribution, Madam Speaker. Thank you.

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

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

I stand to give my brief contribution in terms of the Fair Share for Mineral Royalties Bill 2018. First of all Madam Speaker, just in terms of clarity of the fair share of royalty, 20 percent to the State and 80 percent to the owners; what we need to be clear about is, is this fair share based on all the other costs that have been highlighted in 1.2 that will be taken before we calculate the fair share or is it going to be based around gross?

HON. A. SAYED-KHAIYUM.- Gross.

HON. A.M. RADRODRO.- It is based on gross, thank you.

Also, Madam Speaker, in terms of this fair share arrangement, there should be a Clause to allow for the review of this fair share. There needs to be a review clause in cases where there is greater improvement in terms of the earning capacity of the company that is doing the extraction, there needs to be a review clause to ensure that it is not only set at 80:20, more probably going to review upwards or review downward, but there is a need to have a review clause in terms of the ratio of fair share of royalties.

Similarly, Madam Speaker, the clarification in terms of Clause 6. The Bill states that the royalties received by the State to be held in Trust by the Ministry responsible for the mineral resources. I think we have had this in terms of the Nawailevu cases, the Ministry has been keeping this sort of royalties with them.

But in terms of the workings of the Ministry, the work of the Ministry is not related to keeping trust, it should be kept probably by the iTaukei Lands Trust Board or other institute, instead of the Ministry.

Interestingly, Madam Speaker, the other issue that has been highlighted in the background is the extracted mineral from land or seabed. Is this probably the way in terms of mineral extraction that the Government is probably pursuing to look into, going forward in terms of extracting minerals?

I would like to also highlight, Madam Speaker, for those water that have been extracted and then regenerated into electricity, will that also be considered in terms of fair share of royalty as per stated in Clause 2 of the Interpretation?

For example, those that are producing electricity from Monasavu, the landowners, those in Taveuni, Nadarivatu, who are extracting water to generate electricity, with those activities also be accounted as part of the royalty fair share that is included in this Bill? Madam Speaker, thank you.

HON. SPEAKER.- Thank you. There being no other input. The Acting Prime Minister, we give you the right of reply.

HON. LT. COL. I.B. SERUIRATU.- Thank you Madam Speaker, I just want to make a very short contribution. I fully support the Bill and we all agree that it is long overdue. Of course, I think on some of the issues raised from the other side, the Honourable Attorney-General and the mover of the motion will perhaps, clarify some of the legal issues with relation to the Bill itself, Madam Speaker.

But let me just say that again, the Mining Act of course is archaic and it is under review. And hopefully let us approach this progressively because as alluded to by the Honourable Attorney-General in his opening statement, that this fair share of royalties earned from prospecting and mining of minerals under the Mining Act 1965.

As I have stated, let us approach this progressively. One is just dealing with perhaps, the high value minerals and then we can deal with others because at the same time, we are already reviewing the Mining Act 1965. And if the Honourable Jiosefa Dulakiverata and Honourable Ratu Naiqama Lalabalavu had addressed these issues probably when they were with the Department of Lands on the high value, then we would have been addressing the low value minerals now, but, Madam Speaker, we will address both.

Madam Speaker, let me just clarify few issues about Nawailevu. In Nawailevu, again coming back to the Mining Act, we all know that there is only one of the *mataqalis* that have the mineral on their land and, of course, they are the ones that have the bulk. But when it comes to the adjoining landowning units they were also given their share of the development based on the rates that were agreed when the initial consultations were made by the iTLTB and of course the Committee itself.

I think when it comes again to the royalty based on the Mining Act, that is something that is probably specific to the landowning unit where the mineral sits but in Nawailevu, we did take that into consideration. All the three Landowning Units were compensated but when it comes again to the share 20:80, Nawailevu had a very bad experience because even the two lawyers who represented them put down in their agreement. So 20 percent of whatever the landowners have goes to the lawyers which is far excessive, Madam Speaker.

And it is not only for the minerals, it is for all the deals, all the monies, including lease during that 18 years period of lease it was stated in there. So, these are some of the issues where the Landowning Units need to be given the right advice as well, particularly so that they can fully benefit from the shares of royalty.

Thank you, Madam Speaker.

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

HON. J. USAMATE.- Madam Speaker, I just stand to support the Bill. I think this Bill and what is before us in the House this evening is something that is quite historic. There has been a lot being said about the sharing of royalties in the past and as I was listening to the Acting Prime Minister introducing the Bill, and coming to realise that the provisions for such a legislation like this were already there in previous Constitutions - Constitutions of 1990 and 1997.

So many a times we have heard in the House where there are sentiments expressed by the other side, that the Government does not seem to care about the landowners, people that own the land. But then I was thinking, why was it that those Governments that were supposedly pro-landowners or pro-resource owners, why did they not do anything about this?

I am glad to see now that we are here in this FijiFirst Government that has actually made the step to do something about it. This just shows that this is a Government that walks the talk, that does something and not just like a hot air and talking. We have actually done something, they have brought the Bill to the House within only three and a half years, I might add. So you can imagine in the next 30 years, what this Government will do for this country.

(Laughter)

So, I am very glad this is a historic occasion. We have moved from zero percent of the royalty to 80 percent, that is something historic and something we should all celebrate. So, congratulations for getting us to this stage, and I look forward to the implementation of this Bill. *Vinaka vakalevu.*

HON. SPEAKER.- Honourable Acting Prime Minister.

HON. A. SAYED-KHAIYUM.- Thank you, Madam Speaker. Madam Speaker, just picking up on what the Honourable Minister for Labour, Industrial Relations and Employment actually highlighted, as I read out the introduction of this Bill, a similar provision was in the 1997 Constitution and 1990 Constitution.

Let us forget the 1990 Constitution, the 1997 Constitution came into being in 1997. Right from 1997 to 2006, the then Governments, including the Rabuka-led Government, the one-year of the Fiji Labour Party Government and then the Qarase-led Government, had the opportunity to make a law. They did not for nine years. They are complaining to us about three years, they had nine years they did not do it, Madam Speaker. So let us put things into perspective, let us appreciate what this Bill is doing and let us stop playing politics.

The other point, Madam Speaker, I completely agree in respect of things like gravel, sand, but Honourable Jiosefa Dulakiverata will tell us (Honourable Ratu Kiniviliame Kiliraki will know about it) that the laws around it are very scant.

Again, right from Independence, from the Ratu Mara-led Government had the opportunity to change the definitions. They had the opportunity to change the percentage of royalties, and none of them did. Why did they not do that? That is the question best answered to them. But the fact of the matter is, Madam Speaker, is okay to sit there and simply criticise without actually putting substantive law, Honourable Ratu Naiqama Lalabalavu was Minister for Lands and Mineral Resources. Why did they not do it then? Madam Speaker, the reality of the matter is, nothing was being done.

As the Honourable Minister for Agriculture has highlighted, the fact is, we are working on it because under the current definition of the Mining Act, these are the minerals that fall within that - the gravel, sand, clay, et cetera. The top soil does not fall within that definition of minerals. It is currently anything that is underneath the ground and yet, we are starting off with that. We have also made a commitment to include this but we need to ensure that all of it is fixed up.

We have currently, for example, say for gravel, royalties paid to iTLTB is \$6.61 per cubic metre; clay and soil - \$4.13; rock - \$3.31; topsoil - \$24.79, rivers spores - \$4.96 per cubic metre, which are paid to iTLTB.

So, Madam Speaker again we need to be able marry all, Honourable Ratu Kiniviliame Kiliraki did highlight, the issue about the Department of Lands and iTLTB as certain percentages

and certain royalties are paid in different agencies. We need to have a proper law around that, we need proper assessments around it, Madam Speaker, and that is what we are working on.

Now, Madam Speaker, the question was asked, I think Honourable Ratu Naiqama Lalabalavu raised the issue about the royalties, what is it linked to? As highlighted by Honourable Jiosefa Dulakiverata, it is actually that certain percentages that are stipulated in the Mining Act.

Now, what it says, Madam Speaker, is that under the Mining Act, the royalties become payable, depending on the intended use of the minerals. The point of distinction stands from whether the minerals are either:

- “i Destined for export, in which case all royalty payable on the minerals is payable by the exporter and shall become payable at the prescribed percentage of the value of the minerals based on the prevailing world market price;
- ii That a purchaser is willing to pay at the time of delivery of the minerals on board a ship or aircraft;”

That is how it has been calculated, or:

- “iii. To be intended for use locally, all royalty payable on the mineral is payable by the hold of the mining tenement from which the minerals are extracted and shall become payable and the prescribed percentage of the value of the minerals based on the prevailing world market prices, that a purchaser is willing to pay at the time of the extractions of those minerals.”

So that is how the actual royalty is calculated, Madam Speaker.

Honourable Kiliraki said that it should be done by iTLTB et cetera. Madam Speaker, of course, if the land underneath which the mineral is being extracted from, the land obviously has to be leased. If it is *iTaukei* land and if they are leasing the land through iTLTB, obviously the royalty will go to them to disperse it to the landowning unit and the individual members.

If, for example, however, you could have an instance where the landowning unit could have leased the land through the Land Use Act, so obviously the Ministry of Lands will have to distribute it under that system. The iTLTB of course will give that information. That is why the law says that you need to be able to deal with the agencies and once the agencies actually establish who the owners are, and accordingly the funds will be distributed.

So, it is nothing untoward and everyone who owns the land will actually get it. We actually knew that even if we, for example, said that the share royalty should be 90:10, the Opposition probably would say it should be 95:5.

Madam Speaker, the reality is this. From that 20 percent, because the gross royalty will come, from that 20 percent, the Government must look after all these things that are set out. So any benefit that the owners receive or may receive as a result of mineral exploration; the risk of environmental damage. So, even though there may be an environmental bond, sometimes the bond may not necessarily be enough. If, for example there is a huge spill, Government has to react overnight.

The bond may come in two days, we have to be able to have money to be able to deal with the situation. That is why the State actually has that money or “... any legal obligation of the State

to contribute to a fund to meet the cost of preventing, repairing or compensating for an environmental damage.” If, for example there is a claim later on, on the State by some other group saying because

of XYZ, because you gave the right for these people to extract the minerals, you have to pay us this much, they will take us to court.

That is what that 20 percent is for, Madam Speaker. The cost to the State of administering Exploration Exploitation Rights. As far as the Land Use Act is concerned, we give a 100 percent, yes, because we do not actually have to take care of those things. In this because it is a high risk area, that is why we are keeping 20 percent, Madam Speaker, and at the end of the day it is unprecedented. No one has ever given 80 percent of royalty for a particular benefit that solely should go to the State. Legally speaking, Madam Speaker, the State is the owner of the mineral, so the State is here giving 80 percent of its income to the landowners, whoever the landowners may be.

So, Madam Speaker, that is why these issues have been put in place. Madam Speaker, all of these could have been done years and years ago but we are dealing with it now. Madam Speaker, the other issue about the, what the Honourable Members did not pick up on, they are only talking about royalty but let me read this out, it says:

“30.—(1) All minerals in or under any land or water, are owned by the State, provided however, that the owners of any particular land (whether customary or freehold), or of any particular registered customary fishing rights shall be entitled to receive a fair share of royalties or other money paid to the State in respect of the grant by the State of rights to extract minerals from that land or the seabed in the area of those fishing rights. “any particular registered customary”

What does that mean? It means that if we charge a licence fee to the mining company the landowners also are entitled to 80 percent of the licence fee. So, do not just be thinking about the royalty. It says,

“...of royalties or other money paid to the State in respect of the grant by the State of those rights...”

So, by giving them a licence, we are giving them the right to extract so you will not only get 80 percent of the royalty, you will get 80 percent of the licence fees they pay us. It is there, Madam Speaker.

HON. OPPOSITION MEMBER.- (Inaudible interjection)

HON. A. SAYED-KHAIYUM.- Sorry? No, Madam Speaker, it says there. Let me refer you to this, look at the definition of royalty.

HON. MEMBER.- Page 2.

HON. A. SAYED-KHAIYUM.- Royalty means any royalty or other money paid to the State in respect of a grant and includes any interest accrued on the royalty. So you see, you are only thinking about royalty but we also included the licence fees. So, again it is a windfall, Honourable Members of the Opposition.

HON. MEMBER.- Unprecedented.

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

Madam Speaker, on the Monasavu issue, Honourable Radrodro. Monasavu, the water is not extracted, the water is collected. It is not coming from anywhere, it is coming from the sky. Madam Speaker, the Honourable Radrodro knows this that Monasavu when there is no rainfall, when it does not rain for a while the water dries up. So, obviously if the water was coming from underneath, it would not dry up.

(Laughter)

It comes from on top, it falls down that is why you build a dam to collect it. Madam Speaker, it is common sense, I do not want to go into that.

Madam Speaker, Honourable Minister for Agriculture is also reminding me in Nawailevu the land was actually leased to Fiji Pine Ltd, Honourable Lalabalavu, I think he is fully aware of this and again Government actually helped transfer that so landowners could directly lease. And again we made those kind of provisions Madam Speaker, to ensure that the landowners actually benefit from it.

So, Madam Speaker, you can hear numerous stories about this. There are many lawyers who have gone around saying even in the bauxite mining issue. There are two lawyers in particular without mentioning their names, they went and said to the landowners, "once we do this deal, we will get a certain percentage of what royalty you will get paid or whatever benefit you get; 5 percent or 10 percent."

Madam Speaker, there are a lot of sharks around. There are many people obviously, Madam Speaker, who know that sometimes they go for these huge windfalls. What this law does, Madam Speaker, is actually protect the landowners and also give them a benefit. This benefit is unprecedented, it is not only about from the royalties but also from the licence fees that Government collects.

Government has a huge responsibility, Madam Speaker, because you can bet your bottom dollar, if for example, anything goes wrong, if there is an international obligation, it is the Government that has to look after that particular problem. It is the Government that has to attend to that particular problem and this is why the retention of 20 percent, Madam Speaker, is a minuscule amount compared to the obligations on the State in the giving of the mining licence to the miners.

Madam Speaker, I urge all Members of Parliament to support this Bill. Once this Bill is approved it becomes an Act of Parliament and the first payment will be made from the Trust that has been there.

Again, to answer that issue, the reason why it is kept in Trust obviously, Madam Speaker, is because if for example the money comes in today, you will not necessarily pay to the landowners tomorrow. It may be done in a week, could be done in two months' time, depending on the ownership arrangements and we know exactly who it needs to go to. That is why we have to have a legal provision to say, it must be kept in Trust.

It also captures the money that is already kept in Trust. It is approximately \$1 million because as we said when the bauxite mining started, this Constitution was in place and we knew that there would be a law put in place so Government did not actually transfer that fund to Consolidated Fund.

They kept it as a Trust so there is proper accountability, as soon as this becomes an Act, the landowning unit will actually get 80 percent of the royalty that Government has kept, Madam Speaker and I urge all Members to support this Bill. Thank you.

HON. SPEAKER.- Parliament will now vote.

Question put.

HON. SPEAKER.- The question is:

Pursuant to the resolution of Parliament passed early this afternoon, a Fair Share of Mineral Royalties Bill 2018 will now be debated, voted upon and be passed. Does any Member oppose the motion?

(Chorus of “Noes”)

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

Motion agreed to.

SECRETARY-GENERAL.- A Bill for an Act to give effect to Section 30 of the Constitution of the Republic of Fiji to establish the Process of a Fair Sharing of Royalties and the Extraction of Minerals and for related matters, Bill No. 9 of 2018, enacted by the Parliament of the Republic of Fiji. (Act No.)

(Applause)

HON. SPEAKER.- We will move on to the next Item in the Order Paper.

REVIEW REPORT ON THE FIJI HIGHER EDUCATION COMMISSION’S 2014 ANNUAL REPORT

HON. SPEAKER.- I have been informed that the Deputy Chairperson will move the motion. I wish to clarify that at the end of the debate, we will be voting merely to note the Report and once the vote is taken, it ends there and the Report will not be debated again in Parliament. I now call upon the Deputy Chairperson of the Standing Committee on Social Affairs to move the motion.

HON. V.K. BHATNAGAR.- Thank you, Madam Speaker, I move:

That Parliament debates the Committee Report on the Fiji Higher Education Commission’s 2014 Annual Report which was tabled on 7th March, 2018.

HON. S.B. VUNIVALU.- Madam Speaker, I beg to second the motion.

HON. SPEAKER.- I now invite the Deputy Chairperson of the Standing Committee on Social Affairs to speak on the motion.

HON. V.K. BHATNAGAR.- Madam Speaker, the Honourable Acting Prime Minister and Honourable Members. On behalf of the Honourable Members of the Social Affairs Standing Committee, I take this opportunity to speak on the motion.

Madam Speaker, the Committee acknowledges the Fiji Higher Education Commission’s role in the establishment of national standards for different qualifications and the provision of quality assurances. The Higher Education Promulgation was gazetted on the 14th October, 2008 and came into effect on 1st January, 2010 which establishes the Fiji Higher Education Commission as an autonomous governance framework.

Madam Speaker, since its inception in January 2010, the Commission has been working towards regulating the operation of Fiji Higher Education Institutions (HEIS) and the qualifications they offer through its recognition, registration and accreditation processes. The Committee was pleased to know that in 2014 the Commission registered 23 Higher Education Institutions out of which six institutions were awarded with professional registration including the University of Fiji and the Fiji National University.

It is interesting to note, Madam Speaker, that in 2014 the continuation of financial incentives from the Government has cemented pathways to strengthen the current processes within the Commission. Recommendations on the development of national qualifications have received positive responses from industries and major higher education institutions and advocacy has been in place to promote and understand how they enhance higher education provisions in Fiji.

The year marked the beginning of the allocation of Government grants by the Commission of HEIS. This is a mandated function of the Commission which after much research and analysis was able to be implemented, based on a transitional model which would continue to evolve in the coming years. It was interesting to note, Madam Speaker, that a total of 10 HEIS including the three Universities received operating grants, as a result there was an increase in the staff capacity for this activity as it was necessary to consolidate the work and facilitate the processes that are necessary for fairness, equity, accountability, transparency and quality in the process of allocating grants.

The Commission was acutely aware of the need to strengthen its supporting infrastructure to enhance efficiency and accountability. For this reason it moved away from accounting on cash basis towards accrual accounting.

Despite encountering some challenges in 2014, Madam Speaker, the Commission was able to counteract and achieve more than its mandated KPIs for the particular year.

The Committee commends the overall performance of the Fiji Higher Education Commission in 2014 with its effort in continuing to support the education framework that promotes quality relevance and consistency, most importantly continuing to seek new opportunities to further develop and strengthen Fiji Higher Education Commission's operation.

Madam Speaker, the Review Report does not have any major issues to recommend to Parliament for consideration. However, the Committee have noted the contents of the FHEC 2014 Annual Report and anticipates that within these past four years, corrective actions have been taken by FHEC to address the challenges that were encountered back then in their service delivery.

Madam Speaker, with these few comments as a Member moving the motion, I thank you for this opportunity.

HON. SPEAKER.- Thank you. The motion is now open for debate and I invite input, if any.

(There was no contribution from Honourable Members)

There being none. I call upon the Deputy Chairperson of the Standing Committee on Social Affairs to make concluding remarks, if any.

HON. V.K. BHATNAGAR.- Thank you, Madam Speaker, I have no further comments to make.

HON. SPEAKER.- Thank you. Parliament will now vote to note the content of the Report.

Question put.

Does any Member oppose the motion?

(Chorus of “Noes”)

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

Motion agreed to.

**REVIEW REPORT ON THE FIJI ASSOCIATION OF SPORTS
AND NATIONAL OLYMPIC COMMITTEE (FASANOC) 2016 ANNUAL REPORT**

HON. V.K. BHATNAGAR.- Thank you, Madam Speaker, I move:

That Parliament debates the Review Report on Fiji Association of Sports and National Olympic Committee (FASANOC) 2016 Annual Report which was tabled on 7th March, 2018.

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

HON. SPEAKER.- I now invite the Deputy Chairperson of the Standing Committee on Social Affairs to speak on the motion.

HON. V.K. BHATNAGAR.- Madam Speaker, on behalf of the Honourable Members of the Social Affairs Standing Committee, I take this opportunity to speak on the motion.

In reference to the Committee Review Report on the Fiji Association of Sports and National Olympic Committee (FASANOC) 2016 Annual Report which was tabled in Parliament on 7th March, 2018, the Fiji Association of Sports and National Olympic Committee (FASANOC) was founded on 25th March 1949 and achieved International Olympic Committee (IOC) Recognition on the 20th September, 1955. It is responsible for the coordination and management of Fiji Teams to the Olympic Games, South Pacific Mini Games, South Pacific Games and the Commonwealth Games. It also provides technical assistance and funding to its affiliates in the areas of coaching, athlete development, sports medicine and sports administration.

FASANOC is an affiliate to the International Olympic Committee as a member of the Oceania National Olympic Committee (ONOC) and a member of the Association of National Olympic Committee (ANOC) and also a member of the Commonwealth Games Federation and the Pacific Games Council.

Madam Speaker, FASANOC finances its activities through a number of sources. The Fiji Government assists FASANOC towards Team Fiji's preparation and participation cost. It also provides financial assistance to its affiliates for Team touring overseas, training of athletes for the preparation on international events and meets, for hiring of coaches and development officers, for hosting of international tournaments in Fiji.

Madam Speaker, the Committee also noted that in 2016 FASANOC participated and involved in the following key activities;

- Development of its 2017-2021 Strategic Plan;

- Implementation of FASANOC's research and agenda;

- Olympics Solidary Programme (Oceania, Australia Foundation Programme);
- Rio 2016 Olympic Games and Para-Olympic Games and
- other community engagements.

Madam Speaker, majority of FASANOC's income came from the grant that was received from the Government for Team Fiji's preparation for the RIO Olympic and other income from the International Olympic Committee and a smaller portion from the Commonwealth Games Federation.

Madam Speaker, in 2016 FASANOC received a total income of \$4.644 million from the grant which is equivalent to 84 percent of its total income, \$339,557 that is 6 percent of the total income from its rental income of Suva Apartments, which is owned by FASANOC and this rental income helps FASANOC fund its Fiji Olympic House's daily operation which has ten full-time staff.

Madam Speaker, other FASANOC's revenue came from the sponsorship which was \$282,691, that is 5 percent, other income \$142,754, that is 3 percent. An income of \$70,413, that is 1 percent and net finance income of \$34,942, that is, 1 percent, and the rest of the revenue came from the functions and events and the sale of inventories.

Madam Speaker, the Committee noted that majority of FASANOC's expenditure in 2016 was allocated for Team Fiji's expenses which amounted to \$4,135,763, that is, 84 percent of the total expenditure and administration expenses were \$425,843 and that is 9 percent and \$332,668, that is 7 percent.

Madam Speaker, the Committee also took note of FASANOC's engagements in 2016 apart from Olympic Games, the Association was also engaged in the Review of their four-year Strategic Plan.

Madam Speaker, the year 2016 marked a golden moment that will be etched in the minds of the Fiji Sevens players themselves and our nation as a whole. We are fortunate enough to have been part and parcel of the Rio Olympics, blessed with spectacular skills and formidably effective debut, the Fijians registered the greatest sporting kind in the Pacific nations' history in 2016, and this is one of the ever greatest achievement of FASANOC.

In 2016, Madam Speaker, FASANOC implemented the resurgence agenda and development of its 2017-2021 Strategic Plan. The resurgence agenda is supported by a grant from the Commonwealth Games Federation and supplemented by Olympics Solidarity Funding aimed that building the capacity of the national federations, both in administration and coaching through the Oceania Sports Education Programme (OSEP).

I believe, Madam Speaker, that governance administration of these national federations will be strengthened and enhanced to subsequent monitoring and evaluation processes in achieving the Association's mission in developing, protecting and promoting sports participation and excellence for all the people of Fiji.

Madam Speaker, taking into consideration FASANOC's performance in 2016 where there is contribution towards sports development in Fiji, the Committee commends the commitment and perseverance and is looking forward to all national federations to improve their collaboration and cooperation with the Association and most of all, other key stakeholders to continue with their support towards the Association.

With those few comments as the Member moving the motion, I thank you for this opportunity, Madam Speaker.

HON. SPEAKER.- Thank you. The motion is now open for debate and I invite input, if any.

There being none, I call upon the Deputy Chairperson of Standing Committee on Social Affairs to make concluding remarks, if any.

HON. V.K. BHATNAGAR.- Thank you, Madam Speaker, no further comments.

HON. SPEAKER.- Parliament will now vote: to note the content of the Report. Does any Member oppose the motion?

(Chorus of “Noes”)

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

Motion agreed to.

HON. SPEAKER.- Honourable Members, I thank you so much for your patience. I thank you so much for it has been long and we are having a very healthy debate and therefore there is a big dinner waiting for you in the Big Committee Room. The Parliament is now adjourned until tomorrow morning at 9.30 a.m. Thank you.

The Parliament adjourned at 8.12 p.m.