

PARLIAMENT OF THE REPUBLIC OF FIJI



PARLIAMENTARY DEBATES

DAILY HANSARD

TUESDAY, 12TH FEBRUARY, 2019

[CORRECTED COPY]

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TUESDAY, 12TH FEBRUARY, 2019

The Parliament met at 9.31 a.m., pursuant to notice.

HONOURABLE SPEAKER took the Chair and read the Prayer.

PRESENT

All Honourable Members were present except the Honourable Major-General (Ret'd) S.L. Rabuka.

MINUTES

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

That the Minutes of the sitting of Parliament held on Monday, 11th February, 2019, as previously circulated, be taken as read and be confirmed.

HON. A.A. MAHARAJ.- Honourable Speaker, I second the motion.

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

The Question is:

That the Minutes of the sitting of Parliament held on Monday, 11th February, 2019 as previously circulated, be taken as read and be confirmed.

Does any Member oppose the motion?

(Chorus of 'Noes')

HON. SPEAKER.- Honourable Members, as no Member opposes, the motion is agreed to unanimously.

COMMUNICATIONS FROM THE CHAIR

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 the television and the internet, and those listening to the radio.

Honourable Members, at this juncture, I would like to take a more pleasant departure to wish the Honourable Alexander O'Connor a very happy birthday.

(Applause)

May the Almighty continue to bless him abundantly. I am told he is 65 years old. I somehow doubt that, but I will be corrected. Thank you, Honourable Members.

QUESTIONS

Oral Questions

HON. SPEAKER.- Honourable Members the first Oral Question for today will be asked by the Honourable Anare Jale. Honourable Member, you have the floor.

Complaints of Poor Infrastructure (Question No. 11/2019)

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

Can the Honourable Minister for Infrastructure, Transport, Disaster Management and Meteorological Services advise Parliament on Government's plans to provide timely attention to complaints of poor infrastructure, like road conditions, wharf/jetties and cell phone towers in the maritime areas?

HON. J. USAMATE (Minister for Infrastructure, Transport, Disaster Management and Meteorological Services).- Mr. Speaker, Sir, in answering that question, I would like to, first of all, start by congratulating you on your election as the Speaker of the House, and we look forward to continuing to work in the House under your guidance and supervision.

In response to the question raised by the Honourable Anare Jale, I think the question basically has two components; the first component is about how Government or in particular, the authorities that we have established to look after those areas are responding to complaints on things, like road conditions, wharf/jetties which actually fall under my portfolio, which is carried out by the Fiji Roads Authority (FRA) and the other component is on cell phone towers which is not really part of my Ministry but is part of Communications but we know that cell phone towers are something that the Vodafone and Digicel do at their own behest. I am not fully aware if the Ministry of Communications has programmes to see how it works with those two companies in addressing those issues. So I have addressed the first bit first.

In terms of complaints that come in relation to road conditions, wharf and jetties, et cetera, the FRA has the responsibility to deal with them. On average, it has its own systems and what the FRA tries to do is to deal with as many complaints as possible within 48 hours, so they have a timeline.

They receive the complaints, they logged them in, then within 48 hours, try to address those complaints. So they have a department where they have customer service representatives, whose job is to receive these complaints, farm them out to the various departments within the Authority, to address those complaints.

One of the initiatives that they have at the moment is to increase the number of customer service representatives they have on hand to deal with the volume of complaints that come through. The intent of the customer service representative team is to close all the service requests that are made to them and this is a major Key Performance Indicator (KPI) for the FRA - the number of complaints and how well they are able to close these complaints.

FRA has a system of tracking the response time so they have data on how many of those complaints they are able to address within 48 hours and what percentage of this tend to take longer.

In order to address this further, they have made some internal changes. Now, when complaints are made, they are also reported directly to the Chief Executive Officer (CEO). So right at the very top of the organisation, there is a focus on addressing those complaints. Once the CEO gets those complaints,

he then in turn, directs his staff to assess the complaints and make recommendations to his Office on how these things can be addressed.

Every week, there is a weekly summary of all the service reports. They are all submitted to the CEO for tracking purposes, to ensure that all the complaints are addressed.

There has been some good progress as a result of the process that they have. At the end of 2017, FRA had approximately 9,000 service requests. By the end of 2018, they had been able to reduce that down to 6,100, so that is about 30 percent of the service requests had been addressed. At the end of January 2019, there were only 4,400 service requests that were still open. That is a reduction of more than 50 percent in the last two years.

In addition to the service requests that had been addressed by FRA, they have also been sending out teams to the islands. They have sent a team out to Gau to work on damaged infrastructure, a second team will leave for Lakeba on 15th February to work on the roads and the jetty in Tubou which needs some work. Works on this jetty is expected to be completed in early March, so there are also teams that are going out to the various islands in Fiji.

Just to talk a bit more, I know there is a lot of concern, a lot of Honourable Members are always talking about jetties and roads around the islands, I know the Honourable Radrodro is always talking about the jetty in Vanuabalavu, there is around 15 islands that we need to address when you are talking about jetties and roads. That is in Cicia, Makogai, Rotuma, Gau, Matuku, Taveuni, Kadavu, Moala, Totoya, Koro, Ovalau, Vanuabalavu, Lakeba, Rabi and Yasawa.

Now, traditionally, the way that we have managed the assets of the FRA on these islands whether they are roads and jetties has been through the Central, Northern and Western maintenance contracts that were carried out on Viti Levu and Vanua Levu.

Operating on these outer islands has its particular challenges, one is because of logistics. Obviously, there is going to be problems around logistics and transporting – transporting equipment, manpower and materials.

There is always a problem also of weather conditions and the availability of resources. Recently, I was on the island of Kadavu, I have been having a look at the road that is being developed from Vunisea going up to Vacalea and the road down from Tavuki to go down right to the end of Yawe. The big problem that we have there is raw materials.

The raw materials that they found in Kadavu so far have not met the standard that FRA requires, so they have been looking for new sources of raw materials and I think one has been identified in Kiobo in Namara. At the moment, the resources are being shipped from Suva for all the roads in Kadavu, so those sort of things are always an issue. There are issues around the material supplies which has meant that over the past two decades, a lot of the work has been either temporary or holding solution, until you can get the right materials in place.

So, because of those sorts of difficulties, we have had accelerated depreciation of the assets that we have in terms of loading, et cetera, at a rate that was much higher than what you would find here on the main islands in Viti Levu and Vanua Levu. And because of this, the unit cost of the works that you do is far higher in the outer islands, compared to the main islands. A good example of this is the deterioration of the roads that we have in Ovalau or the deterioration of the jetties that we have.

But in the work of the FRA back in 2017/2018, they identified that new works and the maintenance on the outer islands is something that they need to focus on. So there is a renewed emphasis

or focus on new works and maintenance on the outer islands. As a result of this, the FRA has developed a new four-year Capital Improvement and Maintenance Programme and there is a tender for a contractor to implement this Programme and it will be going out to the market in February so that the work can commence.

With this new Capital Improvement Maintenance Programme, it will focus on delivering major improvement works across the islands, including major road upgrades, new bridges and crossing replacements. A major focus of the Capital Improvement Programme will be the replacement of many of the ageing jetties servicing the outer islands. Many of those are quite old, but that is now our focus to do this.

This new Capital Improvement and Maintenance Programme will also deliver a more coherent and a quality-driven maintenance programme throughout the islands and this will be overseen by a new islands dedicated team within the FRA. So now FRA has set up a team that looks basically at just the outer islands and manages all those works in terms of the work that needs to be done.

The FRA will have a team of works managers and works inspectors that are based in the outer islands, so they are not going to travel all the time from Suva, they will actually be in the islands. When I was in Kadavu in December, there was actually an FRA worker there who was reviewing all the work that was being undertaken to make sure that it met the requirements that we had and monitored to ensure that we have compliance with the quality standards and all the programme requirements that we have.

So, I think those are some of the developments that we are taking up, I talked about the approaches that we have been using in the past and the proactive approaches that are being taken now to try to minimise the number of complaints that will come in the future. Thank you, Mr. Speaker, Sir.

HON. SPEAKER.- Thank you, Honourable Minister. Honourable Member you have the floor.

HON. S.V. RADRODRO.- Thank you, Honourable Speaker. I must say, I am very disappointed with the Honourable Minister's response. All we hear are excuses. Those jetties were done by previous governments, this Government, the former Minister did not do anything about those jetties.

Honourable Speaker, my question to the Honourable Minister is, when will you build the passenger shelters in all those jetties? If there is anything your Government can do, build the passenger shelters. Thank you, Honourable Speaker.

HON. SPEAKER.- Thank you, Honourable Member. Honourable Minister you have the floor.

HON. J. USAMATE.- Thank you, Honourable Speaker. I think if you go around the country, there is one thing you will realise where we do not have endless buckets of money in Government. So when you are looking at what you need to do

(Honourable Members interject)

HON. SPEAKER.- Honourable Minister, you have the floor.

HON. J. USAMATE.- When you are looking at what you need to do, you must be sensible.

(Laughter)

Being sensible means having common sense. It means looking at the money that you have, looking at what your priorities are ...

(Honourable Members interject)

HON. J. USAMATE.- ... at the point of time and deciding, “this is my priority, this is where I am going to put this amount of money at that particular point in time.” When I go around the country, every village, every unit is always asking for road humps, my road hump, my road hump, my road hump; my road, my road, my road; my jetty, my jetty, my jetty. But this is a Government that looks after all the people in this country. So with the money that we have

(Honourable Members interject)

HON. J. USAMATE.- We have already built a shelter in Taveuni ...

HON. S.V. RADRODRO.- Only one.

HON. J. USAMATE.- ... and my relatives in Vanuabalavu know, we will also address their needs over time, but we need to work hand in hand and we have got to be sensible.

HON. SPEAKER.- Thank you, Honourable Minister. Honourable Nawaikula, you have the floor.

HON. N. NAWAIKULA.- Talking about being sensible, you must admit, you removed all the Public Works Department (PWD) Depots from where they were established. Now you are saying that you are limited to 48 hours response time and you are also saying that now you are looking back to putting stations in Kadavu and elsewhere, like you had in PWD. What is your alternative now after taking out the very important source that were there to respond quickly? PWD, as if you are not putting them back, or what is your alternative?

HON. SPEAKER.- Thank you, Honourable Member. Honourable Minister you may have the floor.

HON. J. USAMATE.- I think the intent at the end of the day is to make sure that the service is provided, so all the depots that are there, the work has been farmed out to the contractors who had worked for the FRA.

When you go to these depots, there are people there to make sure that the work is carried out, there are machines there. And now, FRA is making sure that they also have their people on hand to make sure that the work has been carried out. At the end of the day, you have got to look at the quality of the work that has been done whether it is timely and so forth, and what we can see here in terms of the volume of work that has been undertaken for the past few years, our ability to be able to service the needs of the people in the outer islands has improved drastically. So there are people out in the islands, there is work that has been carried out by FRA with all the companies that are being contracted and we will continue to be able to improve that so we can provide service to the people out in the outer islands.

HON. A. SAYED-KHAIYUM.- Talk to the Honourable Member behind you.

HON. SPEAKER.- Thank you, Honourable Minister. Honourable Anare Jale, you have the floor.

HON. A. JALE.- Honourable Speaker, I have been informed by the people of Vanuabalavu that the FRA is using sense to fill in the potholes on the roads in the island.

(Honourable Members interject)

HON. A. JALE.- In the past, gravel used to be used, but you will know now that after another rain there will be potholes around again. I would like to ask the Minister what action is he going to take because it is really a concern to the people in the islands, it appears that they have been rated as second citizens of Fiji.

The second part of the question, Honourable Speaker, is the Tarukua Jetty. The Government had promised that it would repair the jetty about two years ago. The jetty has not been repaired until now. Thank you, Honourable Speaker.

HON. SPEAKER.- Thank you, Honourable Member. Honourable Minister, you have the floor.

HON. J. USAMATE.- Which jetty is that?

HON. A. JALE.- Tarukua in Cicia.

HON. J. USAMATE.- Tarukua in Cicia. One of the things that I mentioned in my initial response, one of the challenges that we face in the outer islands that we often do not have the quality of raw materials in that island to address the needs.

HON. A. SAYED-KHAIYUM.- Reality, sensibility.

HON. J. USAMATE.- The island of Kadavu, I have been to Kadavu many times because I was raised as a Kadavuan.

(Honourable Members interject)

HON. J. USAMATE.- If you go to Kadavu, you have a lot of rocks all over. If you go up my side, Naceva, full of rocks everywhere. But when they do the analysis of this island, I do not know about Ono Island, there are no rocks there.

(Laughter)

When you do the analysis of these rocks, they found the rocks were not good enough for the roads that you have. So they still have to import even on Kadavu, they had to import roads across from Viti Levu.

So one of the exercises that FRA is doing now, they have got a team of people trying to identify sources of raw materials around the island. There is a big team that is doing that, assess those raw material sources, making sure that they are up to par with the standards and then try to extract them. So they have got teams in Vanua Levu, teams in Kadavu and other places. In some of the islands that we have out in the Lau Group, it will be very difficult for us to get the correct type of raw material. They might have to be barged from somewhere else.

So in those sorts of situations as I said before, when you are on a temporary basis, you have to use what is available, that once again is common sense. If you do not have a gravel on the road that is on the quality that is required to meet roads, what else are you going to use. You will have to bring it from Viti Levu, but in the meantime, common sense again, you use what you have. But there will come a time when there is adequate raw material that you can put the right raw material on the road and build it up to the standard that is required. Thank you, Mr. Speaker, Sir.

HON. SPEAKER.- Thank you, Honourable Minister. Last supplementary question, Honourable Member, you have the floor.

HON. RO F. TUISAWAU.- Thank you, Honourable Speaker. Just a question on the explanation, the emphasis using sand but what I hear is a lot of nonsense, because when you look at FRA comparing their budget to PWD, it is about 100 times or 200 times more.

So my question is, when you look at that budget and what you are using now through FRA and through the contractors and mind you, there was a problem with MWH or the engineering contracting firms. Up to now, we do not know how much was lost there, in addition, engaging contractors that is costing millions and millions extra. So, what I am asking is, has the Government (since establishing FRA) done any cost benefit analysis from that time up to now comparing what we are spending now to what we used to spend in the past? I think that should show really whether we are using sense or nonsense in this operation. Thank you.

HON. SPEAKER.- Thank you, Honourable Member. Honourable Minister, you have the floor.

HON. J. USAMATE.- I think if you walk around Fiji today, if you walk around just from Suva to Nausori, you look at the quality of the road that you have in

(Chorus of interjections)

HON. SPEAKER.- Order, order!

HON. J. USAMATE.- And you realise also the pot holes are there because of the poor quality of work that was done before that this Government has to rectify to improve.

Now, in place of what was there in the past, you dig it out then you use a better solution to make sure that you put in something in place that will last longer. Remember that now we have more vehicles on our roads, we have climate change, we have all of these things that are impacting the roads. But the true value that we have

(Honourable Member interjects)

HON. J. USAMATE.- I still have the floor, Mr. Speaker, Sir.

HON. SPEAKER.- Yes. You have the floor.

HON. J. USAMATE.- I have the floor. So the true value would be seen in terms of how well we are able to provide the road services and this is obvious across the country that we have been able to provide that.

HON. RO F. TUISAWAU.- Point of Order! Standing Order 45(4). The answer is not relevant to the question. The question is, has the Government done any cost benefit analysis comparing FRA to Public Works Department (PWD) operations from 2007 or whenever FRA was established to now? Have they done any cost benefit analysis?

HON. SPEAKER.- Thank you, Honourable Member. Honourable Minister?

HON. J. USAMATE.- Mr. Speaker, Sir, the question that we had initially was about rural roads and so forth. The question for a cost benefit analysis for the impact of the total amount of money that we are spending in terms of FRA vis-à-vis what we used to do before is a totally new question in this case. In that case, it is irrelevant. Out of context.

HON. SPEAKER.- Thank you, Honourable Minister. I think we have exhausted this question and we will move on to the next question. But before we do, I note, I do not know for what reason, perhaps others here might have, that the jetty in Tubou is also being looked at.

(Laughter)

Honourable Members, we will move on and I have the pleasure of giving the floor to Honourable Rohit Sharma for the second oral question for today.

Hydrographic Unit – Fiji Navy
(Question No. 12/2019)

HON. R.R. SHARMA asked the Government, upon notice:

Can the Honourable Minister for Defence, National Security and Foreign Affairs explain to Parliament the hydrographic responsibility of the Navy and the new vessel acquired recently?

HON. LT. COL. I.B. SERUIRATU (Minister for Defence, National Security and Foreign Affairs).- Thank you, Honourable Speaker and I wish to thank the Honourable Member for the question and I rise to respond accordingly.

There are two parts to the question, Honourable Speaker and I would like to address it as such. One is on the responsibility of the Hydrographic Unit within the Fiji Navy and, of course, the new vessel that was acquired recently.

Honourable Speaker, we all know that Fiji is a maritime nation and the role of the Hydrographic Unit is so important and we need to ensure, as a responsible Government, to have an effective and efficient Hydrographic Unit for two major reasons, and they are as follows:

1. Safety of the travelling public, not only domestically but this also includes foreign-going vessels; and
2. Most importantly in support of our economy which is very critical for a developing country, such as Fiji.

Honourable Speaker, the Hydrographic Service that is provided by the Fijian Navy is responsible for surveying Fiji Waters and providing updated hydrographic and oceanography data for the safety of navigation for ships that traverse our waters. I will explain these technical terms, Honourable Speaker - Hydrographic and Oceanography.

Hydrography, Honourable Speaker, mainly deals with the surface of the seawater for the safety of navigation and that is a brief description of what Hydrography involves. It is about the surface of the seawater and in respect to its use for the safety of navigation.

When we talk about Oceanography, we are dealing about depths usually below 400 metres and this is also part of the responsibility that is given to the Fiji Navy and it usually involves salinity, the density of the seawater, even its temperature, currents and, of course, the seabed as well. Those are the two major tasks when we are dealing with the role of the Fiji Navy and as far as Hydrography and Oceanography Data is concerned.

Honourable Speaker, it is part of Fiji's obligation to the Convention on Safety of Life At Sea (SOLAS) and as members also of the International Maritime Organisation (IMO) and, of course, the

International Hydrographic Organisation. If I may also explain this for the benefit of the Honourable Members, the International Hydrographic Organisation, Honourable Speaker, deals with what I have just explained - Hydrography and Oceanography.

The International Maritime Organisation, Honourable Speaker, is mainly responsible for all regulations involving the Maritime Industry and this is the very Organisation that comes every now and then to audit all countries, that is the role of the IMO and, of course, as I have stated earlier, the International Obligation under the Safety of Life at Sea (SOLAS) Convention.

This safety, Honourable Speaker, has three major components:

1. Search and Rescue (Search and Rescue Unit within the RFMF);
2. Hydrographic Unit (With the Fiji Navy); and
3. 3DP Coastal Radio (For ships that are moving, particularly inter-island).

For those that were in the Public Service a long time ago, this role used to be with Post and Telecommunications previously, but now because we have the Fiji Navy from 1975, and with the recent infrastructure and development in the country, this role has been shifted to the Fiji Navy, so that basically is the Hydrographic Unit.

On the vessel, Honourable Speaker, we are thankful again to the People's Republic of China that under the Defence Co-operation Programme with the RFMF, they provided us with this multi-purpose, multi-role vessel which has been commissioned on 21st December, 2018, and it has been named, '*RFNS Kacau*'.

Let me just briefly touch on some of the key priorities that need to be undertaken. I will say "priorities", Honourable Speaker, because for us, for a long time, some of the charts that we have in Fiji dates back to Captain James Cook's days and we are thankful for that, and then in our early years, you would know very well, Honourable Speaker, that it is through the Royal Navy and the New Zealand Navy where we had some surveys undertaken in Fiji. If I recall correctly, we used to have the *HMNZS Monowai* that did most of the work in Fiji. Again this work, Honourable Speaker, was given priority in certain areas.

Fiji has a landmass of about 18,333 square kilometres but we have the Exclusive Economic Zone (EEZ) of approximately 1,290,000 square kilometres.

Honourable Speaker, the current status of hydrographic survey and charting in Fiji are as follows (and I will end here):

1. For depths less than 200 metres:
 - 63 percent of Fiji Waters has been adequately surveyed;
 - 30 percent requires re-survey; and
 - 7 percent have never been systematically surveyed.
2. For depths greater than 200 metres:
 - 85 percent of Fiji Waters have been systematically surveyed; and
 - 15 percent of Fiji Waters with depths more than 200 metres have never been adequately surveyed.

Honourable Speaker, in saying the above, it is clear that 85 percent of our waters beyond 200 metres depth have never been surveyed. Let me, once again, say that the arrival of this vessel, together with the capability that it brings, can help us in the conduct of surveys and, of course, it is indeed a blessing for Fiji and the Hydrographic Unit within the Fiji Navy. There is a vast potential of resources and discoveries that we have yet to rediscover in our offshore waters and this will be the focus of the RFNS *Kacau* and the team.

Honourable Speaker, the ship is equipped with the latest hydrographic technology. The new vessel dramatically enhances the Fiji Navy hydrographic survey capability noting that most of the survey data on the navigation charts relating to Fiji, as I have stated, was conducted by Captain James Cook and Abel Tasman in the 1800s and, of course, the British Admiralty Navigation and, of course, the Fiji Navy is taking responsibility now to improve on these services with the capabilities that it has. That is the brief response to the question and I will be happy to take supplementary questions, Honourable Speaker, thank you.

HON. SPEAKER.- I thank the Honourable Minister. Honourable Member, you have the floor.

HON. M.D. BULITAVU.- Thank you, Honourable Speaker. I thank the Honourable Minister for the answer this morning, and given the new vessel that has been donated by China, how quick will the Fiji Navy start with the unsurveyed 85 percent of 200 metres survey that will be done; whether there will be a timeframe given for them to do that or it will be a continuous effort; and when immediately will that start; and whether we still need more vessels like that, given the volume of work that needs to be done; and also given that the conditions of our vessels are also old, and responding to search and rescue operations, as has been proven in the past, has not been timely, given that some were not seaworthy. So those are the issues, Honourable Speaker, Sir, and if the Honourable Minister can address that.

HON. SPEAKER.- Thank you, Honourable Member. Honourable Minister, you have the floor.

HON. LT. COL. I.B. SERUIRATU.- Thank you, Honourable Speaker. I did state that we will give priorities to the areas that have never been systematically surveyed. Again for the obvious reasons that I have taken, Honourable Speaker, it is not necessarily for the entire EEZ because most of the EEZ, areas are beyond our national jurisdictions as well, they are covered through other agencies, but priority for us is the 30 percent of the areas that have never been systematically surveyed for those obvious reasons again - safety; and, of course, our economic development.

Our economy has grown over the last nine years and will hopefully continue to do so. We are the hub of the region and we want to build on that in terms of transportation, trade and so many other things. This is why the prioritisation of the work is important.

If we are to do the areas that are yet to be surveyed, it will take us about 10 years to 15 years. That is according to the Fiji Navy, but then we must not forget the fact that although we have areas that have not been systematically covered, we also have to do re-surveys. That is one of the obligations under the Safety of Life at Sea (SOLAS) Convention. We also have to do consistent re-surveys in 10 years to 15 years to complete the work, but then we will also have to consider re-surveys.

How is Government addressing this into the future as well, Honourable Speaker? I have said that this vessel, although it has dedicated equipment, has a multi-role purpose but we are also in the process by December this year, we will also have the next vessel coming from Korea that will be specifically dedicated for hydrographic purposes, so that will leave us with the flexibility to utilise *Kacau* for other purposes.

We are covering that area in anticipation of the tasks that are ahead of us and, of course, our ability to meet the expectations under the Treaties and Conventions that we have ratified. Thank you, Honourable Speaker.

HON. SPEAKER.- Thank you, Honourable Minister. A supplementary question?

HON. A. JALE.- The islands around Fiji, in particular, Lau, have been junkyards for ships that have been wrecked. I am not too sure what the Government's policy is about removing those junks from the reefs which are polluting the islands.

I can hear from what the Honourable Minister has presented that most of those areas have not been surveyed, I think there is an urgency. Recently four ships were shipwrecked in Ono-i-Lau, and the people of Ono-i-Lau are very concerned about what is happening in terms of the pollution to those islands, particularly because they rely so much on seafood and what they get from the ocean.

I am asking the Government: what is the Government's policy in terms of those wreckages? Are you going to remove them? When are you going to remove those wreckages?

HON. SPEAKER.- Honourable Member, I think that is out of this original question and we can look at that at another time. The question that was originally asked, I believe, has been sufficiently covered by the Honourable Minister and he has covered more than that, and I think we have exhausted it.

Honourable Member, do you wish to take the floor?

HON. V.R. GAVOKA.- Honourable Speaker, the Honourable Minister has outlined the developments, they call it "science", and as more vessels come in, what is Government doing in preparing our people to be able to carry out this work? It is a highly specialised field, and it is pretty exciting. Is there a course that they undergo or is it science to it or is it provided by the universities? It is the linkages with institutions to go to the Navy to understand and have the experience with hydrographic technology.

HON. SPEAKER.- Honourable Minister, you have the floor.

HON. V.R. GAVOKA.- Instead of running ships into reefs, et cetera.

HON. LT. COL. I.B. SERUIRATU.- Thank you, Honourable Speaker, let me say that the Hydrographic Unit in the Fiji Navy or in Fiji for that purposes has never been in a state where it is today, so we are thankful to the FijiFirst Government.

I can say that with confidence, Honourable Speaker, firstly, we have the capabilities at our disposal. I have just mentioned, we have got new ships coming in.

Capacities, definitely we have highly qualified officers now in the Fiji Navy and we continue to send our people. Honourable Speaker, last year and again, congratulation to the Fiji Navy, one of the young lieutenants graduated from Plymouth University in the United Kingdom. And there is only one in Fiji who is now the Acting CEO for MSAF, who was the last in Fiji to have qualified with that hydrographic qualification, this is the Advanced Survey. We only have one in Fiji.

Again, we are thankful to the Fiji Navy that last year, one of the young lieutenants graduated. Even some of the Australians that attended the course with him did not make it, but we are thankful that this young officer managed to complete the course and graduated.

We also have a lot of young officers now in the Fiji Navy, who have basic qualifications, so let me, again, state in this House that the Hydrographic Unit is in its top state and form now. Of course, with the addition of the hydrographic vessel that will come in November, and of course we will try and roll over some of the work undertaken in next year's budget so that we can have the extra manning as well. So, we are in good hands, Honourable Speaker.

HON. SPEAKER.- Thank you, Honourable Minister. Honourable Member, you have the floor.

HON. DR. S.R. GOVIND.- The Honourable Minister has highlighted the importance of the Hydrographic Unit very clearly but what plans does the Government have in place to improve the services of the Unit?

HON. SPEAKER.- Honourable Member, I thought the Honourable Minister had covered that sufficiently, but I will give him the floor.

HON. LT. COL. I.B. SERUIRATU.- Honourable Speaker, I have covered about the new vessel that is coming but let me just say that we have \$1.1 million allocated in this year's budget for the relocation of the Search and Rescue Unit, the Hydrographic Unit and the 3DP to the lower lead facility in Lami.

For those who are familiar with Suva, when you enter into the harbour, there are two lighthouses, so it is the lower of the two. We are relocating that and, of course, we will ask for additional funding.

This year's allocation of \$1.1 million is just for the civil works and come next year's budget, we will look at providing that new facility and, of course, I have talked about the capabilities and the capacities within, that are already there. But we are investing in it as well and the funding is so important. Thank you, Honourable Speaker.

HON. SPEAKER.- Thank you, Honourable Minister. We have exhausted this question and we will move on.

I now give the floor to the Honourable Inosi Kuridrani for the third Oral Question for today. You have the floor.

Government's Plan – Alternative Livelihood Programmes
(Question No. 13/2019)

HON. I. KURIDRANI asked the Government, upon notice:

Can the Honourable Minister for Agriculture, Rural and Maritime Development, Waterways and Environment inform Parliament about the Government's plan for alternative livelihood programmes for small producing and isolated farmers?

HON. SPEAKER.- I thank the Honourable Member. I now give the floor to the Honourable Minister for Agriculture, Rural and Maritime Development, Waterways and Environment. You have the floor, Honourable Minister.

HON. DR. M. REDDY (Minister for Agriculture, Rural and Maritime Development, Waterways and Environment).- Honourable Speaker, I want to thank the Honourable Member for asking this question but before that Honourable Speaker, I wish to congratulate you on your appointment.

Honourable Speaker, you look great in that chair of the Speaker. The way you started the session yesterday, no one would say that you just begun yesterday. It is a good omen to the House and this House

is blessed to have you as the Speaker. I join all my Honourable colleagues on this side and the other side as well, to congratulate you.

Honourable Speaker, the Honourable Member has asked a very relevant and pertinent question, given the importance of agriculture to the Fijian people.

Honourable Speaker, if you look at the growth trajectory of any country, you will note that apart from few oil producing countries, almost all the countries' growth and development has been a result of the performance of the agricultural sector.

Normally, you will see, Honourable Speaker, that agriculture provides the leverage with the non-agriculture sector, through the surplus created within the agriculture sector for the growth and development of the non-agricultural sector.

But having said that, agriculture is important to the livelihood of the people, even in the middle or advanced stages of the countries' growth and development cannot be underestimated, particularly in developing countries where still a significant and large proportion of the people live in the rural, remote and maritime country, like Fiji and the Pacific Island countries. So, Honourable Speaker, any public dollar of an investment in agriculture is investment in the livelihood of the people in the remote and rural areas.

Honourable Speaker, the peculiar characteristics of the agriculture sector and agriculture investment is that, it:

- reaches the remotest people;
- reaches the most vulnerable people; and
- gives a hand - a leverage to those people who may not have any education and skills.

That is a very peculiar feature of agriculture, growth and development and investment is that, anyone can get engaged in agriculture and get their livelihood.

Honourable Speaker, the Ministry of Agriculture's budget overall, apart from contributing towards growth and development and contributing to the country's foreign exchange and revenue collection, also deals with how we could leverage and improve the livelihood of the rural and remotest communities.

Honourable Speaker, this is how we are improving their livelihood:

1. In agricultural investment and agricultural expenditure, we are trying to see how we could expand their agricultural output, that is one way of improving their livelihood.
2. To see, at least, the minimum they could maintain the level of production.
3. If they are maintaining the existing level of production, how they could improve their productivity?
4. So, within the same acreage, we see:
 - (i) How they can expand their acreage.
 - (ii) If, for some reason or the other, they have issues which resulted in the decrease of their acreage under crop or livestock, how could we see that they maintain it?
 - (iii) How they could get more within the same acreage?

- (iv) How we could support the farmers to protect their crops and livestock from pests and diseases?
- (v) How we could take the market to the people?

So the overall expenditure of the agriculture sector revolves around these key areas to support the livelihood of the farmers.

Honourable Speaker, the expenditure that we have under various categories:

1. Rural and Outer Islands Programme which has \$1.5 million.
2. Agriculture and Partnership Programme commonly known as APP Programme, they have \$2 million.
3. Food Security Programme and the other specific programmes that we have which I am going to provide details now, all of them are designed to:
 - (i) expand both, crop and livestock area and acreage;
 - (ii) designed to ensure that they maintain the level of production because for some reason or the other, are reducing their acreage;
 - (iii) see how they could improve their productivity.

Honourable Speaker, in the area of productivity, continuously the Research Stations that we have, together with the Extension, they are releasing new varieties of crops and new breeds of livestock.

The importance of releasing new varieties, Honourable Speaker, is not only to ensure that these varieties are high-yielding within a particular area of acreage, we get more output, but we need to change the varieties because over a particular period of time, these varieties of crops and breeds of livestock get susceptible to a particular disease and pest, and that is why you need to continuously change the varieties. You will see over last two to three decades, we have numerous different varieties of tomatoes, eggplant, okra, et cetera, released because over a particular period of time, these crop varieties become susceptible to diseases and pests. In this way, with this release of varieties, Honourable Speaker, we are able to get it to the farmers so that their crop output are not affected.

Honourable Speaker, if you note, one of the major concerns of a farmer is how the farmer will be able to get their produce to the market. For any farmer, the biggest worry is, given the nature of agricultural product which is generally perishable nature. You can keep some crops for a particular period of time, for example, rice paddy, but there are certain crops that you cannot keep for longer periods, for example, tomatoes, cabbage, squash or pumpkin, where we could keep it for a couple of months or so but you need to get it out quickly. That is something we are actively working with Agriculture Marketing Authority (AMA) and other exporters to ensure that we take the market to the farmers so that farmers do not have to worry about how they are going to get their products out once they are matured.

Honourable Speaker, the programmes that we have revolve around these areas to ensure that we increase the acreage under crop and livestock, we protect their crops and livestock from pests and diseases, we get market to them so that they are able to get the product out in time, and therefore, get the appropriate amount of returns.

Honourable Speaker, we have got the Rural and Outer Islands Programme that supports farmers in the rural and maritime provinces, like Lomaiviti, Lau, Kadavu, Rotuma and Yasawa Group, in the production and marketing of agricultural produce.

The primary purpose of the Programme is to improve the nutritious status of the households and the communities out there, as well as securing the supply of planting materials. In some of these areas, Honourable Speaker, we need to continuously supply planting materials. We have developed cluster groups so that if one person is planting yam and the other farmers would want to, then we arrange for the supply of cuttings or planting materials to the other farmers so that other farmers can also get into that particular crop production or provision of breeders for different livestock, so that farmers can get into that livestock production.

Honourable Speaker, we also provide transportation by organising AMA, and also getting exporters, incentivising them to go and collect products from these areas.

Honourable Speaker, if you would have read in the papers, we have released new varieties of livestock, we have just released a new high-yielding, high carcass variety of sheep which is a cross between an Australian Dorper which is a very high yielding variety and the improved and well sought after Fiji Fantastic sheep breed and this breed has now been released. We have released it last week both, in the Western Division, out of the Nawaicoba Sheep Breeding Station and Batiri Sheep Breeding Station in Vanua Levu.

Honourable Speaker, we take it and deliver it to the farmers with the details of that particular breed and a brochure/pamphlet to guide the farmers on how to look after that particular livestock breed.

Honourable Speaker, we would want to expand our stock of this particular breed and pass it to the farmers right in the remotest area, if they are willing to or are now raising this particular livestock or have interest in raising this particular livestock.

Honourable Speaker, the distribution of farms, the Maritime Division is quite peculiar, not like landlocked countries or larger countries, and the challenge that we are facing is transportation. We are providing assistance to these farmers to get their produce to the market from the maritime areas.

If you look at a particular report on how we have assisted on this transportation side over the period of 2015 to 2018, we have increased the transportation of materials by twice from 3,000 tonnes in 2015 to 6,000 tonnes in 2018. So that is the level of effectiveness of the programme that we have to transport our products from the interior, rural maritime division to the main land or to the supermarkets.

Honourable Speaker, we also have the Fiji Agriculture Partnership Programme (FAPP) which is targeted only for the interior and remotest area to develop the value chain from the farm production right to the market. This is a specialised programme which is to improve the value chain, it is targeting the areas of the Province of Ba - Magodro and Savatu; Province of Nadroga/Navosa - Nadrau, Navutusila, Noikoro and Nasikawa and Province of Naitasiri - Nabobuco.

Honourable Speaker, it includes direct support to farmers in terms of farm implements; small implements in tools and agro supplies. We are targeting 2,000 farmers, Honourable Speaker, and this programme has been there for the last two years. We are training the farmers to understand the value chain, not only the production and supply side but also to understand the demand side.

We are also developing the soft skills the farmers should have to become an entrepreneur, treat agriculture as a business. We are also providing technology for the farmers to access information about the market and we are also working with other stakeholders who would support indirectly the farmers, for example, the mobile companies about establishing towers in areas where there is no reception, so that the farmers can have access to information through the gadgets that they have. So overall this particular programme, Honourable Speaker, has a budget of \$2 million.

Honourable Speaker, we also have the Food Security Programme that is targeted to ensure that farmers are able to at least secure basic food out of their own farm backyards in the interior and rural areas.

Honourable Speaker, we also have other programmes, for example, the Special Demand Driven Programmes which is specifically for Dalo Development which has an allocation of \$800,000, Ginger Development, which has an allocation of \$1.3 million, Rice Revitalisation Programme which has an allocation of \$1 million, Yaqona Development Programme which has an allocation of \$0.5 million, Cocoa Development Programme which has an allocation of \$550,000 and Coconut Development Programme which has an allocation of \$750,000.

(Honourable Members interject)

HON. DR. M. REDDY.- This is the problem, Honourable Speaker. They ask the question but they cannot take the answer.

(Honourable Members interject)

HON. SPEAKER.- You have the floor, Minister.

HON. DR. M. REDDY.- Honourable Speaker, Vanilla Development Programme - \$260,000; Poultry Extension Programme - \$100,000; Pig Extension Programme - \$200,000; Rotuma Development Programme - \$100,000; Saivou Valley Development Programme - \$350,000; Nadarivatu Development Programme; and Apiculture Development Programme - \$600,000. So, Honourable Speaker, they should have noted the areas that I had mentioned, these areas deal with remote and interior, which the Honourable Member mentioned. Thank you.

HON. SPEAKER.- I thank the Honourable Minister. Time moves on and I intend to suspend proceedings and then after morning tea which will be at the Big Committee Room, we will go on with the supplementary questions. Some of you who need to ask supplementary questions need a bit of nourishment and all of you. We will adjourn.

(Laughter)

The Parliament adjourned at 10.35 a.m.

The Parliament resumed at 11.10 a.m.

HON. SPEAKER.- Honourable Members, prior to suspension of proceedings, the Honourable Minister had given his reply to the question and I now give the floor to the Honourable Member for supplementary questions. You have the floor.

HON. I. KURIDRANI.- Honourable Speaker, Sir, supplementary question. I thank the Honourable Minister for Agriculture for the ministerial speech.

(Laughter)

I thank him also for stressing the importance of agriculture in our livelihood.

Can the Honourable Minister explain what plans are in place to avoid the shifting of good agriculture land to industrial, residential and commercial leases?

If one drives down the Queen's Highway, starting from Korotogo down to Sigatoka, Sigatoka to Nadi, Nadi to Lautoka, Lautoka to Ba, both sides of the Queen's Highway have developments going there which has shifted good agricultural land to commercial, residential and industrial. I ask the Honourable Minister if the Government has some plans to stop this shift because of the importance of agriculture in our economy and livelihood. Thank you, Sir.

HON. SPEAKER.- Thank you, Honourable Member. Honourable Minister, you have the floor.

HON. DR. M. REDDY.- Honourable Speaker, it is a natural phenomena that as development progresses, land beside the road, the central highway, always tends to get used too due to demand for commercial purposes. Now, that is something that the owners of the property, the owners of land decide whether they would want to convert agricultural land into commercial or industrial and if the owner is *iTaukei* Land Trust Board (iTLTB), it is iTLTB that gives approval whether agricultural land would be allowed to be converted or rezoned into commercial or industrial.

I think he is asking and raising the question at the wrong place. He should go and tell iTLTB if he wants to protect that particular land to remain and not to be re-zoned into commercial or industrial. But, Honourable Speaker, expansion of agriculture is happening. I am sure he is travelling widely in the interior and he would have seen massive amount of land underutilised or totally unutilised; arable land, very good quality land.

Honourable Speaker, we have plans to expand agriculture, get farmers, young farmers into agriculture and I will be talking about the new programme probably tomorrow in my Ministerial Statement about getting youths to see agriculture as a business. If we want agriculture to expand, Honourable Speaker, we need to ensure that we get demand to drive production and supply. That is the strategy going forward and I am going to talk about that strategy tomorrow in my Ministerial Statement on how we are going to expand agriculture and there is a plan to utilise the arable land in the interior for agriculture growth and development. Thank you.

HON. SPEAKER.- Thank you, Honourable Minister. Honourable Ro Teimumu Kepa, you have the floor.

HON. RO T.V. KEPA.- Supplementary question, Honourable Speaker. Before I ask my question, can I also offer our congratulations to you, Honourable Speaker, in your term, and I pray God's blessings on the work that you will do.

My question, Honourable Speaker, is to the Minister for Agriculture. He spoke about offseason fruits and vegetables, and I am asking here about offseason tomatoes, for example, in Beqa. He spoke about bringing the market to the farmers. Now these farmers in Beqa they farm on the hillside, very steep, like other areas in Namosi, Navosa, and other parts of Fiji. So what is the Ministry doing to cut off the middle man who are right there at the farm gate, under cutting and under-pricing so the rural farmers are paid the right price for their produce. Thank you Honourable Speaker.

HON. SPEAKER.- Thank you, Honourable Member. Honourable Minister, you have the floor.

HON. DR. M. REDDY.- Honourable Speaker, I think the Honourable Member probably does not have a good understanding. A farmer wants to be a farmer, a farmer does not want to take home the issue about selling the product. The farmer wants to transport it and sell it.

Beqa is a unique place, Honourable Speaker, Beqa is one place where they are able to produce good quality offseason tomatoes and that is well appreciated by the Ministry of Agriculture. We are supporting them, we are providing them with nursery support

(Honourable Member interjects)

HON. DR. M. REDDY.- Well, incrementally you need to understand that.

Beqa is not the only place that we are supporting, it is the entire country.

Honourable Speaker, what the Honourable Member is talking about, she should be fortunate that we have made arrangements for buyers to pick up the produce from the farm gate. They do not have to worry about carting their entire produce right to the market. Of course, in that case when a buyer picks up the produce from the farm gate, the farm gate price will not be the same as the market price. Of, course it will be different.

The farmer does not have to get tied up to a single buyer, we are organising other institutions to also collect, we are relooking at AMA, how AMA plays its role in terms of collecting. We are relooking at AMA. I have asked our staff to get me details of what AMA is, how we can revamp AMA so that it can go into those areas where no one is going to collect, and so that we can assist those farmers.

Honourable Speaker, there are programmes to assist famers, but we need to understand that a farmer wants to just remain a farmer, a farmer does not want to be bothered about who will and where the farmer will take the produce and sell it. So when we have a middle man, when we have an exporter, he is picking the produce from the farm gate, I think that is a great assistance to the farmer.

HON. SPEAKER.- Thank you, Honourable Minister.

HON. M. BULANAUCA.- Thank you, Honourable Speaker. I congratulate you for being elected to this august House. Thank you very much for giving me this opportunity to ask one supplementary question to the Honourable Minister. We have heard quite a lot of programmes now and he has announced to revolutionise the production in the agricultural sector for various commodities. From what I gather from the Report from the Ministry of Agriculture, the production is low; import is more than the export that we produce.

How can we do well in order to increase our export and have less import, otherwise we will be just pouring in a lot of money (input) and less output from the agricultural sector, such as the sugar industry. Yesterday, we were just hearing a lot of input (financial strategies) and outputs declining all the time.

HON. SPEAKER.- Honourable Minister, you have the floor. Honourable Member you have the floor.

HON. DR. M. REDDY.- Honourable Speaker, unfortunately, I do not know where the Opposition is getting their data from. If I could figure out, removing all what he has said, his question was; “What are we doing when the agriculture sector is declining?” Is that what you said, Honourable Member?

Honourable Speaker, that is wrong. First of all, the agriculture sector has not declined, that is what I am saying. I do not know where they are getting their data from? Tomorrow I will provide the data in my Ministerial Statement.

(Honourable Member interjects)

HON. DR. M. REDDY.- You want it today?

(Chorus of interjections)

HON. DR. M. REDDY.- You have time?

HON. SPEAKER.- Honourable Minister, you can address that at another time, but just answer his supplementary question.

HON. DR. M. REDDY.- Tomorrow? Now, they don't want it.

HON. SPEAKER.- You have the floor, Honourable Minister.

HON. DR. M. REDDY.- Honourable Speaker, in 1995, the Agriculture output in real terms stood at \$371.3 million.

(Chorus of interjections)

HON. DR. M. REDDY.- In 2016, it grew to \$508 million, the growth of \$6.2 million per year, where did you get your statistics or numbers that Agriculture is constant?

(Chorus of interjections)

HON. DR. M. REDDY.- Where did you get the numbers?

(Chorus of interjections)

HON. DR. M. REDDY.- There is growth of \$6.2 million per year, Honourable Speaker.

(Chorus of interjections)

HON. DR. M. REDDY.- Honourable Speaker, the whole premise of his question is totally incorrect. You get your data right then you ask your question. Thank you.

HON. SPEAKER.- Thank you, Honourable Minister. Honourable Pio Tikoduadua, you have the floor.

HON. LT. COL. P. TIKODUADUA.- Thank you, Honourable Speaker. I must thank my Honourable colleague for a very lengthy answer to a very simple question. I am going to ask him a very simple question: Feral pigs are an issue, and for poor farmers who live in villages and isolated areas, this could be a very traumatic experience in their whole lives or in their whole year of work coming to an end. What is your Ministry going to do about this? It is something that is laughable but I tell you, farmers like myself make a living out of it. I have seen two acres of *dalo* go down to waste because of wild pigs, so your answer, please?

HON. SPEAKER.- Thank you, Honourable Member. Honourable Minister, you have the floor.

HON. DR. M. REDDY.- Honourable Speaker, what the Honourable Member needs to do is to give us the area and the issue. We have got a specialised Stray Animal Control Unit. They also have licensed people with guns, they will go and look at how they can set traps or also get those animals that need to be auctioned.

There is a process, if we auction them and also a legislation on how we deal with stray animals. At the moment, there is a stray animal campaign that has started from the Western Division - Sigatoka, Nadi, and we are moving towards Rakiraki. Do let us know and our particular unit will come and spend a week or so there to deal with the particular threat to the farmers. Thank you.

HON. SPEAKER.- I thank the Honourable Minister. Honourable Niko Nawaikula, you have the floor.

HON. N. NAWAIKULA.- Honourable Speaker, after listening to the Honourable Minister, you think there is an agricultural revolution out there, but no, if he cares to go with me to the market tomorrow, you will see that there is not even enough pawpaw supply for the domestic market; tomatoes - not enough; coconuts, we took \$80,000 from what was allocated for coconuts to buy some

It is all academic, but my question is a practical one: You cited the rural and outer islands, and it has been cited by the Auditor-General of scams where your very staff were involved in this ROI assistance and you would agree with me. What guarantee or measures can you guarantee this House that theft will not happen again, that there will be no more scam as cited regarding rural and outer islands assistance. He will know, he knows the scam - by your staff.

(Laughter)

HON. SPEAKER.- Honourable Member, you have asked your question. I will now give the floor to the Honourable Minister to answer, you have the floor.

HON. DR. M. REDDY.- Honourable Speaker, for any expenditure programme, we need to know what the impact is. What we are doing now is profiling all the assistance; where it has gone to; which farmers has the assistance been given to and we want to see before and after the impact of the project what has happened to the assistance given to a crop farmer, et cetera.

(Honourable Members interject)

HON. DR. M. REDDY.- Please listen, I am explaining now.

(Honourable Members interject)

HON. DR. M. REDDY.- You asked a question and I am going to explain. For example, for a crop farmer, what was the area under crop; what was the output at that particular time before the assistance

was given; we want to see the output now; and what is the area under crop now. The same thing applies to livestock; what was the number of livestock before; what is the number of livestock now; and what is the farmer's household income? This is important also to justify additional funds for these kinds of programmes going-forward.

Honourable Speaker, if we do this thoroughly for the entire assistance that we have for farmers, then that particular issue that the Honourable Member has raised will be dealt with. Thank you.

HON. SPEAKER.- Thank you, Honourable Minister. We will move on to the fourth Oral Question for today, and I give the floor to the Honourable Dr. Salik Govind to ask his question.

Progress on Implementation of the National Gender Policy
(Question No. 14/2019)

HON. DR. S.R. GOVIND asked the Government, upon notice:

Can the Honourable Minister for Women, Children and Poverty Alleviation explain the progress on the implementation of the National Gender Policy?

HON. SPEAKER.- Thank you, Honourable Member. Honourable Minister for Women, Children and Poverty Alleviation you have the floor.

HON. M.R. VUNIWAQA (Minister for Women, Children and Poverty Alleviation).- Thank you, Mr. Speaker, Sir. The National Gender Policy for Fiji is a long-term policy like any other policy. It was formulated and launched on 5th March, 2014, reaching its 4th year anniversary next month.

The policy, basically, for the first time, brought together the various obligations that we have as a nation as a signatory to the Convention on the Elimination of Discrimination Against Women (CEDAW). It also puts in place basically a more-focused root on how we, as a Government and as a nation, should address the issue of gender equality and the empowerment of women.

Following the launch in 2014 and with the help of a Gender Advisor, funded by the Australian Government, we putting together a draft implementation plan. It will be finalised shortly, Honourable Speaker, but that did not stop us, as a Ministry, to start implementing certain aspects of this national policy.

We would know as a Parliament, as a nation, various initiatives that are being undertaken by the Ministry in relation to gender equality and the empowerment of women. One of the critical ones that we still battle everyday as a nation is in relation to gender-based violence. There is a lot of work ongoing in that regard. There is a lot of training also with Parliamentary Members, the thinking being that if we are to battle this, it has to start at the highest echelon of leadership in this country.

It is a multi-stakeholder, multi-pronged approach as well, we work with non-government organisations, with faith-based organisations and also with community leaders in relation to that particular issue. Apart from that, Honourable Speaker, there are various initiatives in relation to the economic empowerment of women.

One of the popular efforts in this regards which was launched by the former Speaker of Parliament, the late Honourable Dr. Jiko Luveni, is the National Women's Expo which women all over the country look forward to. That is one of the strongest platforms for economic development for women living, particularly, in rural areas.

Marketing is still a challenge that we are working and grappling with at the moment, and I am happy to note that there is a lot of support from the UN Women, Non-Government Organisations and from faith-based organisations in this regards, assisting us as a Ministry to look at ways in which we can further enhance the capacities of women living in rural and maritime areas to market the products that they produce.

In a nutshell, Honourable Speaker, those are the main highlights of the National Gender Policy. There is a lot more in it. It is available on the Ministry of Information website and I invite Honourable Members to have a look at that and see how we can, individually and as a Parliament, work together to enhance the efforts of Government and of our nation in empowering women living in Fiji. Thank you, Honourable Speaker.

HON. SPEAKER.- I thank the Honourable Minister. Honourable Member, you have the floor.

HON. S.V. RADRODRO.- Thank you, Honourable Speaker, and I thank the Honourable Minister for that enlightenment on the development and empowerment of women as a whole. However, we continuously read in the media the continuous increase on violence against women and children. That, in itself, is a negative performance indicator on the implementation on the Gender Policy. So, can the Honourable Minister advise or inform the House on what challenges do they face as the Ministry and how they propose or plan to tackle those challenges? Thank you, Honourable Speaker.

HON. SPEAKER.- Thank you, Honourable Member. Honourable Minister, you have the floor.

HON. M.R. VUNIWAQA.- Thank you, Honourable Speaker, yes, statistics in relation to gender-based violence and now an increasing number on sexual violence against children. It is an issue that we are grappling with as a nation. We cannot deny that, the number shows it, but the question we need to answer is: What is it that is leading to this increase in the statistics? Is it an increase in the crime itself or is it an increase in the reporting of the crime?

We would know that as a nation, these matters pertaining to gender-based violence and sexual violence on children, are things that we do not normally talk about. It is something that culture suppresses and it is this Government that has brought about laws, policies and initiatives that encourage the increased reporting of violence against women and children.

If we take, for example, Honourable Speaker, the Domestic Violence Act that came in 2009, we are talking about Child Welfare Act, an initiative that is done by the Ministry in relation to reporting. We have toll free numbers: 1560 for violence against children, 1325 in relation to domestic violence. These are recent initiatives by the Ministry of Women, Children and Poverty Alleviation to encourage victims of violence to report it.

So, yes, statistics are that, so what are we doing as a Ministry to answer the critical question of why there is an increase in the statistics? We, in partnership with UN Women, are going to do an evaluation in this particular year, on the Zero Tolerance Violence-Free Communities.

(Honourable Member interjects)

HON. M.R. VUNIWAQA.- I have not said that once, I am saying it now, it is happening this year. We are going to evaluate the Zero Tolerance Violence-Free Community Initiative, Honourable Speaker, which is one of the hallmarks of the Gender-Based Violence Campaign of the Government, to see where gaps are and how else can we strengthen this particular initiative or if it is still relevant in this day and age.

In relation to sexual violence against children, we have recently signed a Memorandum of Understanding (MOU) with the University of the South Pacific (USP), the School of Psychiatry, to carry out a survey in our communities to see why there is an increase in the statistics.

So, in short, Honourable Speaker, statistics are rising, yes, as a Ministry, we are doing things to find out answers to the critical questions we need to ask as a nation. However, as a Parliament, there is a lot that we can do and I hope that in addressing this particular issue, we do not just bring it in here as a question, we are community members. We belong to churches, to different religious affiliations, there is avenue there to talk about this and the opportunity that we get and to look at ways we can address this as a team, as a nation collectively, if you really care about the rising statistics. Thank you, Honourable Speaker.

HON. SPEAKER.- Thank you, Honourable Minister. I give the floor to the Honourable Lynda Tabuya.

HON. L.D. TABUYA.- Thank you, Honourable Speaker. Firstly, congratulations on your appointment. I wish you good health and also continued good humour in the House.

Thank you, Honourable Minister for your reply. It is 25 years that we are celebrating the adoption of the Pacific Platform for Action this year and also next year, it will be 25 years that we have adopted the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW). I just want to ask the Honourable Minister, what evidence that you have of the mainstreaming of gender equality in the Government sector and what budget allocation do you have in your Ministry about the monitoring and evaluation of these initiatives?

HON. SPEAKER.- Thank you, Honourable Member.

HON. M.R. VUNIWAQA.- Thank you, Honourable Speaker. As the Honourable Member has highlighted, it has been 25 years since we signed up as a country to CEDAW but I must tell you that, Honourable Speaker, as a country, we have not done much until the Bainimarama-led Government came into power.

(Chorus of interjections)

HON. M.R. VUNIWAQA.- That is when we started to focus specifically in relation to the major issues affecting Fijian women in this country. And when I talk about that, I refer again to the Domestic Violence Act that was floating around for about nine years before it was brought into effect in 2009.

HON. L.D. TABUYA.- A Point of Order, Honourable Speaker. I am referring to Standing Order 45(4) about the need to be concise and relevant to the answer and my question was about evidence of gender mainstreaming in the Government sector and what is the allocation in your budget for the monitoring and evaluation of gender mainstreaming.

HON. SPEAKER.- Thank you, Honourable Member.

HON. M.R. VUNIWAQA.- Thank you, Honourable Speaker. The question started with CEDAW which was why I started my answer with CEDAW. CEDAW talks about a whole host of things and I could talk about it for five days and am not finished, but I will now go on to the second limb of the question, particularly on gender mainstreaming in Government.

Gender Mainstreaming is a key component of our National Gender Policy. It requires that Ministries mainstream gender into the programmes that they undertake. It is work in progress, and as I

said, with the National Gender Policy we now have a more focussed approach on how we, as a Government, will do this.

On the anniversary of the National Gender Policy on 5th March, 2019, the Policy requires that there be a reporting done. Basically it requires Ministries to come forward and report on what they have done as a Ministry to mainstream gender into the programmes that they carry out. So, that is happening in March this year, Honourable Speaker, and I hope to have a better answer for the Honourable Member after that review as mandated by the Policy in March this year.

As for budget for the Department of Women, for this particular year we have been given \$7 million in total, and with the Women's Programme of Action at \$1.3 million.

HON. SPEAKER.- Honourable Radrodro, you may have the floor.

HON. A.M. RADRODRO.- Thank you, Honourable Speaker. Before I ask my supplementary question, I also would like to join my fellow Members of Parliament to congratulate you on your being appointed as Speaker of the House.

A supplementary question to the Honourable Minister for Women, Children and Poverty Alleviation, in terms of your National Gender Policy, does it also includes some terms of a quota or Temporary Special Measures (TSM) for women with disabilities in terms of gainful employment?

HON. SPEAKER.- Thank you, Honourable Minister, you may have the floor.

HON. M.R. VUNIWAQA.- Could the Honourable Member clarify the question, quota in relation to what?

HON. A.M. RADRODRO.- In terms of women with disabilities for gainful employment? Is there any quota or TSM, any provision in the National Gender Policy for women with disabilities?

HON. M.R. VUNIWAQA.- Thank you, Honourable Speaker. If my understanding is correct, what does the Policy say about women with disabilities gaining employment?

Honourable Speaker, we would know that as a Government, disabilities is a special focus on its own, and that includes women with disabilities. We have initiatives in relation to encouraging employers to employ those persons living with disabilities, and this includes women. The 300 percentage rebate is one example, I talked about some yesterday in relation to people living with disabilities getting employment in the formal sector.

The Policy talks about empowerment of women generally. In relation to disabilities within the Ministry, we have a specific budget which we use to empower women living with disabilities, so there are special categories for us. If there are women living with disabilities seeking assistance to start small businesses or some other form, may be formal education, we do assist them in that regards, Honourable Speaker.

HON. SPEAKER.- Thank you, Honourable Minister. Honourable Member, you have the floor.

HON. RO F. TUISAWAU.- Thank you, Honourable Speaker. I think based on those answers given regarding what was faced by Honourable Radrodro, the rape and sexual assault situation in this country. The other side of the House has always emphasised on their progress, but if you look at the statistics under their leadership, that has totally deteriorated in the last five or 10 years. The number of

rape, sexual assault, especially assault on children, so I think it is a national emergency. We should address it as a national emergency.

At the moment, they are doing studies on psychiatric evaluation, et cetera, and that should not be the action right now. We should convene a national forum on this situation to address it, and I am asking the Government because of the current emergency situation on rape, assault on children, et cetera. What are they doing about it?

They are saying that they need to work with the churches, but we can see from the actions in the last few years, they will not work with churches. They have put the church aside from Government, so these two need to work together. What are they doing about it?

HON. SPEAKER.- Honourable Member, what is specifically your question?

HON. RO F. TUISAWAU.- Thank you, Honourable Speaker. The question is, what are they doing about the national situation on rape and sexual assault which I consider a serious national emergency?

HON. SPEAKER.- Honourable Minister, you have the floor.

HON. M.R. VUNIWAQA.- Thank you, Honourable Speaker. It is very simplistic to say that statistics in relation to rape is because of leadership. How is that?

The rape of women, the sexual violence on our children is not because of leadership, it is because of us, it is because of the breakdown of the family unit, it is because of the decay in moral values and that is where we ought to look.

How are we teaching our children at home? How are we teaching our grandchildren? What values are we imparting to them? This is critical, Honourable Speaker. That is where the emergency is. The emergency is on the family unit, it is on the teachings and the values that we impart to our children.

Government comes up with programmes to encourage victims of these, to report so that the Government can take it over and deal with the issue. But if we are to address this, it has to start within the family and within the religious affiliations that we belong to. I say religion because religion has a very strong influence on the lives of our people. It has to start there, leadership cannot do this.

HON. SPEAKER.- Thank you, Honourable Minister. I will take this last supplementary question.

HON. M.D. BULITAVU.- Thank you, Honourable Speaker, Sir. My question to the Honourable Minister, given that the draft framework for implementation is not yet ready on this National Gender Policy, can the Honourable Minister tell the House why it has taken so long for this implementation framework to come into Bill? Also, how long from now will that draft implementation framework, despite some of those objectives in the National Gender Policy are in other forms in the various budgetary allocations that the Government has announced? By what time?

HON. SPEAKER.- Thank you, Honourable Member. Honourable Minister, you have the floor.

HON. M.R. VUNIWAQA.- Thank you, Honourable Speaker. If the Honourable Member attended the workshop (I am not sure if he did) on January 28th to January 29th, 2016, which was a policy dialogue for Parliamentarians, there was an implementation framework at the back of it, that is there and as I stated, that is currently being used by the Ministry.

(Honourable Members interject)

HON. SPEAKER.- You may have the floor, Honourable Minister.

HON. M.R. VUNIWAQA.- It is currently being implemented by the Ministry.

(Honourable Members interject)

HON. M.R. VUNIWAQA.- As a Policy, we need to be adaptable to changes and to statistics that come year in and year out, which is why we are doing a reporting period from March this year to see where the gaps are and what we can do better. That is normal in any policy. And the Policy itself dictates that we do this exercise on the fourth anniversary which is on 5th March this year, Honourable Speaker.

I would like to reiterate again, Honourable Speaker, there is so much discussion about sexual violence in our country. It is a fact, but I urge all Honourable Members to ask ourselves; what more can we do?

We all belong to churches, let us start there. Our own families, let us start there. Our children's families, let us put our nose in there and see what values are we imparting to our children.

(Honourable Members interject)

HON. SPEAKER.- Order!

HON. M.R. VUNIWAQA.- Let us deal with that at that level. Government has come up with a lot of laws and policies that have encouraged people to report about this topic that we hardly talk about, that we treat as taboo. It is not a taboo, we need to talk about it at every chance we get.

Thank you, Honourable Speaker.

HON. SPEAKER.- Thank you, Honourable Minister.

(Honourable Members interject)

HON. SPEAKER.- Order, order!

Honourable Members, we have covered this question sufficiently. I will now move on to the next question, and I give the floor to the Honourable Simone Rasova to ask the fifth Oral Question for today. You have the floor.

Legislation Pertaining to Player Welfare
(Question No. 15/2019)

HON. S.R. RASOVA.- *Bula vinaka*, Mr. Speaker. Congratulations on your appointment yesterday and happy birthday, birthday boy, *vinaka vakalevu*.

(Laughter)

My question is:

Can the Honourable Minister for Employment, Productivity, Industrial Relations, Youth and Sports, inform Parliament on the steps that have been taken by Government in partnership with the National Sporting Federations in Fiji to devise a legislation pertaining to player welfare?

HON. P.K. BALA (Minister for Employment, Productivity, Industrial Relations, Youth and Sports).- Thank you, Honourable Speaker, and I also thank the Honourable Member.

Honourable Speaker, to begin with, most of the sports organisations here in Fiji are governed or affiliated to the world body, and in terms of player welfare, it is well covered under those rules and regulations.

Honourable Speaker, just briefly on the steps what the Ministry has taken, in 2013, the Ministry of Youth and Sports had implemented a Safety in Sports Participation Policy after wide consultations with stakeholders and national sports federations.

Honourable Speaker, currently the Ministry is working with the Fiji National Sports Commission, the Oceania National Olympic Committee and the Oceania Regional Anti-Doping Organisation conducting public and stakeholder consultations around the country on the National Sports & Physical Activity Policy, the National Anti-Doping & Drug Policy and Child Protection Policy.

Honourable Speaker, at this stage it is necessary and very important to seek help from stakeholders to fine tune and make adjustments to the policy before it is finalised. A copy of this finalised policy will be submitted to the technical team at the World Anti-Doping Agency based in Canada and other national stakeholders for vetting. Honourable Speaker, that is in terms of the steps taken by the Ministry at this point in time. In the process and moving forward, the Ministry endeavours to put all these policies together and formulate a legislation. Thank you, Honourable Speaker.

HON. SPEAKER.- I thank the Honourable Minister. Honourable Member, you have the floor.

HON. M.R. LEAWERE.- Thank you, Honourable Speaker. I thank the Honourable Minister for the efforts taken by the Ministry in terms of players' welfare. I would just like to ask the Honourable Minister if there are any plans by the Ministry to establish or introduce an insurance policy for our players, given the fact that our Seven's players have been promoting Fiji all over the world. Is there any insurance scheme to cover them after they have played for Fiji? Thank you, Honourable Speaker.

HON. SPEAKER.- Honourable Minister, you have the floor.

HON. P.K. BALA.- Thank you, Honourable Speaker. As I have stated earlier on, not all these sporting organisations, for example, Fiji Rugby Union, they are governed and affiliated to the world body.

(Honourable Member interjects)

HON. P.K. BALA.- If you know the answer then why are you asking me?

(Laughter)

They are well-protected and there is an insurance cover for them. I think what he wants to know is life after sports. This is another aspect, Honourable Speaker, that we are working on and as I have said that it only takes FijiFirst to come up with these types of policies and legislations, and this is exactly what we are going to do, Honourable Speaker. Thank you.

HON. SPEAKER.- Thank you, Honourable Minister. I give the floor to the Honourable Ratu Suliano Matanitobua. You have the floor.

HON. RATU S. MATANITOBUA.- Thank you, Sir. I would like to join my fellow colleagues to congratulate you on your high seat in the House and I wish you well for the next four years of your term.

I thank the Honourable Minister for his reply. As a sportsman, he knows me well, can the Minister confirm or deny whether there has been any complaint received by the Ministry of Youth and Sports regarding issues pertaining to the players' welfare? Thank you, Honourable Speaker.

HON. P.K. BALA.- Sorry, I cannot get you.

HON. RATU S. MATANITOBUA.- All the sports; netball, rugby or golf.

HON. SPEAKER.- Honourable Member, you have asked your question. I now have the honour of giving the floor to the Honourable Minister to answer.

HON. P. K. BALA.- Thank you, Honourable Speaker and I thank the Honourable Member. He is asking me to confirm or deny whether any sporting organisation, a bazaar team or anyone who has lodged their complaint with the Ministry, I will have to check. I will check and then I will report back to the House. Thank you.

(Laughter)

HON. SPEAKER.- Thank you Honourable Minister. Honourable Member, you have the floor.

HON. RO F. TUISAWAU.- Thank you, Honourable Speaker. Honourable Minister, thank you for your answer. Just to correct you, yesterday you said drug allegations, it was the football players, it is not drug allegation, they were tested positive. My question is related to the subject matter, player welfare. Currently, the rugby players who were engaged by French Clubs, they have to go to Vanuatu to get their French visas, because the French Embassy here is closed.

My question to the Government is, what steps are they taking to assist them? I met a few of them there and they paid quite a lot in air fares and accommodation, they stayed there for five or six nights.

My question is, can you assist them or provide some sort of subsidy to assist them to get their French visas? Thank you.

HON. SPEAKER.- Thank you, Honourable Member. Honourable Minister, you have the floor.

HON. P. K. BALA.- Thank you, Honourable Speaker. On the first note, let me correct him again, and I reiterate what I said yesterday about the allegation. I said that, that has been an allegation, truth has not been found yet, so it is an allegation. I hope you understand the difference between....

(Honourable Member interjects)

HON. P. K. BALA.- You give me the medical report.

(Laughter)

HON. P. K. BALA.- Honourable Speaker, on another note, definitely, we will assist if there is a need. But let me say this, today we are hearing all sorts of issues here in regards to our team, but let me record my disappointment at some of these so called politicians, telling our team to protest or lose the game and today you see them coming up with all these things.

HON. MEMBERS.- Who, who?

HON. P.K. BALA.- They know who they are.

(Laughter)

Honourable Speaker, that is not the only issue. All the issues that have been brought before the Rugby Union or any sporting organisation, the Ministry is there to assist and the Government as a whole. We are there to assist. Thank you.

HON. SPEAKER.- Thank you. Honourable Member, you have the floor.

HON. S.R. RASOVA.- Honourable Speaker, in regards to Question No. 6/2019 yesterday and also my question today (Question No. 15/2019), I think the Honourable Minister talked about anti-doping in terms of sportsmen's welfare.

Many months ago, we talked about the drug involvement in Kadavu, and also in Navosa, they are burning all the Western side, now we are still talking about doping or drug abuse by players. Where are they getting all these drugs from?

(Chorus of interjections)

HON. S.R. RASOVA.- And what kind of drug is involved with player abuse or substance abuse? Honourable Minister, can you please highlight this to the House. *Vinaka*.

HON. SPEAKER.- Honourable Minister, you have the floor.

HON. P. K. BALA.- Thank you, Honourable Speaker. I have not had the opportunity to take any sort of drugs...

(Laughter)

... so it is more difficult for me to respond to that but definitely there are so many types of drugs and it is a concern for us, especially our youths where the intake of drugs is so harmful. The types of drugs, that I can always come back to the House and give you what types of drugs normally taken by the sportswomen and sportsmen. Thank you.

HON. SPEAKER.- Thank you, Honourable Minister. We move on to the sixth oral question for today. I give the floor to the Honourable Vijendra Prakash to ask his question.

Leptospirosis Outbreak
(Question No. 16/2019)

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

Can the Honourable Minister for Health and Medical Services enlighten the House on the Leptospirosis Outbreak?

HON. DR. I. WAQAINABETE (Minister for Health and Medical Services).- Thank you, Honourable Speaker, and I thank the Honourable Member for the question on the Leptospirosis Outbreak.

Honourable Speaker, the Ministry of Health and Medical Services declared an outbreak for leptospirosis within the Central Division. There have been 69 confirmed cases and others that we suspected from January this year with 18 requiring admission to Colonial War Memorial (CWM) Hospital. The majority of the cases are from 1 to 19 and also from 20 to 29 age groups. There have been four deaths of leptospirosis in the Central Division so far and we are not alone. Around the world towards the end of last year, there have been several outbreaks of leptospirosis.

On 20th September, 2018 in the Olongapo City, Philippines, they had a very severe monsoon rain. Two weeks later on 7th October, they had 210 cases and six deaths (I am not sure whether the numbers kept on rising or not). Also in Manila, Philippines on 9th June, 2018 there were 1,030 cases and 93 deaths and by August, it was 1,227.

In Israel up in the Golan Heights, there were 462 reported cases in August 2018 and interestingly in France, a kayaking club up in the North-West of France in Brittany, there were an outbreak of leptospirosis and it was thought it came from the place they were kayaking in. Also interestingly on 5th October, 2018, there was an alert out in Boston in the United States of America where there was an outbreak of leptospirosis in dogs in the Boston area. So we were not alone in terms of Leptospirosis Outbreak.

It is a disease caused by bacteria that affects both, humans and animals and we get leptospirosis through the urine of infected animals. This happens with contact through mud, water or food with the urine of infected animals. Looking at the first two, mud and water is something that we are not immuned to in Fiji and people who work with animals, for example, farmers are at a higher risk of getting this disease and this is often what we see when we have a leptospirosis outbreak and it is common in the Central Division. And it is also affecting people who do non-animal related work.

The recent heavy rains and flooding are likely to have contributed to the increasing cases in the Central Division. The animals that may spread the disease through their infected urine includes rats, dogs, cattle, pigs, horses and mongooses.

As I have said earlier, Honourable Speaker, commonly it happens in the rural areas with our farmers. What we have seen is a change towards the peri-urban area and so instead of thinking in terms of farm animals, in terms of cattle, pigs and horses, we are now beginning to think is it because of the rats, mouse, et cetera, that may also contribute towards causing this in our peri-urban area.

The symptoms again can be quite vague. They are high fever, chills, headaches, muscle aches commonly around the calves and the back, nausea or vomiting, they may have yellowing of their skin and eyes, they may have red eyes, abdominal pain, diarrhoea, shortness of breath and rash.

The World Health Organisation when they described leptospirosis, they described it as a zoonosis of a world-wide distribution. So it is not limited to Fiji, endemic in places with humid sub-tropical or tropical climates with epidemic potential.

The other part is what is very interesting, it peaks occasionally due to climate change. That is why it is important that we continue to champion the efforts around climate change.

Honourable Speaker, the Ministry continues to encourage and make awareness and urging members of the public that if any or a family member may have signs or symptoms, they are to visit the

nearest health care facility. Without treatment, Honourable Speaker, leptospirosis can lead to kidney damage, meningitis which is swelling of the brain and the surroundings of the brain, the covering of the brain, liver failure, spiritual distress and even death. Early treatment with antibiotics, administered by doctors, is key to preventing complications and deaths.

Honourable Speaker, leptospirosis can be prevented. You and I can prevent leptospirosis by avoiding contact and also this includes avoiding wading, swimming in the waters that may be contaminated, the wearing of protective clothing when we work outside with livestock or even working outside in our peri-urban community. Regular household cleaning and deratting of our houses and households and keeping food and eating utensils away from rats, pets and the washing of fruits and vegetables before we consume them.

Honourable Speaker, the question is, what have we done? The august House would remember that in the month of December, we were very proactive in stating out there in the community with the changes in the weather, TD (Tropical Depression), 3F and also *TC Mona* just issuing alerts and asking the public to be aware on the possibility of infectious diseases and also to practice safe hygiene practices.

Medical officers also in the Central Division have been alerted, they were alerted to the outbreak of leptospirosis to encourage early recognition treatment and referral of cases as required. We also have a Guideline that talks about Fiji Leptospirosis Clinical Guidelines that our doctors and our staff know of, but we actually reissued again, so that they can be able to refresh their memory and refresher training on the guidelines was organised. We also developed the taskforce like we did for Men C.

Honourable Speaker, the Central Division and Sub-Divisional outbreak response teams sought, which includes our Environmental Health Officers who have been working closely with the Ministry's Centre for Communicable Disease Control, to conduct investigations and public health awareness and interventions, including household inspections in the community. The public also have been advised to mass media advertisement on the prevention of leptospirosis.

Honourable Speaker, we also urge Parliament to be an example to the communities in advocating for awareness for the early recognition in the prevention of the disease. Thank you, Honourable Speaker.

HON. SPEAKER.- I thank the Honourable Minister. Honourable Member?

HON. R.R. SHARMA.- Thank you, Honourable Speaker. I have a supplementary question: Can a person with leptospirosis diagnosis be missed and how can the Ministry of Health mitigate for this; and is it that Fiji alone is having a leptospirosis outbreak?

HON. SPEAKER.- Honourable Member, the Honourable Minister has answered part of your question, but I think I will let him answer the other part.

HON. DR. I. WAQAINABETE.- Thank you, Honourable Speaker. In the early form of the disease, as I have just alluded to in the answers to the question, the signs and symptoms can be very vague; the blood test could even be normal in the early form of the disease.

We have had a significant number of our patients that were positive, the initial part of their blood test was normal. Why? Because what we are testing is the response of the immune system of the body to the bacteria. Some people have a very quick response and some may have a lesser quicker response. We are not all the same.

We have had cases where the initial blood test was normal, we mitigated by asking these patients to actually come back, some came back and some chose not to come back and visit another facility where

the diagnosis was then made there on a second blood test. That blood test that was done at another facility is the same blood test that was done in the original facility. The reaction was the same, the mechanism by which we test are the same. The fact is, the response initially may not be big enough to be able to be confirmed on the blood test. That is why later on, it was actually confirmed. Thank you for the question.

HON. SPEAKER.- Thank you, Honourable Member. Honourable Nawaikula?

HON. N. NAWAIKULA.- Honourable Speaker, it is unfortunate that four people died when no one should die, if they diagnosed correctly and very early. Could the Honourable Minister explain why four people died when they should not have died?

HON. SPEAKER.- Thank you, Honourable Member. Honourable Minister, you have the floor.

HON. DR. I. WAQAINABETE.- Thank you for the question, Honourable Member. The reasons are varied. Firstly, many people come late; one of the things that we are trying to do as the Ministry of Health in the country now is to advise people when the signs and symptoms are early to come and to come early. There are three things that determine the outcome of a patient who is unwell:

1. How fit the person was before they were hit with the disease;
2. How aggressive is the disease; and
3. The intervention.

I think to actually say that the intervention is all that is needed is actually to come away from the truth and the fact is, that if a person is unfit and hit by the disease, the likelihood of him responding well is low. So, that is the reason why we have to think collectively around this, Honourable Speaker.

As I have said earlier, we are trying to encourage the members of the public to come. Our people have suggested to people that have come or Fijians that have presented themselves with the signs and symptoms and the tests were initially negative was to say to them, "Look there is a possibility, if you do not improve, please, come back." I think that is something that has to be remembered - the facilities are open, we will never turn away anyone and I think it is important to understand that if they do not improve that they should come back to the facility. Thank you, Sir.

HON. SPEAKER.- Thank you, Honourable Member. Honourable Lynda Tabuya, you have the floor.

HON. L.D. TABUYA.- Thank you, Honourable Minister. I commend you for your commitment in the *Daily Hansard* yesterday where you stated our duty to prevent typhoid, people did not take leave, directed them to stay on site, they did not leave for the whole of December and January and this was typhoid, and as has been expressed by my colleague, four deaths were reported before action was taken.

Incidentally, it was the same period that you were away in Geneva for two whole weeks while your staff were working. So, my question is: why did you wait till that? Why did you not have the same vigour in your duty to leptospirosis knowing this happens every year and the number of deaths that was given to typhoid with your staff present on site to help our people in preventative measures? Thank you.

HON. SPEAKER.- I thank the Honourable Member. Honourable Minister, you have the floor.

HON. DR. I. WAQAINABETE.- Thank you for that question. The typhoid was predominantly in the rural areas. Our leptospirosis outbreak was predominantly in the peri-urban areas. The attention to detail was the same, we knew it, we kept on telling our people around the Central Division, "Look we have had some cases of leptospirosis, there are some blood results becoming positive". We kept on telling

them we have a high index of suspicion and also to be mindful of the fact that this is the time when we have typhoid, the time when we have leptospirosis and the worry of dengue, apart from the seasonal flu, apart from the other diseases that patients bring to our health facilities.

Our people had a high index of suspicion and as I had said earlier, the challenges that a patient has and brings to the facility can only be dealt with by what we have, what happens, what comes when they come into the facility. We have no control, Honourable Speaker, of what happens before and that is why prevention is better than cure. That is why we advise around hygiene, sanitation practices of being well, of coming early to the hospital and the health facility was actually put out there into main stream media, even up into the period of the festivities and after, when we had the *TD 3* and also *TC Mona*.

I think that was one thing that was very clear that we were concerned about infectious diseases and we must also remember that these are communicable diseases that the environmental issues around them could be the same. When we are advocating for typhoid, at the same time we were also advocating for things around dengue and leptospirosis. Yes, typhoid in the rural areas; yes, leptospirosis in the peri-urban areas, but yes, we did recognise it, we did our internal mechanisms to ensure that it was covered and we did the appropriate response that I feel, and I take my hat off for our staff who were actually responding appropriately in preventing further deaths. Thank you.

HON. SPEAKER.- I thank the Honourable Minister. Honourable Mikaele Leawere, you have the floor.

HON. M.R. LEAWERE.- Thank you, Honourable Speaker. I thank the Honourable Minister for enlightening us about leptospirosis. The question that I would like to pose to the Honourable Minister, Honourable Speaker, is on preventive measures, especially on awareness of this disease because I am very much concerned with our schools and villages. What is the Ministry doing in terms of conducting awareness so that the people are aware of what is happening?

HON. SPEAKER.- Thank you, Honourable Member.

HON. DR. I. WAQAINABETE.- I thank the Honourable Member for the question. Yes, we all have a part to play in terms of prevention. Simple measures as ensuring that our important farmers wear gumboots when they go out to farms. As I have said earlier, it is a known fact that places where there is water, mud, there is a possibility of leptospirosis. I have also said earlier that WHO has said that it is zoonosis that is distributed worldwide, especially in the tropical areas.

Honourable Speaker, we cannot change our coordinates. We are locked in the tropical areas and therefore we have to ensure that we actually have preventative measures. Thank you very much, Honourable Speaker.

HON. SPEAKER.- Thank you, Honourable Minister, and I give the floor to the Honourable Simione Rasova to have the floor.

HON. S.R. RASOVA.- Thank you, Honourable Speaker. I was listening to the Honourable Minister who talked about the leptospirosis that is the effect from animals, anything that is four-legged. He had mentioned that we are doing preventions and cure on human beings. I would just like to ask the Minister: what are we doing with the animals at this stage, where we will not continue spreading it to humanity?

HON. SPEAKER.- Thank you, Honourable Member.

HON. DR. I. WAQAINABETE.- Thank you very much for that question, Honourable Member. I have had a discussion with our Environmental Health Officers and normally they run a programme of deratting in the peri-urban community. This is something that we want to work in conjunction with the municipal councils but we also want to ensure that households actually go through their process of deratting, because as you know, rats do not have any doors in which they cannot go through. So they can come from the community right into the households and back again. So, yes, the deratting because we feel it is the issue of rats and mice, we also feel that this is something that we want to work with the municipal councils and it is something that we have been doing before and we will continue to do, thank you very much.

HON. SPEAKER.- Thank you, Honourable Minister. We will move on to the next question. I now give the floor to the Honourable Lenora Qereqeretabua to ask Question No. 17/2019.

Memorandum of Understanding – Belt and Road Initiative (BRI)
(Question No. 17/2019)

HON. L.S. QEREQERETABUA.- Thank you, Honourable Speaker. May I take this opportunity on behalf of my family to offer you congratulations, Sir, and to wish you many more years of fitness and good health.

Can the Honourable Minister for Industry, Trade, Tourism, Local Government, Housing and Community Development advice Parliament on the full and substantive aspects of the Memorandum of Understanding in cooperation within the framework of the Belt and Road Initiative (BRI) signed on 12th November, 2018 in China?

HON. P.D. KUMAR (Minister for Industry, Trade, Tourism, Local Government, Housing and Community Development).- Honourable Speaker, thank you for allowing me to take the floor to respond to the Honourable Member's question.

The MOU has various components, including Trade and Economic Relations. However, this question should have been directed to the Honourable Minister for Foreign Affairs because it is the Ministry of Foreign Affairs that is the coordinating agency.

HON. OPPOSITION MEMBER.- This question is directed to you.

HON. P.D. KUMAR.- Honourable Speaker, the purpose of the MOU is to provide a framework for engagement and collaboration between Fiji and China in the areas of mutual interest under the Belt and Road Initiative. The Belt and Road Initiative is a development strategy adopted by the Chinese Government involving infrastructure development and investment.

The MOU focuses on strengthening connectivity through five key areas. The key areas of the MOU are as follows:

1. Policy Coordination - Fiji and China will regularly communicate and promote the synergy and integration of their major development strategies, planning and policy. It is something that I spoke yesterday about. This was on Free Trade Agreement.
2. Facilities Connectivity - Fiji and China will conduct corporation and exchanges of infrastructure connectivity in areas of mutual interest, such as roads, railway, bridges, civil aviation, sports, et cetera.

3. Enhance Trade and Investment - Fiji and China will expand two-way investment and trade flow and further deepen investment, trade and industrial co-operation. To give an example, Fiji participates in various Expos organised in China and from China, the delegation comes to Fiji to explore investment opportunities.
4. Financial Coordination - Fiji and China will encourage respective financial institutions to provide financing support and financial services for production capacity, investment and trade co-operation.
5. People to People Bond - Honourable Speaker, Fiji and China will promote people to people exchange, further develop the sister cities network and conclude co-operation agreements on education, culture, health, tourism, sports and public welfare, to name a few. This is to enhance exchange and co-operation between the local Governments, media think-tanks and youths.

Lastly, the MOU encourages the two countries to work together on mutual areas of co-operation with all stakeholders within the Government and outside the Government.

It is important to note that Fiji also has such umbrella MOUs with other countries to guide the conduct of our bilateral relations. Honourable Speaker, that is all I have to say.

HON. SPEAKER.- I thank the Honourable Minister. Working on your cue, does the Honourable Minister for Defence, National Security and Foreign Affairs wish to add to that reply.

HON. LT. COL. I.B. SERUIRATU.- Honourable Speaker, not at this stage, but I can be happy to assist in answering supplementary questions if there is a need. Thank you, Honourable Speaker.

HON. SPEAKER.- Thank you, Honourable Minister. I give the floor to the Honourable Alvick Maharaj.

HON. A.A. MAHARAJ.- Honourable Speaker, a supplementary question; can the Honourable Minister inform how many countries are part of the Belt and Road Initiative, please? Thank you.

HON. SPEAKER.- Honourable Minister, you have the floor.

HON. P.D. KUMAR.- Honourable Speaker, there are total of 27 countries across Asia, Europe, Africa and the Pacific, including South America. From the Pacific, we have Papua New Guinea (PNG), Fiji, Samoa, Tonga, Cook Islands and Vanuatu.

HON. SPEAKER.- I thank the Honourable Minister. Honourable Members, at this point, we will suspend proceedings for lunch. Please, note that the lunch is provided for Honourable Members in the Big Committee Room.

I also remind members of the Business Committee of our meeting at the Small Committee Room straight after this. Parliament will resume at 2.30 p.m.

The Parliament adjourned at 12.25 p.m.

The Parliament resumed at 2.35 p.m.

HON. SPEAKER.- Honourable Members, we have with us this afternoon, the Law100 Sociology of Law students from the University of Fiji. I want to welcome the Law students to Parliament, and I trust that your visit to Parliament will be an educational and a memorable one. I welcome you most sincerely.

Honourable Members, we will continue from where we left off this morning and I open the floor now. Honourable Member, you may have the floor.

HON. V.R. GAVOKA.- Honourable Speaker, I wonder if I can ask Government to set up a day where we could all sit as Parliamentarians, to fully get to understand the implications of the Belt and Road Initiative or BRI. I ask this, Honourable Speaker, because this is something historic. If you see the extent to which the Chinese are setting up this initiative where it touches the movement of goods by rail from the shores of the Atlantic to South China Sea. That whole land mass comprising Asia and Europe will all come under BRI.

The implications to us will be very significant and it is going to change the world in the way that we can never comprehend today. Can we ask the Government to do its duty and set up a proper forum where we can all get to understand this? This is very serious and something that we need to understand as Parliamentarians. Thank you.

HON. SPEAKER.- Thank you, Honourable Member.

Honourable Minister, you have the floor now. There are two Ministers here whom I look to this morning but I will ask the Minister for Defence on this occasion.

HON. LT. COL. I.B. SERUIRATU.- Honourable Speaker, thank you. The quick response is, let us not be suspicious about China or other countries.

(Honourable Members interject)

HON. LT. COL. I.B. SERUIRATU.- We, as a developing country, need to have trade and we need to develop strategic partnership with all our friends.

Honourable Speaker, the Belt and Road Initiative is about development. We need to look at the economic trends. Asia, Honourable Speaker, is now a major player in the dynamics of the economic dimensions globally.

If you look at Australia, Honourable Speaker, imagine how Australia would manage if it was not for the arrangements that they have with China today. The same with Australia, Honourable Speaker, it is about development, trade and about the economy growth, and that is what the Belt and Road Initiative is all about, Honourable Speaker.

HON. V.R. GAVOKA.- Point of Order.

HON. SPEAKER.- Yes, on a Point of Order.

HON. V.R. GAVOKA.- A clarification, I am not suggesting that we are suspicious. I am suggesting that we need to fully understand it, that is clarification, Honourable Speaker.

HON. LT. COL. I.B. SERUIRATU.- Honourable Speaker, this side of the House is not responsible for that development. If they want more information, what is stopping them from doing their own research and then come back and raise the question in this House. They should be responsible, Honourable Speaker, thank you.

(Honourable Members interject)

HON. SPEAKER.- Honourable Members, this is a straight forward question and answer period. The question was asked and it was answered by one of the Ministers responsible this morning. I could ask the other Honourable Minister for an addition to the reply to your question. You have the floor, Madam.

HON. P.D. KUMAR.- Honourable Speaker, I agree with the Honourable Minister on what he said just a while ago. I think there is an obligation on the other party to come prepared for such debates. And if you had done enough reading, you could have asked me all those questions and I could have clarified them for you. Thank you, Honourable Speaker.

HON. SPEAKER.- Honourable Member, you have the floor.

HON. PROF. B.C. PRASAD.- Point of Order, Honourable Speaker. I think it is on relevance. It is actually quite irresponsible for the Honourable Ministers to say, “Go and do your homework.” I mean, if there is a question from the Opposition...

HON. A. SAYED-KHAIYUM.- That is not a Point of Order.

HON. PROF. B.C. PRASAD.- It is a Point of Order, on relevance.

(Honourable Member interjects)

HON. PROF. B.C. PRASAD.- The answers are not relevant to the question that he asked and it is quite irresponsible for Honourable Ministers to say; “Go and do your homework.” If you have a question, you answer it, and that is where the story ends, Honourable Speaker.

HON. SPEAKER.- I think after all that, we have dealt with this question and we will move on to the next question. I will give the floor to the Honourable Sanjay Kirpal to ask his question.

Australian Prime Minister’s Visit – Black Rock Project
(Question No. 18/2019)

HON. S.S. KIRPAL asked the Government, upon notice:

Can the Honourable Minister for Defence, National Security and Foreign Affairs explain to the House the Black Rock Project at Nadi, following the visit by the Australian Prime Minister?

HON. LT. COL. I.B. SERUIRATU (Minister for Defence, National Security and Foreign Affairs).- Honourable Speaker, first, let me thank the Honourable Member for the question. This is going to be a long one because I have to go back to 1978.

Honourable Speaker, you would recall that since our first United Nations (UN) deployment in 1978, Fiji has never had a purpose-built, state-of-the-art training facility for our peacekeepers. Peacekeeping is so important for a small country like Fiji and it has been one of our extension arm, I would call it, to our foreign policy, and Fiji has been punching above its own weight over the years.

A small country but a big contributor to peacekeeping operations throughout the world, we have an obligation in the enforcement, restoration and maintenance of global peace. This is why we, as a country, a big contributor to peacekeeping operations, need to have a proper facility in which our men and women can be trained and, of course, be given the recognition that they deserve after Fiji's involvement in peacekeeping operations over the years.

Honourable Speaker, the Black Rock Project, again, is an initiative from the Bainimarama-led Government and it has been continued by the FijiFirst Government. It started in 2009 when the Republic of Fiji Military Forces (RFMF) made submissions for this project to be funded. Of course, with the little allocation that we were given, the project has started.

Very briefly over the years, Honourable Speaker, as I had stated, the inception of the Black Rock Project was in 2009 and it is named after the feature on which it sits in Nadi. The infrastructure work started by the PWD then, where they constructed the perimeter fence and then the engineers started working with the accommodation blocks.

Over the years because of the funding allocation, we only managed to have three accommodation blocks, one incomplete mess hall and, of course, the infrastructure, particularly, the ring road and other structures include the temporary staff room, a kitchen, guard room and ablution blocks; the bare necessities that would be needed for a institute as such.

As I had stated, Honourable Speaker, while the Government was developing this project, at the same time it was seeking the assistance of our friends and partners to provide us with that assistance and we are thankful to the Honourable Prime Minister in his discussions with the Former Prime Minister of Australia, the Honourable Malcolm Turnbull. In August 2018, they did include this in their bilateral meeting and of course, the Honourable Prime Minister then of Australia gave the undertaking that they will fund the project for us.

Very simply, Honourable Speaker, as we speak, the Australians have sent technical teams and we are now looking at the overall redesigning of the Black Rock Project. With the work currently undertaken, we are thankful to the Australian Government that they have opted for a local engineering company, GHD Engineers, to design the project and about 50 percent of the design concept is ready and to be presented on 26th March, 2019.

The intention, Honourable Speaker, for me to cut it short, is for us to commence construction in April based on the work that has already been undertaken by the consultancy firm doing the engineering work. So we commence with the construction in April 2019 and allow the engineers and the technical team to continue with the rest of the scoping and technical work for the completion of the entire project. Hopefully, Honourable Speaker, we will be able to complete this project by December 2020.

Honourable Speaker, it is not only about peacekeeping, it is not only a peacekeeping centre and when I am talking about peacekeeping, it is not only for Fiji but we are looking at the region as well. At the same time, the Humanitarian Assistance and Disaster Relief (HADR) training, disasters and climate change are happening and will remain and this is also in consideration and this has been part of the discussion. We will also utilise this facility, not only for peacekeeping purposes, but also for HADR Training. On HADR, the Australian Government has also committed again, this is part of the lessons learnt from *TC Winston*, they are going to build a HADR Warehouse on Black Rock so that it can be easily accessible to the international airport and of course support HADR activities.

At the same time, there is also discussions with the Fiji Police Force on fully utilising these facilities so we will try to maximise the usage of the facility and at the same time economise so that we

do not unnecessarily need to have other facilities built. We are looking at peacekeeping operations, HADR and of course Police Training as well. Thank you, Honourable Speaker.

HON. SPEAKER.- I thank the Honourable Minister. Honourable Salote Radrodro you have the floor.

HON. S.V. RADRODRO.- Thank you Honourable Speaker and thank you Honourable Minister for that information. I am just wondering, you mentioned that it will also involve the other regional countries in regards to HADR, and in terms of ownership of the institution, does it fully belong to Fiji because the facility will also be used by other regional countries. What stake do other regional countries have on that Black Rock?

Thank you Honourable Speaker.

HON. SPEAKER.- I thank the Honourable Member. Honourable Minister you have the floor.

HON. LT. COL. I. B. SERUIRATU.- Thank you, Honourable Speaker. Of course the facility belongs to Fiji and we have our obligations to our partners and friends and this is part of this obligation. They are welcome to participate in the activities including training that will be run in the institute.

HON. SPEAKER.- Thank you, Honourable Minister. Honourable Member you have the floor.

HON. M. D. BULITAVU.- Thank you, Honourable Speaker. I thank the Honourable Minister for his answer. What are the strategic objectives in terms of global security with our traditional allies like Australia in setting up this Black Rock Project, not only for peace and security in the region but also for Fiji and Australia? In terms of other security issues not only peacekeeping but the safety of our region that this project can play in the future, in terms of inter-training, exchange knowledge and skills carried out in this project.

HON. SPEAKER.- Thank you, Honourable Member. Honourable Minister, you have the floor.

HON. LT. COL. I.B. SERUIRATU.- Honourable Speaker, let us separate the two - national security issues and peacekeeping issues.

I have made it specifically clear from the very beginning that this is part of our own obligation as a responsible member of the United Nations. We need to be contributing towards the enforcement of global peace, maintenance of global peace and of course the restoration of global peace. However, the National Security, Honourable Speaker, probably I will come later in one of the future sittings in Parliament to talk about our national security arrangements here in Fiji and of course we cannot deny the fact that we are working very closely, particularly with our partners on national security issues.

But let me say, in the nutshell in terms of national security, we can say that we are safe particularly from conventional threats. However, we are vulnerable and that is the area in which our National Security Policy and strategy will focus on and of course we are working together with our partners particularly Australia and New Zealand and the key players within the region. Thank you, Honourable Speaker.

HON. SPEAKER.- Thank you, Honourable Minister. Honourable Niko Nawaikula, you have the floor.

HON. N. NAWAIKULA.- Honourable Speaker, we on this side of the House worry that what you learn there, you will use it against the local population, intimidate them, threaten them ...

(Chorus of interjections)

HON. N. NAWAIKULA.- ... as you have done. If you had been doing that since 1978 to keep the peace outside, you would support it. So what assurance, what measure, what guarantee do you have that, that will not be used against the local population?

(Chorus of interjections)

HON. SPEAKER.- Honourable Minister has the floor.

HON. LT. COL. I.B. SERUIRATU.- Honourable Speaker, the role of the RFMF is mandated under the Constitution period. This is about peacekeeping, Honourable Speaker. Soldiers, of course, I have talked about conventional threats and every defence force will always train for conventional threats. This is additional to their conventional obligation under the Constitution. Peacekeeping is a different issue altogether. Thank you, Honourable Speaker.

HON. SPEAKER.- Thank you. Honourable Pio Tikoduadua you have the floor.

HON. LT. COL. P. TIKODUADUA.- Thank you, Honourable Speaker. Honourable Speaker, of course protection is always a paramount issue for concern in peacekeeping and in particular for Black Rock and our combined association with Australia in developing this peacekeeping capability. I would just like to ask the Honourable Minister to enlighten the House what capability measures will Australia bring into Black Rock for peace support operations in this regard to enhance force protection measures for RFMF and whoever else particularly, the Police to deploy on operations in addition to what the Government currently provides for Fiji today. Thank you.

HON. SPEAKER.- Thank you, Honourable Member. Honourable Minister, you have the floor.

HON. LT. COL. I.B. SERUIRATU.- Thank you, Honourable Speaker. Capability development is critical in any defence setting and of course in our peacekeeping operations, we also ensure that given the threat assessment in any operating theatre, troops need to be armed, equipped and protected accordingly. And Government has taken the necessary measures to address that, Honourable Speaker.

Honourable Speaker, you would recall that when we were serving in Lebanon, we did not have Armoured Personnel Carriers, but it was through the assistance of the French Government that we had serviens and of course we used to depend on the *sisu* provided by the Finnish but in the history of Fiji's peacekeeping operations, that is to the FijiFirst Government, now we have the state of the art Bushmaster that has already been developed by Australia and we purchased that last year. It is in the operating theatre and we also have it in Black Rock; those that are for the training. We are acting responsibly and of course we are also in discussions with our partners including the Americans to look at the other needs that are there.

There is, what we have a statement of requirement that we are currently discussing now. This is part of the changes that are happening in the peacekeeping areas. There has just been a high level, they call it the HIPPO Report (High Level Independent Panel on Peace Operations), the report is available. It was presented to the Secretary-General of the United Nations and troop contributing countries have been advised to relook at their peacekeeping operations policies and of course adjust, align to the HIPPO Report so that we can be considered for future peacekeeping operations.

On that, Honourable Speaker, the Honourable Prime Minister has made commitment on our Statement of Unit Requirement and Readiness and we are working on that so that we can table it to New York before the next audit teams comes. But let me assure this Honourable House that we are doing our

very best to ensure that based on the threat assessments, troops are given the necessary protection that they deserve. *Vinaka*.

HON. SPEAKER.- Thank you Honourable Minister. I think we have exhausted this question and we will move on.

(Chorus of interjections)

HON. SPEAKER.- Order, order! Honourable Members, question time is over and we will move on to the next agenda item. We have had a long informative question session today.

MINISTERIAL STATEMENTS

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

1. Prime Minister and Minister for *iTaukei* Affairs and Sugar Industry.

HON. V.R. GAVOKA.- Point of Order, Honourable Speaker. The Honourable Bala is asking for me to go

HON. MEMBER.- He is not a Speaker. There is only one Speaker in the House.

HON. SPEAKER.- Honourable Member, there is only one Speaker in the House. You know, so I do not have to remind you of that. You can have your dilly-dally as you please, but there is only one Speaker in the House.

I will continue:

1. Prime Minister and Minister for *iTaukei* Affairs and Sugar Industry; and the
2. Minister for Industry, Trade, Tourism, Local Government, Housing and Community Development.

Each Minister may speak for up to 20 minutes. After each Minister, I will then invite the Leader of the Opposition or his designate to speak on the statement for no more than five minutes.

There will also be a response from the Leader of the National Federation Party (NFP) or his designate, to also speak for five minutes. There will be no other debate.

I now call on the Honourable Prime Minister and Minister for *iTaukei* Affairs and Sugar Industry to deliver his statement. You have the floor.

Fiji's Presidency of the 23rd Session of the Conference of the Parties (COP23) to the UN Framework Convention on Climate Change

HON. J.V. BAINIMARAMA.- Mr. Speaker, I am honoured and eager to share with the Fijian people the result we obtained in the year of Fiji's Presidency of the 23rd Session of the Conference of the Parties to the UN Framework Convention on Climate Change which we know as COP 23 and to share with you our resolve to keep up the fight.

However, before I report to you, Mr. Speaker, I would like to take a few moments to reflect on the life and service of your predecessor and our dear colleague, the Honourable Dr. Jiko Luveni, who

passed away nearly two months ago. As we have heard in the last 24 hours that Dr. Jiko Luveni was a pioneer, the first woman to be elected Speaker of Parliament and the first Fijian woman to graduate from the Fiji School of Dentistry. She was a loving wife, mother and grandmother, but I think we will most remember Dr. Jiko Luveni for her decency and her goodness.

I would like to say Mr. Speaker, had she been with us today, she would have made the ideal first female President of the Republic of Fiji. So, I ask all Fijians to reflect on her life, her character and to remember her as someone who, in our own quiet way, make Fiji a better place.

Mr. Speaker, I would like to offer you my warmest congratulations again on your appointment as Speaker of this august Parliament. With your long and historic history with RFMF and Government and your extensive knowledge of how this Chamber works, we look forward to your guidance and wisdom.

Mr. Speaker, I would now like to turn to the subject of Fiji's role as a leader in the fight against climate change which poses a threat of unprecedented scale and breath to Fiji and our neighbours in the Pacific.

Mr. Speaker, my fellow Fijians when Fiji was asked at COP 22 in 2016 in Morocco to take on the Presidency of COP 23, we knew it would be a huge undertaking but we saw it as both the duty and an opportunity. We felt the duty to take on this role and give a voice to the smaller, weaker and most vulnerable nations of the world.

I would like to inform you, Mr. Speaker and the Honourable Members, as you all also know that this was the first time a small island nation state presided over COP since its beginning. It is a principle of international relations that all nations are equal. Our flags fly at the same height, our heads of Government are received in the same way with the same protocol. We each take our turn speaking at international meetings with the same amount of time allotted. The Leader of the United States and the Leader of Tuvalu are equals.

That, Mr. Speaker, despite the time honoured system of diplomacy and the goodwill of larger and more powerful countries, we small countries know that having a place at the table is not enough. A place at the table does not always ensure that you get your share of what is being served. We often have to fight to be sure that we are not dining on crumbs and scraps, that is one reason we coordinate our positions and bind together in regional group or groups with common interests. By taking on the Presidency of COP23, Fiji outvoted all small island developing states into a position to make sure our voices were heard loud and clear, and our critical needs given the attention they deserve.

The Fijian Presidency goal was to deliver a visionary COP that energised and advanced the Paris Agreement, that required a human hand but while we did so, we owned a bully pulpit to call the attention to the plight of the vulnerable and we used it. But, Mr. Speaker, Fiji's legacy is not one of confrontation, Fiji's legacy is the legacy of inclusion, cooperation and respect; we cemented this legacy in two ways:

1. By urging into action a grand coalition of nations, regions, cities and towns, civil society, labour, the private sector, women and youth communities of all kinds, to work together in this long term struggle. We argued that the problem was too great to be resolved by national governments alone, and more are needed to be done to integrate the experiences of these groups, to understand their problems and learn from their solutions into a broader global conversation and a more productive negotiation process;
2. We established *talanoa* as an official vehicle for bringing different experiences and viewpoints together. I do not have to explain to you what *talanoa* is as we had to do when we launched this initiative with the United Nations Framework Convention on Climate

Change (UNFCCC). But it has been revolutionary because it has begun to move the discussions from a climate of zero-sum negotiations among nations, to a climate of understanding, inclusion and respect among nations and people. *Talanoa* have since taken place all over the world. As Fijians we can be proud that we have shared this Pacific concept with the world at large as a tool to accelerate ambition in the climate change.

Mr. Speaker, during Fiji's Presidency of COP 23, we were able to lead countries in reaching agreements on a number of very important issues which I would like to tell you about shortly, but I would like to speak first about the achievements closer to home.

Fiji's Presidency brought concrete benefits to Fiji itself, many of which would have been impossible to achieve in so short a time had we not occupied the Presidency of COP 23. That is because our Presidency opened opportunities for us to engage closely with global leaders, experts and institutions that are finding their technology, financing and ideas we will need to develop a more sustainable economy and adapt our infrastructure to climate realities.

To start, the Green Climate Fund and the Asian Development Bank (ADB) are providing funding to improve Fiji's Water Management System. These funds, Mr. Speaker, are already at work and will eventually, when combined with other fund sources reach the total sum of \$US220 million to relieve the strain on our urban water supply and sanitation systems to the benefit of more than \$F300,000, and Fiji was the first emerging economy in the world to launch a Sovereign Green Bond which was listed under the London Stock Exchange raising \$100 million. This is financing renewable energy, clean water and energy efficiency projects here in Fiji and has repaired school buildings damaged by *TC Winston*, so, they can better withstand extreme weather.

The Fiji Rural Electrification Fund is an innovative project now providing sustainable electricity for the first time on the island of Vio, just off the Wharf in Lautoka. We built this first site with the help of the Leonardo DiCaprio Foundation and we are now moving to Phase II and another 10 communities for which we are seeking support. We will assist, not only Fijians, but also our brothers and sisters across the Pacific with the Regional Pacific Nationally Determined Contribution (NDC) implementation hub which was first raised at the July 2017 Climate Action Pacific Partnership Conference here in Suva.

We also launched the Climate Finance and Insurance Drua Incubator with the help of developing or supporting financial initiatives and climate insurance concept that can be applied to Fiji and the Pacific. We promoted the cost of the most climate vulnerable nations, especially those in the Pacific by helping to share their stories and we have focused on special measures to assist them, including how they can pay for what they need to meet the climate threat, and we helped develop new, inclusive and innovative ways to speed up the response to climate change.

Countries rich in historic agreement on agriculture which has never been brought to COP before, Mr. Speaker, until our COP and the Koronivia Joint Work on agriculture will help lead to new strategies for adaptation and mitigation to reduce emissions and build resilience to the effects of climate change.

Mr. Speaker, politics aside, all Fijians can be proud of all our achievements during our Presidency culminating at COP 24 in Katowice, Poland, last December. There, all our work came to a fruitful conclusion as the guidelines for the Paris Agreement were adopted, which ensures that the Paris Agreement can be put into action once it starts in 2020.

A few examples: the countries working together across the international stage, COP 24 marked an important step forward in our collective efforts to combat climate change. While in Poland, I delivered a declaration on behalf of the Pacific Small Islands Developing States (PSIDS), that included a call for

all PSID countries to phase out coal by 2030 and for all other countries to follow suit by 2040 at the very latest.

We are very pleased to see that the ranks of the Powering Past Coal Alliance, launched at COP 23 in 2017, also continue to grow. Fiji has insisted, Mr. Speaker, and will continue to insist on more ambitious actions needed to keep global warming to no more than 1.5 degrees over the pre-industrial levels. This is why just before COP 24, we joined with the Marshall Islands as the first nations to commit to raising our NDCs. We now challenge other nations to follow in our footsteps.

In addition, at COP 24, we launched the first Fijian National Adaptation Plan with the vision of achieving a climate resilient development pathway that enables Fiji to anticipate, reduce and best manage growing environmental and climate risks.

Furthermore, Mr. Speaker, Fiji's first ever Low Emission Development Strategy was also launched at COP 24, defining pathways to achieve low emission development in Fiji until 2050. Our aim is to forge a path to net zero carbon emissions by 2050 across all sectors of our economy.

Mr. Speaker, last but not the least, Fiji's National Plan Relocation Guideline was also launched during COP 24, guaranteeing that all community relocations are done sustainably. They offer viable options for economic activity and will provide support and services for those being relocated. While relocating our villages and where it will always be our last resort, we must prepare for the worst.

Mr. Speaker, as I said, we may have ended our COP 23 Presidency, but we know that we cannot end our efforts. At COP 24, at the end of the historic Global *Talanoa* Dialogue, our own young global climate champion, Timoci Naulusala from Tailevu, joined a Polish girl, Hannah Wojdowska, in reading out the *Talanoa* Call for Action to Conference delegates and to the world. For them and all other children facing an ever more frightening future, we must continue to fight.

Mr. Speaker, Fiji will continue its press for the most ambitious action possible through the chairmanship for the Pacific Small Island Developing States, as the Chairman of the World Bank States Forum, and as co-chair of the Ocean Pathway Partnership. We will also continue our involvement in other important alliances, such as the High Ambition Coalition and Climate Vulnerable Forum. We will ensure that our voice is heard at the most important tables like the UN Security Council, which the Honourable Attorney-General addressed last month, and the UN Secretary-General's Special Climate Summit in September, 2019.

Our commitment to the Ocean Pathway Partnership causes us to push for the opportunity to target COP 25 as the Ocean COP, and to make 2019 the year to guarantee that Ocean action is integrated in the UNFCCC and climate efforts. We will continue to support private sector efforts, like those of the pearling industry's Blue Pledge, look to begin the clean-up of our regional shipping and launch a co-ordinated Ocean Policy for Fiji.

Mr. Speaker, we also made a significant impact at the regional level with Climate Action Pacific Partnership (CAPP) conferences which serve to share and refine strategies and solutions for the Pacific.

Mr. Speaker, when we took on the COP 23 Presidency in 2016, Fiji was still reeling from the effects of *TC Winston*. We committed to heading COP 23, but only if it would count at zero additional cost to the Fijian taxpayer. And a remarkable support network, both here at home and from the international community, we delivered on that pledge.

Those partners are listed on the COP 23 website, for those of you who are interested to know, but I do want to make special mention, Mr. Speaker, of one partnership - the German Government. They not

only provided generous direct financial support, but they also made the Conference in Bonn the success it was. So to the people of Germany, to GIZ, and to all our partners, *vinaka vakalevu*.

Mr. Speaker, before I conclude, I would also like to sincerely thank our Pacific Island neighbours, who have been a source of great solidarity and inspiration, along with the members of COP 23 Presidency leadership and the Fijian Delegation. This journey would not have been possible without their tireless work and dedication.

Mr. Speaker, although our Presidency mandate came to an end two months ago, Fiji intends to continue the push for more ambition in 2019 and years to come. We will continue to be a voice for decisive climate action for ourselves and all vulnerable people around the globe.

And we also intend to keep leading by example, demonstrating to the world that when it comes to fighting climate change, the size of any nation is no barrier to making a significant impact, as Fiji has proven that sometimes the smallest nations can have the biggest voice.

HON. A. SAYED-KHAIYUM.- Hear, hear!

HON. J.V. BAINIMARAMA.- Mr. Speaker, I want to end my remarks today on an important note. You will notice, Mr. Speaker, that I spent the time outlining the facts of our accomplishments in great detail, and this is exactly what the Fijian people can expect from the Government. I, and the Honourable Members of Parliament on this side of the Chamber, plus our lone ranger, the Honourable Vijendra Prakash,...

(Laughter)

... pledge to present the Fijian people with facts. You will see me doing it here, Mr. Speaker, and you will see me doing it on videos, I post on my *Facebook* page and through my "*Noda Prime Minister Programme*" on Radio Fiji One.

HON. A. SAYED-KHAIYUM.- Hear, hear!

Mr. Speaker, FijiFirst will layout our long term vision in clear terms and speak directly about how we seek to achieve our goals. We will not use Parliament as a podium for misleading the Fijian people, and I wish I could say the same for Honourable Members of the Opposition.

Just in the last sitting, Honourable Speaker, the Honourable Kuridrani was caught red-handed spreading misinformation. He was fact-checked shortly thereafter.

(Honourable Member interjects)

HON. J.V. BAINIMARAMA.- But that is not the first time.

Mr. Speaker, I will also use the *Noda Prime Minister Programme* to highlight the misrepresentation and deceit that the Opposition will present in this Parliament, and I want to put them all on notice.

(Honourable Members interject)

HON. J.V. BAINIMARAMA.- Mr. Speaker, I am sure you will agree that we must, at all times, maintain the integrity of this august Parliament.

(Honourable Members interject)

HON. J.V. BAINIMARAMA.- Are you finished?

(Laughter)

Mr. Speaker, but you do not stop being Members of Parliament when you leave this Chamber. Your behaviour on social media or around the grog bowls should reflect that.

Honourable Bultavu, I am also looking at you and the lies on your videos. This behaviour is despicable and it is below the standard elected officials should hold themselves to. It is unpatriotic. To every Member of Parliament, we should no longer put up with such behaviour and I challenge the Honourable Leader of the Opposition to hold his Members accountable.

(Honourable Member interjects)

HON. SPEAKER.- Honourable Member, when the Prime Minister makes his statement, there is no Point of Order.

(Laughter)

HON. J.V. BAINIMARAMA.- Mr. Speaker, I would say you have a history of forcefully asserting control in this Chamber. There was once a bullet hole in the ceiling somewhere around here to prove it. So this time, as we are now a truly democratic nation, rechannel that energy to reign in your Honourable Members so that they speak the truth, as we do on this side of the Chamber. Thank you, Mr. Speaker.

HON. SPEAKER.- I thank the Honourable Prime Minister for his statement and as I had indicated earlier on, I will now call on the Leader of the Opposition or his designate.

Honourable Niko Nawaikula, you have the floor.

HON. N. NAWAIKULA.- ... make a five-minute reply.

HON. SPEAKER.- You have five minutes, Honourable Member.

HON. N. NAWAIKULA.- Yes, Mr. Speaker. First and foremost, I think the Honourable Prime Minister is like a cry-baby.

(Chorus of interjections)

HON. N. NAWAIKULA.- He comes here and he cries and cries. If you want to come to this House, you develop a thick skin because this is a House of debate, so do not ever come back with those kind of comments, please.

Just speaking on the bond, \$8 million was spent. For what? For nothing. What have we achieved? Nothing. Talking of transparency, \$4 million donated by an anonymous person. Where is transparency?

(Honourable Members interject)

HON. N. NAWAIKULA.- Where is transparency!

Honourable Speaker, I listened to the statement and I am sad and unhappy that, it reveals how naïve the Honourable Prime Minister is in making such a statement. There was a problem. They said this venture between what our agenda is, going to COP 23 and what is the universal purpose of COP 23, and we are totally wrong. It is like, he is barking under a wrong tree.

(Laughter)

All these purported achievements are not achievements. If you care to compare these against (I measure it against) what COP 23 is about, the Honourable Prime Minister says he wanted to be the voice of small nations. That is not about COP 23, that is not about climate change, that is not about the Paris Agreement.

In all that, small nations like us can fly their flags against big nations. That is not about climate change, that is not about the Paris Agreement. And he says, “A voice to be heard along with the other voices.” It is not about voice. You have to look at the broader principles of COP 23.

Let me tell you this, COP 23, of course, is about the Conference of Parties relating to the Paris Agreement. For what? The commitment comes down to about three rules, commitment to reduce greenhouse gas. So if the Honourable Prime Minister would care to talk achievement, talk about greenhouse, talk about our achievements, what legislations are there, what policies are there to reduce the greenhouse gasses? And we can always start talking.

HON. OPPOSITION MEMBER.- Tell them, tell them!

(Laughter)

It talks about *talanoa* which has nothing to do with that. *Talanoa* has nothing to do with reduction. You show the world what our commitment is in relation to the removal or reduction of the greenhouse and for our country like Fiji, it translates to what legislation have we had during your tenure of presidency? Nothing!

What policies do we have to reduce gas or to increase carbon cover or forest cover. Nothing!

(Laughter)

HON. N. NAWAIKULA.- We have the Honourable Minister for Forests there. In the last time, they have 630 acres to plant, but nothing! Here, let me come down to this. It is very unfortunate, freehold real estate development (holding paper up). This is an indication of how we have failed

(Honourable Member interjects)

HON. N. NAWAIKULA.- And it implicates the Prime Minister as Chairman of iTLTB, as Minister for the ‘Qoliqoli’ owners, holding a fiduciary duty. It implicates the Attorney-General. Why are you just now deciding to lay charges? What were you doing? Sitting on your backside?

(Laughter)

You should be monitoring, you should be regulating.

(Chorus of interjections)

HON. SPEAKER.- Order, order!

HON. N. NAWAIKULA.- You are the Minister for Lands.

(Chorus of interjections)

HON. SPEAKER.- You have the floor.

HON. N. NAWAIKULA.- Only now, he has decided that this company has breached all the regulations and has laid charges, he has not filed it any way, he is thinking and he is still thinking.

(Laughter)

So you can be sitting down there and what have you achieved? Nothing!

(Chorus of interjections)

HON. SPEAKER.- Order, order!

I thank the Honourable Member for his contribution to this debate. I now have the pleasure of giving the floor to the Leader of the National Federation Party or his designate.

HON. PROF. B. C. PRASAD.- Thank you, Honourable Speaker. I thank the Honourable Prime Minister for his statement. Mr. Speaker, let me also take this opportunity to congratulate the Honourable Prime Minister on receiving the 2019 Sustainable Development Award by The Energy and Resources Institute (TERI) in India.

I also want to say, Honourable Speaker, that the Honourable Prime Minister could have ended his Ministerial Statement on a very positive note, but he chose to talk about misinformation and lies. Yes, we have this information and lies at times, but it also comes from the other side as well and I hope that the Prime Minister will take that into account when he next talks about that **as** well.

We stated in response to a similar Ministerial Statement in March last year, Honourable Speaker, that COP 23 was a great opportunity for Fiji to walk the 'talanoa' spirit talk, and have an inclusive transparent negotiation team comprising of National Civil Society, Business, Government and Independent Experts.

We remain disappointed as we did in March 2018, that our Fijian Made expertise was not enhanced in favour of some, and I should say many offshore consultants. However, in hindsight, it is also disappointing to note and perhaps, it was unusual that the Fiji's Chief Negotiator was replaced in the middle of the negotiations and I can only fault the Honourable Prime Minister's advisers and consultants (I am not sure whether it was his conscious decision to do that) but we do consider that as a blunder and it was actually, Honourable Speaker, quite embarrassing in some ways for Fiji.

It is our understanding also, Honourable Speaker, that about \$9 million from the COP 23 funds were used for COP 23 public relations for the same PR company used by Government. We would like to see more oversight or we would have liked to have seen more oversight on the use of those funds.

The *Talanoa* Dialogue was a very good initiative by the leadership of COP 23. In fact it was born out of the facilitative dialogue with a very open ended mandate, for example, the special Intergovernmental Panel in Climate Change (IPCC) Report on 1.5 Degree Celsius should be a catalyst for more urgency on our part and I was happy to hear that the Honourable Prime Minister talked about the actions in the future and not ending with the COP 23 Presidency.

The Nationally Determined Contributions (NDC) pledges we have made to the world will have to be honoured. We note in Fiji's submission on the *Talanoa* Dialogue, bold statements were made, for example and I quote: "FEA is on the verge of finalising an agreement with a private company to develop a new 5 megawatts solar farm which will be the largest solar farm in the Pacific." I am not sure where we are in this exercise right now, perhaps the next budget session will provide us more detail and thinking behind the whole process.

Honourable Speaker, we also raised in March, 2018 the kind of shallow view promoted by the advisers of the COP 23 Presidency on loss and damage, I think we did point out that, that was an issue that was not taken on board as seriously as we should have.

Another issue, Honourable Speaker, is the plan relocation guidelines which the Honourable Prime Minister highlighted in his address. This is a very important issue, a very complex issue and we would like to see more discussion, more details and perhaps to discuss in this House that because it has serious implications for our communities in the country.

I also note that the Honourable Attorney-General was recently at the UN Security Council highlighting the Climate and Security Nexus or perhaps we would like to hear from the learned Attorney-General what sort of progress we can make and perhaps give us a little bit more details in this House when he speaks later on. Thank you, Honourable Speaker.

HON. SPEAKER.- Honourable Members, I thank the Honourable Leader of National Federation Party for his statement.

We now move onto the second part of this agenda item. And I now have the pleasure of calling on the Honourable Minister for Industry, Trade, Tourism, Local Government, Housing and Community Development to deliver her statement. You have the floor.

Initiatives and Programmes – Ministry of Industry, Trade and Tourism

HON. P.D. KUMAR.- Thank you Honourable Speaker. The Honourable Prime Minister, Honourable Ministers, Honourable Members of Parliament and members of the public sitting in the gallery. Thank you for the opportunity to deliver my Ministerial Statement on the initiatives and programmes of the Ministry for Industry, Trade and Tourism on the development of grass root communities, Micro-small and Medium Enterprises or what we call MSMEs and young entrepreneurs.

Honourable Speaker, MSMEs form the backbone of the Fijian economy with over 18 percent contribution to the GDP and employment for approximately 60 percent of the Fijian labour force. There are over 24,000 formally registered MSMEs in Fiji and through various Government initiatives, we have been able to formalise a large number that were operating informally. Since 2008, programmes such as the Northern Development Programme (NDP), Integrated Human Resource Development Programme and Micro and Small Business Grant have formalised over 40,900 SMEs in Fiji.

Honourable Speaker, what does this mean? It means that the hard work of these entrepreneurs is recognised. They are counted as key contributors to the Fijian economy. Growth of our MSMEs means more jobs, more production of goods and services and more income to go around. It means, we as a nation are moving forward together.

Honourable Speaker, one of the initiatives designed to progress the development of the MSME sector is the Micro and Small Business Grant, what we call MSBG. This initiative makes available through application grants of up to \$1,000 for start-ups and assistance for existing micro and small businesses.

To-date, 38,636 Fijians have been assisted to the tune of approximately \$38.6 million which includes the support from the Indian Government of approximately \$8.4 million. Overall, the MSBG has impacted the lives of up to 193,180 Fijians. The assistance has been far reaching to the smallest of businesses that have been recognised to have the capability to make a difference, not only in their lives but that of our communities and the Fijian economy as a whole.

Honourable Speaker, the Ministry continues to monitor the performance of successful recipients through its monitoring and evaluation exercise across Viti Levu and Vanua Levu. A sample size of 15 percent was considered and the team visited Rakiraki, Nadi, Lautoka, Nausori, Nasinu, Sigatoka, Ba, Labasa, Seaqaqa, Nabouwalu, Savusavu and Taveuni. The visit indicated that 75 percent of the businesses are still operating. The income for recipients such as those in the manufacturing services, wholesale and retail and agricultural sectors have increased between two to three folds whilst livestock businesses have seen marginal growth in income as their investments take longer to realise.

Honourable Speaker, the Ministry through monitoring and evaluation identified high performers and those who are ready to graduate to the next level. The intention of the Ministry is to enhance the impact of this important MSME development initiative. In the next budgetary period, the Ministry will request funds for targeted support for those MSBG recipients that have excelled. We will help them break through the barriers that limit them from expanding their businesses and help them grow further.

Honourable Speaker, let me speak about another initiative that was rolled out by my Ministry. Another key programme targeting the grassroot communities is the Integrated Human Resource Development Programme or commonly known as IHRDP which was initiated by the International Labour Organisation (ILO). This initiative is now fully funded by the Government.

The main objective of IHRDP is to create sustainable jobs through skill development and encouraging self-employment. The budget for IHRDP in the last five years was \$4.5 million and 87 percent of the funds were used. The IHRDP since 2013 has assisted 38 income generating projects in Nadroga/Navosa, Serua, Ba, Tailevu, Cakaudrove, Bua, Macuata, Ra, Rewa, Naitasiri, Lomaiviti and Lau Provinces. This has directly supported 1,657 jobs and improved the livelihood of 6,000 Fijians in these provinces. The projects are in various sectors such as eco-tourism, agriculture, aquaculture, fishing, handicraft, retail, bakery and transport and we will continue to encourage participation in more sectors.

Honourable Speaker, the Cicia Island organic is one such project where IHRDP in 2017 and 2018 worked alongside five villages for virgin coconut oil and ginger farming. The IHRDP provided training and relevant equipment to the villagers. Through this project, livelihoods of the five villages have been improved. New stream of income and employment has been created. This is how the IHRDP continues to support our grassroot communities.

Honourable Speaker, another Government initiative is the Northern Development Programme, or what we call NDP. The NDP focuses on the development of MSMEs specifically in the Northern Division. The NDP is based on the principle of providing equity funding for new and incremental investments by businesses. Since its inception in January 2008, NDP has assisted 2,294 projects approximately \$9.8 million has been used as equity by the Fijian Government. This has resulted in over \$11.7 million in loans to enterprises by financial institutions. Altogether a total of \$21.5 million in value of grants and loans has been accessed by the enterprises in the Northern Division under NDP.

For the 2,294 projects funded in the last 11 years, a total of 8,029 jobs have been indirectly supported. Jobs created are mainly in agriculture and fisheries including farmers, farm workers, fisher folk, fishing crews, cane farmers, cane cutters and market vendors.

The success of the NDP model has gained recognition through the Reserve Bank of Fiji's Microfinance Awards held last year and there is interest to replicate the NDP model in other parts of the country to continue the momentum and impacts.

Honourable Speaker, now let us look at the Co-operative Business. Co-operative Businesses globally are increasingly recognised for contributing to harmonious societies through the creation of income generating activities that ultimately contribute to the economy. The Co-operative model has been in existence for over seven decades in Fiji.

It is an exceptional form of business structure which voluntarily unites people and pulls their resources to meet common economic, social and cultural needs. It is primarily based on the notion that together a group can achieve goals that impact the lives of communities at large.

Honourable Speaker, in the last five years, 166 new co-operatives have been registered. Of these, 59 co-operatives are resource-based while 108 are service oriented. The resource-based Co-operatives are predominantly in the agriculture and fisheries sector while service-based co-operatives mainly support our cane farmers in the Northern and Western Divisions.

Co-operatives in the sugarcane sector have greatly complimented the Government's overall vision of expanding the Fiji sugar industry. With the support of the Fijian Government, a number of co-operatives bought 22 harvesters in 2017. This led to 19 percent of cane being mechanically harvested compared to mere 9 percent in 2016.

In 2018, 10 more harvesters were purchased by Co-operatives. The four percent growth of sugar production in 2018 compared to 2017 can be attributed to increased efficiency in cane harvesting methods. On the cane harvest, the cooperatives have helped ease the burden on cane farmers and boosted their overall production.

Another new initiative undertaken using the cooperatives model is the Cane Planting Project. Under this joint venture, landowners are encouraged to use idle land and enter into sugarcane farming in collaboration with the *iTaukei* Land Trust Board and Fiji Sugar Corporation (FSC).

The Fijian Government's Cane Planting Grant has been accessed by a Mataqali Nakiko Co-operative Limited in Seaqaqa and Nukusolevu Co-operative Limited in Natorowaqa, Bua, which covers cultivation and planting expenses.

A total of \$480,000 has been approved and will be released in stages. It is expected that around 700 acres of cane will be planted between the two co-operatives which would generate an estimated income of \$1.7 million.

Honourable Speaker, Micro, Small and Medium Enterprises (MSMEs) are also critical for the growth of the Fijian tourism industry and for the continuous improvement of quality and high value tourism experiences.

The Fijian Tourism 2021 or the tourism development plan provides for key strategies to enhance MSMEs participation in the tourism industry.

Through the inclusion of micro and small operators in the tourism industry, the benefits of tourism are spread to the grassroot communities across Fiji. We want to see more Fijians involved, more resource owners contributing to the growth of our largest industry, therefore an integrated approach is extremely important.

Honourable Speaker, the Ministry, together with the Ministry of Agriculture jointly carries out trainings for local chefs in small or medium tourism establishment on the use of local produce in their menus, harvesting fresh from their organic gardens and reducing Fiji's import bills. This will ensure farmers and suppliers are better linked to hotels and have the capacity to meet standards and demands.

We also increasingly involve MSMEs participation in tourism events expos and meetings to promote and showcase their products to both local and international markets.

Furthermore, to strengthen the synergy between the tourism and agriculture sectors, a pilot study called "From the farm to the tourist table" was undertaken by the Fijian Government in partnership with the International Finance Corporation (IFC).

The study identified opportunities to increase local food sourcing by the tourism industry and recommendations from the report are now being implemented with relevant stakeholders. These include pilot projects with larger hotels on improving their procurement systems and increasing local sourcing.

The presentation of a Seasonal Crop Calendar was also drawn up to assist chefs' to plan their menus with in-season produce and the promotion of our locally-grown products through the Fijian-made and Buy--Fijian campaign.

Honourable Speaker, to map the flow of tourist expenditure through the economy and help maximise returns for our MSMEs, the greater tourism industry, the Ministry in conjunction with IFC is undertaking a Fiji Cruise Tourism Economic Impact Assessment (FCTEIA).

The report will enable the Government to target its programmes for MSMEs operators in this sector.

Honourable Speaker, let me speak about the National Export Strategy (NES).

The NES assists existing and new exporters in achieving competitiveness, value-addition, export diversification and growth in targeted markets overseas. The NES has assisted 105 projects over the past 12 years with approximately \$14 million worth of grants. This has led to a significant increase in export earnings, diversification of destination markets and employment-creation. An impact assessment of 46 assisted companies supported since 2015, has revealed that the majority of the grant funding was well-utilised.

This is an indication that firms have been implementing their projects in a timely manner. Total export earnings for the NES-supported firms have grown by \$34.35 million since 2015. Honourable Speaker, lastly, I would like to speak on the Young Entrepreneurship Scheme (YES) and I am very privileged to see the young people sitting in the gallery and I hope that through this presentation, I will be receiving a lot more applications from you.

YES has received overwhelming interest from youths since it was launched by the Honourable Prime Minister in January, 2018. The Ministry conducted eight trainings on "Starting Your Own Business" for young Fijians across all four divisions. A total of 265 youths have been trained on basic business fundamentals and the skills required for establishing and managing a business.

The young entrepreneurs assisted by the YES Programme are successfully undertaking their businesses in tiny, home construction, health and fitness, traffic management, hydroponic agriculture and green energy. A number of other innovative projects are also currently under consideration by the private sector-led YES selection panel of experts.

In order to reach out to the young people in our population and particularly in the remote areas, the Ministry is conducting extensive awareness and publicity campaigns. The Ministry conducted training and awareness on the Island of Lakeba in the Lau Group in November, 2018. More than 50 unemployed youths were trained during this week-long workshop.

The successful grant recipients have become the ambassadors of YES Programme. We also engage young brand advocates who serve as peer mentors to inspire other young individuals. With the increased exposure and the amendments to the eligibility criteria to include non-graduates and age limit increased to 40 years, we are expecting a lot more innovative and credible projects to come to our Ministry.

To conclude, Honourable Speaker, I wish to reiterate the Fijian Government's commitment to the inclusive development of our nation. Inclusivity will remain the centre of growth and development initiatives to improve the social wellbeing of all Fijians. This is in line with the Fijian Government's five-year and 20-year National Development Plan, that has inclusive socio-economic development at the heart of it.

The Ministry will continue the implementation of the programmes and policies and it will work towards achieving the vision in the NDP for MSMEs. Honourable Speaker, I thank you for allowing me to speak today. Thank you.

HON. SPEAKER.- Honourable Members, I thank the Honourable Minister for her Statement. I now call on the Honourable Ratu Filipe Tuisawau. You have the floor, Honourable Member.

HON. RO F. TUISAWAU.- Thank you, Honourable Speaker.

Just to start off, I welcome the students here and their lecturers, I think from the University of Fiji.

Just a few general comments before I touch on the contribution. Yesterday and today, we have heard a lot about the Honourable Members on the other side saying "My Government" or "our Government has paid for this", "FijiFirst has paid for this" or "FijiFirst has initiated this." We must keep in mind that everyone here is part of the Fiji Government. It is not paid by them but paid by the taxpayers, including us; that is very very important. It is not paid for by FijiFirst as an organisation.

My second point is on Ministerial Statements, we are only given one hour in the Standing Orders and it is quite a long detailed contribution, it is 20 minutes, sort of like our maiden speeches, but this is more detailed. So for us in fairness, Standing Orders need to be reviewed.

(Honourable Member interjects)

HON. MEMBER.- Change the Standing Orders.

HON. RO F. TUISAWAU.- Yes, we will do that, in order that we have a proper response.

The third point is on our response time, 20 minutes versus five minutes which to me is a bit one-sided, there is a big difference there.

(Honourable Members interject)

HON. SPEAKER.- Honourable Member, you still have five minutes.

HON. RO F. TUISAWAU.- Just emphasising on the Micro and Small Business Grant. So I have seen in the Budget, there is \$23.772 million and she has mentioned that \$38 million spent so far for 38,000 recipients. I note from the High Commission of India release, His Excellency contributed a handover cheque of \$580,904 to Mr. Faiyaz Koya, so I noted the time of his contribution - 13 months before Elections.

(Honourable Members interject)

HON. RO F. TUISAWAU.- There is another MOU signed US\$2.8 million on the 22nd February, 2018, that is eight months before Elections.

On the 4th June, the Minister of State for Health and Family from India handed \$1.7 million to the Attorney-General on 31st May, 2018.

So, as you notice, the handovers come quite close to the Elections and

(Honourable Members interject)

HON. SPEAKER.- Order, order!

HON. RO F. TUISAWAU.- My concern here is that, these contributions are made close to the Elections and we know what happened after that. They divided the money and gave out the \$1,000 each at the stadiums, everywhere, in all public places: Navua, Sigatoka, everywhere, you name it, not only that, they also arranged a big media event for the whole thing.

So to me it is good that our citizens are being assisted but it is too close to the Elections.

(Honourable Members interject)

HON. RO F. TUISAWAU.- We have to ask ourselves, is this morally right or not? Is this really above aboard?

(Honourable Members interject)

HON. RO F. TUISAWAU.- I remind all of us, candidates in the Elections of the Electoral Act 2014, Section 114(1), it is unlawful to give money or gifts to influence voters.

(Honourable Members interject)

HON. RO F. TUISAWAU.- So what I am saying is, these things need to be taken into account.

(Honourable Members interject)

HON. RO F. TUISAWAU.- The second point, it involves the foreign governments and the person of foreign interference in local politics is something which we need to be careful about.

HON. A. SAYED-KHAIYUM.- You have been xenophobic.

HON. RO F. TUISAWAU.- I am not being xenophobic.

The third part of my contribution in response is the MNU Framework. The Honourable Minister, thank you for mentioning all those statistics and figures, but I do not know about the framework within

the Ministry, because from my understanding of MNU Framework, you need to have a baseline and then you work from there in order to achieve objectives. So what is within that we do not know, whether they have proper documentation, proper meetings, because from what I am hearing, they are just sending out staff and asking people and I do not know what kind of statistics they are doing in terms of checking that a business had succeeded. Did they check the financial details, et cetera? I do not think so.

(Honourable Members interject)

HON. SPEAKER.- Order, order!

HON. RO F. TUISAWAU.- The other thing, Sir, is the co-operatives.

(Honourable Members interject)

HON. SPEAKER.- Order!

HON. RO F. TUISAWAU.- When we talk about co-operatives, the figures do not add up. Is my time up?

(Honourable Members interject)

HON. SPEAKER.- Honourable Member, I thank you for your contribution, but I am not responsible for the bell.

(Laughter)

If you are looking at me, in particular.

(Laughter)

HON. SPEAKER.- As is the procedure, I now give the floor to the Honourable Lenora Qereqeretabua for your contribution to the debate. You have the floor, Madam.

HON. L.S. QEREQERETABUA.- Thank you, Honourable Speaker. I want to thank the Honourable Minister for her very wide ranging statement but I just wish to take up my five minutes and just comment particularly on Micro, Small & Medium Enterprises (MSMEs).

Honourable Speaker, last July when we had a similar update given to this House, we were told by the Honourable Minister's predecessor and I quote:

“The increase in the number of Fijians involved in business, Madam Speaker, and the growth of the micro, small and medium enterprises sector has made the Fijian economy more resilient. This is evident as we have been able to bounce back from the devastation of *TC Winston*, *TC Josie* and *TC Keni*.”

We were further advised, Honourable Speaker, and I quote again:

“\$17,771 MSMEs are operating successfully based on the assessment of the Micro & Small Business Grant (MSBG) recipients, they have earned at least \$8.8 million in revenue and thousands of new jobs have been created.”

Now, this was last July, Honourable Speaker.

Therefore, Honourable Speaker, while these periodic statements by way of Ministerial Statements are commendable, these MSME grants, especially while they were scaled up prior to Elections, should be tabled holistically and substantively in a written format so that we, on this side of the House, can also perform our own stocktake of the initiatives of the Ministry and see the meaningful and long-term impact on lives and not just the GDP. I thank you, Honourable Speaker.

HON. SPEAKER.- I thank the Honourable Member for her contribution to this debate.

Honourable Members, the time is moving on and for the purpose of complying with Standing Orders with respect to sitting times, I will allow a suspension motion to be moved. I now call upon the Leader of the Government Business to move his motion, you have the floor.

SUSPENSION OF STANDING ORDERS

HON. LEADER OF THE GOVERNMENT IN PARLIAMENT.- Honourable Speaker, I move 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 Government business listed on today's Order Paper.

HON. A.A. MAHARAJ.- Honourable Speaker, I second the motion.

HON. SPEAKER.- Honourable Members, I now call upon the Leader of Government Business in Parliament to speak on his motion.

HON. LEADER OF THE GOVERNMENT IN PARLIAMENT.- Thank you, Honourable Speaker. We have two Bills and as I have stated clearly in the motion, this is just to complete the Government business listed on today's Order Paper. We only have two Bills to present before the House and we would seek Parliament's endorsement to have these completed before we adjourn for tomorrow's sitting, Honourable Speaker.

HON. SPEAKER.- I thank the Honourable Leader of the Government in Parliament. The floor is now open for debate on the motion and each Member may speak. The floor is open.

Honourable Members, there being no contributions to this debate, I call on the Leader of the Government in Parliament.

HON. LEADER OF THE GOVERNMENT IN PARLIAMENT.- I have no further comments to make, Honourable Speaker. Thank you.

HON. SPEAKER.- Honourable Members, what will happen now is we will take a break for afternoon tea and then resume with the rest of the Order Paper for the day. I hope everyone is in agreement.

There being no objections, we will adjourn for afternoon tea.

The Parliament adjourned at 4.04 p.m.

The Parliament resumed at 4.42 p.m.

COMPANIES (AMENDMENT) BILL 2019

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

HON. A. SAYED-KHAIYUM.- Thank you, Honourable Speaker, Sir.

Honourable Speaker, pursuant to Standing Order 51, I move:

That the -

- a) Companies (Amendment) Bill 2019 which was circulated earlier on this morning, 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 in Parliament; and
- d) Bill must be debated and voted upon by Parliament today, 12th February, 2019 but one hour be given to debate the Bill with the Right of Reply given to me as a Member moving this motion.

HON. SPEAKER.- Thank you Honourable Minister. Is there a seconder?

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

HON. SPEAKER.- Honourable Members, I now call upon the Honourable Attorney-General to speak on his motion. You have the floor, Sir.

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

Honourable Speaker, I will be very brief. The amendment that is being proposed to amend the Companies Act is, in fact, a one line amendment and, that is, to give the Minister by notice in the Gazette the ability to amend Schedules 1 to 4.

I would like to talk about the substantive motion itself with substantive perimeters of the actual amendment in the substantive motion. But I would urge, Honourable Members, given that it is a very insubstantial amendment, that we expedite this particular process under Standing Order 51.

HON. SPEAKER.- Honourable Members, the floor is now open for debate on this motion. Each Member may speak for up to 20 minutes and at the end of the debate, we will have the right of reply from the mover.

Honourable Niko Nawaikula, you have the floor.

HON. N. NAWAIKULA.- Honourable Speaker, as a matter of principle, this side of the House is opposing this.

(Honourable Member interjects)

HON. N. NAWAIKULA.- Yes.

Standing Order 51 reads as follows, and I quote:

- “(1) A motion requesting that Parliament consider a Bill without delay –
- (a) may be moved without notice (that is what is happening now); and
 - (b) shall be moved by the member moving the Bill (that is being done now as well).
- (2) The motion must set out how and when Parliament will deal with each stage of the Bill’s passage throughout Parliament.”

The important point here, Honourable Speaker, is “without delay”. We can safely say that as a matter of tradition, Consequential Bills come in as a consequence of the Budget, for example. Those are the correct instances where you do not refer any Bill to the public or to the Standing Committee, at least. And the reason for that is very clear, in making laws the Legislature (us), we are bound to be inclusive, we are bound to have the public participate in that, and that is the reason why we refer each legislation to the Standing Committee and also invite public inputs from as wide as possible.

We do not agree with that. This amendment is very small, there is nothing too small for the public. There are a lot of people, a lot of stakeholders and companies, who want to know what the Schedule is about and it affects their business and they are entitled as a matter of tradition, as a matter, of course, to come forward to put their input before the extent of the Bill is finally debated.

So that is the gist of where we are coming from, from this side of the House. When? I submit that it is also upon the House Committee to scrutinise very clearly, Bills that are coming in perpetually under Standing Order 51 so that only where it is urgent. The problem that we have here is that the Standing Order does not define what urgency is, and the other side of the House is working on its mandate because they have a lot more hands to push in this type of Bills.

Basically to repeat, this House must be inclusive. It is traditional that all Bills must have the widest possible input, especially from the stakeholders. If they go ahead with this, companies who may be affected in this aspect of the amendment will not have any chance to speak their mind. So that is basically the reason why we are opposing the motion to subject these amendments through Standing Order 51, we do away with the requirement of the Standing Committee and inviting public contribution to it. Thank you.

HON. SPEAKER.- I thank the Honourable Member.

HON. PROF. B.C. PRASAD.- Thank you, Honourable Speaker. I know we had the Bills circulated to us yesterday and so we had the opportunity to actually look at the Bill.

The only issue that I have, I mean, I agree with the Honourable Attorney-General that it is a one liner, but the question that I want to put to him and maybe he can respond to it is that, the amendment actually would allow the Honourable Minister to amend Schedules 1 to 4 in the Act and to be efficiently adjusted in line with changing market conditions.

But when I looked at the Schedule, it is exactly quite comprehensive and I was not sure whether we need a bit more time, whether the stakeholders probably needed to give some input as to how the schedules might be impacted if we amend the Act to allow the Ministerial responsibility to change the Schedules.

I agree there might be a good reason why the Minister needs that power and why you need to change the Schedules based on a particular requirement at that particular point in time. I just need some clarification whether the stakeholders would be interested in knowing what is there and what might be

the implication of changing those Schedules as per the responsibility given to the Honourable Minister himself. Thank you Honourable Speaker.

HON. SPEAKER.- I thank the Honourable Member. Honourable Member, you have the floor.

HON. M.D. BULITAVU.- Thank you, Honourable Speaker, Sir. Just to add onto what the Honourable Leader of the NFP has said, probably the mover of the motion needs to satisfy the requirement of urgency. I think that could be one of the issues when we deal with Standing Order 51. The mover of the motion has not told us on what practicality problem has this Act and it is practised now, what problem it has faced that he needs this particular amendments to be done urgently.

Secondly, it also exposes the work done by the Committee in 2015 when they first deliberated on the Companies Bill on whether they had overlooked this particular amendment that is coming by way of an amendment now which was not incorporated in the Bill itself. Those are some of the background, Mr. Speaker Sir, probably the Honourable Attorney-General should reveal to the House and to satisfy the limbo whether this is an urgent amendment that is sought; given that in other Parliaments Sir, there are different categories of urgency once you want to fast-track any Bill to come through the expedite procedure. And that to me, the Honourable Attorney-General has not established in proper.

Probably during the substantive matter of the Bill, then he will talk about the reason for this. But I will concur with the Honourable Members who have spoken from this side of the House and also to ask the Honourable Attorney-General when he gives his right of reply whether proper consultation has been done to those listed in those Schedules already by the Solicitor-General's Office before this amendment was brought in to be tabled in the House. Thank you, Sir.

HON. SPEAKER.- I thank the Honourable Member for his contribution. Honourable Members, there has been several questions asked of the mover of this motion. I will give him the floor on this occasion to answer those questions. Honourable Attorney-General, you have the floor.

HON. A. SAYED-KHAIYUM.- Thank you, Mr. Speaker, Sir. Mr. Speaker, the issues that have been raised, first I would like to clarify. The Honourable Nawaikula said the House Committee should have scrutinised it. It is not the House Committee, it is actually the Business Committee that looks at any of the agenda that comes before this particular Chamber.

Number two, I think Honourable Professor Prasad should be aware that already in the Companies Act, there are Schedules 1 to 7. Schedules 5 to 7 are already under the conditions in which we are seeking amendment to, to Schedules 1 and 4. In other words, the Minister has the ability to make amendments to the Schedule and they include even things like fines which has already been approved. There is nothing peculiar about it and in my substantive discussions of the Bill, in fact I was going to highlight and inform the Members of Parliament which other laws in Fiji actually has schedules that are under the ambit of the Minister, without it having actually coming to this Chamber, the Minister has the ability to the Executive Authority to be able to change the Schedules. If I can perhaps list them here, it includes things like the Veterinary Surgeons Act, Diplomatic Privileges and Immunities Act. So, if tomorrow, for example, if Cabinet wants to give diplomatic privileges and immunity to a particular organisation or indeed country, then it does not actually have to come to Parliament. The Cabinet approves it and it gets put into the Schedule by the relevant Minister and in this case it will be the Minister for Foreign Affairs.

On the other extreme example, also an equivalent of regulations, so the Minister for Transport, for example, tomorrow there may be some new information that he may come across and say, "Now, hang on. I want trucks with an axle weight of XYZ and can only carry a weight of up to 23 tonnes." He does not actually have to come to Parliament and then put it before a Committee. He has the executive authority to actually amend that because that is for efficiency of the workings of Government.

The Food Safety Act, Employment Relations Act, Prevention of Bribery Act, Media Industry Development Act, Accident Compensation Act are classic examples. In the Schedule, we started off with the Accident and Compensation Act, Mr. Speaker, where we started and said Worker's Compensation will be included under the Schedule. Now we are including School Yard Compensation. Sorry, we started off with Third Party Compensation, now we have included Worker's Compensation in that, and that you do by amending the Schedule and therefore it encompasses that particular sector to be caught under the Accident Compensation Scheme. So, there are numerous examples and in fact in the Schedules, if you look at the Schedule itself, if you look at Schedule 1 and I have got all the details here which I can talk about in substantively. Schedule 1 is all about determining in the event, this is for the Registrar of Companies, if for example someone comes along and says, "I want to have Rewa Trading Company Limited" and someone else comes along and says, "I want to have Raiwasa Trading Company Limited."

Now, in determining whether those names are similar and indeed whether Raiwasa should be registered or not as a distinct company, these are the things that are actually put in there so the Registrar of Companies can look at. That is what the Schedule is all about. In fact, it is about protecting companies not against the rights of the company.

And the other, of course, the Schedule is about the standard form of Articles of Association. Now, we put the standard form of the Articles of Association in the Schedule so if, for example, ordinary Pauliasi wants to set up a company, he does not have to go off running to some expensive lawyer like Honourable Niko Nawaikula to say, "do my Articles of Association." The standard form is there which he can use.

Now, if for example in six months' time, the Anti-Money Laundering Council which is an original body says, "now there is a new requirement that you must have further disclosures under the Articles of Association." We can then immediately put it in the Schedule so then Pauliasi will be compliant with the Anti-Money Laundering provisions. These are the first and second Schedules.

The third Schedule is about prospectus. Now, the prospectus is when you are going to list the company. Prospectus are generally given to people who are going to be, would be shareholders outside the company. What type of information do you put? The Stock Exchange Rules actually determines that. The RBF regulates that.

So, in order for this particular requirement under Schedule 3 to be compliant, we need to incorporate that in the Schedule itself.

Then Schedule 4 is about Offer Documents. Offer documents is generally done for people within the company itself so again there may be requirements. So, for example, Anti-Money Laundering Council which is a regional body is now saying that we should have further disclosures. If, for example, I set up a company and I hold the shares in trust for someone else. Now, that is how people enter into money laundering ploys. I may hold in trust for someone else, company XYBZ who then is owned by someone else.

Now there is a requirement that we must disclose the ultimate beneficiary of that share. So, obviously, when things change, we cannot come to Parliament, we cannot go through the Committee stage, this gives the Minister, which already has the responsible Minister, in this case is the Attorney-General, as he has the ability to amend Schedules 5, 6 and 7, he now has the ability to amend Schedules 1, 2, 3 and 4. So, our Companies Act will not fall foul of any international obligations. For example, the Honourable Prime Minister talked about COP 23.

If tomorrow someone decides to, for example, cash in on this, COP 23 is very big. I mean, Honourable Nawaikula may not necessarily understand the brand that has been established through COP

23. If a company decides to register a company and say, "COP 23 Limited", we must have the ability to protect that and stop that. We are not going to come running to Parliament and say, "look this man is about to register and can we go now through the Committee." It may take three, four weeks, in the meantime he is registered, "COP 23 Limited." We have lost it. Our brand has gone. So, that is the purpose for having the ability to amend Schedules 1, 2, 3 and 4 but, of course, Mr. Speaker, the Schedules must always be in compliance with all laws including the substantive law which is the Companies Act. So, that is why this has been brought about. Thank you, Mr. Speaker.

HON. SPEAKER.- I thank the Honourable Attorney-General. Honourable Ro Teimumu Kepa you have the floor.

HON. RO T.V. KEPA.- Honourable Speaker, in echoing the concerns from this side of the House, may I briefly contribute to this Bill, proposed amendment to the Companies Act 2015 which has two parts.

Part 1 is straight forward and merely cites the proposed amendment to become the Companies (Amendment) Act, 2019.

Part 2, however, Honourable Speaker, is quite wide ranging and proposes to give even more power unilaterally to the line Minister.

Section 713 in the existing Companies Act, 2015 is entitled Regulation Making Power. It states that the Minister may make regulations and rules which are not in consistent with the provisions of this Act prescribing, Honourable Speaker, for example, the amounts for fees and fines, the maximum penalty for a contravention of this Act, the maximum imprisonment for a contravention, et cetera.

The new section proposed which is Section 713(a) expands the Minister's already considerable powers further to allow him to unilaterally and arbitrarily amend Schedules 1 to 4 which is quoted by him merely by notice in the Gazette.

Schedule 1 is on the availability of company names.

Schedule 2 on standard form Articles of Association.

Schedule 3 is minimum content requirements for Prospectus.

Schedule 4 is on the minimum content requirements for Offer Documents.

So, our concerns and worries, Honourable Speaker, is that such sweeping amendments need to be properly debated in Parliament and should not come in under Standing Order 51 as we know that the original Bill had to be returned for 300 amendments in 2015, when the Companies Bill was first brought before the Parliament. And the danger is that in this practice, the typical micro-management approach of the FijiFirst Government may harm businesses and scare off investors because of an uncertain business environment and excessive Ministerial power. Thank you, Honourable Speaker.

HON. SPEAKER.- I thank the Honourable Member for her contribution.

Honourable Members, this motion comes under Section 47(3) of the Constitution and Standing Order 51 which allows for Motions and Bills to proceed without delay. That is the essence of this. We started that and questions were asked of the Honourable Attorney-General to make explanations. I believe the Honourable Attorney-General has satisfied those questions. We are now at the stage where we should discuss this motion and we will continue with that. The floor is open.

HON. A. SAYED-KHAIYUM.- Thank you, Mr. Speaker, Sir. I think we have elucidated enough on the reasons as to why it should be brought under Standing Orders 51, and we look forward to the motion being approved so we can actually discuss the substantive clauses or clause and the effects of it. Thank you.

HON. SPEAKER.- Honourable Members, Parliament will now vote.

The Question is:

Pursuant to Standing Order 51, I move:

That the -

- a) Companies (Amendment) Bill 2019 (which was circulated earlier on this morning) 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 in Parliament; and
- d) Bill must be debated and voted upon by Parliament today, 12th February, 2019 but one hour be given to debate the Bill with the Right of Reply given to me as a Member moving this motion.

Does any Member oppose the motion?

(Chorus of “Ayes” and “Noes”)

HON. SPEAKER.- There is such a soft opposition, but it is opposition, I will put this to the vote.

Votes cast:

| | | |
|-----------|---|----|
| Ayes | : | 27 |
| Noes | : | 22 |
| Not voted | : | 2 |

HON. SPEAKER.- Honourable Members, you have heard the results. There being 27 Ayes, 22 Noes and 2 Not Voted, the motion is, therefore, agreed to.

Honourable Members, pursuant to the resolution of Parliament passed today, 12th February, 2019, I now call on the Honourable Attorney-General and Minister for Economy, Civil Service and Communications to move his motion. Honourable Attorney-General, you have the floor.

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

Mr. Speaker, pursuant to the resolution of Parliament passed today, 12th February 2019, I move:

That the Companies (Amendment) Bill 2019 be debated, voted upon and be passed.

HON. SPEAKER.- Thank you Honourable Attorney-General. Is there a seconder?

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

HON. SPEAKER.- Honourable Members, I now call on the Honourable Attorney-General to speak on his motion. You have the floor, Honourable Attorney-General.

HON. A. SAYED-KHAIYUM.- Thank you, Mr. Speaker. Mr. Speaker, as highlighted, the Companies (Amendment) Bill 2019 seeks to amend the Companies Act. Consultations have been held on the following:

1. Ministry of Justice;
2. Office of the Registrar of Companies;
3. Office of the Solicitor-General;
4. Mr. Bruce Cowley and MinterEllison actually drafted the initial Bill for the Act; and
5. South Pacific Stock Exchange.

Mr. Speaker, the Act came into force on 1st January, 2016, except for Section 713 which came into force on 23rd December, 2015.

The Bill amends the Act to enable the Minister responsible for the Companies Act to amend Schedules 1 to 4 by notice in the Gazette. The rationale for the amendment is to enable the Executive arm of Government to be more responsive to market changes and thus be able to change the Schedules accordingly, instead of having to come back to Parliament whenever an administrative or operational issue needs to be changed.

In many laws, the Minister has the power to make regulations to prescribe matters that are required or permitted by an Act to be prescribed or necessary or convenient to be prescribed for carrying out and giving effect to the Act, and generally for achieving the purposes of the Act. For example, as I mentioned earlier on, in the Land Transport Act 1998, substantive matters are dealt with by regulations. The amount of weight or load that a vehicle can carry on our roads and the related offences to carry excess loads are prescribed by the Minister in the Land Transport (Vehicles, Registration and Construction) Regulations 2000.

Furthermore, the entire traffic infringement framework for the enforcement and implementation of the LTA Act 1998 are contained in the regulations made by the Minister responsible for Transport. The logic therefore being that you cannot come running to Parliament for an administrative matter.

Mr. Speaker, there are currently 41 Subsidiary Laws that have been prescribed by the Minister responsible for transport and under the Land Transport Act 1998. These subsidiary laws include regulations and orders in relation to licences, fees, penalties, prescribed forms, TINs, public service vehicles, photographic detection devices, parking meters and traffic lights.

Honourable Kepa should take a note of this, nothing about personalisation of the Minister, it is the Minister's responsibility to do so. These are all matters that are dealt with in subsidiary laws and maybe prescribed by the Minister as it would be impractical for these issues to have to come back to Parliament every time when an amendment is needed.

Another example is the Income Tax Act 2015, which has 18 subsidiaries that are prescribed by the Minister that relate to tax rates, levies, incentives, exempt income, withholding tax and depreciation rates.

The Fijian Competition and Consumer Act 2010 has 24 subsidiaries, it is therefore not unusual for matters to be dealt with at the Ministerial level through regulation or other subsidiary laws.

Additionally, Mr. Speaker, it is not at all peculiar to have a provision that allows an Act to be amended by notice in the Gazette. This enables the Minister to efficiently adjust schedules to the Act in line with changing market conditions. This is what this amendment seeks to do, to enable the Minister to

amend Schedules 1-4 to the Act by notice in the Gazette, so that the Schedules may be amended in line with changing market condition.

As I highlighted earlier on, let me elucidate a lot more in detail: Schedule 1 sets out the rules in relation to the availability of company and business names for the purpose of Sections 25(c) and 33 of the Act.

Prior to 2015 in the 1983 Companies Act, minimum requirements for the availability of company names were contained in the law. The majority of the rules relating to which names are undesirable were in fact contained in an internal policy document, as to who could use the name "Fiji". It was not even in the Schedule, let alone in the actual Act itself. So, Mr. Speaker, Sir, setting out the policy in relation to which names may be undesirable in the law provides transparency.

But, in the interest of ensuring the policy is able to be amended, it is practical to empower the Minister to amend Schedule 1 by notice in the Gazette, which is what creates the transparency. For example, it may be prudent to include the following words or expression in Schedule 1, to restrict their use in a company or business name. COP 23, I gave the example of that, for example, you have the words "credit union", at the moment, it is not captured. Section 10 of the Credit Union Act 1954 states that, I quote:

"The words "credit union" shall be the last words of the name of every credit union registered under the Credit Unions Act 1954."

As it is a requirement for all credit unions registered under the Credit Unions Act 1954, to include the words "credit union", it may be misleading for an entity that is not a registered credit union to use the words "credit union" as part of its name."

That can happen, in fact, people have tried to do that. Therefore it may be prudent to restrict the use of the words "credit union" in Schedule 1.

The word "university", Section 15(1)(b) of the Higher Education Act 2008 restricts the use of the word "university" in a business or corporation unless it is approved by the Higher Education Commission. It would be unlawful for a company to have the word "university" in its company or business name unless approval from the Higher Education Commission is obtained.

Unless a person is aware of the Higher Education Act 2008, they may not know that they should not use the word "university" as part of their company or business name just by reading Schedule 1 of the Act.

Accordingly it would be prudent to restrict the use of the word "university" in Schedule 1, and we have also seen now the words "*bula*", "*kava*", in fact, all are being stolen by people offshore. We do not want that happening in Fiji. Even the word "*kai Viti*", people are now going after that. So we have to be mindful of the words that we want to protect, that is indigenous, that is our brand, that adds value to our country, and therefore we need to be very quick in respect of the response times so that the Minister can actually quickly amend the Schedules. That is the logic behind it.

As mentioned earlier, setting out in the law specific details of what is or what is not restricted to be used as part of a company business name provides transparency, which assists in the process of registering a company or a business name and ultimately the ease of doing business in Fiji.

However, the law needs to be flexible and responsive to changes in circumstances which is why it is recommended that the Schedules be amended by a notice in the gazette. It does not in any way

undermine public confidence. In fact, what undermines public confidence is your inability to respond to the market, Businesses like laws, gazette notices to be responsive to the market.

Schedule 2, which is what they talked about, sets out the standard form of Articles of Association. The standard form of Articles of Association previously as scheduled to the 1983 Companies Act. Companies may utilise the standard form of Articles of Association or have their own tailor-made Articles of Association as I was highlighting.

In cases where the standard form of Articles of Association may need to be amended, for example, when inconsistency arises with the regulations made under the Act or due to a change in prevailing market circumstances, it is practical therefore to empower the Minister to amend Schedule 2. For example, Mr. Speaker, Sir, Schedule 2, clause 77(1), in relation to companies limited by guarantee, expressly states that:

“if a company is wound up, each member and any person who has ceased to be a member in the preceding year undertakes to contribute to the debts and liabilities of the company for an amount not exceeding \$10.”

This, of course, assumes that the limit of a member’s liability in relation to a company limited by guarantee is \$10. Over time, this assumption may no longer hold true and it maybe that this limit on a member’s liability should be \$15, \$20, \$30 or \$50. Alternatively, the standard form of Articles of Association could refer to each member’s limited liability as set out in the Companies Registration Form as lodged with the Registrar of Companies; it is very straightforward.

I will go on to Schedule 3. Schedule 3, as Honourable Kepa highlighted, sets out the minimum content requirements for a prospectus for the public offers of securities of a company. The now-repealed Capital Markets Decree 2009 did not set out specific details for the requirements of a prospectus whereas Schedule 3 to the Act sets out very specific requirements for prospectus such as the requirement to list the directorships and shareholdings in all other public companies for the past two years, for each director of the company in paragraph 3(e). If additional requirements are needed to be included in a prospectus given changing market circumstances, it is practical therefore to empower the Minister to be able to change that.

In the example mentioned earlier on, a company is required to provide in respect of each Director, information on directorships and shareholdings in all other public companies for the past two years.

A public company, Mr. Speaker, Sir, is defined as one that is registered under the Act. It may be necessary, therefore, to require information on directorships and shareholdings in all companies and not just public companies because people obviously have interest not just in public companies but also private companies.

If a director is a shareholder or a director of a foreign company, would it not be relevant information that we know exactly what shares he or she holds in the interest of transparency? We do not have some terrorist financing, we do not have any money laundering issues? That is, again, what makes us attractive to foreigners.

Paragraph 3 also refers to directorships and shareholdings in the past two years. It may be necessary down the line to change a period of time.

Also in Schedule 3, Mr. Speaker, Sir, Paragraph 9 outlines the minimum requirements for an independent accountant’s report. Should the relevant accounting and auditing standards change, it may be necessary to amend Paragraph 9 to reflect changes in the accounting terminology.

Schedule 4 which is the last Schedule, Mr. Speaker, Sir, sets out the minimum requirements to be contained in the Offer Document for the Offer of Securities to the members of the public company.

An Offer Document as highlighted earlier on is different from Prospectus as it relates to the offer made to persons who are already members of the company whereas a Prospectus is for an offer made to the public who are not members of the company.

Given that an Offer Document is for persons that are already members of the company, there are less requirements for an Offer Document than are for a Prospectus because obviously they already have some working knowledge of the company.

Again, the repealed Capital Markets Decree did not set out specific details for the requirements of an Offer Document.

Schedule 4 sets out very specific requirements of an Offer Document. If these requirements are needed to be amended due to changing market circumstances, it is practical to empower the Minister to amend Schedule 4. Let me give an example, Mr. Speaker, Sir.

Schedule 4, Paragraph 3 does not require information in respect of each director or directorships or shareholdings in a company to be provided. This requirement is specified in Schedule 3 for a Prospectus, but it is not required in Schedule 4 for an Offer Document, but the directorships and shareholdings of directors of the company may be something that members of a company want to be updated on before deciding whether to take up an Offer of Securities with the company. I mean, may be something could be included in the Offer Document.

Similar to Schedule 3, Paragraph 9 in Schedule 4 and Paragraph 7 outlines the minimum requirements for an independent Accountant's Report. And again, we want to ensure that these requirements can be easily changed with changing accounting standards.

As you know a few years ago, after the huge debacle offshore in one of the major accounting firms, suddenly the reporting standards changed. Honourable Radrodro, unfortunately is not here, he would know about that. Accounting standards internationally change across the board.

Also in Schedule 4, Paragraph 9, every Offer Document in relation to a managed investment scheme, must meet the minimum content requirements set out in the policy issued by the Reserve Bank of Fiji (RBF) from time to time. As we all know, they issue practice directives, et cetera.

It would be, therefore, more transparent if RBF's requirements was spelt out in the law instead of a policy document. That is what we are trying to do. If Schedule 4 could be amended by a Notice in the Gazette, the requirements of the RBF in relation to an Offer Document for Manage Investment Scheme could be included in the law as part of Schedule 4 and updated as and when required by Notice in the Gazette.

Additionally, companies listed in the South Pacific Stock Exchange (SPSE) have to follow particular listing rules. The SPSE2010 Listing Rules are currently under review, and the revised rules are with the RBF for final approval.

The SPSE anticipates to enforce the revised rules by April 2019. We would, therefore, need to very quickly, align the requirements in Schedules 3 and 4 in relation to the requirements for a Prospectus and Offer Documents with the revised SPSE Listing Rules.

In fact in recent discussions with MinterEllison who drafted the Act, they are also of the view that the requirements of the Prospectus and the Offer Document often change as we find in Australia and New Zealand, and may not be necessarily be best placed as part of the substantive Act itself but, in fact, be in the Schedules.

As mentioned earlier on, Mr. Speaker, Sir, it is not at all peculiar to have provision that allows parts of a piece of legislation to be amended by a subsidiary legislation. At the moment section 713(2) of the Act enables the Minister to replace Schedules 5 to 7 to the Act, through the making of regulations.

One of them, of course, sets out the penalties provision which this Parliament approved by way of allowing the Minister to do so under Schedule 5. So Schedule 5 to the Act sets out amounts required to be prescribed by the Act, since the prescribed registration fee is required to be paid to the Registrar of a company or manage investment scheme in relation to section 24 of the Act which is \$50. If tomorrow you want to change it from \$50 to \$53, do we come back running to Parliament? Then we go and have the Committee and then the Committee will take four months. They are already behind schedule, they already have two reports that they were supposed to be tabled in this week's sitting but they have asked for more time and we have said all right.

The maximum fee that may have to be paid by a member to obtain a copy of the Article of Association from a company on section 49 of the Act, the minimum amount being \$10. These prescribed amounts may change over time, the Schedules may be replaced by a regulation if necessary.

In Schedule 7 to the Act sets out the maximum imprisonment term for an officer under the Act. These are already in the Regulations. Already the Minister has the ability to change this.

Mr. Speaker, in terms of the laws that enable a Minister to amend Schedules, the Act through a subsidiary legislation, there are many examples dating back as far as 1923, for instance:

- Birds and Game Protection Act;
- Veterinary Surgeons Act;
- Diplomatic, Privileges and Immunities Act;
- Libraries Deposit of Books Act;
- Second-hand Dealers Act;
- Pensions Act;
- Community Works Act;
- Public Enterprises Act;
- Recent Laws, Food and Safety Act;
- Employment Relations Act;
- Prevention of Bribery Act;
- Media Industry Development Act;
- Higher Salaries Act;
- Industry Emblem Act;
- Mahogany Industry Licensing and Branding Act;
- Electronic Fair Ticketing Act; and
- Accident Compensation Act.

I have already highlighted what we do under this.

Mr. Speaker, Sir, Clause 1 of the Bill provides for the short title and commencement. If passed by Parliament, the amending legislation will come into force on a date appointed by the Minister by notice in the Gazette as per the standard procedure.

Clause 2 of the Bill amends the Act by inserting a new section 713(a) that enables the Minister to amend Schedules 1 to 4 as he currently has the powers to do so from Schedules 5 to 7 to the Act by notice in the Gazette.

Overall, Mr. Speaker, just to quell the perhaps, paranoia of the other side of the House, there are a number of laws that contain provision that enables a relevant Minister to amend principle laws by notice in the Gazette. Additionally, most laws will also enable the Minister to specifically prescribe regulations that deals with substantive administrative and operational issues pertaining to that particular law.

In that context, Mr. Speaker, I, therefore, commend this Bill to Parliament. Thank you.

HON. SPEAKER.- I thank the Honourable Attorney-General for moving this motion. Honourable Members, the floor is now open for debate on the motion. However, I remind Honourable Members that we only allow one hour for this debate before we have the right of reply of the mover. That hour is going on now so the floor is open.

Honourable Niko Nawaikula, you have the floor.

HON. N. NAWAIKULA.- Thank you, Honourable Speaker. We are now at the stage of debating whether or not to allow the amendment. The amendment is proposed in Clause 2 which says, and I quote: "The Minister may, by notice the Gazette amend, Schedules 1 to 4."

So, once this amendment goes through, it gives the power to the Minister to do those things without coming back to Parliament and we understand that. It is to allow him to watch the market, to allow him to protect certain names but, Honourable Speaker, it is not very few, it is not more, it is a lot and we can all agree that those things are a lot.

I can stand here and say without reservation for the record, we oppose this for that reason because we need to consult the stakeholders. We agree on the merits but we need to consult the stakeholders and for that reason, we are opposing this amendment. And they are making other things in relation to that but that is one of the primary reasons and I do agree, it has come without notice.

We did not have enough time to go through, even those amendments. One day is not enough, we need to scrutinise, we need to discuss this with the stakeholders. True, it might have merit and yes, we agree. And the other thing that we should question, is where were you?

We all understand how laws are made. You have the legislation and you have the subordinate legislation. The primary legislation should give enabling provisions to allow the Minister to do this without coming back, so where were you? Why did you not do this before, together with the whole amendment? So that is the primary reason why this side of the House is not agreeing to the amendment. It is better that we leave the matter at status quo until the matter is fully discussed with the stakeholders.

HON. SPEAKER.- I thank the Honourable Member for his contribution. The floor is still open. Honourable Member, you have the floor.

HON. M.D. BULITAVU.- Thank you, Mr. Speaker, Sir. Again, I concur with my Honourable colleague, the Honourable Nawaikula in terms of his contribution to the substance which is before the House. Again, given that it is just a one line amendment sought here, but again it is an extraordinary step to empower the Minister to make changes which is stated in the background, to efficiently adjust in line with changing market conditions.

But again, my question and probably, I also invite the former Chairman of the Justice, Law and Human Rights Committee, the current Honourable Minister for Lands, who had chaired over the passing of this particular Act in 2015. Why did they leave it that way, not to allow Schedules 1 to 4 to transfer to the Minister and only Schedules 5 to 7 are to be given to the Minister in terms of the Schedules? Was it a protective clause within the Act or why then the Solicitor-General's Office when they had given their submission to the Committee had not suggested that at that time?

Now, for the Honourable Attorney General, my learned colleague, to come back to the House and ask for those amendments to allow that role to be played by the Minister is now questionable. It brings to the fore that the consultation was not done properly probably, and that being the case, probably I also invite the Honourable Minister for Lands to also inform the House on why it had remained that way and these adjustments are to be sought now after they have seen the practical difficulty.

(Honourable Member interjects)

HON. M.D. BULITAVU.- That is the amendment.

Only the Committee will tell us why they have left it that way and why they are asking for amendments now.

Also, Mr. Speaker Sir, one of the difficulties we also faced when it comes to Bills coming to the Committee, it normally comes with a list of consultations done by the Attorney-General's Office, the Solicitor-General's Office or the relevant Ministries. But again, we seek that Government also make wide public consultations before these Bills are brought into the House because from our checks, there are no committee submissions around the country, most of the stakeholders when they are called in, they are not familiar with what they have submitted in writing and when they are asked orally, they are not prepared.

Those are few things, Mr. Speaker, Sir, my contribution to concur with Honourable Niko Nawaikula and our stand for us not to support the amendment because it might give an extraordinary power to the Minister to do things which we may not be able to vet.

HON. SPEAKER.- I thank the Honourable Member for his contribution. Honourable Mitieli Bulanauca, you have the floor.

HON. M. BULANAUCA.- Mr. Speaker Sir, I am a lay person in legal issues but I, as a concerned member of the public, am concerned about the process in which we are making laws here, particularly when we are amending Acts. This regulation is for the Minister to carry on with the amendment. I would prefer that the public is consulted properly.

To me, I would feel confident if I am consulted in whatever way if I am affected whether as a company director or as a businessman by Schedules 1 to 4. To me as a layperson and a public member, I am concerned about the process in which we are shortcutting the making of laws here with Section 47 of the Constitution and Standing Order 51. I am concerned, Mr. Speaker, Sir.

With those words, Sir, I oppose the motion. Thank you.

HON. SPEAKER.- Thank you, Honourable Member. Are there any more Honourable Members who would want to speak to this debate?

HON. L.D. TABUYA.- Thank you, Honourable Speaker Sir, just a question to the Honourable Attorney-General as he had mentioned earlier that there were already policies in which the Department

or the Reserve Bank as he had given the example, have already been operating under. The policies have legal effect as the powers that the Minister or those that are in positions of responsibility to be able to implement as effective as regulations under any Act. Therefore, the policies are already in place. What is the need for the Minister to be able to amend those Schedules, if he could just have policies in place? They have mentioned that they are already there to the same effect. Thank you.

HON. SPEAKER.- I thank the Honourable Member. You may reply to that, Honourable Attorney-General.

HON. A. SAYED-KHAIYUM.- Thank you, Mr. Speaker. Mr. Speaker, with your permission Sir, I would like to summarise all the issues that has been raised in respect or would you like me to just address that particular issue.

HON. SPEAKER.- I think if you address that question first and then I will give you the floor if there are no other participants to make your right of reply.

HON. A. SAYED-KHAIYUM.- Thank you, Mr. Speaker, Sir. Policies actually can be changed. Policies do not get gazetted. So, once a particular Schedule or Amendment gets gazetted, there is a requirement for gazetting, then people know it is out in the public domain. So, if you, for example, come to our country, if you are an overseas investor, your lawyers or accountants will advise you, they will actually look at all gazetted notices, they will look at all the laws that have been printed. Policies are not published publicly so you have to go to different agencies and say, "what is your policy?" That is the problem with policies. What we are saying and it precisely meets, perhaps your fear, that you are saying that policies are there so why to gazette it. Precisely for that reason, to create transparency.

We can then take that policy from RBF and in fact include it in the Schedule. For example, if there are rules pertaining to the issuance of prospectus, rules relating to issue of offer documents. We can then incorporate that in the Schedule, it becomes transparent and therefore it creates a level playing field. It gives a lot of consistency and indeed a lot of confidence to the business partner. Thank you.

HON. SPEAKER.- Thank you, Honourable Attorney-General. There being no further participants to this motion, I now call upon the Honourable Attorney-General to speak on his Right of Reply.

HON. A. SAYED-KHAIYUM.- Thank you, Mr. Speaker, Sir. Mr. Speaker, I just wanted to perhaps just summarise some of the concerns. I am glad Honourable Niko Nawaikula says he sees the merit in this amendment. His issue obviously is that, he says that we need to send it through the Committee. I want to assure him and his colleague, Honourable Bulitavu who seems to insinuate that this is some form of *carte blanche* pen that you are giving the Minister responsible to go and do whatever he likes in the Schedule. Of course not, because he would know that the regulations or the Schedule are actually subservient to the substantive Act.

So, if there was any amendment made to the Schedule that was contrary to the substantive Act, it would be ultra vires the Act and therefore it would not stand up as a legal amendment. So that is the protection, this is simply how to do it. I get back to the very basic. People understand LTA so I will go back to LTA.

If the Minister tomorrow, for example, makes an amendment using his powers for example regarding loading of trucks. If he goes and does something completely out of this world, which is ultra vires the Act, that regulation will not stand ground. If we take it to the Court of Law, it will be thrown out. He will not, in fact, do that in the first place. It would be silly of him to do that. The Minister for Foreign Affairs, Diplomatic Immunities Act, he is not going to put some joker organisation under the list,

under the Schedule which he has the powers to do so; it has to meet the criteria. In the same way, the Schedules here as I have highlighted previously, Schedules 5, 6 and 7 are already under the Gazette premise, which is the Minister can actually make amendments to Schedules 5, 6 and 7 by way of publication and regulation. In fact, Schedule 6, if they looked at it, in fact there is an entire set of regulations under Schedule 6 which pertains to the penalty provisions.

So, Mr. Speaker, Sir, I cannot understand this kind of dogmatic approach, “Well, it is coming out of Standing Order 51, even though it is good, we are not going to accept it.” Let us move away from dogma. Let us actually look at the practical implementation of executive administration of governments. It is a dogmatic approach.

(Inaudible interjection)

HON. A. SAYED-KHAIYUM.- Now, he talks about poor drafting. What a load of nonsense. If he goes to the old Companies Act since the time the old Companies Act has been in place, there were literally hundreds of amendments. It has got nothing to do with poor drafting. Schedules 1, 2, 3 and 4 is about being receptive to the market trends, nothing about what the Committee looked at it, nothing about breaching anyone’s rights or obligation, in fact if anything, it consolidates the rights in particular of those individuals who may actually want to start up their own business. It will make things easier for them, protecting their intellectual property. It goes towards also the trademark ultimately.

We talk about giving some form of comfort solace to people, a small group of people who want to get a business space, this is what is going to do it for them. This is also going to make us compliant with changing market conditions in particular to things like as those growing internationally terrorist financing, money laundering, and cross transactional illegal transactions; a lot of that is happening. We need to protect ourselves. We need to get that seal of approval, that tick by the international community that this has got a robust legal framework, is not caught in a time warp as they are suggesting. You cannot be caught in a time warp just because it was done in 2016, even though things have changed, let us not do it. And when people want to try and make the laws modern and applicable then you accuse them of poor drafting. What a load of nonsense.

Mr. Speaker, Sir, the substantive law is not being amended. The substantive law is intact therefore the drafting is good. It is Schedules 1 to 4 where the Minister has the ability to make it a lot more market responsive. I urge all Members of Parliament to actually vote for this particular amendment because it makes or gets Fiji in line with international best practices. Thank you, Mr. Speaker.

HON. SPEAKER.- Honourable Members, I thank the Attorney-General for his Right of Reply.

Honourable Members, the Parliament will now vote.

The Question is:

Pursuant to the resolution of Parliament passed today, 12th February, 2019 that the Companies (Amendment) Bill 2019 be debated, voted upon and be passed.

Does any Member oppose the motion?

(Chorus of “ayes” and “noes”).

HON. SPEAKER.- Honourable Members, there being opposition, Parliament will now vote. Honourable Members, we are now in the process of voting. Make sure you press the right button this time. Voting is now closed.

Votes cast:

| | | |
|-----------|---|----|
| Ayes | : | 27 |
| Noes | : | 23 |
| Not Voted | : | 1 |

HON. SPEAKER.- There being 27 Ayes, 23 Noes and 1 Not Voted, the motion is, therefore, agreed to.

SECRETARY-GENERAL.- A Bill for an Act to amend the Companies Act, 2015 (Bill No. 1 of 2019) enacted by the Parliament of Republic of Fiji.

HON. SPEAKER.- Honourable Members, we move on.

iTAUKEI LAND TRUST (AMENDMENT) BILL 2019

HON. SPEAKER.- Honourable Members, I now call upon the Honourable Attorney-General to move his motion. You have the floor, Sir.

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

That the –

- a) *iTaukei* Land Trust (Amendment) Bill 2019 (which was circulated earlier on) 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, 12th February, 2019 but one hour be given to debate the Bill, with the Right of Reply given to me as the Minister moving this motion.

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

HON. SPEAKER.- Honourable Members, I now call upon the Honourable Attorney-General to speak to this motion. You have the floor, Sir.

HON. A. SAYED-KHAIYUM.- Thank you, Mr. Speaker, Sir. Similar to the previous Bill that we have just debated, this is again a simple amendment to the Act. It does not in any way seek to change the substantive provisions of the Act itself, it is more to do with the title of the office holders. In fact, if one were to be technical about it, for a number of years, in fact, probably when Honourable Nawaikula used to work with iTLTB, they used to have a General Manager of iTLTB and the Act, in fact, does not allow for a General Manager. The Act says, “The Board shall appoint a manager.” I wish Honourable Nawaikula had given them legal advice then to actually comply with the law.

Mr. Speaker, Sir, what we want to do is that the Board actually has moved on with this particular process and this is why we are seeking it under Standing Order 51 and we would like to discuss further details on the substantive motion itself. Thank you.

HON. SPEAKER.- Honourable Members, the floor is now open for debate on the motion and for each Member may speak up to 20 minutes. At the end of the debate, we will have the Right of Reply from the mover. The floor is open.

HON. PROF. B.C. PRASAD.- Thank you, Honourable Speaker. This is just a quick clarification and perhaps the learned Attorney-General can clarify this immediately. I did not have the time to look at the Bill yesterday, but I have been looking at it today. I am just wondering whether the Bill is defective in the sense, from my understanding Clause 3(2) says, and I quote:

“The Chief Executive Officer shall be paid such remuneration and receive such benefits as determined in accordance with the Higher Salaries Act 2011.”

I do not think there exists any Higher Salaries Commission. I think the Act referred to here - Higher Salary 2011 was in fact a decree in 2011 abolishing the Higher Salaries Commission, so the reference and also Clause 4 which adds the *iTaukei* Land Trust Board to the list of organisations that were covered under the Higher Salaries Commission list. I just needed some clarification whether that makes sense or whether the Act is still in force.

HON. SPEAKER.- I thank the Honourable Professor Biman Prasad. I will depart from procedure and allow the Attorney-General to answer to that question on clarification. You have the floor.

HON. A. SAYED-KHAIYUM.- Thank you, Mr. Speaker, Sir. Honourable Prasad, there is a Higher Salaries Act, if you look at Section 30(2), it refers to the Higher Salaries Act, not Higher Salaries Commission, and I have a copy of the Higher Salaries Act here.

In the Higher Salaries Act, it talks about the Commission itself and how it is now replaced by certain procedures in helping to determine the people that have been listed in the Schedule. I can give you a copy of it, so there is a Higher Salaries Act. The amendment here does not refer to Higher Salaries Commission, it refers to Higher Salaries Act, I hope that clarifies.

HON. SPEAKER.- Thank you, Attorney-General. We will move on, the floor is open for the debate. Honourable Member, you have the floor.

HON. M.D. BULITAVU.- Thank you, Mr. Speaker, Sir. The mover of motion, the Honourable Attorney-General, said that it is just a small amendment. But, let me take this House to the history of this particular legislation where in the past, if we remember when we had the 1990 Constitution and the 1997 Constitution, we had entrenched provisions, whereby this particular Act could not be amended by the way we are at now today.

It used to be from the Cabinet, to the Senate and there used to be Senate Members appointed from the Great Council of Chiefs, who had veto powers in terms of legislation affecting *iTaukei* people, and this is the first time, Mr. Speaker, Sir, that a particular Bill has been moved that affects the *iTaukei* people. That is why we had said during our campaign around the country that one day, this kind of amendments will come in that will affect legislations affecting the *iTaukei* people, and this is the day. The gates have flung open for the Honourable Attorney-General to move the motion which used to be dealt previously by the substantive post holder of the Minister of *iTaukei* Affairs.

But given that that safety net is no longer, we will be debating on that and after this, it will be put to a vote, and the stakeholders who are the indigenous community in Fiji, whose trust is protected by Section 4: The Powers of the Board, protects the interest, should have been consulted or should be consulted. That is why, given any changes that will affect the good governance and the wellbeing of *iTaukei* people and the institution.

Honourable Speaker, Sir, I urge the Attorney-General to reconsider the stand and the views of those heads of *yavusa*, also the provincial councils and all the chiefly *yavusa* and all *Vola ni Kawa Bula* (VKB) members who will be affected by these changes, given iTLTB as a statutory organisation. But

again, I have reservations that it should go through Standing Order 51 and by this way, there could be future amendments coming through Standing Order 51 in relation to any other Act or legislation affecting the *iTaukei* people.

HON. A. SAYED-KHAIYUM.- Do not speculate.

HON. M.D. BULITAVU.- Again, Mr. Speaker, Sir, I ask the Honourable Attorney-General to withdraw and also come in the manner in which proper consultations could be done through committees and also the indigenous population of Fiji know that changes will be made to their legislation for the very first time, Honourable Speaker, Sir, whereby such legislation is to affect one of the laws that used to be entrenched and protected by the previous 1997 Constitution.

With that, Mr. Speaker, Sir, I do not support the motion before the House.

HON. SPEAKER.- Honourable Minister, you have the floor.

HON. J. USAMATE.- Thank you, Mr. Speaker. I think today this particular motion is a fairly simple motion, and it is quite shocking, I think, for some Members to actually stand up and try to turn it on its head to make it sinister. It is a very simple motion, it is not about racial politics or anything along those lines.

We know that the rights of the *iTaukei* and there are many *iTaukei* on this side. We know that our rights are protected by the Constitution. To try to turn something that is very simple, to try to, Sir, to make something, that is to turn this whole idea of moving Standing Order 51, for something that is very simple. Look at the wordings of what we are talking about, we are talking about the fact that the iTLTB has decided to call its chief executive officer, a “chief executive officer”. That is all it is, it is all about good governance. We want the best possible people to be in the iTLTB to make sure that they manage the affairs of the land as the *iTaukei* in this country, that is all it is.

What we are hearing now in this House is a speech that is being made to the people of this country listening in to turn this into an ethnic racial issue. That is not what this is, this is basically an exercise to correct something, to make it better. You already have the decision of the iTLTB, instead of having a general manager in the past, now you have a chief executive officer. That is what this exercise is, that is all it is. That is all it is. Everything to do about our *iTaukei* brothers and sisters, all of us here, it is reflected in the Constitution and it is protected so let us not go down this path. Let us look at the veracity and the effectiveness of what we are talking about here and vote on that particular issue. Something needs to be corrected, this is a way to do it. We discuss it in this House and we move ahead. The whole focus of this is about effectiveness and good governance in the iTLTB which all of us want to see. Thank you, Mr. Speaker.

HON. SPEAKER.- I thank you, Honourable Minister, for your contribution to the debate. The Honourable Viliame Gavoka, you have the floor.

HON. V.R. GAVOKA.- Honourable Speaker, let me also contribute to this debate and at the outset, let me just say here that it is very, very irresponsible for the Government to consider this Bill in this manner. As we know, our country can be deeply polarised on issues like this. Whenever you see a heading that says, “To amend the *iTaukei* Land Trust Act”, the red flag goes up. I mean, that is what this country has experienced over the past, so we need to show responsibility here. Let us not go down this path, I agree with Honourable Usamate, let us not take the Standing Order 51 path for something this sensitive.

You may think that it is not real but the vast majority of the people in this country, anything that comes out in this manner needs to be handled delicately. It behoves us to treat this with care, so there is no harm in using Standing Order 51, but put it to the Committee, it can be done that way. To do something like this, just look at the heading - "1940".

HON. MEMBER.- Standing Order 51 does not allow

HON. V.R. GAVOKA.- It can be done, Standing Order 51 can be fast-tracked through a Committee. Can you correct this gentleman here that Standing Orders 51 can have a Committee?

(Laughter)

Honourable Speaker, I would beg the Government to take this back, we will consider it, but bring it through the proper channels, this is very irresponsible, look at an expanded way of doing it, through Standing Order if you need it, it can be time limited, you can set a time limit to it, at least get a Committee to come back, get the people to give their opinion before we can deliberate on this.

In actual fact, I was hoping that they would do the way I am suggesting, to go with the time limit, Standing Order 51, et cetera, but to debate this in one hour in one day, the reality of life in Fiji today, Honourable Speaker, is that in 2014 the majority by FijiFirst over all the other Parties was 100,000 plus votes.

In 2018, the majority of FijiFirst over all the other Parties was 147. They are not reading the situation properly. Had it not been for inclement weather on voting day, they would be sitting on this side of the House. It is because of the way they showed their arrogance, insensitivity in introducing things in the manner they have been doing over the last four years.

Honourable Speaker, I would ask for the responsibility knowing we live in a country where items like this can be very sensitive. Let us take it back or bring it through the proper channels. We can deal with this, but the proper way. We will be showing a dereliction of our responsibilities if you allow this to be debated in one hour in one day. Thank you, Honourable Speaker.

HON. SPEAKER.- I thank the Honourable Member. The Honourable Lynda Tabuya, you have the floor.

HON. L.D. TABUYA.- Thank you, Honourable Speaker. I respond to the Honourable Minister for Infrastructure and his comments about this being a very simple matter. May I just kindly remind him in the House that this is not a simple matter, fundamentally for the first reason, is that the 2013 Constitution talks about equal representation and equality, that has been removed from the composition of *iTaukei* Lands Trust Board. It used to be Government appointees, Vanua appointees and Opposition. This is entirely Government appointees now and it is a very sore point for the Opposition so it is not a simple matter. It is fundamentally against your own Constitution and secondly, Order 51 and the fast tracking of Bills as well as Section 47 of that Constitution also reaches the very fundamental values on which the 2013 Constitution is built and those are the values again of Equal Rights and of Human Rights and the ability for public participation in any laws that change in this august House.

Honourable Speaker, therefore, we appeal to the Government to please, there is no urgency to follow the normal process of amending Bills that is also provided for in the Standing Orders, and that is to go through the required readings, the consultations, and then it can be passed. Again, emphasising on the need for public participation that is enshrined in the 2013 Constitution of the Republic of Fiji. Thank you, Honourable Speaker.

HON. SPEAKER.- I thank the Honourable Member for her contribution.

Honourable Adi Litia Qionibaravi, you have the floor.

HON. ADI L. QIONIBARAVI.- Thank you, Mr. Speaker, Sir. I rise to contribute to the debate on the *iTaukei* Lands Trust (Amendment) Bill 2019 (Bill No. 2 of 2019).

At the outset Sir, I would like to join my Honourable colleagues in congratulating you, Sir, on your appointment as Speaker of the House. I wish you continuing good health and also offer my best wishes in the tenure of your high office that you have been elected to.

Honourable Speaker, Sir, I rise on the consensus of the Social Democratic Liberal Party (SODELPA), Honourable Members of Parliament on this side of the House, to oppose the motion that is before us today. Simply put, we have been asked to fast-track the amendment to section 30 of the *iTaukei* Land Trust Act.

Honourable Speaker, at the outset, we have grave concerns in the manner in which this Bill is being introduced in this honourable House. It is trite accepted practice of good governance for the people to be consulted on any proposed law and in particular, if their proposed law impacts on the rights and aspirations of the first people of this nation, the native Fijians.

Mr. Speaker, Sir, first peoples, the native Fijian people, have a right to be heard. They have a right to be given the free prior informed consent to be respected by any Government. Governments come and go, the land, the *vanua* and the people will remain.

Honourable Speaker, Sir, it has become accepted practice for laws to be changed or fast-tracked under Standing Order 51 and the Authorities of Section 47(3) of the Constitution of the Republic of Fiji. We say that it is time for change.

The Election results of 2018 vote should be pointed out to the Honourable Members of the other side of the House, that there is deep unhappiness, Sir, with the way laws and decisions are being made without consulting the people.

Honourable Speaker, Sir, we need leadership that listens, that is, at the heart of the process by which the chiefs and the people gave their consent initially in 1940 for their land to be placed in these statutory Trusts - the Native Lands Trust Board and the *iTaukei* Lands Trust Board.

The Government now appoints the majority of the members of the Native Land Trust Board or the *iTaukei* Lands Trust Board. The Board we know is vested with the control of all *iTaukei* land for the benefit of the *iTaukei* owners registered in the *Vola Ni Kawa Bula* (VKB). Yet, only three of the Board members, Sir, are appointed by the Fijian Affairs Board after selecting from a list of nominees from the Provincial Councils around the country.

Honourable Speaker, changes are being implemented at the Native Land Trust Board without the consent, the views of the landowners or tenants being considered. The rights of the people to be consulted on the changes in law or programmes that affect them can be summarised as ‘nothing about us to be decided without us’.

Honourable Speaker, since 2006 this Government is better known for ignoring than respecting the basic principle of good governance, unfortunately. Article 19 of the United Nations Declaration on the Rights of the Indigenous People require States to obtain their free, prior informed consent before

adopting and implementing legislative or administrative measures that may affect them. The ILO Convention No. 169 on the rights of the tribal people is also relevant, given that Fiji has signed that Treaty.

Honourable Speaker, SODELPA as a matter of principle, opposes the fast-tracking of the draft legislation or Bills that the governing administration are doing under Rule 51 of the Parliamentary Standing Orders.

In fact, Mr. Speaker, Sir, we strongly assert that no law that affect native Fijians, the first people of the nation, in particular on their rights as first people whether new or an amendment law should not be tabled for consideration without the comprehensive consultation of the first people of the nation or native Fijians. This is simply what we are requesting, whilst this Honourable House is considering the motion that has been submitted and tabled by the Honourable Attorney-General this afternoon. We ask that the rights and aspirations of the native Fijian people or the first people of this nation, be respected. They ought to be consulted on what affects them.

I will end there, Mr. Speaker, Sir, for now and I will also contribute in the substantive debate on the motion. Thank you, Sir.

HON. SPEAKER.- I thank the Honourable Member for her contribution.

Honourable Member, before you take the floor, I have allowed an hour for this debate and we have slightly gone over the hour, so I give you the floor but just reminding you of the time.

HON. N. NAWAIKULA.- Just a clarity, how much time do I have Honourable Speaker?

HON. SPEAKER.- Very little time.

HON. N. NAWAIKULA.- Sir, today is a very sad day for native indigenous people of this country. Hear me, because it marks the beginning of the time when this Government interferes with their land rights. We warned them, we told them frankly, this Government is out to breach your indigenous rights. In this case, we are talking about the right to prior and informed consent before Government changes any law or any policy that affects them.

Allow me to quote Article 19 of the UNDRIP, I know they disagree with UNDRIP; we respect that, but let me quote Article 19 which states:

“States shall consult and co-operate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.”

So here, we are asking for more. Standing Order 51 will deny the public input, but this which is indigenous rights require the Government to obtain their consent, so it is more than that. That is their right. We cannot just move ahead with this. We need to go back and obtain their consent just as if you look at the history of this, Ratu Sir Lala Sukuna did, when he passed this Act. He went around to every village to agree to allow their land to be administered by Native Land Trust Board (NLTB) and the Government respected that in return and entrenched that.

This is no ordinary legislation, this is an extraordinary legislation which we, the indigenous people call “taboo”. This legislation is taboo, you are not allowed to touch it. You are not allowed to do anything with it. You can laugh, and I am warning you indigenous Honourable Members on that side, do not laugh because this is serious. This affects your children.

(Honourable Members interject)

HON. N. NAWAIKULA.- This is about the truth.

HON. SPEAKER.- Order, order!

HON. N. NAWAIKULA.- This is about the truth, the truth is, their right to give their prior and informed consent. You can step on it but the truth, it is their right, right is permanent and inalienable. You can take it away, you can step on it but it will always be there. It will come up.

(Honourable Member interjects)

HON. SPEAKER.- Order, order!

HON. N. NAWAIKULA.- You betray your own people, you are a traitor to them. It is something that you should be fighting for. So, I am expecting indigenous Honourable Members on the other side, while I talk on something that matters, you listen!

(Chorus of interjections)

HON. SPEAKER.- Order! Have you finished?

HON. N. NAWAIKULA.- I have not finished, Sir.

HON. SPEAKER.- You have the floor.

HON. N. NAWAIKULA.- There are three legislations that we call taboo. It is the *iTaukei* Trust Act. It is about our land rights. There is another one which is called the *iTaukei* Affairs Act, it is about our cultural autonomy and the third one is about Native Registration. Now, if you look back to the 1970 and 1997 Constitutions and all the previous Constitutions, these were what we called 'entrenched'. In the 1997 Constitution, it came under Section 185. What does entrenchment mean?

(Honourable O. Naiqamu interjects)

HON. N. NAWAIKULA.- Let me repeat my question to you again. When I talk on something that matters to you and your *kawa*, you listen!

(Laughter)

It is not a laughing matter. This is not for laughing.

(Chorus of interjections)

HON. SPEAKER.- Order, order!

HON. N. NAWAIKULA.- I am not even asking us to go ahead with it. I am asking the other side to withdraw the motion and take it to all the chiefs and get their prior and informed consent.

(Chorus of interjections)

HON. SPEAKER.- Order!

(Honourable Member interjects)

HON. N. NAWAIKULA.- Why? We have a chief. I am sure you have a chief or maybe you are a chief, that is what I am informing you.

(Laughter)

So, the point that I am making here, Honourable Speaker, is that, this is not an ordinary legislation. Ordinary legislation, like the Companies Act, we consult the public. In this one, that is not enough, consulting the public and opening up to the public is not enough. It is extraordinary because it touches on their rights to give their prior and informed consent. So, it requires the Government to go around, just as Ratu Sir Lala Sukuna did, and get their consent and it changed. No change is such a small change, even if there is a full stop because this does not belong to you. This is about their land and their land right, it is their proprietary right.

(Chorus of interjections)

HON. SPEAKER.- Order, order!

HON. N. NAWAIKULA.- Unlike private individuals, these are all in group so it is a group right and you need to get their informed consent.

What this is aiming to do is not only to deny the public, it is totally denying the owners, the people who matters from agreeing to this. You only facilitate, remember that. This is about them and you should not do anything without their consent. So, I am begging you please, you may not agree with the UNDRIP, you may not agree with ILO C169 - Indigenous and Tribal Peoples Convention, 1989 (No. 169) but it is common sense. I plead your common sense.

(Honourable Member interjects)

HON. N. NAWAIKULA.- If you do not own anything, if this is a house and you want to change the window, who do you ask? Ask the owner of the house, and this is about that.

(Laughter)

No, it is long enough shaking your head. . . Please, do it for your own good because you should not deny them their right. You cannot deny them their right. You can deny it for some time but it will always be there. It is permanent inalienable. When the Government changes, we will bring it back, so we are only asking Honourable Members on the other side of the House to respect it. Please respect it! *Me kakua na dokadoka, kakua na qaciqacia* which you are doing now. You are trying to change it without getting their consent. Thank you.

HON. SPEAKER.- I thank the Honourable Member for his contribution. Honourable Members, that brings to an end the debate on this motion. I now give the floor to the Honourable Attorney-General for his Right of Reply. You have the floor.

HON. A. SAYED-KHAIYUM.- Thank you Mr. Speaker. Mr. Speaker, just to remind the Honourable Members that the motion on the floor is whether we allow this particular Amendment to go by way of Standing Order 51 and, of course, the Honourable Members on the other side talked about the substantive amendment itself as opposed to speaking on Standing Order 51.

Nonetheless, Mr. Speaker, Sir, we hope that this motion will be approved so we can actually talk about the substance of the actual amendment which many of them have now deliberately obfuscate and tried to mislead the people of Fiji which they are very good at. So, we hope that we can vote on this motion and then we can debate and talk about the actual amendment itself. Thank you, Mr. Speaker.

HON. SPEAKER.- I thank the Honourable Attorney-General.

Honourable Members, Parliament will now vote.

The Question is:

Pursuant to Standing Order 51:

That the –

- a) *iTaukei* Land Trust (Amendment) Bill 2019 (which was circulated earlier on) 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, 12th February, 2019 but one hour be given to debate the Bill, with the Right of Reply given to the Honourable Attorney-General as the Honourable Member moving the motion.

Does any Member oppose the motion?

(Chorus of “Ayes” and “Noes”)

HON. SPEAKER.- Honourable Members, I heard that very loud and clear. The House will now vote.

Vote is closed.

Votes cast:

| | | |
|-----------|---|----|
| Ayes | : | 27 |
| Noes | : | 23 |
| Not voted | : | 1 |

HON. SPEAKER.- Honourable Members, there being 27 Ayes, 23 Noes and 1 Not Voted, the motion is therefore agreed to.

Pursuant to the resolution of Parliament passed today, 12th February, 2019, I now call on the Honourable Attorney-General and Minister for Economy, Civil Service and Communications to move his motion.

HON. A. SAYED-KHAIYUM.- Thank you, Mr. Speaker, Sir.

Mr. Speaker, pursuant to the resolution of Parliament passed today, 12th February, 2019, I move:

That the *iTaukei* Land Trust (Amendment) Bill 2019 be debated, voted upon and be passed.

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

HON. SPEAKER.- Honourable Members, I now call on the Honourable Attorney- General and Minister for Economy, Civil Service and Communications to speak to his motion.

HON. A. SAYED-KHAIYUM.- Mr. Speaker, I will be very brief as most of the issues have already been highlighted, but prior to that I just have to highlight, before this amendment was actually made, the Bill was presented. Consultations have been carried out extensively with the Office of the Prime Minister including the Prime Minister himself who is also the Chairman of the *iTaukei* Land Trust Board, the Ministry of *iTaukei* Affairs, *iTaukei* Land Trust Board and indeed the management of the *iTaukei* Land Trust Board itself and the Office of the Solicitor General.

Just by way of background, Mr. Speaker, Sir, because I am sure a number of Members would like to speak on this particular topic. I would like to take Parliament through the clauses itself.

Clause 1 of the Bill provides for the short title and commencement provisions, to be passed Parliament, the amending legislation will come into force on the date appointed by the Minister which is the Honourable Prime Minister, who is the Minister for *iTaukei* Affairs by notice in the Gazette.

Clause 2 of the Bill amends Section 2 of the Act in the definition of “Secretary” by deleting Section 30 and substituting Section 30B because the Secretary is now referred to in Section 30B, given that the appointment of the Secretary will now be provide for under Section 30B of the Act.

Clause 3 of the Bill amends the Act by deleting Section 30 and introducing new Sections 30 and 30A to provide clarity in the appointment of the Chief Executive Officer of the Board and his or her functions and responsibility under the Act.

Section 30A also provides for the determination of the remuneration and benefits of the Chief Executive Officer in accordance with the Higher Salaries Act 2011.

Clause 3 of the Bill also introduces a new Section 30B to provide clarity in the appointment of a Secretary, Managers, Officers, Consultants and Agents of the Board, including the determination of the remuneration by the Board.

Clause 4 of the Bill consequently amends the Schedule to the Higher Salaries Act 2011 to include the Board as a body for which the remuneration of its CEO must be determined in accordance with the provisions with the Higher Salaries Act 2011.

Mr. Speaker, Sir, you will note that in all the clauses that I have read, it does not in any way affect any other part of this particular Act, except for the renaming of “a Manager”. The Act actually referred to for all these years that the Board shall appoint “a Manager” and “a Manager” meaning the Manager, which the title changed - “General Manager”. Now the title has changed to CEO. That is all it is doing and in relation to the remuneration.

So with those few introductory remarks, Mr. Speaker, Sir, I would like to now introduce the Bill and that it be debated. Thank you.

HON. SPEAKER.- I thank the Honourable Attorney-General. Honourable Members the floor is now open for debate on the motion. I remind Honourable Members that only one hour is allowed for this debate, before you have the Right of Reply from the mover, but we, in a way, had substantial debate on this, but the floor is open, I just want to remind you that. Honourable Pio Tikoduadua, you have the floor.

HON. LT. COL. P. TIKODUADUA.- Thank you, Honourable Speaker. I rise to make a short contribution to the motion that has been put before the House with regards to the amendment and much has been said about it in terms of the contribution of the Members on the original motion which has to be moved under Standing Order 51.

I do not intend to repeat whatever has already been aired except to say that, I can understand the basis for changing the name from “Manager” to “CEO” in accordance with how you would like to make things a bit more modern or make it sort of consistent with the way that the *iTaukei* Land Trust Board would like to manage its affairs better for the *iTaukei* landowners for which it is responsible to.

There are two things that I would like to raise here specifically, Honourable Speaker.

First of all is the issue of the management of perception, and I think that has been raised quite distinctly in the House from this side with regards to making such an amendment, and after asking if it could just be given a little bit more time to have the level of consultation that they would like to have or we would like to have. I am sure that it creates no pain to no one. It is not going to really stop anything but perhaps Government heads could be a little bit more cognisant of that matter, in my view.

Its managing perception, no one is trying to be racist. I do not think this is a racist issue. It is a matter of operational at *iTaukei* Land Trust Board, but how can you manage people’s perception about the manner in which it is being pushed through the House and it is perfectly illegal, so to speak. So, I am just suggesting then that perhaps in the future, a little bit more of sensitivity in this regard so that it does not allow the House to go into this kind of debate that really is no good for no one. That is my first issue, Honourable Speaker.

My second issue with regards to the substantive debate on this motion is I hope that the *iTaukei* Land Trust Board, while seeking this amendment to the title of the head at the table from “Manager” to “CEO” is going to see more efficiency in terms of the promises that the *iTaukei* Land Trust Board has already promised the landowners and I mention one in particular, and that is, the transparency and the accountability of lease monies that is supposed to go to landowners who need to go to their accounts and now most of them do not any. I hope that this efficiency with the CEO and the management of the affairs of the *iTaukei* Land Board is going to keep these small things, the weight that it deserves to be given, that is more pertinent to this House to discuss.

So I can agree with the fact, and I have no problem with CEO, but, if we have a CEO as a change from GM, and I hope these small things that actually do matter are going to be taken care off and that the people are not going to be running to iTLTB, after the GM has now become CEO, having the same issues about lease monies not being paid or coming to them on time or at least the statements of those who are under 18 to already becoming to the people that should be getting them. That is my contribution on this matter, Honourable Speaker, and I hope that the Government in the future will be able to address these issues more sensitively. Thank you.

HON. SPEAKER.- I thank the Honourable Member for his contribution to the debate. Honourable Ro Filipe Tuisawau, you have the floor.

HON. RO F. TUISAWAU.- Thank you, Honourable Speaker. Just referring to the proposed Bill in front of us, particularly the Explanatory Notes, where it is proposed for CEO instead of the current titles. I am not sure what this relates to in terms of the organisational restructure, because we have not been provided with any information.

But, from my experience when we move to these kinds of titles, it indicates some sort of organisational strategising which results in corporatisation or moving to a more business-like operation.

That could be the reason but I am not sure. So, that is why on this side of the House, we would like more information, more consideration of this as to what exactly, it could be just a change of title but change of title implies a change in the vision and mission of the organisation and probably the cultural values of the organisation in terms of movement away from the current corporate values into more business-like sort of operation.

(Honourable Members interject)

HON. RO F. TUISAWAU.- So if it is going to be business moving into the future, then that is a fundamental change in terms of what the organisation was originally intended for. That is a concern.

The other issue there is Clause 1.7 moving the determination of salaries to the Higher Salaries Act from the current practise, I suppose, which is determined by the Board. The question there is, when you move salaries, you need to compare it to the relevant markets. The question is, what market are we comparing the salary of the General Manager would-be within the Fijian market, which particular segment, whether it is the civil service, private sector or whatever? So again, that is not clarified, because that question can be answered by determining the strategic movement of the organisation or strategic direction, whether it is moving into a business operation or whether it is just a trustee. That is something which we are not clear about.

Also in terms of the consultation, as you understand from this side, it is a critical issue. I do not need to delve into that again but the brief by the Honourable Minister showed that there has been inadequate consultations, because the consultations has only happened within the machinery of Government, and not to those who own the asset which is the land and that is the native landowners.

Normally in the past as already emphasised from this side, the consultation is through the Council of Chiefs who have appointed representatives to the Board. But at this point in time, as emphasised, there is nobody there, it is only the Government appointees from their perspectives, so that is something which we need to be clear on. Today, we have heard interjections from this side and from the other side. I am a new Member but it can be very confrontational and we are dealing with sensitive legislation, the Native Lands Act.

When we look back in the last 10 years, the origin of this confrontation between both sides of the House is what happened in 2006 - the removal of the elected Government, the changes in the legislation and the introduction or imposition of the 2013 Constitution, however you look at it. That is the origin of why we have differences today, so we need to sort that out before we move forward. That is why our Honourable Leader, Major-General Sitiveni Rabuka is proposing a bipartisan approach into these differences of opinion because this will never be solved.

We will always be confrontational in terms of our different perspectives. We will be pushing for our perspective and they will be imposing their perspective or their points of view so we need to come together. That is what I am proposing today and I am proposing to the Honourable Prime Minister that we get a bipartisan committee together to address the fundamental issue which is the constitutional issue and the legal changes which happened from 2006 to now and that is being emphasised by our Members; that is the way forward.

If not, Sir, you will continue to witness these confrontations for the next four years. You might get fed up of it and you might retire but we do not know, but that is my suggestion. It is coming from the heart, I am not talking on this now. I am just asking the House to consider that the Honourable Speaker and even both sides of the House that we look at having a bipartisan Committee to look at the fundamental differences, Constitution, legislation, decrees and we move forward in stages. We do it as a project until we come to agreements on the differences and then we move forward from there just like the 1997

Constitution, there were bipartisan committees, we had differences, sure, but we do not have to be confronting each other for the next four years.

We can create a solution within the next 12 months by that bipartisan committee and then we move forward. Thank you.

HON. SPEAKER.- I thank the Honourable Member. Honourable Minister, you have the floor.

HON. DR. I. WAQAINABETE.- Thank you, Sir. I wish to humbly participate in this debate, Honourable Speaker.

First and foremost, as an *iTaukei*, the substantive Act remains the same and as my friend, the Honourable Ro Filipe Tuisawau has said, what is being changed here is from Manager to CEO. Obviously, consultations have been made within the organisation and they have seen it right that they can be more efficient, more proficient and more effective by not just being called a manager but lifting it to that level where the expectations of us, the *iTaukei* people, can be met. That is one thing that has to be very clear. One thing that needs to be very clear, Honourable Speaker, is that our rights as an *iTaukei* are enshrined in the 2013 Constitution.

This discussion that is happening tonight, is now beginning to become dark and our children are already home waiting for us to go and have dinner, and still we are discussing about a small part of it which is changing it from being a manager to becoming a CEO. Talking of a bipartisan approach, we had an opportunity yesterday, Honourable Speaker, to show unity in this House in the appointment and the Election of the Speaker, and yesterday we showed that we are still different. Thank you very much, Honourable Speaker.

HON. SPEAKER.- I thank the Honourable Minister. I give the floor to the Honourable Honourable Adi Litia Qionibaravi, you have the floor.

HON. ADIL. QIONIBARAVI.- Thank you, Honourable Speaker. On the substantive provisions of this Bill, I note the following, Honourable Speaker, the rationale of the change from General Manager, iTLTB to Chief Executive Officer is unclear, given the time informed that the current CEO of iTLTB was appointed in August, 2018. What is happening now is that, the cart has come before the horse. Is it only six months after the appointment to the CEO that the Board and its legal advisors realise the need for amendment to the law; or is it just a political ploy?

On the face of it, the CEO carried out statutory functions since his appointment in August, 2018. Are his actions since then invalid until the law is passed?

Secondly, Honourable Speaker, upon review of the current Section 30 of the Act, I conclude that this amendment is only unnecessary because the power is already there in the Act for the Board to appoint such officers as it deems necessary to carry out its fiduciary duties towards the beneficiaries of the trust of the landowners.

Section 30 of the Act provides, and I quote:

“The Board may appoint a Manager, a Secretary and such other officers, inspectors, clerks and servants as may be necessary to carry out the provision of this Act. The Manager shall be the Senior Executive Officer of the Board, and shall be responsible to the Board for carrying out the Board’s policy and instructions.”

Given that the landowners through their poundage, pay the allowances through the iTLTB Board Members and this new CEO and any staff, they should have been consulted on the change through the Senior Office positions of the Board.

Is it simply a cosmetic change in name, or are there substantive changes in function? This side of the House, Honourable Speaker, Sir, are not opposed to modernisation, however, we are ready for any changes, particularly to this Board, that is now being fast-tracked through Parliament and without the views of the beneficiaries of the Statutory Trust, the landowners through the Land Owning Units and their representatives.

Honourable Speaker, I therefore ask the question: why the rush to suspend the provisions of Standing Orders to fast-track and railroad this law through this Honourable House? There is a need of the Government to fast-track law, override the rights of the landowners, the first people of Fiji, the rights of the tenants be consulted and to give their free prior informed concept? I do not believe so, and I urge the Honourable Prime Minister to take his law back to the landowners, to the Provincial Councils, to the Head of the *Yavusa*, Landowning Units for their views before this law is tabled again in this House.

May I also inform the House, that previous practice required the Board, to table such draft laws with the now abolished apex to the Fijian Administration, *Bose Levu Vakaturaga* and the Provincial Councils all the way to the Village Councils.

Under the Fijian Affairs Act or the *iTaukei* Act, Section 11, there is a provision with respect to Bills affecting *iTaukei* Affairs.

Section 11(1) states, and I quote:

“When any Bill is to be introduced into Parliament, which appears to the Minister to affect any important matter, the rights and interest of the *iTaukei* and especially any Bill imposing taxes to be paid by them or relating to their Chiefs, local authorities or land, shall be first referred to the Board for consideration.”

HON. J. V. BAINIMARAMA.- What Act is that?

HON. ADI L. QIONIBARAVI.- Section 11 of the Fijian Affairs Act. I am going from the annotated Law of Fiji, Honourable Prime Minister.

HON. SPEAKER.- Honourable Member, you have the floor.

HON. ADI L. QIONIBARAVI.- Under this provision, wider consultations have always been undertaken with the first people of the nation of Fiji, the native Fijians. Honourable Speaker, we have been advised tonight that some consultations have been undertaken within the Government and the Fijian Affairs machinery. We are saying that that is not the consultation that is needed to be given by the Land Owning Units' representatives, the people who are beneficiaries of the Native Land Trust Board.

Section 4 of the Native Land Trust Board specifically states that they are vested with the control of native land for the beneficiaries of native Fijians.

Honourable Speaker, this law was on the special category of laws that were entrenched in the 1970 and the 1997 Constitutions of the Republic of Fiji as requiring special majorities to be enabled in the Lower House or the House of Representatives, and nine out of the 14 Senators appointed by the *Bose Levu Vakaturaga* in their wisdom. The Constitutional Conference in London recognised the rights of the first peoples and granted these rights to free prior-informed consent through the special entrenched

legislation even before the UN General Assembly declared the fundamental rights with indigenous people in 2007. It is unfortunate that this has been roughshod and railroaded during the period 2006 to-date through the many decrees promulgated without the consent of the first people of this nation.

Honourable Speaker, may I also express the concerns that whilst the CEO has already been appointed, this Bill requires that the position be added to the Higher Salaries Act to require the NLTB to be added to the Schedule of this Act, which was promulgated by Decree in 2011. However, Honourable Speaker, Sir, the 2011 Higher Salaries Decree refer to three difference Schedules and Bill No. 2, Clause 4 does not refer to which Schedule that the iTLTB is to be added.

Further, Section 4(3) of the 2011 Higher Salaries Decree mandates the Honourable Prime Minister to add or designate various bodies the Schedules of the Decree by notice in the Gazette. Section 4(3) states, and I quote:

“Notwithstanding the repeal of the Act, the Schedules to the Act shall remain valid for the purpose of section 3; provided however that the Prime Minister may, upon the commencement of this Decree, make such amendments to the Schedules as he may deem fit, by way of notice published in the *Gazette*.”

It therefore appears to be a circular reference given that the Honourable Prime Minister is the Minister responsible for *iTaukei* Affairs, and the Chairperson of the iTLTB, through amendment the Principle Act in 2010 Decree No. 23 of 2010 which repeals Section 3 and inserted the new Section 3 which I had referred to earlier which states the different appointing authorities of the members of the Native Land Trust Board or the iTLTB.

Honourable Speaker, Sir, the 2011 Higher Salaries Decree is now an Act, removed the Higher Salaries Commission and effectively replaced the Commissioner with the Minister and the Minister for Public Enterprises when it concerns Government's commercial companies.

Since the current CEO of the iTLTB was appointed in August 2018, we raised the question: was an independent review carried out regarding the position and the salary; what is the legal effect of this amendment; will the position be readvertised and the representative independent advice be carried out?

Honourable Speaker, to conclude, more questions and queries arise from this Bill, yet another law that is being fast-tracked in terms of Standing Order 51 of this august House. This side of the House respectfully asks the Honourable Minister to take this draft back to the drafters as the legal congruence that arise.

The right to free prior informed consent of the landowners, the first peoples of this nation in whose name the iTLTB is now wholly controlled by the Central Government has not been respected. It is to them that the Board chaired by the Honourable Prime Minister, owe fiduciary duties; fiduciary duties as we all know are owed by the trustees to the beneficiaries which must be taken seriously by the members of the iTLTB Board.

With those words, Honourable Speaker, we are disappointed to note the lack of concern and breach of fiduciary duty by the Board of iTLTB and the Honourable Attorney-General and legislative drafters in preparing this poorly drafted law. The SODELPA Members of Parliament cannot support the Bill that is currently before this august House.

I thank the Honourable Speaker for giving me the opportunity to address this House again.

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

HON. N. NAWAIKULA.- I will not be long Honourable Speaker because....

HON. SPEAKER.- You have the floor.

HON. N. NAWAIKULA.- I do not even feel a mandate, even to go into the substance because of lack of consent.

Allow me, Honourable Speaker, to quote from the ILO C169 that incidentally Fiji ratified in 1998 and, therefore, it is illegal and binding to the Government. In Article 6, it says and I quote:

“In applying the provisions of this Convention, governments shall:

- (a) consult the peoples concerned, through appropriate procedures and in particular through their representative institutions, whenever consideration is being given to legislative or administrative measures which may affect them directly;”

Going down to Article 6(2) it says, and I quote:

“The consultations carried out in the application of this Convention shall be undertaken, in good faith and in a form appropriate to the circumstances, with the objective of achieving agreement or consent to the proposed measures.”

Honourable Speaker, I wish to say and I believe that this side of the House agree with me that in relation to this proposed legislation, we intend to respect the rights of the people who own this land, the right to be consulted and to consent and, therefore, we do not even have the authority or the mandate to do anything to the law that they have agreed to. In legal terms it means that, we do not even have locus, we do not have the authority. It is their land, who are we? Who are we? *O cei o keda?*

HON. SPEAKER.- Order, order!

HON. N. NAWAIKULA.- Who are we to be doing this? Because of lack of consent.

HON. N. NAWAIKULA.- And for want of consent and for want of consultation, we do not have the mandate, we do not have the locus to be changing anything. Therefore, we will object, we will not support this amendment.

HON. SPEAKER.- I thank the Honourable Member for his contribution. That brings the end to the substantial debate. Honourable Prime Minister, you have the floor.

HON. J.V. BAINIMARAMA.- Yes, I am sorry, thank you, Mr. Speaker.

Mr. Speaker, very briefly I rise in support of the Bill that has been tabled by the Honourable Attorney-General. As you have heard, it is a very simple Bill and as the Chair of the *iTaukei* Land Trust Board, I just wish to inform this august Parliament of the Board's functions and responsibilities. I have recognised fully the need for the Board to continually improve on the daily delivery of its services to all Fijians and in particular, to the *iTaukei* people with respect to the administration of *iTaukei* land.

Mr. Speaker, under the *iTaukei* Land Trust Act 1940, the Board is tasked with the administration of *iTaukei* land for the benefit of the *iTaukei* owners or for the benefit of the *iTaukei*. That being said,

Mr. Speaker, the iTLTB is in the process of reforming its organisational structure. The *iTaukei* Land Trust Amendment Bill 2019 does assist this objective by amending the Act to align with the current reform being undertaken.

The proposed amendment in the Bill, Mr. Speaker, is a simple one, that essentially provides for the specific appointment of a Chief Executive Officer (CEO) to the Board and does not affect in any way the rights of members of the landowning units, the tenants and potential lessees. The appointment of a CEO is in line with modern day operational practice and is envisaged to bring about better management and administration of the Board. The Board agreed to change the title of the General Manager of iTLTB to CEO last year and this amendment clarifies the CEO's role with respect to the iTLTB.

Furthermore, Mr. Speaker, the proposed amendments provided the remuneration of the CEO is awarded in line with market rates in accordance with the Higher Salaries Act 2011 which is similar to other statutory organisations. Having a salary in line with the market will ensure that we are able to compete with other organisations and attract the CEO with commensurate ability and skills to perform the role.

Mr. Speaker, the proposed amendments in the Bill before this honourable Parliament will, therefore, provide clarity and contribute to the ultimate objective of the Board which is to improve services to the Fijian people, in particular to members of landowning units, tenants and potential lessees.

There has been continuous talk from there about the permission of the *i taukei*. Mr. Speaker, I do not know if the *iTaukei* gave permission to bring in Mr. Balu Khan, who took out millions of dollars from iTLTB.

(Laughter)

I do not know whether *iTaukei* had given their permission when Schedule A and Schedule B funds were transferred to the iTLTB during their time and it disappeared but there is a whole lot of talks about this.

(Chorus of interjections)

HON. SPEAKER.- Order, order!

HON. J.V. BAINIMARAMA.- Mr. Speaker, yes there is talk, you will know about C169 which was ratified by the Leader of the Opposition for political reasons but it has nothing to do with the *iTaukei* here. We own 96 percent, 97 percent of the land. Those were for Red Indians and Aborigines. The C169 were for people like them, natives of those nations, Mr. Speaker.

(Laughter)

HON. SPEAKER.- Order!

HON. J.V. BAINIMARAMA.- So, we all know Momi and Denarau, Mr. Speaker, there is always talks here of getting the chief's endorsement. The chief's endorsement was not obtained when Momi and Denarau disappeared from here.

Mr. Speaker, I endorse this motion. Thank you very much.

HON. SPEAKER.- Honourable Members, the last speaker on this motion.

HON. J. USAMATE.- If not I will refer to my colleague because I have spoken.

HON. SPEAKER.- No, I will let you speak on this motion, you are the younger person.

HON. J. USAMATE.- Thank you, Mr. Speaker, Sir. I must say that I am quite appalled, really appalled at the way this debate has gone. It is a real, real shame. You look at what this amendment is trying to do, it is trying to come up with a change in name that reflects what is actually happening and you are trying to twist it.

You are trying to twist it to make it an attack on indigenous issue. It is not an attack on indigenous issues. It is a total trying to twist it around, that is not what this is about. This motion, this Bill is all about making sure that the legislation reflects what it is in the best interest of running the *iTaukei* Land Trust Board.

I have sat here and listened to the arguments that all the old legislations are sacrosanct, that nothing in them should ever be changed. That nothing in them should ever be changed. If we have that same sort of mentality, we will never move forward, there is always things that need to be changed. If we believe that we can get a new result by keep on doing the same things, that is what Einstein called the height of stupidity. Everything needs to change.

As I was thinking here, I was recalling back and we have heard of this name Copernicus. Have you heard of the name Copernicus? This was the person who told the church at that time that the earth went around the sun. You know what they did? They tried to kill him because that went against accepted teachings of the day but it was the truth. Sometimes, there are things that we believe to be correct are really at fault and need to be adapted over time. All the institutions that we have, yes, I believe we should always make sure that the things that we have in the Constitution, that protects the fundamental interest of the *iTaukei* are sacrosanct and should be protected. They are there, they are protected.

The institutions have to evolve over time. Why? Because institutions are set up in a particular context to operate in the environment they had at that time. Our institutions that we have, the iTLTB, our *iTaukei* Affairs Board, they will evolve over time but not at the expense of the rights of the *iTaukei* because the rights of the *iTaukei* are protected in the Constitution. They are protected in the Constitution.

This Government, the FijiFirst Government, will never give up on the rights of the *iTaukei* but this Bill is not about that. The Bill is about better governance, reflecting in the legislation what is better for the effective management of the iTLTB and that is what this is about. I think it is a shame that you tried to make it an ethnic and racial thing. That is a shame! That is the same sort of things that were happening in the Elections, let us put a stop to that. Let us focus on what we are trying to do. Thank you, Mr. Speaker, Sir.

HON. SPEAKER.- Thank you, Honourable Minister. Honourable Leader of the Government in Parliament, you have the floor.

HON. LT. COL. I. SERUIRATU.- Thank you, Honourable Speaker, I will be very brief. I just want to refer to what the Honourable Member on the other side of the House said that this is taboo and, of course, there needs to be wider consultation. I only hope that we have more time to debate on this because the Honourable Member was one of the authors of the Deed of Sovereignty.

HON. N. NAWAIKULA.- Point of Order, Honourable Speaker. That is not the first time he mentioned that and I ask him to withdraw that.

HON. GOVERNMENT MEMBER.- Why?

HON. N. NAWAIKULA.- He is accusing me of being the author of a certain thing that I did not do.

HON. LT. COL. I. SERUIRATU.- One of the authors of the Deed of Sovereignty.

HON. N. NAWAIKULA.- Not even one.

(Honourable Member interjects)

HON. N. NAWAIKULA.- Honourable Speaker, I do not have the actual Standing Order but I am entitled to that. If he is making an accusation that is wrong, he should withdraw it.

(Honourable Member interjects)

HON. N. NAWAIKULA.- It was a personal attack.

(Chorus of interjections)

HON. SPEAKER.- Order, order!

HON. N. NAWAIKULA.- I can say now that I was never involved in that, and that is the reason why I am standing here, asking him to withdraw it because it is false.

HON. SPEAKER.- Honourable Minister, you have the floor.

HON. LT. COL. I.B. SERUIRATU.- Talking about consultation, Honourable Speaker, I still remember in 2000, we have to go and arrest people who were taking around this Deed of Sovereignty that talked about *iTaukei* people giving up their land to what they called the meritorious State. There was no consultation at all, Honourable Speaker, no consultation at all. And yet, just on this very simple amendment to the Bill, just about a change in name, then the Honourable Member is insisting that we go back and do consultation. Honourable Speaker, to me this is straight forward and it is about the management and the efficiency of the organisation and we need to move with time. Thank you.

HON. SPEAKER.- I thank the Honourable Minister.

HON. M.D. BULITAVU.- Thank you, Honourable Speaker, Sir.

My contribution, I concur with the Honourable Members from this side, who have spoken on the substance of the Bill which is before the House. I would like to talk on some of the points that was raised by the Honourable Prime Minister.

In terms of the current functions of the iTLTB and iTLTB trying to move in to a commercial in their reforms, in advancing the interest of landowners, the services of iTLTB at the moment served has not changed. Even if we change the name from Manager to CEO, the current services they tender to the landowners are very poor.

HON. GOVERNMENT MEMBER.- Better than before.

HON. M.D. BULITAVU.- Is not better than before. The lease rates are very poor. They are not reviewed according to the Act also and these are the returns that the beneficiary of the Act await for.

They introduced the CBUL, the Committee for Better Utilisation for of Land Policy, but again the delay is in lease payments, CBUL payments and you question whether iTLTB is really looking after the interest of the VKB members or those who are land owning unit members, per Section 4 of the Act. And again by reviewing all these, what we are concerned about is now what comes into question, maybe in the future or now or that after this could be the independency of this particular statutory organisation.

Given the CEO now, the level of salary will now be based on the Higher Salaries Commission, again it will affect the independency of this particular position. Again iTLTB in the last 12 years, under the Prime Minister's leadership, they have not done much for the *iTaukei* people, in terms of empowering them into becoming entrepreneurs.

They have continued to lock indigenous landowners into passive land providers and we have not just to giving consent and the renewal of those leases, has not really developed us into becoming entrepreneurs. Although they have introduced the \$10 million *iTaukei* land grant, but again how many have benefitted from the thousands of land owning units around Fiji. I think they have not even reached the Northern Division with that particular grant.

Again a few things that probably the Honourable Prime Minister can be reminded today as the Chair also of iTLTB and that is the role of the Board in reviewing those leases without further consultation of the land owning units, for first time lease from within the *kovukovu* to *taudaku ni kovukovu* as we know for first lease, we need 60 percent. But when a lease is issued and it comes to an expiry point, the Board does not need any more consultations to be done with the landowners. Now landowners are sitting there or coming to iTLTB, I know for 30 years, or say 99 years, when they come to iTLTB and iTLTB says that it has given the lease to someone else.

These are some of the issues which probably, if to raise the standard of the current General Manager to CEO level and run on a commercial basis and trying to make money from land, we are on very dangerous waters because land will become a commercial factor, not only a factor of production in terms of trying to free up land for commercial purposes or for lease, it also will affect the ability of the land owning units, which some of them, currently are landless, who do not have enough land, and free up for that purpose.

Once we move into this particular direction, where we have a CEO and commercialise this particular institution, then I think everything will be driven by market, will be driven by the demand, will be driven by prices and that is when the interest of those or the objective of Section 4 of the Act which was originally kept in there to protect. There is a confusion between the iTLTB's role in the protection of *iTaukei* land. Now with the reforms carried forward by the Honourable Prime Minister on the commercial interest, so much into trying to get wealth but again we cannot cheat.

If you go around Fiji to villages where development has taken place, nothing, they still live in the same houses, they are not developed. For example, the Honourable Prime Minister will know the development that he had brought in Nawailevu in Bua. If you got to Nawailevu in Bua, it is still the same. Millions of tonnes of soil was shifted to China. Will they go and bring it back?

They always talk about Momi and Denarau for saying that it was unlawfully converted, but again in Nawailevu is a very prime example, where native land has left our country, left Fiji and has gone to China. Will they go and bring it back? What will replace that? Will the Honourable Prime Minister bring back the land from Kiuva to replace the land in Nawailevu?

(Honourable Members interject)

HON. M.D. BULITAVU.- See, and again, those kinds of dealings, when we move into commercial interest, that is my point we tend to ignore the protective role under Section 4 of the Act. And again by making another change like this, into trying to move into commercialising iTLTB, we are risking the independence of this statutory organisation, which was initially created to protect the interest of the *iTaukei* people. And therefore, Honourable Speaker, Sir, I do not support the Bill as it is.

HON. SPEAKER.- I thank the Honourable Member. This is the last speaker for this debate, you have the floor, Honourable Member.

HON. J. SAUKURU.- *Cola vina*, Honourable Speaker. My contribution will be very short. I just pose two questions; first, while we are talking about iTLTB, who is actually funding iTLTB? We are talking about a new CEO for iTLTB, who will pay for the new CEO?

On behalf of the 593 landowning units in the Ba Province, I beg the Government, please consult the people on the ground, the landowning units with the Bill before the House. Thank you, Mr. Speaker.

HON. SPEAKER.- I thank the Honourable Member. Honourable Attorney-General, you have the Right of Reply.

HON. A. SAYED-KHAIYUM.- Mr. Speaker, a lot of issues have been raised, unfortunately a lot of misinformation has also been raised. If we were to stick purely on the amendment that is before Parliament, it is a very simple amendment. It essentially recognises the fact that we now have a CEO, it recognises the fact that as the law stands, it says the Board can appoint “a Manager”. I emphasise “a Manager” - a Manager in the English language means one manager.

For many years that “a Manager” has not even been “a Manager”, it has been a GM. In fact the law was not even amended at that point in time and as Honourable Nawaikula said, even at that point in time, when we needed to change even a full stop, because it was an entrenched provision, you could not even do it.

So, Mr. Speaker, Sir, what we are saying here is that if you look at the Act itself, *iTaukei* Land Trust Act, control of *iTaukei* land vested in the board, *iTaukei* land alienable only to State, provision as to transfer *iTaukei* lands, *iTaukei* land will not be alienated in accordance with the Act, alienation of *iTaukei* land by leasehold license, conditions to be observed. The whole list goes on. Nothing is being amended, not a single clause relating to licences, lease, rights of landowners, landowning units, nothing is being amended, absolutely nothing.

The only thing that is being amended, Mr. Speaker, Sir, is, “a Manager” has been changed to “CEO” and how the CEO will be paid and the Secretary’s position has just moved to another clause; that is the only amendment. Honourable Saukuru raised the issue about who is paying for it. I will tell him what used to happen. A few years ago, when the landowners used to get the lease monies collected by iTLTB, iTLTB used to take out 25 percent as administration cost from the landowners leases. Today, only 10 percent is taken out.

HON. GOVERNMENT. MEMBERS.- Hear, hear!

HON. A. SAYED-KHAIYUM.- Today only 10 percent is taken out. Mr. Speaker, Honourable Saukuru also needs to be reminded of the fact that when iTLTB used to take out 25 percent, when they went into the ventures as the Honourable Prime Minister highlighted.

HON. ADI L. QIONIBARAVI.- Point of Order. Mr. Speaker, Sir, the Honourable Attorney-General has misrepresented information about the poundage. The poundage when I left the Fijian

Administration it was at 10 percent; reduced from 25 percent to 10 percent. So I do not know what he is talking about? It is now 10 percent?

(Honourable Members interject)

HON. SPEAKER.- Order!

HON. ADI L. QIONIBARAVI.- Previous Governments have been reducing the poundage from 25 percent.

(Honourable Member interjects)

HON. ADI L. QIONIBARAVI.- I do not know what happened but I am telling you what I know. The 25 percent was there, it has been reduced for some years, Mr. Prime Minister. Thank you.

(Honourable Members interject)

HON. SPEAKER.- Honourable Attorney-General, you have the floor.

HON. A. SAYED-KHAIYUM.- Thank you. Mr. Speaker, Sir, the Honourable Member actually should listen to what I have said. I did not take any Government's name. All I simply said that Honourable Saukuru, it used to be 25 percent. Today, it is 10 percent and the reality is that

(Honourable Members interject)

HON. A. SAYED-KHAIYUM.- Now, you want to buy who? I can tell you many whos, that did many things to that organisation. The reality is that Honourable Saukuru raised an issue, when the iTLTB, then under previous managements, went off and did deals with Balu Khan, set up subsidiary companies, monies were lost, did they go to them? No! They did absolutely zero. So, who is he to try and hold some kind of moral high ground to say, "Did they consult the landowners?"

In fact, what this is trying to do, Mr. Speaker, Sir, is in fact trying to maintain and give integrity to the organisation. But the fundamental issue that had been raised from the other side, I think is amiss because the Members on the other side do not recognise this Constitution.

HON. GOVERNMENT MEMBER.- Yes.

HON. A. SAYED-KHAIYUM.- That is the fundamental problem. They are agreeing with me and the reason why, Mr. Speaker, I say this, they have been elected under this Constitution. They have sworn an oath to uphold this Constitution, but they jilt it whenever they feel like it.

(Honourable Members interject)

HON. SPEAKER.- Order!

HON. A. SAYED-KHAIYUM.- If they were to read it, Mr. Speaker, Sir, they would see that under Section 28, Section 29, Section 30 and I use his words, not in any jest, "unprecedented protection to landowners". It will not, it will not ever allow Momi to happen, Denarau to happen so even though they had entrenched provisions, they legally converted *iTaukei* land to freehold land. The land is gone. *Moce*. Gone. That is the point. Mr. Speaker, Sir ...

HON. SPEAKER.- Order!

HON. A. SAYED-KHAIYUM.- ... Wailevu is a 19-year lease, Momi and Denarau are freehold now. They are gone. Mr. Speaker, Sir, what is actually now happening, because they have dug themselves in a hole, because they have actually not spoken about the substantive matter before the Parliament and the issue is about the merits of whether we should change the word from “a manager” to “CEO”.

As Honourable Usamate has highlighted, they have turned this and brought all sorts of issues into it; religion, UNDRIP, ILO, ethnicity, whatever the case is. This is simply an administrative amendment. It does not in any way affect the rights of any landowner; none whatsoever. They have only gone into conjecture. “Oh, if they have done this, maybe in the future they will do this.” They cannot do this because this (holding the Constitution) protects it. Try and understand that this is the supreme law of the land. It does not matter which individual is there.

Unfortunately, most politicians in Fiji go by personalities. If you want to build strong institutions, we need to look at the institutions and the laws so the individuals do not matter. That is how we get into all these ethnic profiling nonsense. So move away from personalities, look at the law so no matter who is there, this will protect the rights of the landowners. That is the fundamental premise.

Mr. Speaker, Sir, what they are also talking about is that again, they are caught in a time warp – if the law has been like this, therefore it must remain like this. So even though the world around you is changing, again that is exactly what Minister Usamate highlighted. You need to be responsive to the needs and demands of what is happening around you without changing the fundamental premise of the law itself.

The other issue, Mr. Speaker, Sir, is previously the iTLTB leased out a lot of *iTaukei* land for peppercorn rent. Previously iTLTB, post-independence even, leased out land to hoteliers at minimal rates; “Oh, we will build this for you for \$10,000” and iTLTB would accept that. They did not get a share in the business. They did not get any sort of peek into the business. The percentages of gross turnover, share was even so low, some of them did not even get it, they were told “Oh, we will build a church for you, we will be build one community hall for you and off we go, sign a 99-year Tourism Lease, that is the history of iTLTB.

What this organisation is now, it is now a modern organisation under the Chairmanship of the Prime Minister, and they have questioned his Chairmanship. All Ministers for *iTaukei* Affairs, as was called previously, Fijian Affairs, have assumed Chairmanship. He is Minister for *iTaukei* Affairs, he is therefore the Chair of Board, there is nothing untoward about it.

The reality, Honourable Speaker, is that, a lot of issues have been raised in this debate that are completely irrelevant. They have been based on emotions, conjecture, irrelevance, and as we have said, none of the provisions in the *iTaukei* Land Act is being amended but it pertains the rights of the *iTaukei* Landowning Units and members of the *iTaukei* Landowning Units. None of the amendments have been made where the responsibilities and the duties of the Board in any way have been diminished. They, as trustees of the members of the landowning units still continue, that fiduciary duties still continue, none of that has been breached.

We are simply saying the Board is saying that the management is crying out for this. We have a CEO, Mr Tevita Kuruvakadua, the management has said, “Look, we need to have our laws in alignment with what is actually happening on the ground. We have a CEO but in the Act it says “a Manager”, can we, please, change that, so as far as governance is concerned, the Act is in alignment with what is actually happening on the ground, it is simple, and that is simply what the amendment is all about.

We had one issue raised saying on one hand, “Oh, you’re going to start commercialising it.” For the first time on the other hand also, we have got Honourable Bulitavu crying out saying, “Landowners

don't get paid enough." This Constitution says landowners must get paid market rates. When rental reviews takes place, it must be done at market rates, that is what is critical and that is what is changing and that is what will change, that is what will give a better return to the landowners. But on the other hand, you say, "Oh, commercialisation is not good." We are trying to get the landowners to get better returns. The CEO's focus is on that, read the amendment to the actual Act.

The Amendment says, "The CEO shall be responsible to the Board for the proper administration and management of the functions and affairs of the Board in accordance with this Act", not any other thing - this Act and the implementation, the instructions and policies of the Board made pursuant to this Act. The CEO must attend every meeting of the Board, if the CEO is absent, someone else who is appointed will come in his place. The CEO should not engage in any other business, without the prior consent of the Board. What is all this about? It is about good management, good governance. Who is it beneficial for? Beneficial for members of the landowning units whose land are held in trust by the Board.

With those remarks, Honourable Speaker, I would urge Members to vote for this and, please, do not obfuscate the issue.

HON. SPEAKER.- Honourable Members, I thank the Honourable Attorney-General.

Honourable Members, the Parliament will now vote.

The Question is:

Pursuant to the resolution of Parliament passed today, 12th February, 2019:

That the *iTaukei* Land Trust (Amendment) Bill 2019 be debated, voted upon and be passed.

Does any Member oppose the motion?

(Chorus of "Ayes" and "Noes")

HON. SPEAKER.- Honourable Members, there being the opposition to this motion, Parliament will now vote.

Votes cast:

| | | |
|-----------|---|----|
| Ayes | : | 27 |
| Noes | : | 23 |
| Not Voted | : | 1 |

HON. SPEAKER.- Honourable Members, the motion is therefore agreed.

[A Bill for an Act to amend the *iTaukei* Lands Trust Act 1940, Bill No. 2 of 2019, enacted by the Parliament of the Republic of Fiji. (Act No. of 2019)]

(Applause)

HON. SPEAKER.- Honourable Members, I thank you for your forbearance today. We have had a long day and we have had some lively debates, but that is what this Parliament is about and I hope I have not deterred you from any other important engagements that you might have had planned.

Honourable Members, I want to inform you that I have been advised that the Honourable Lenora Qereqeretabua has withdrawn her motion as listed in today's Order Paper. That brings us to the end of today's sitting.

The Parliament is now adjourned until tomorrow at 9.30 a.m.

The Parliament adjourned at 7.27 p.m.