

# **PARLIAMENT OF THE REPUBLIC OF FIJI**



## **PARLIAMENTARY DEBATES**

### **DAILY HANSARD**

**MONDAY, 1ST APRIL, 2019**

**[CORRECTED COPY]**

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**MONDAY, 1ST APRIL, 2019**

The Parliament met at 9.33 a.m., pursuant to notice.

HONOURABLE SPEAKER took the Chair and read the Prayer.

**PRESENT**

All Honourable Members were present, except the Honourable S.S. Kirpal and the Honourable Professor B.C. Prasad.

**MINUTES**

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

That the Minutes of the sitting of Parliament held on Friday, 15th 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 Friday, 15th 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.

Motion agreed to.

**COMMUNICATIONS FROM THE CHAIR**

Welcome

HON. SPEAKER.- I welcome all Honourable Members to today's sitting. I also welcome members of the public joining us in the gallery and those watching proceedings on television and the internet, and listening to the radio. Thank you for taking an interest in your Parliament.

Special Olympic Games Team Members

Honourable Members, it is, indeed, a great honour to welcome the 'Special Olympic Games' Team members to today's sitting. The Team won 14 medals in the Game with five Gold, four Silver and five Bronze. I congratulate the Team most warmly, and indeed, the Honourable Member. And I hope that you have an enjoyable day during today's proceedings.

(Applause)

PL100 Students - University of the South Pacific

Honourable Members, we also have with us the PL100 Students from the University of the South Pacific. I welcome you most warmly to Parliament and thank you for taking interest in the proceedings. I trust that your visit will be educational and rewarding.

Written Responses to Questions

For the information of Honourable Members, the Secretariat has received written responses from the following Ministers:

1. Minister for Employment, Productivity, Industrial Relations, Youth and Sports to Written Question No. 10/2019 asked by the Honourable Mikaele Leawere;
2. Minister for Industry, Trade, Tourism, Local Government, Housing and Community Development to Written Question No. 27/2019, asked by Honourable Viliame Gavoka; and
3. Minister for Agriculture, Rural and Maritime Development, Waterways and Environment to Written Question No. 29/2019, asked by the Honourable Inosi Kuridrani.

These have been conveyed accordingly and a copy is also available on the Parliament website.

Release of Standing Orders Committee Report

HON. SPEAKER.- Honourable Members, it has come to my attention that the deliberations of the Standing Orders Committee and indeed, the full Committee Report due to be tabled today, had been released to a website without the authority of the House.

Let me remind, Honourable Members, that as in other Parliaments, committee deliberations and the content of committee reports must not be shared or released before they are tabled in this House. It may be considered a matter of breach of privilege for deliberations of committee held in camera and the committee's draft or final reports to be released before they are tabled in this House and become public documents.

Honourable Members, it is only right and fitting that you, as Honourable Members, receive committee reports first, and do not learn about them and their recommendations through the media or social media. I am deeply disappointed that this has happened and I trust that it will never happen again.

Suspension of Standing Orders -  
Enactment of Decision of the Business Committee

Honourable Members, we move on. Before we proceed to the next Item on today's Order Paper, we will deal with a suspension motion first.

For the information of Honourable Members, the Leader of the Government in Parliament has approached me to ask on the best way to enact the decision of the Business Committee, that the House debate and vote on the Report of the Standing Orders Committee today.

I have advised the Leader of the Government in Parliament, that in order to enact the Business Committee decision, Standing Order 128(2)(b) must be suspended, purely to allow the House to debate and vote on the Report this morning.

For the purposes of complying with the Standing Orders, I will now allow a suspension motion to be moved. I now call upon the Leader of the Government in Parliament to move his motion. You have the floor, Sir.

## **SUSPENSION OF STANDING ORDERS**

### Report of the Standing Orders Committee

HON. LEADER OF THE GOVERNMENT IN PARLIAMENT.- Mr. Speaker, Sir, I move under Standing Order 6:

That so much of Standing Orders 128(2)(b) is suspended so as to allow the House to debate and vote on the Report of the Standing Orders Committee today.

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

HON. SPEAKER.- I now call upon the Honourable Leader of the Government in Parliament to speak on his motion. You have the floor, Sir.

HON. LEADER OF THE GOVERNMENT IN PARLIAMENT.-Thank you, Honourable Speaker, Sir.

Based on the consultations and guidance that we received from the office, I have moved a motion under Standing Order 6 that so much of Standing Orders 128(2)(b) is suspended, so as to allow the House to debate and vote on Report of the Standing Orders Committee as it also appears on today's Order Paper, Honourable Speaker, Sir. And I ask the indulgence of the House if we can proceed with this procedural issue as it is consistent with Parliament Standing Orders. Thank you, Honourable Speaker.

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

Honourable Members, the floor is open.

HON. A.M. RADRODRO.- Honourable Speaker, Sir, just a clarification, which motion are we talking about in this House? Can we have some clarification, Mr. Speaker Sir?

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

HON. A.M. RADRODRO.- I just want to get a clarification on the Suspension Motion that has been moved by the Honourable Leader of the Government in Parliament.

(Honourable Speaker consulted the Secretary-General)

HON. SPEAKER.- Honourable Members, the normal procedure would be that it would take three days for this to happen but we are at the stage where we need to move on. The Standing Orders Amendments are, as far as I am concerned, straightforward and that is the reason we are suspending

Standing Orders 128(2)(b), so that it can be debated upon, and we have the opportunity to do that this morning. That is the reason why we are going through this procedure.

HON. N. NAWAIKULA.- Honourable Speaker, I would like to raise a Point of Order. Standing Order 128(3) says, and I quote:

“...it is the ongoing duty of the committee to consider and review the practices and procedures of Parliament ...”

and to review that.

In my respective view, this is totally unnecessary and they just need to come to Parliament with a motion, with or without notice.

(Honourable Member interjects)

HON. N. NAWAIKULA.- So, what is the myth? Suspension? It is totally irrelevant.

You are asking Parliament to suspend the review of the Standing Orders and report to Parliament within 14 days. You just move the motion, and you can make it a motion without notice.

HON. SPEAKER.- Honourable Member, what we are doing here is, we are effecting a Business Committee decision. It has been agreed to in the Business Committee that this procedure takes place, and that is what we are doing. That is why the Honourable Leader of the Government in Parliament has moved this motion. I do not think there is any interest in debating the procedures, the procedures are clear.

Is there anyone wishing to take the floor regarding the motion which has been moved?

HON. N. NAWAIKULA.- Can we ask the Honourable Member to actually speak on his motion and we will debate?

(Honourable Member interjects)

HON. N. NAWAIKULA.- What is the reason? What is the purpose? You moved it, talk on it!

HON. SPEAKER.- Honourable Member, I think the Honourable Leader of the Government in Parliament has made it clear. The floor is open for debate. You may have the floor, if you wish to speak on the motion.

HON. N. NAWAIKULA.- Thank you, Honourable Speaker. The motion is asking the House to suspend Standing Orders 128(2)(a) and Standing Orders 128(2)(b). Standing Orders 128(2)(a) says, and I quote:

“Immediately following the first sitting of Parliament after each election, the Standing Committee shall be automatically convened ...”

And I think the other side is of the force view that this is needed, and the point I wish to say is that, it is totally unnecessary to suspend that. The Honourable Minister or the Leader of the Government in Parliament is probably of the force view that he cannot move this motion unless he suspends Standing Order 128(2)(a) and (b) which relate totally to a different thing, they relate to the aspect or the scenario where we have just returned from a General Election and there is a need to relook at the

Standing Orders so that we can proceed. And that is what he is asking in this motion, for us to suspend that. But I am asking, why? Totally unnecessary because if you look at Standing Order 128(3) it states, that you have the right to review this time and time again, and you simply come to the House with a motion with or without notice.

HON. RATU N.T. LALABALAVU.- Tell them!

HON. N. NAWAIKULA.- So it is very childish of them to be putting into the House something which is uncalled for. Just move a motion with or without notice and then we can go ahead. We do not need the suspension, that is my point. Thank you, Honourable Speaker.

HON. SPEAKER.- Thank you, Honourable Member. Honourable Member, we are not suspending Standing Order 128(a) and Standing Order 128(b), it is Standing Order 128(2)(b).

HON. N. NAWAIKULA.- I am on the same page.

HON. SPEAKER.- Thank you.

Honourable Lynda Tabuya, you have the floor.

HON. L.D. TABUYA.- Thank you, Honourable Speaker, Sir. Referring to Standing Order 128(2)(b), I would just like to plead with your goodself that there is some sense to giving that three-day period, so that Members of Parliament can have access to the Report which I understand is being tabled this morning.

Not all the Members of Parliament have the opportunity to receive this Report and read through it so that they can understand the amendments that are being proposed. Now, the report is only accessible to the Standing Order Committee. I understand that Report is to be tabled this morning. We do not have access to it yet, the three-day period gives this time for Members of Parliament to be able to go through and then the motion, Honourable Speaker, Sir, that you would put the question whether the amendments proposed are accepted by the House. And that, Honourable Speaker, Sir, is the reason why the three-day period is there.

Now, suspending the three-day period will not allow the Members of the House to have access to the Report and to be able to have an informed decision on the amendments to the Standing Orders. So I ask your goodself, Honourable Speaker, Sir, that this suspension motion be refused on that basis so that we can have the opportunity to look at that Report and to be able to make an informed decision come Wednesday. Thank you, Honourable Speaker, Sir.

HON. SPEAKER.- Thank you, Honourable Member.

Honourable Members, you have all been informed in the normal modern manner on the contents of the Report. That has been the procedure in this House now for some time, it is nothing new.

HON. L.D. TABUYA.- Honourable Speaker, Sir, we have not all have access to that Report. Sir, this has only been circulated amongst the Members of the Standing Order Committee to vet and to approve the Report. It has not yet been tabled in Parliament this morning, Honourable Speaker, Sir. We do not have access to that Report and, therefore, Honourable Speaker, Sir, we are asking that this three-day period be given so that we can review the Report and make an informed decision. It is only just that this happens, Sir. Thank you very much.

(Honourable Members interject)

HON. SPEAKER.- Order, order!

If you want to speak, Honourable Member, through the Chair as usual, not across the floor. We are not in a market here where you are haggling about prices.

(Laughter)

What we are doing is we are following what has been agreed to in the Business Committee, that is it. That is what is being reflected this morning and as I have explained to you, each Member was informed through the modern means. Do not give me the excuse here now that you have not read it. That is the procedure, we have started this and we will finish it. The floor is open for anyone to raise any other points.

HON. L.D. TABUYA.- Honourable Speaker, Sir, just a matter of clarification, if the Secretary-General or Deputy Secretary-General can confirm to your goodself that the report was still being discussed, vetted and signatures were supposed to be put on the report to-date. So we are dealing with a Report here that has not been presented or *Hansard* or even given copies to the Members, so we really are in the dark here.

I can say that with all honesty, Sir, that we do not have copies of this Report, it has not been provided. May I suggest a way forward, Sir, perhaps, if we could be given hard copies of this Report as Members and have the matters stood down that we can look through it. As Members of Parliament, it is only fair that we can then speak to the report, Honourable Speaker, Sir. Then perhaps, that is the way forward around the three-day requirement that you are seeking to suspend. Thank you, Sir.

HON. SPEAKER.- Honourable Members, I repeat again that you have been informed accordingly on this Report in the most modern means and that has been going on in this House now for some time.

Honourable Members, if you see in today's Order Paper, Agenda Item 4, a motion will be moved and you will receive the hard copies then, but you have been given notice of this in the more modern means which has been adopted by the House.

Now, not all of you are saying that you have not received it, others have received it.

(Chorus of interjections)

HON. SPEAKER.- We will move on with this motion. Are there any other wishing to take the floor?

Honourable Tuisawau you have the floor.

HON. RO F. TUISAWAU.- Thank you Honourable Speaker. I would just like to contribute to this motion to suspend Standing Order 128(2)(b). As alluded by some Honourable Members, my understanding is that a copy of the Report was given out to the Business Committee Members, but as an individual Member of Parliament, I would like to receive that and also to read through it and to study the implications of that.

My belief is, that is why the three days is there; we receive it, we think about it, we analyse it and on the third day then we vote or debate on it. So the motion being given to us defeats that purpose of me as a Member of Parliament to analyse it, assess it and contribute to the changes because the changes to the Standing Orders is quite critical. For me as a new Member of Parliament, when I came in and



saw the Standing Orders, it really defeats my being here as part of this democratic institution because a lot of the provisions in here has reversed what was there before. So that is why I am saying that this motion to suspend the Standing Orders defeats the purpose of this Parliament which is democracy, for us to receive a paper in good time so that we are able to analyse and assess it and then contribute meaningfully. But here I have not received anything as an MP so how can I contribute meaningfully to this discussion? *Vinaka*.

HON. SPEAKER.- Thank you, Honourable Member. Any others wishing to take the floor on this motion?

There being no Honourable Member wishing to speak on this motion, Leader of the Government in Parliament, you have the floor.

HON. LEADER OF THE GOVERNMENT IN PARLIAMENT.- Thank you, Honourable Speaker, Sir. I have no further comments to make but to move with the motion. Thank you.

HON. SPEAKER.- Honourable Members, as no Member opposes the motion, ....

(Chorus of interjections)

We will go to the vote. When your voice needs to be heard, it is heard clearly. Sometimes it is not heard at all and I am trying to work out what is this you are willing to do or not willing to do.

Thank you, Honourable Members. The voting process is now on.

Votes cast:

|           |   |    |
|-----------|---|----|
| Ayes      | - | 26 |
| Noes      | - | 23 |
| Not Voted | - | 2  |

HON. SPEAKER.- Honourable Members, there being 26 Ayes, 23 Noes and 2 Not voted, the motion is therefore agreed to.

Motion agreed to.

Honourable Members, we move on.

**AMENDMENTS TO THE STANDING ORDERS OF THE REPUBLIC OF FIJI**

HON. SPEAKER.- Honourable Members, I now call upon the Honourable Leader of the Government in Parliament to move his motion. You have the floor, Sir.

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

- (a) That the Amended Standing Orders (‘Standing Orders’) published and gazetted on 20th March, 2017 which had been adopted by Parliament on 26th November, 2018, be amended as per the tabled amendments to the Standing Orders; and
- (b) That Parliament vote and adopt the amendments to the Standing Orders which shall immediately come into force on 1st April, 2019.

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

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

(Report handed to the Secretary-General)

HON. N. NAWAKULA.- I wish to raise a Point of Order. This is totally wrong, you cannot just come to Parliament and move a motion. You have to follow the procedure and the procedure is set out in Standing Order 46(1). It has to be a motion with notice or motion without notice.

If you are trying to move a motion without notice as you are starting to do now, first, he has to obtain the leave of the House, and that is very clear in Standing Order 46, Honourable Speaker, and I wish to have a ruling in relation to that; that he requires the leave of the House to move this motion which obviously is coming without notice.

HON. SPEAKER.- I thank the Honourable Member, but I think, Honourable Member, you heard me explain this quite clearly at the beginning, that is why we have suspended Standing Orders earlier so that he could move his motion. It follows on from that, it is all there.

HON. N. NAWAKULA.- Let me just clarify, Honourable Speaker. I am saying that you do not need to suspend that to get the leave, you do not need to. Every time I have to come and teach you here.

HON. SPEAKER.- Honourable Members, I now invite the Leader of the Government in Parliament to speak on the motion. You have the floor, Sir.

HON. LEADER OF THE GOVERNMENT IN PARLIAMENT.- Thank you, Honourable Speaker, Sir.

Honourable Speaker, Sir, following the 2018 General Elections and pursuant to Section 67(1) of the Constitution, His Excellency the President of the Republic of Fiji, summoned the Parliament to meet on Monday, 26th November, 2018. It was on the same day that Parliament unanimously adopted the Amended Standing Orders of 2017, which had been published and gazetted on 20th March, 2017.

Subsequently, Honourable Speaker, Sir, the Honourable Speaker informed Parliament that the Standing Orders Committee will reconvene to review the Standing Orders and report back to Parliament within 14 days. That, unfortunately, did not happen, Honourable Speaker, Sir, because of the participation of some of the Members of the Committee in the COP 24 that was held in Katowice in Poland.

However, Honourable Speaker, Sir, the Standing Orders Committee met recently on two occasions: firstly, on 22nd March; and secondly, on 27th March respectively. On both occasions, the Committee met and discussed amendments to the Standing Orders. These were amendments proposed by representatives of both sides of the House.

At this juncture, Honourable Speaker, Sir, I convey an appreciation on the extensive deliberations and work undertaken by the Standing Orders Committee, and I seek the Honourable Members' support for the motion this morning.

Honourable Speaker, Sir, in its meeting on 27th March, the Committee agreed to allow the Secretariat to finalise the Verbatim Notes, the Minutes of the Meeting and drafts of the Amended

Standing Orders, as well as the Committee Report. Subsequently, these documents were then conveyed to the Committee Members for their perusal, comments and finalisation.

On the proposed amendments to the Standing Orders, Honourable Speaker, Sir, the proposed amendments to the Standing Orders which had been circulated to all Honourable Members of Parliament are necessary because they impact the way Parliament conducts itself. These proposed amendments relate to the performance, functions and the working of Parliament.

In considering and reviewing the practices and procedures of Parliament, those proposed amendments which the Committee agreed to after deliberations were conducted last week, are hereby presented to Parliament as mandated by Standing Order 128.

Honourable Speaker, Sir, I will now proceed to go into the amendments first on Standing Order 34(1). In Standing Order 34(1), we are simply changing the order of business and putting “Questions” right down after “Motions”. The reason for doing this is simply to allow Government business to take precedence and be attended to, and this will also be in line with the mandate that Government business takes priority from Mondays through Thursdays. That is the first amendment, Honourable Speaker, Sir.

The second amendment is on Standing Orders 35(2) to (5). In Standing Orders 35(2) to (5), we are increasing the End of Week Statements by four Members and then each such Member may speak for 10 minutes with a 10-minute right of reply by the Minister or Ministers responsible for the subject matter. The right to speak is allocated to four Members by the Business Committee and the Secretary-General must notify the successful four Members that they will be speaking and, of course, under your concurrence and guidance as well, Honourable Speaker, Sir.

The amendments to Standing Order 35(5) has been determined necessary to ensure consistency in the provisions.

In the amendment to Standing Order 35(4), Honourable Speaker, Sir, I quote: “A member may not raise any matter unless no less than 7 days’ written notice has been given...”, this will allow Members to prepare well and it is envisaged that this will promote and encourage good discussions and responses.”

The third is on Standing Order 128(1). Honourable Speaker, Sir, in Standing Order 128(1)(c), we are simply saying, and I quote: “Whip of each party or his or her nominee.” And we are of the view that we should implement the same change in Standing Order 128(1)(b) to say, “Leader of the Government in Parliament or his or her nominee.” This, Honourable Speaker, merely articulates the current practice.

Next is on Standing Order 29A, which is a new insertion of the Standing Order. Honourable Speaker, Sir, in the new insertion of Standing Order 29A, essentially, this is in response to the fact that this is already happening. This new insertion provides, and I quote:

“(1) A member must not take any photographs or any audio-visual recordings in Parliament during the sitting of Parliament or any Parliamentary committee.

(2) A member must not make any social media posting or media releases in relation to any Parliamentary business during the sitting of Parliament or any particular committee.”

This new insertion, Honourable Speaker, Sir, is essential to protect the sanctity and the integrity of the proceedings of Parliament.

Honourable Speaker, Sir, in conclusion, by convention, the report of the Standing Orders Committee is a functional document. The recommended amendments are reflected in Annexure 1 of the Report and the Minutes of the proceedings of the Committee are reflected in Annexure 2 of the Report.

Honourable Speaker, Sir, as alluded to earlier, I convey appreciation on the extensive deliberations and work undertaken about the Standing Orders Committee, and I hereby commend this Report to Parliament and I seek support from all Honourable Members. Thank you, Honourable Speaker, Sir.

HON. SPEAKER.- I thank the Honourable Leader of the Government in Parliament. The floor is open for debate on this motion. Any Member wishing to take the floor may do so.

Honourable Nawaikula, you have the floor.

HON. N. NAWAIKULA.- Yes, I wish to start our debate from this side of the House by saying firstly to the other side that next time, just come to the House, ask for leave to amend the Standing Orders and then go ahead. You do not need to suspend Standing Order 128(2)(a) and (b) ...

(Honourable Member interjects)

HON. N. NAWAIKULA.- Yes, because you do not listen. All the time you do not listen, and we have to come here and teach you.

(Laughter)

We are not your father to be teaching you all the time but there are three or four amendments that have been outlined, and the one that I wish to speak to mainly is in relation to Standing Order 29. Again, this demonstrates the interference to the integrity of the House.

The Standing Orders guarantee transparency and accountability, and that side of the House has come with no less than four amendments, I believe, in their term to restrict our freedom of speech and to restrict ourselves from airing what needs to be done. It is not only here, Honourable Speaker, and I feel sincerely that they are interfering with the independence of this House.

Firstly, because we are still looking for advice from the Honourable Attorney-General, could I ask you Honourable Speaker, appoint the legal officers or a Parliamentary Counsel to advise the House.

HON. SPEAKER.- A Point of Order.

HON. A. SAYED-KHAIYUM.- A Point of Order, Honourable Speaker. The Honourable Member is misleading Parliament, I do not provide advice to Parliament.

HON. N. NAWAIKULA.- Allow the debate to go well, please.

HON. A. SAYED-KHAIYUM.- Sorry.

HON. N. NAWAIKULA.- There is a lot of debate to go on, you will have your time.

HON. A. SAYED-KHAIYUM.- But he is misleading Parliament, he has to withdraw that.

HON. N. NAWAIKULA.- What do you mean?

HON. SPEAKER.- What is your Point of Order, Honourable Member?

HON. A. SAYED-KHAIYUM.- My Point of Order, Honourable Speaker, Sir, is that the Honourable Member said that the Attorney-General provides advice ...

HON. SPEAKER.- Order!

HON. A. SAYED-KHAIYUM.- ... to Parliament. He is misleading Parliament.

HON. N. NAWAIKULA.- The Solicitor-General.

HON. A. SAYED-KHAIYUM.- It is the Solicitor-General that gives advice to Parliament, not the Attorney-General. They are two distinct bodies, two distinct oppositions, you need to withdraw it.

HON. N. NAWAIKULA.- You can raise it up.

HON. A. SAYED-KHAIYUM.- Withdraw it.

HON. N. NAWAIKULA.- I withdraw it, but my point, Honourable Speaker, Sir, is that we do not have a Parliamentary Counsel and we have this difficulty. I am in the Standing Committee on Justice, Law and Human Rights Committee and we do not have a Parliamentary Counsel. So each time we need to put petitions and notes up to them, we do not see them. They should be sitting there every time the Standing Committee on Justice, Law and Human Rights sits to deliberate so that they can answer direct questions for things that are raised.

The point that I am saying is that, there is a lot of interference and I see this also as an interference. Important motions, for example, about the Great Council of Chiefs (GCC) and motions about everything that we want to raise about the indigenous people of this country is always termed as racist, it does not come here.

HON. A. SAYED-KHAIYUM.- No one says that.

HON. N. NAWAIKULA.- It does not come here because it is killed-off at the Committee stage, and this is another example.

There is a very important motion, Honourable Speaker, that is going to be moved from this side for Friday and they refused that, and the motion was to be moved by the Honourable Leader of the House and we were hoping and praying that it will be supported by the Honourable Prime Minister, and that is to ask for a Commission to review the events of 1987, 2000 and 2006, and make recommendations so that we all understand that. How good that would be for the whole of Fiji, if that was allowed, but that has been disallowed. That is an example of how ....

(Hon. A. Sayed-Khaiyum interjects)

HON. SPEAKER.- Honourable Member, speak to the motion that is here.

HON. N. NAWAIKULA.- But that demonstrates how that side of the House is interfering, trying to stop freedom of speech and that is a clear example.

Now, coming down to what has been asked here (this was probably communicated to them at night in a dream), everyone else here remember this is a public gallery, the media here, everyone is here

and they are trying to stop individuals from putting their comments, unopposed, what is wrong with that?

(Honourable Member interjects)

HON. N. NAWAIKULA.- What are you afraid of?

HON. SPEAKER.- Order, order!

HON. MEMBER.- Their shadow?

HON. N. NAWAIKULA.- Are you afraid of your shadow?

(Laughter)

HON. N. NAWAIKULA.- The shadow is just there, you can touch it, it does not do anything to you.

HON. SPEAKER.- Order, order!

HON. N. NAWAIKULA.- Then what are you afraid of?

HON. SPEAKER.- Order!

HON. A. SAYED-KHAIYUM.- You do not have a shadow.

HON. MEMBER.- You have a bodyguard.

HON. A. SAYED-KHAIYUM.- Read the *Bible*.

HON. SPEAKER.- Order!

HON. N. NAWAIKULA.- That is my point. Why forbid the people that matter and you allow everyone else to do what they like, take your photograph, hide the things about you, so what is the problem, what is your problem?

The whole gist of what I am saying, Honourable Speaker, Sir, is that that side of the House has done too much to interfere with our freedom, the freedom to debate, freedom to express freely, and that is what the nation wants. The nation wants to see all those things being ventilated inside the House by their representatives. Thank you.

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

HON. LT. COL. P. TIKODUADUA.- Thank you, Honourable Speaker.

Honourable Speaker, I refer to your earlier comments about the issues before the Committee and the Report having made public through the media before being presented to this House. I want to allude to that because it is important that we talk about it so that the House gets to know the deliberations of the Standing Orders Committee in the matters that were raised before it, particularly when the House is restricted to the motion where it only places before the House the three or four

amendments that had been proposed or the motion by the Honourable Leader of the Government in Parliament.

I say here, Honourable Speaker, that I support some of the issues that were raised by the Honourable Nawaikula, because the House and the people need to know that the Report is before the House, that certain deliberations were held, certain matters were discussed and decisions were reached by the Standing Orders Committee that will never be allowed to be debated before the House, because the tabling of the three issues, in itself, does not truly reflect the deliberations as you would understand, Honourable Speaker.

Whilst I had disagreed, on behalf of the National Federation Party (NFP) and, of course, the Opposition, to the amendments that were raised by Government as is before the House under the current motion, we had also tabled before the Committee many, many other issues and I think close to 20 other proposals for amendment to the Standing Orders, which the House will never be moved to discuss, and this relates to historical issues from day one when Parliament was convened back in 2014. I think it is responsible for the House at some point, Honourable Speaker, to have these issues discussed before the House, as opposed to just the Standing Committee.

I would like to raise three particular issues, and I am not going to talk long here, Honourable Speaker, because it is critical for the House and our people to know that these matters were raised, matters that have reflections on the current Standing Orders which cannot be changed as proposed by the Opposition. And one of those, Honourable Speaker, is the issue of language and I want to bring that again.

I am sure the Opposition is clear on this, but I would like to reiterate that, I would love for the day that I can stand here or my descendants, to speak the Fijian language which they speak everyday. I would say that for the least, likewise, anyone else.

Secondly, Honourable Speaker, the matter of Chairmanship of the Public Accounts Committee; traditionally, as I had raised before in the Committee, the precedent is set by 66 percent of the Commonwealth Member States. It is a good precedence to follow. It was removed and I think for accountability and transparency, and to raise any elemental doubt for that matter by the Government with regards to the conduct of its affairs, particularly for the management of monies and spending of Government, that that is probably best left with the Opposition to Chair into the future and hopefully, at some point when Parliament is ready to accept this truth, then we hope to see that this reverts back to the Opposition.

Finally, Honourable Speaker, we had raised in the Standing Orders Committee, the proposal for the Prime Minister's question time. And the excuse being given is, 'there is already question time already.'

Honourable Speaker, I just want to share with you the reality of question time being moved to the back of the Agenda. It means it will miss the airing time of public television, meaning all the questions will not be heard by the people, which is why we have strongly opposed the idea of amending the Standing Orders to reflect that. And what a bad way for the people to hear from the leader of the nation better in this House. And we had proposed that, of course, it was defeated but these three issues, Honourable Speaker, are not part of the motion today. But I am speaking on them because I believe they are important. And I would like, hopefully, to see at some point some consensus. We never reached a consensus, Honourable Speaker! So I raised that before you and I thank the House for listening.

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

HON. A.M. RADRODRO.- Thank you, Mr. Speaker Sir. I rise to give my contribution as we debate the motion for the Adoption of the Amended Standing Orders. Let me start by saying that this House is supposed to be filled with professionals, people with integrity, who do the best we can do to reflect the will of the people of this nation. However, Mr. Speaker Sir, sadly we are witnessing the works of a Government that is unstable and oppressive, as an example we see this morning.

The Standing Orders Amendments before us is a reflection of a Government that wants to get the voices of reasons. This same Government established the 2014 Standing Orders and which operated in the last four years, even that was amended quite a few times.

The basic universal principle of law is that, they must be consistent, otherwise there will be chaos, Mr. Speaker, Sir. If it needed amending, then it is in the true spirit of democracy. I would have thought that it would concede to accommodate generally an environment that promotes bipartisanship.

These proposed Amendments before us, apart from the logical agreements to have alternative representatives available as Standing Orders Committee Members, there was no movement for an acknowledgement of the substantive work that the Opposition side brought to the table. Where we need, we must always foster the spirit of professional courtesy, and there is no shortage of reminding that we do have the right to behave here as and how we wish but instead, have reverence for the law created or amended for this should stand a test of time.

Instead, Mr. Speaker Sir, what these Amendments reflect is a Government oblivious to the fact that we are all here as representatives of the people. They may have the majority seats in this House but they certainly do not represent even half of the registered voters, who voted in the last General Election, let alone the total population of the country.

They need to respect that everything we do in this House has to take into consideration the rights of the people and the universal principle of sufferance. That should give them a morale conscious to act with ethical proficiency. For example, Mr. Speaker Sir, Ministerial Statements have been changed to take precedence over Questions as related in Standing Orders 34(1). It seems this Government is all about itself. It wants to force its will on the people which is unacceptable and it is the very reason why they lost six seats to this side of the House.

Mr. Speaker Sir, the Question time is an important time, it allows the concerns and queries from our people to be clarified by Government Ministers. In fact, we have been noting that the Government side has a habit of posing Dorothy Dixier questions to solicit time for their Honourable Ministers to carryout advocacy on their various Government Programmes and so, they conveniently escape the scrutiny provided by this side of the House or which they themselves have an obligation to discuss, like the Draubuta manmade disaster and other public concerns.

The fact of the matter, Mr. Speaker, Sir, is that this Government is forever changing its position and it is obvious that they do so to fit their own agenda. We have been running adequately with the order of Parliament business over the last four years. Whilst that order had a lot of room for improvement, at least, Question time was given important relevance.

Mr. Speaker, I know for sure that these changes are being made because Government is uncomfortable and dissatisfied with their own performance in Parliament. But, there is no guarantee, Mr. Speaker, Sir, that making these changes will improve their performances and earn their merits to the general public.



They simply need to work ethnically, if they want to win the favours of the people. Strategically shutting down the Opposition by making this sort of amendments, is trying to put a plaster over simmering boil. They must remember that this House should give to the people, their inherent right to be heard.

Mr. Speaker, Sir, on the amendments for the Ministerial Statement, the SODELPA Opposition had requested that a Minister should provide a copy of his or her statement, or a clear rundown of what they will be speaking on to the Opposition. As it is, the time allocated is just one hour before Parliament sits in a day, but the sad thing Mr. Speaker, Sir, is that this Government has a habit of giving us vague descriptions of their Statements. They make their strategy usually hard for the Opposition with the one hour lead time to give a credible and effective response. I reiterate that we are all here for the people and we should not be playing cops and robbers. I repeat, we should not be playing cops and robbers in this Legislature.

(Honourable Members interject)

HON. A.M. RADRODRO.- Cops are on this side of the House.

(Honourable Members interject)

HON. A.M. RADRODRO.- What is on that side of the House?

(Honourable Members interject)

HON. SPEAKER.- Order, order!

HON. A.M. RADRODRO.- It is childish and manipulative.

HON. A.M. RADRODRO.- Time and again I reminded this House in the last four years that Government should take heed of the Opposition comments, as it can only add value to policies created, provide guidance for service provisions and ensure necessary check and balances.

We continue to have ongoing issues that have been highlighted before, like the rundown status of the newly-built dormitories at Queen Victoria School, the incomplete homes post-*TC Winston* in Koro Islands, the poor road conditions, the flooding bridges, continuing road accidents, disruptions to piped water supplies, the recent declaration by EU of Fiji being a tax haven, long outstanding gravel royalty payments, and the list goes on.

(Honourable Members interject)

HON. SPEAKER.- Honourable Member, you are going all over the place now.

(Honourable Members interject)

HON. SPEAKER.- You were talking....

HON. A.M. RADRODRO.- I am talking about the Question time.

HON. SPEAKER.- I was following your speech very well, until you start going all over the place. Please, stick to the motion.

HON. A.M. RADRODRO.- Thank you, Mr. Speaker, Sir.

Had the Government side been listening and acting and not being defensive like they do now, they would have resolved most of the issues that we had cautioned them on. Instead, they want to, again, be consistent with their inconsistency.

May I also take this time to remind Government that, like all things, there is a beginning and an end to everything.

HON. MEMBERS.- Amen!

HON. A.M. RADRODRO.- And if by changing the rules is your way of trying to stay in power and not arrive at that end, and I am sad to say that history will capture you as some of the worse leaders this country has ever produced, and what a pathetic legacy it will be.

Mr. Speaker, Sir, because of the changes being made now with the ones that Government has suggested and initiated, with no allowance for anything that we brought into the Committee, I and certainly the rest of the Opposition Members will certainly not support this motion before the House. Thank you, Mr. Speaker, Sir.

HON. SPEAKER.- I thank the Honourable Member for his contribution to the debate. You refer to cops and robbers on one side of the House and the other, there is also this side of the House.

(Laughter)

HON. SPEAKER.- So I do not know whether I am cop or a robber.

(Laughter)

HON. SPEAKER.- Thank you, Honourable Member.

Honourable Tabuya, you have the floor.

HON. L.D. TABUYA.- Thank you, Mr. Speaker, Sir.

I understand my colleagues have spoken a bit about how they feel about where the Order of Business has been changed with Questions. I would just like to express a few words about a certain amendment which is to Standing Order 29, that is a new proposed amendment.

Standing Order 29A, and I am not just appealing on behalf of Opposition but I believe to all us Members of Parliament, there is a need for us to protect our privilege as Members of Parliament. It is secured and enshrined in our Standing Orders under Standing Order 133 that we are able to speak freely on behalf of our people without any fear or favour and unless you are facing a charge before the Privileges Committee, you should be able to express what you want.

Standing Order 29A, in my opinion, is a bit ambiguous. I understand that the House needs to be protected and the sanctity of the House in terms of taking photographs during sitting. However, Standing Order 29A(2) says, and I quote:

“A member must not make any social media posting or media releases in relation to any parliamentary business during the sitting of Parliament or any Parliamentary Committee”.

Firstly, I want to remind the House, Mr. Speaker Sir, that these meetings are open to the public and to the media, therefore the information is already publicly available. Now, there is an ambiguity whether we are trying to stop any postings as a direct result of photographs or videos taken during Parliamentary sitting or are we banning all statements made by Members of Parliament during the sitting week of Parliament.

Now, Mr. Speaker Sir, this is contrary to the current practise and that has seen to the democracy of this House and this country because members of the media are always interviewing whether it is Ministers, Government side or Opposition about issues that are being raised within the House and within the Committees in which are publicly available and it is a public forum. We need to clarify this particular amendment that it does not gag us as Members of Parliament and again I am appealing to both sides of the House, that you are able to make statements, we are able to make public statements during the week when a journalist approaches us or members of the media to make a statement on something that is discussed in the House.

The amendment in its current form Honourable Speaker, Sir, is going to stop that from happening because in its current format, it says that we are not allowed to make any statements whether it is social media posting about how we feel about something that was raised publicly and that members of the public are watching. Again this comes to the sanctity of the House as far as our freedom of expression as Members of Parliament and the privilege that is protected and enshrined in the Constitution. So I ask the Standing Orders Committee or Honourable Speaker, Sir, to revisit the wording of this particular amendment that it is not so wide reaching to stop us Members of Parliament from making statements whether in social media or in the traditional media about what is happening in the House. Therefore, Honourable Speaker Sir, the amendment as it stands is too ambiguous for that purpose.

Again if it refers specifically to any photograph or video recording during session, that is one thing, but to stop Members of Parliament from giving a statement during Parliament sitting which is Monday to Friday outside of Parliament sitting sessions, Honourable Speaker, Sir, that is too ambiguous. That particular amendment basically gags Members of Parliament from being able to speak. And even if members of the media approaches Government Ministers, approaches the Honourable Prime Minister, approaches the Honourable Leader of the Opposition to make a statement on an issue raised during Parliament sitting, this must be allowed.

This must be allowed, Honourable Speaker, Sir, because we are protecting again the privilege that we, Members of Parliament, enjoy to speak on behalf of the people, therefore the amendment as it stands Honourable Speaker, Sir, must change. The wording must change that there is clarity that is only specifically to Standing Order 29A(2) which is; “videos or photographs, audio visual recordings during the actual session of Parliament.”

That is my submission, Honourable Speaker, Sir, and just one other that I would like to state that was brought up before the Standing Orders Committee. Again, I appeal to the other side of the House about the need to amend the Standing Orders so that the Standing Committees have representation from Members of the Opposition in the chairing of the Committees and that is one particular Standing Order amendment that we have been seeking and this is practiced in many democracies around the world; that the chair of the Standing Committees are Members of the Opposition or Members of the Government and deputised by either side. So it brings balance to the Standing Committees’ composition and again, this has been refused by the Government, refused at the Committee level and we ask again our Members of Parliament on the other side, please consider.

We know that this would also help in the work that you are doing. You have far less numbers now. You are doing a lot more Ministerial work. We are for that. We are for that that you are effective

as a Government. Give us the opportunity in the Standing Committees to chair or deputy chair so that we can assist in the work and we can move together. So therefore, we are seeking that Standing Order amendment to be allowed so that we can be ably and equally represented on the Standing Committees, Honourable Speaker, Sir. That is the amendment that is important to the Opposition and again, coming back to Standing Order 29A(2), Honourable Speaker, Sir, I ask our Members of Parliament to reconsider the wording so that it does not gag Members of Parliament from speaking during Parliament sitting for the week. Thank you, Honourable Speaker, Sir.

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

HON. M.R. LEAWERE.- Thank you, Honourable Speaker. Honourable Speaker, my brief contribution to the motion before the House this morning. From the outset, Honourable Speaker, the changes made is a mockery of the democratic process happening here; Parliamentary democracy.

The Order Paper, Honourable Speaker, has now been changed and the position of the Oral Questions to item number seven. The question I would like to ask, Honourable Speaker, is why? Why are we changing the order and what justifications do we have? The people of Fiji relish the opportunity, Mr. Speaker, Sir, to watch the proceedings of the House when it is in session and the people are going to be deprived of the chance to see this particular activity at this time.

Honourable Speaker, the question I want to ask the Government is, are they afraid and ashamed to be bombarded with questions at this time from this side of the House? Furthermore, Honourable Speaker, the time these questions are responded by Honourable Ministers take the form of Ministerial Statements. Standing Order 45(4) states and I quote: "... A reply must be relevant, concise and confined to the subject-matter of the question asked." Unfortunately, Mr. Speaker, Sir, it is not happening in this House.

Standing Order 45(5) states and I quote: "A copy of the answer to a question, whether oral or written, must be supplied to the member by the Minister." And it is not happening. Why?

Honourable Speaker, this is not happening and contrary to Sections 45(5), the Ministers have all the time to respond whilst we are not given the opportunity to do likewise. This is totally unacceptable and should never be entertained in this House. The Members of this side of the House, Mr. Speaker, Sir, are gagged due to this draconian rule. Honourable Speaker, this is quite unprecedented according to the words that they use often from that side of the House, in the history of this country and it is not modern in nature but very sinister. Just to curb our right and it is very undemocratic.

Standing Order 109(2)(d), the Government has breached the conventions pertaining to administration of operations of the Public Accounts Committee. Mr. Speaker, Sir, needless to say, by Convention, in other international jurisdictions, the Chairman of PAC lies with the Opposition. It is not happening in Fiji because the Government, Mr. Speaker, Sir, is preventing this from happening for reasons only known to them.

The Commonwealth Parliamentary Association benchmark is very clear. We pride ourselves being champions of treaties and conventions and here in Fiji we lack the will to be open, transparent and accountable to the people of this county. To reflect the true spirit of democracy, the Government needs to revisit the spirit of bipartisanship and unfortunately we have a Government who is afraid of its own shadow and therefore I do not support the motion before the House. Thank you, Mr. Speaker, Sir.

HON. SPEAKER.- Thank you, Honourable Member. Honourable Leader of the Opposition, you have the floor, Sir.

HON. MAJOR-GENERAL (RET'D) S.L. RABUKA.- Thank you, Mr. Speaker, Sir. May I add my words of congratulations to the special team that is here with us this morning, welcome to Parliament and congratulations on representing our country.

Honourable Speaker, Sir, for one who has had the honour of representing our country in sports, it is really encouraging for the management, the leadership of the team to bring them here to Parliament this morning. So welcome.

Honourable Speaker, I do not think we have ever had on Government side as many pastors and lay preachers as we have today. I am sure most of them know that yesterday's Gospel reading was *Luke* Chapter 15. It is about reconciliation. It is about a forgiving leader or partner. This morning, Sir, we are discussing amendments to our Standing Orders. You know, Sir that last month we had four deaths in the ex-servicemen list and for the former Commander who lived in New Zealand, they had gone back to New Zealand, Brigadier Ian Thorpe. We had all tried to be at his funeral.

I could not get there, so that afternoon, Sir, I visited the former Leader of the Opposition who sat here, the Honourable Jai Ram Reddy. We reminisced on our time in Parliament. How much interaction happened between that seat and this seat during our term in Parliament? This morning before we came, we were briefed about the business of the Standing Orders Committee in its deliberations by our Honourable Deputy Whip who had participated in most of the deliberations. We have now come to discuss the motion particularly the core parts of the Standing Orders that are going to be amended. The reservations from the Opposition side have been aired quite adequately by my colleagues who spoke before me.

I would like to speak broadly on this issue when it was on the Order Paper for discussion this morning and noting that we have to finish the deliberation hopefully by midday when the special added we have to this day will end on 1st April, I think we should all participate seriously in the discussion of this motion.

Sir, the Honourable Members who have spoken have expressed their reservations about the limitations imposed on the Members of the Opposition, and the Honourable Deputy Whip has pointed out that these Standing Orders will be used until amended, and I only hope that before these were approved in the Standing Orders Committee and brought before this House, that everyone in that Committee and now as we (all of us) deliberate will think about, how we can live with these Standing Orders, whether we are on that side or on this side, whether we are in Government or we are in Opposition.

That, I believe, Mr. Speaker, Sir, is the whole idea of having Standing Orders, that both sides of the House and your side of the House too, Sir, can function efficiently and effectively in the deliberations of matters of national interest. With those who have voted us in to the House, they put their hopes and their trust, hoping that we, as Honourable Members of this Honourable House, will discuss in their best interest.

I am reminded, Sir, of the founder of the denomination of the Christian Church I belong to, the Reverend John Wesley. He briefed his Ministers before they went out by giving them a very simple statement:

“Go and do all the good you can, to all the people (by all the means) you can, in all the ways you can, in all the places you can, at all the times you can, to all the people you can, for as long as ever you can.”

So, Mr. Speaker, Sir, I pray that we will deliberate widely on these amendments and picture ourselves on both sides of the House whether we can handle this, while we are sitting on the Government side or on the Opposition side.

Unfortunately, Sir, I do not like voting against motions that are brought before the House. On this case, the Opposition Caucus and I have deliberated, particularly the SODELPA Caucus, and we have reservations, particularly, the emphasis of limiting our ability to communicate effectively through the television system we have, because of the change in the timings of our contributions.

One very important aspect of our debate is the “Questions”, Sir. It is a great opportunity for the Opposition to ask the questions and Members of the Government and for the Cabinet Ministers to respond. When we do that, the people are watching and listening, it is a great opportunity for us to communicate with that, and if we put that to the busy time for the media in the evenings, very few of what we discuss here will go out to the public. I pray that as the Honourable Leader of the Government in Parliament in the House have deliberated on these amendments and has come knowing that these amendments are in the best interest of the nation and its people. Thank you, Sir.

HON. SPEAKER.- I thank the Honourable Leader of the Opposition. I only disagree with you on one point you referred to, that you, during your prime, you are very much in your prime, Honourable Leader of the Opposition ....

(Laughter)

...but I take your point. I had welcomed the team earlier rather prematurely, I thought he was a bit odd because where I looked around, there was an absence of youth, but I did welcome you earlier on...

(Applause)

HON. SPEAKER.- ... and I congratulate you most warmly on your achievements during the Games. Welcome to the House and I trust that you will have an enjoyable visit today. Congratulations.

Honourable Adi Litia Qionibaravi, you have the floor.

HON. ADI L. QIONIBARAVI.- Thank you, Honourable Speaker, Sir. I would like to contribute to the debate that is before the House this morning. However, briefly, as the Honourable Members of this side of the House have clearly articulated reasons for opposing some of the amendments this morning.

Sir, first, I would just like to say that both the Opposition parties have expressed the disappointment in the fact that one of their proposed amendments which had to do with the right to speak in our indigenous languages is not considered by the Standing Committee, Sir. I understand that you already have provisions for interpreters in this House. Why is it that todate, it has not been possible or we are not allowed under the Standing Orders to use our indigenous language with Hindi or the indigenous Fijian language or the first people of the nation’s language, we cannot understand, Sir. I would like to just reiterate the fact that it is time that this matter should be considered, and in particular, this year, 2019 as the International Year of Indigenous Languages, Sir.

I appeal on behalf of the two Houses of the House that this matter be considered by the Standing Committee, please.

The other matter that I would like to speak on is the proposed amendments to Standing Order 29A, Sir. We have heard this morning that the rationale or justification for this amendment has to do with the protection of the sanctity and the integrity of the House, and as has already been heard this morning that, as we speak, it is instantaneously broadcasted or televised and it will be published in the social media or in the mainstream media, Sir. So what sanctity or integrity of the House are we talking about here?

I view the amendments, Sir, that have been announced this morning by the Standing Committee as draconian and anti-democratic measures, Sir. So I would just like to coin a new word “demo-crazy”, Sir. That is my contribution to the debate before the House. Thank you, Sir.

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

HON. S.V. RADRODRO.- Thank you, Honourable Speaker. I believe the Standing Orders is here to guide us in the performance of our duties as Members of Parliament, and that is to be transparent and accountable to the people that voted us in. Also that we are encouraged or we engage in participation with the people that voted us in. Also, that will make us more efficient and effective in our work as Members of Parliament and these, Honourable Speaker, Sir, are the principles of good governance.

If we recall, one of the key reasons the 2006 *coup* took place was to rid Fiji of corruption, and I ask this question, Honourable Speaker, will these changes that have come on to the Standing Orders promote good governance?

(Honourable Members interject)

HON. MEMBERS.- No.

HON. V.R. GAVOKA.- IMF says “No”.

HON. S.V. RADRODRO.- Honourable Speaker, let us look at our duties as Members of Parliament inside this House in conjunction with the changes that have been brought on board through Standing Order 29 of the Standing Orders in regards to our freedom to the media or how we engage with the media. I find it rather contradictory because also in Standing Order 111, it says:

“Access to standing committee meetings:

(1) Standing committees must—

(a) ensure all meetings are open to the public and the media;”

Before we become Members of Parliament, Honourable Speaker, we are first and foremost members of the public, and having to prohibit us from engaging with the media as being brought forward through the new Standing Order change, is, in my view, very undemocratic.

Honourable Speaker, also referring to the changes in having to bring the Ministerial Statements further up the order of the business of the day, and relegating the question time to the end of the day, which as we have heard, will miss out on the prime time of the TV and may be, may not be able to ask those questions.

Honourable Speaker, the Ministerial Statement session allows Government to promote themselves to a big “I Love Me” sort of statement for 20 minutes whereas, we, the Opposition, are only

given five minutes, whereas in question time, we, as Members of the Opposition (and that is our mandate), to keep the Government in-check, and how do we keep the Government in check? It is through question time, and if there are any changes to be in the Standing Orders, there should be a specific question time for the Honourable Prime Minister, and the question should be without notice. Then we have heard, “Why are you afraid? Why are you afraid to be questioned?”

(Honourable Members interject)

HON. S.V. RADRODRO.- The fact that the questions are being relegated towards the end of the day suggests, you go and ask the members of the public or ask the gallery, they would want to hear the questions because only then we are able to keep the Government in-check. Honourable Speaker, the Parliament and also the Parliamentary donors that support the Parliamentary Fund Unit, send us for exchange programme to go and learn about these things from overseas.

Honourable Speaker, just the recent Women Members of Parliament’s visit to New Zealand, informed us that in New Zealand, they do not have a Business Committee. Whatever questions that are cleared by the Tables Office, that, Sir, is the order of today.

In here, when it is happening like that, it undermines the separation of powers. The separation of powers becomes very great and that is why, Honourable Speaker, also in Committee Meetings, as we have heard from previous speakers that Chairs be given to the Opposition side, if indeed we are practising bipartisan, that is the principle of democracy.

In our recent trip to New Zealand, their Members of the Opposition were Chairs of the Standing Committee, and also if there is anything that this side of the House can do to promote or to actualise their words in promoting women, make some women to be Chairs of the Committee. They only talk about promoting women. Even the Honourable Prime Minister, now again we hear him talking about promoting women in leadership but no, they do not do anything like that.

Also, Honourable Speaker, the current composition of the Committee disallows the Opposition to be effective in that forum, because they are all chaired by the Government side, and also the Deputy Chair and even this Committee Report has not been signed by the Opposition Members, and that demonstrates the bullying tactic that is with the Government side. They are not even listening and try and incorporate the truth spirit of bipartisan, and incorporate some of the issues that have been brought on board by the Opposition side.

(Hon. A. Sayed-Khaiyum interjects)

HON. SPEAKER.- Order!

HON. S.V. RADRODRO.- Honourable Speaker, if Standing Orders have to be changed, we change the Standing Orders so that it promotes democracy and good governance. Otherwise, the changes that have come about in the Standing Orders is only promoting parliamentary dictatorship.

HON. OPPOSITION MEMBERS.- Hear, hear!

HON. S.V. RADRODRO.- That is the truth of the matter, Honourable Speaker. And if there is anything that we can do, is to revert to the 2014 Standing Orders, the very first Standing Orders. There was nothing wrong with that one, but the Government continuously changed the Standing Orders by exercising their majority, by misusing that majority to undermine the Opposition. In that way, Mr. Speaker Sir, they only talk about democracy and good governance, but they do not do anything to support the principles of good governance and democracy.



Thank you, Honourable Speaker.

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

HON. RO T.V. KEPA.- Thank you, Honourable Speaker, may I contribute also to this motion.

Honourable Speaker, after the 2015 General Election, Parliament was given the 2013 Constitution and a set of the Standing Orders, which we had never seen prior, Honourable Speaker. A shock to the most of us was that, as has already been alluded to, that speeches must only be in English, yet the interpretation booths are up there, Honourable Speaker, and we have heard about the indigenous year that we are supposed to be celebrating. So, many times, Honourable Speaker, this Parliament is wasting the taxpayers' money which we should be making sure that we look after.

Since then, Mr. Speaker, Sir, the four amendments to the Standing Orders have been made, especially in the last term to restrict, gag or curtail the freedom of speech. Amendments have been made to reflect the fear that Government has of the truth being revealed through the Opposition's contribution to Parliamentary debates, as we are seeing this morning, Honourable Speaker.

Appreciation by the voters that Government, that is, the FijiFirst Party, is not looking after their interests and this is revealed by the six seats lost to the SODELPA Party. So, these Amendments and anymore that they are going to bring in into the future, Honourable Speaker, will lose them more seats in 2022, especially when matters are brought in on behalf of the people (especially the voters) to Parliament, that is, petitions, motions as we have heard this morning, are disregarded or muted or worst still, silenced. *Vinaka vakalevu, Turaga Naita.*

Where they have no voice, they become voiceless, for example, Honourable Speaker, in Questions. It has been moved from number 7 in the Order Paper as it is in this morning's Order Paper to almost the last item when this motion goes through.

Honourable Speaker, there are matters close to the hearts of the people, who have asked us to bring their issues here. For example, *TC Winston* rehabilitation, health, women and children are being affected by cancer, NCD issues which are killing 80 percent of the people, education, classroom textbooks, housing which people have asked us to bring to this House through petitions, motions and questions.

The squatter settlements, what is going to happen to them with the global warming? The level of poverty, Government assistance for them, the social welfare; this exercise, Honourable Speaker, which we are asked to look at in this motion is reflecting very bad governance once again on the part of Government. How can your amendments on Conduct of Members, for example, we are not allowed to take photos, what are something we are not allowed to do Honourable Speaker, but, the beautiful ladies from the Parliament staff can take photos but we cannot. So how is this privilege given to some people and not given to Parliamentarians, Honourable Speaker. This does not make sense and for this amendments that have come through now which we do not agree too, that is why I do not support this motion before the House. Thank you Honourable Speaker.

HON. SPEAKER.- I thank you Honourable Ro Teimumu Kepa. Honourable Lenora Qereqeretabua, you have the floor.

HON. L.S. QEREQERETABUA.- Thank you Honourable Speaker, just my contribution to the motion, Sir, the move of the motion of the Honourable Leader of the Government in Parliament used the word unanimous. And we heard the speakers from this side of the House this morning and I just

want to stress that the amendments to the Standing Orders were not agreed to unanimously or otherwise by Members of the Opposition. Thank you, Honourable Speaker.

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

HON. A. JALE.- Thank you, Honourable Speaker, Sir, for giving me this time to contribute to the debate on this motion. My contribution is going to be very short because I know, if I take an hour to speak about this motion, it is certainly going to be defeated at the end of the day.

The point that I wish to raise Honourable Speaker, Sir, is the amendment to Standing Order. And I think I am concern about this amendment relegating the issues about questions and bring me forward to statements by the Minister. The questions that we normally raise are question raised by the people, so it is always a very popular time in the TV in the morning where people come to hear from the Ministers the answers to questions they raise with their representative in Parliament. Now it is going to be relegated, so bringing out the issue about Ministerial Statement. I do not know whether the Government has done its public relation or did a survey about the peoples thinking about how things are being done. I must say from what I have heard from the people that the people are fed up of seeing their faces.

(Laughter)

HON. A. JALE.- So bringing their Ministerial Statement will not make any difference or be an advantage to them, because they are fed up seeing their faces now and then. The people are not being answered, the people want to know, 'perfection', they are not getting fact from them.

(Laughter)

HON. A. JALE.- Honourable Speaker, that is my contribution to the debate on motion. Thank you.

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

HON. RATU S. MATANITOBUA.- Thank you Honourable Speaker. Honourable Speaker, Sir, I have a short contribution to make for the motion before the House.

Honourable Speaker, Sir, last November when Parliament convened after the General Election we adopted the Standing Order. There was a heated exchange of some very frank views and we welcomed the review of the Standing Orders.

The Opposition participated in the review of the Standing Orders and hoped of democratising our Parliament and our submissions reflected that. Unfortunately, none of these finds a mention herein in the review. It only demonstrates that Government wishes to continue in the direction of constitutional dictatorship, Honourable Speaker, Sir.

Honourable Speaker, Sir, the proposal made to curtail the rights of the Members to take photograph on their own in the Chambers is ridiculous. It is because some people are afraid that we may use the gadgets to do something wrong or to harm anyone or just do it because some people want to avoid public probity. This is the people's court, Honourable Speaker, and we must allow the people to watch whatever happens here, moreso, given the restrictions under which the media operates in Fiji.

Mr. Speaker Sir, we, in the Opposition, and the people of Fiji are of the view that the Standing Orders as it is and with the amendments that are sought to be made, falls far short of our expectations. There is still a lot of work to be done and that needs not a myopic view of things, but a collective will and bipartisan approach to the challenges lingering at our face.

Sir, Government can still use its majority to dictate terms to Parliament, while the scope to introduce and debate private members business is limited. As if that is not enough, public participation, use of vernacular languages and parliamentary proceedings reaching to the local communities remain as pending issues.

The other point that I wish to make before I sum up, Mr. Speaker, Sir, is our concerns with regard to changes that we have sought to ask questions. The right to question the authority is a fundamental right in any democracy. We find that right limited as per the current Standing Orders. I strongly believe, like the rest of the Opposition and all the right-thinking people in Fiji that the proposals made by us to alter the mechanism to ask questions is a better way forward than what we have now.

You can silence the people and their representatives. We have our right to speech and expression and a lot depends on the Standing Orders - how those rights are preserved, invoked and used to facilitate the parliamentary processes. If the rules are skewed, then the Speaker and Members cannot do much, but except to follow those rules. That puts us all in a boggy situation.

In conclusion, Mr. Speaker, Sir, while expressing the hope that there is still abundance of goodwill on both sides of this House to continue to explore means and ways to enhance the dignity and decorum, as well as the practices and procedures of our Parliament in par with other Parliaments, I call upon the Government side to shun its arrogance and realise what the fractured mandate in the last General Election means and what it is ought to be done to uphold and substantiate that mandate and the will of the people of Fiji.

Mr. Speaker, Sir, with those few comments, I do not support the motion.

HON. SPEAKER.- I thank you Honourable Member.

Honourable Viliame Gavoka, you have the floor.

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

Honourable Speaker, this is my second term in Parliament. I was part of the term 2014 to 2018 and after our General Election, we went through this programme with the support from the overseas Governments on how to structure the Standing Orders. I think we did a good job; every one of us and for most of us, it was new.

In the course of the four years, we travelled to many parts of the world with the support of those supporting governments to see how they do, how they carry out their Parliamentary businesses. I went to Singapore and in Singapore, Honourable Speaker, they speak in English, they speak in Mandarin, they speak in Malay and they speak in Tamil. This is one of the wealthiest countries on the planet and this is what they allow in their Parliament.

HON. S.V. RADRODRO.- Which we always want to emulate.

HON. V.R. GAVOKA.- So some of you will always want to emulate in this House but unfortunately, FijiFirst in its wisdom has decided that I cannot speak in my dialect, the Nadroga dialect.

You may know, Honourable Speaker, that when the Honourable Vayeshnoi from Nadroga gave his maiden speech in Parliament, he spoke in immaculate Nadroga dialect. That was allowed at that time. We were proud of a Fiji that allowed us to speak with our native tongue. This is something that we, the Opposition had highlighted in the changes that we wanted to make in the Standing Orders.

So, Honourable Speaker, there was much that we had put into this. We had seminars. We asked experts on how to improve on Standing Orders. Having served in the last four years, knowing that there were so many areas where we could improve but, Honourable Speaker, let me just say today, when I found out there were only going to be four amendments, I told myself, what a monumental waste of time; monumental. All the work that we put into it had come to nothing. .

What we highlighted was nothing trivial, they were very important - to allow petitions to be heard without the 40 percent threshold. This is a right that is enjoyed by every Parliament on this planet that people have a way to have their voices heard by petition. But as we know, in the last four years, the FijiFirst Government had amended the Standing Orders a number of times (three or four), we have lost count.

Honourable Speaker, we asked simply also if Friday could be a full day for this side of the House. They would not even allow that. We represent almost 50 percent of the people of this country. They need to be reminded that they only won 50.02 percent of the votes and their majority had dwindled from a 101,000 or something in 2014 to just barely 147 in the last General Elections.

(Chorus of interjections)

HON. V.R. GAVOKA.- They are not listening to the electorate and the way we are going, Honourable Speaker, and this is the part that eludes them, by 2022 only a few of them will be in this House. We will be sitting on that side of the House, Honourable Speaker, and they will be reaping the repercussions of what they have tried to do to gag free speech in this country.

As we know, Honourable Speaker, 180,000 people did not vote in the last elections and we believe majority were SODELPA supporters. If they had voted, if the weather had not been inclement, we would be sitting on that side of the House but we will take our time, we will let the FijiFirst people vote themselves out of office, Honourable Speaker.

Honourable Speaker, what I could not believe also is this report that was given to us this morning to debate. It was still being handed to me when the first Speaker was already speaking, to debate this. I chair a very small corporation and I make sure my board members get their papers seven days before the board meeting. Here we have the supreme law-making body of this country and we were given the report, the minute we are debating it. Where is good governance?

As you know, Honourable Speaker, the IMF has given a scathing report about Fiji and its finances and it is rare for IMF to highlight poor governance in any country. It has done that for Fiji. Very rare. Those who know IMF say they rarely comment on the governance of any country but for Fiji they have. And this is an example of what we have gone through. Poor governance, this is an example of it. This is an example, Honourable Speaker, of why we believe we have been blacklisted by the European Union (EU). I did not know, Honourable Speaker, I sit in the Economic Affairs Committee of Parliament, I did not know Fiji was a tax haven; I did not know that.

HON. A. SAYED-KHAIYUM.- Fiji is not a tax haven.

HON. V.R. GAVOKA.- And we even have been blacklisted because we lose grudges on the laws.

HON. SPEAKER.- Order, order!

HON. V.R. GAVOKA.- But what it comes to, Honourable Speaker, is that is poor governance. The European Union are concerned about the way we govern our country. The fact that we are President of COP 23 does that really tell the whole world that we are governing this country properly. They know that it is not.

Changing the Standing Orders when it is virtually cast in stone in most Parliaments is an indication of bad governance. Chairing of the Public Accounts Committee was changed abruptly because they could not take the criticism from the Chair at that time. So, Honourable Speaker, to me this is a huge disappointment. I expected more and it has come to this and years of working under a Standing Order that does not reflect the wish of the people of Fiji in this House. I will not support this motion, Honourable Speaker.

Honourable Speaker, it all adds up. We keep talking about economic growth for some seven or eight years consecutive?

HON. GOVERNMENT MEMBER.- Nine.

HON. V.R. GAVOKA.- Nine, yes. How about this, Honourable Speaker. Only 7 percent of the overall GDP is made up of private sector portfolio in this country. How can you be proud of that? Out of GDP, only 7 percent is private sector. So, you cannot be proud of that. They are just spending public money like it is out of fashion.

Honourable Speaker, this amendment to the Standing Order is a reflection of the poor leadership of FijiFirst Government and I will not support this motion. Thank you.

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

HON. A. SAYED-KHAIYUM.- Thank you, Mr. Speaker, Sir. I would like to make a short contribution. Before I sort of get into the specifics of some of the provisions or some of the responses to the amendments that have been proposed, two comments I would like to make. It is quite amazing that the Members of the Opposition lamented the fact that they did not get to see the actual amendments, but they have spoken so eloquently and in detail about those amendments because obviously they had access to it.

HON. OPPOSITION MEMBER.- Inaudible interjections.

HON. A. SAYED-KHAIYUM.- Obviously it has been on the website. They know specifically about the actual amendments themselves. The other thing that is actually, Mr. Speaker, Sir, which does bother me, the reality is that none of us here including everyone in this gallery and in this Chamber do not know whether we will live tomorrow or not. Our life, our death is determined by our Creator. The manner in which they are standing up, and speaking and pontificating, the day will be here and we will be gone, goes to show a complete disconnectivity about the reality that our lives are determined by our Creator. I would just like to make that comment.

Honourable Speaker, Sir, a lot has been said about the Question time and the amendments proposed. Honourable Speaker, Sir, please let me clarify as discussed in the Committee, Honourable Tikoduadua and Honourable Aseri Radrodoro know this, unfortunately he is not here at the moment, that question time will remain. Questions are not being taken out. Their entire analysis is based on a siege

mentality. They have had this sieged mentality since 2014. They need to get away from the siege mentality.

Honourable Speaker, Sir, because Honourable Tikoduadua has talked about what actually happened in the questions and answers and the discussions that took place in the Standing Orders Committee meetings, the Verbatim Report is also attached. In this, Mr. Speaker, you had also clarified yourself that question time will be allowed and all questions will be answered. Time will be allowed for that, and should time not permit it, it will continue on the next day. This is precisely what was discussed. This is nothing to say that there is no accountability, there is complete accountability in respect of Question time. By the way, Mr. Speaker, Sir, Question time is not the only way to actually hold people accountable. There are other ways of holding accountable, through independent institutions, through various statements they do make.

Secondly, in respect of Question time, when they went on about having a special day for the Honourable Prime Minister; one or two jurisdictions do have that. Many of them do not and, in fact, what they have failed to also address that many of the jurisdiction that they have been to, there were limitations on the time that is allowed for Question time. Some jurisdictions only allow one day a week for Question time. Some jurisdictions do allow questions everyday but it is only one hour and you have to be really quick in getting the Questions, and you do not go on a fishing expedition, they did not highlight that. That is the reality of Question time, there is no uniformed approach to Question time.

So, Mr. Speaker, Sir, the other point is that, they talked about this provision on audio video recording. Mr. Speaker, Sir, if you look at the definition of sitting and sitting days actually in one line of definition and the Honourable Tabuya needs to read it again. "Sitting" says, it can be referred to of the day itself without adjournment, where proceedings continue without adjournment. All we discussed, and the Honourable Tikoduadua can attest to that, the Honourable Radrodro can attest to this also, and the Honourable Whip from the Government side and as you observed also, Mr. Speaker, Sir, we said quite unequivocally, "before you enter Parliament you can do whatever you like, give interviews, lives stream or whatever you want to do. When Parliament is in session like now, do not do that, do not do live streaming, do not give press interviews because of the sanctity of Parliament.

Someone said, "We don't mind photographs being taken, there's already photographs being taken" this is live streaming. I can take a photo, I have seen some Members on the other side sometimes snoring or sleeping away, I can take a photograph of them now and say, "look at the Opposition, all sleeping", that is what it is there to prevent; to preserve the sanctity of Parliament and the respect that needs to be accorded to every single Member of Parliament.

(Chorus of interjections)

HON. A. SAYED-KHAIYUM.- That is the precise purpose. As soon as you walked out of here, as we break for morning tea...

(Chorus of interjections)

HON. SPEAKER.- Order, order!

HON. A. SAYED-KHAIYUM.-...you can do your live streaming, you can take your photographs, you can give press interviews. Do whatever you want, as soon as you come back inside, stop it. Preserve the sanctity of Parliament; that is all there is to it. Simple! That is what we are saying, because it has actually happened in the past. What is there to fear? What is there under threat to freedom of expression?

(Chorus of interjections)

HON. SPEAKER.- Order, order!

HON. A. SAYED-KHAIYUM.- That is the point, Mr. Speaker, Sir.

Now, Mr. Speaker, Sir, the other point they made about laws and saying, “good law does not change all the time”, in fact, good law evolves with the time.

HON. GOVERNMENT MEMBERS.- Hear, hear!

HON. A. SAYED-KHAIYUM.- Good law recognises changes in technology. That is what you call good law, it is not set in stone. They need to get out of the Stone Age, Mr. Speaker, Sir.

The other point of course is, Mr. Speaker, Sir, Honourable Gavoka always go on, “we have only one by 147 votes”, I have to address this. We won over 50 per cent of the votes. The SVT Government was formed with less than 50 per cent of the votes and they ran this country for five years. He needs to understand the electoral system.

Mr. Speaker, Sir, they went on about language, and they said by not being able to speak in your language, they only talked about indigenous language, there are of course other languages here, that not being able to talk in whatever language is some sort of restriction on their freedom. No. Mr. Speaker, Sir, we highlighted some very practical issues and as you also observed, Mr. Speaker, Sir, as Chairperson of the Committee, that we do not have a *lingua franca* in respect of other vernacular languages. Our *lingua franca* is the English language. Our Court system are in the English language. We are taught in the English language. All our public notices are in the English language; Gazettes, et cetera.

(Chorus of interjections)

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, the idea, is that ....

(Chorus of interjections)

HON. SPEAKER.- Order!

HON. A. SAYED-KHAIYUM.- The idea is that when someone stands up and speaks in this Chamber, Mr. Speaker, Sir, everyone should be able to understand. Not just that, everyone outside of this Parliament should be able to understand also.

As you observe, Honourable Speaker, Sir, the Constitution of the Republic of Fiji now makes it mandatory that every single child in primary school is taught *iTaukei* language and also Fiji Hindi. They do not know the distinction between *Hindi* and Fiji *Hindi* also but they are taught that, and once we have that, when everyone is able to speak then as you have observed, Honourable Speaker, Sir, in your capacity as the Chair, we can have that. We have had a history of division, in particular, when the Honourable Leader of the Opposition, in his former role in 1987 did certain things and that has led to division, we had a Parliament that was elected on the basis of ethnicity.

Honourable Speaker, Sir, the reality is that the potency of language is quite good. If Honourable Viliame Gavoka stands up and cracks a joke in the Nadroga dialect or someone from Cakaudrove cracks a joke in the Cakaudrove dialect, the ability to understand the joke and the explanation is not

fully actually appreciated, not just by *iTaukei* speakers, but the Honourable Prime Minister may not actually appreciate that too, that is the point.

(Honourable Members interject)

HON. A. SAYED-KHAIYUM.- The other point ...

HON. SPEAKER.- Order!

HON. A. SAYED-KHAIYUM.- ... I also want to make is, if the Honourable Minister Parveen Bala stands up and belts it in Tamil, how many of you will understand? We do not even have a Tamil interpreter.

(Honourable Members interject)

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, the last point which is lost from them ...

HON. SPEAKER.- Order!

HON. A. SAYED-KHAIYUM.- ... is that we have sign language interpreters. They actually interpret, not in the different dialects, they interpret in the English language so suddenly, all those people who have auditory impediment will not be able to know what is happening in Parliament. They have forgotten that point because this submission of theirs is based on a political agenda. That is what it is.

Honourable Speaker, Sir...

HON. SPEAKER.- Order!

HON. A. SAYED-KHAIYUM.- ... the other point, of course, is that we have been listening to their contributions, they have obviously contradicted themselves quite a few times in respect to the motions, et cetera.

The other point is about question time, Honourable Speaker, Sir. We, today, unlike previously, have a channel dedicated to Parliamentary proceedings, 9.30 a.m. is not prime time television, they do not know that. Prime time television is *Ghar Ghar Ki Kahani*, at 12.30 p.m. during weekdays, prime time is news but we have actually a dedicated television channel that anyone at any time can watch it, and we have re-runs at any time 24/7, all the re-runs are done, so people get to know what is happening, so there is no restriction whatsoever.

Mr. Speaker, Sir, the other point that I would like to make also is that, if you look at the amendments, they do not, in any way, affect democracy or derogates away from freedom of expression. They went on about the Public Accounts Committee, as Honourable Pio Tikoduadua reflected in his submission and he said it in the Chamber this morning that approximately one third of the Parliamentary democracies have, as the Chairperson of the Public Accounts Committee, people who were from Government. Those Committees run well. Why are we not complaining about them? The reality is (and everyone knows this) that the former Chairperson of the Public Accounts Committee who unfortunately is not here, and I wish him well if he is not well, we understand he is not well, we wish him well.

But, Mr. Speaker, Sir, the reality is when he was Chairperson of the Committee, he made a mockery of the proceedings. Committees are quasi-judicial bodies. As Committee Members, you have



the ability to summon witnesses, you have the ability to summon people to come and appear before you and give statements, you have the authority and the power to do so. You do not misuse it and abuse it. A judge who is hearing a particular matter for five days does not come out at lunch time or morning tea time or afternoon tea time, and has a press conference and tries to determine what is the outcome of the proceedings before even hearing everyone, that is precisely what was happening, that is precisely what the former Chairperson from the Opposition or Public Accounts Committee did. Unfortunately, he did not take a leave out of the former NFP Members who were Chairpersons of the Public Accounts Committee.

HON. SPEAKER.- A Point of Order, Honourable Member.

HON. L.D. TABUYA.- A Point of Order! Thank you, Honourable Speaker, Sir, I would just like to remind the Honourable Member who has been speaking that the ...

HON. MEMBER.- What is the Point of Order?

HON. L.D. TABUYA.- ... Honourable Professor Biman Prasad is not present to defend himself and I believe for each of us sitting here, we would like to have the opportunity to defend ourselves should someone be attacking us in Parliament. I understand, he should give the opportunity for Honourable Professor Biman Prasad to be present to respond instead of making allegations that he is not present here to respond to. He should withdraw the comments about the Honourable Prasad, and that should apply for any Member of Parliament. If they are not present that they should not be attacked in this forum. Thank you, Honourable Speaker, Sir.

HON. SPEAKER.- I thank the Honourable Member for the point of order. Honourable Attorney-General, you have the floor.

HON. A. SAYED-KHAIYUM.- Thank you, Mr. Speaker, Sir. That is precisely the reason why that happened and that change took place.

The other point that the Honourable Members actually forgot to mention is that, we have now allowed four End of Week Statements. It did not come from them, it came from us, I should say. We are the ones who said, "Let's have four End of Week Statements, instead of three." But we have also said, as was recognised, that it is the Members' right to do so, and the Members actually consist of Members from the Opposition and also Members who are Backbenchers. So, you may have, for instance, this week's End of Week Statements, you have four and all of the four are from the Opposition, you have an additional speaker. We are the ones who brought that amendment.

Of course, there may be the following week or the following time we sit, it could be one Member from there (indicates Honourable Members of Government) and three from there (indicates Honourable Members of the Opposition), it could be two each, whatever the case may be. So, Mr. Speaker, Sir, it is also incorrect to say that the Ministers do not give a synopsis of the Ministerial Statements. We do give synopsis, every time we give a paragraph, the Secretariat actually did confirm that and we do give a synopsis, Mr. Speaker, Sir.

Mr. Speaker, Sir, the last point that I would like to make also is that, a lot has been said about the questions and the amount of time Ministers take to respond. Mr. Speaker, Sir, I have to say this because now they have sort of tried to dirty all the linen sheets in the public. There have been numerous occasions in the Business Committee where we have actually assisted the Opposition to help frame their questions properly. Numerous times!

And, Mr. Speaker, Sir, we have had motions ...

(Honourable Members interject)

HON. SPEAKER.- Order!

HON. A. SAYED-KHAIYUM.- And, Mr. Speaker, Sir, they have gladly accepted our amendments to help them with their amendments. We have had motions ...

(Honourable Members interject)

HON. SPEAKER.- Order!

HON. A. SAYED-KHAIYUM.- We have had motions, Mr. Speaker, Sir, where those motions have been knocked out because they actually do not recognise the separation of powers.

Mr. Speaker, Sir, the point I am trying to make is this, we can have an effective running of Parliament. A lot of Members of the Opposition have said the same things. If they had their Caucus, they would have actually nominated four or five people and they would have made the Statements, we get on with the business. Let us get on to the question time if that is what you are concerned about. Let us run the place efficiently. That is the point we are trying to make.

Also, when you ask questions and if you have a question that is a very long-winded, open-ended fishing expedition type of question, obviously the Ministers will want to cover all the points. But, if you have precise, concise questions asked, we will answer it precisely. Indeed, some of the questions require simply "Yes" or "No", which we can also do. That is how we will be held accountable, Mr. Speaker, Sir.

Mr. Speaker, Sir, there is nothing sinister, there is nothing undemocratic about the proposals that are being made and, Mr. Speaker, Sir, I would therefore support these amendments. Thank you.

HON. SPEAKER.- I thank the Honourable Attorney-General.

Honourable Members, I think we have covered this motion very well and thoroughly.

HON. M.D. BULITAVU.- Sir, just a few more critical points, Sir.

HON. SPEAKER.- Honourable Member, please, take your seat.

HON. LT. COL. P. TIKODUADUA.- A Point of order, Honourable Speaker.

HON. SPEAKER.- Please, take your seat. When the Speaker is making a statement, do not interfere. You know the Standing Orders and you know the rules of procedure.

As I said earlier, we have covered this Standing Orders motion very thoroughly. Now, I have given enough time for it to be debated on.

When I look around the House and I see movements wanting to take the floor, I have an indication that someone wants to take the floor. When I look around and I do not see any movement, I cannot give you the chance because I do not know what is happening. So, do not come back to me and say that you wish to take the floor because I did not notice you.

We will now give the floor to the Leader of the Government in Parliament for his right of reply. You have the floor, Honourable Member.

HON. LEADER OF THE GOVERNMENT IN PARLIAMENT.- Thank you, Honourable Speaker, Sir, firstly, I wish to thank all the Honourable Members for their contributions to the motion before the House on the Amendment of the Standing Orders.

In a democracy, Honourable Speaker, it is correct to disagree but, of course, all the Honourable Members have been heard, not only in this Honourable House but that also occurred during the proceedings of the Business Committee.

Honourable Speaker, Sir, briefly during the introduction of this substantive motion, I highlighted why Government is making recommendations to the Amendment of the Standing Orders, Honourable Speaker. Again, we are talking about the 2017 Document and this is already 2019. Time has evolved and changes need to be brought in, Honourable Speaker, Sir.

Honourable Speaker, I have stated it so many times in this House that when external environments change, internal changes have to be put in place as well otherwise we become irrelevant, reactive and, we, as a responsible Government, sees fit that the changes need to be made and that is why the recommendations have been brought to the Committee and, of course, in this House as well.

The bottom line, Honourable Speaker, Sir, people will still be heard and be represented in this House. We are not totally getting rid of Questions. It is just relegated in terms of the order of the business of the day but Questions will always be there and people will also be heard and the Honourable Members of the Opposition and likewise, Honourable Members from the other side of Government as well, will and still have the opportunity to have their Questions raised.

I will not speak on the others but let me just say, Honourable Speaker, that this is just about continuing to serve the people better and that is why we are here in this Honourable House, bringing efficiency into the systems and processes of Parliament. It does not take away the voice and the right of the people to be heard and be represented. Thank you, Honourable Speaker.

HON. SPEAKER.- I thank the Honourable Leader of the Government in Parliament.

HON. LT. COL. P. TIKODUADUA.- A Point of Order, Honourable Speaker.

HON. SPEAKER.- What is your Point of Order?

HON. LT. COL. P. TIKODUADUA.- Thank you, Honourable Speaker. Honourable Speaker, I rise on a Point of Order under Standing Order 128. The aforesaid Standing Orders, it is proposed for amendments today and I raise this Standing Orders because we talk about the Standing Orders as being the rules that guide our deliberations in the House. This was a matter that I believe we overlooked at the Standing Orders Committee meeting when we met in terms of the participation of the Honourable Attorney-General as a representative of Government at that particular meeting for the two days.

Honourable Speaker, there is no provision within the current Standing Orders that allows for that because the current Amendments only then suggest to legitimise it now.

(Honourable Member interjects)

HON. LT. COL. P. TIKODUADUA.- That is true, Honourable Speaker. I am raising this as a Point of Order because his attendance as a Member who, under Standing Order 128, does not make him a Member of that Committee which nullifies the proceedings of the Standing Orders Committee to now, and which is the reason I am raising that Point of Order now.

Honourable Speaker, I am referring to the attendance of the Honourable Attorney-General here, and he can raise that matter with the Honourable Lynda Tabuya when that comes, but I am saying that now. So, Honourable Speaker, there is a Point of Order, we cannot correct it now retrospectively because there is no provision in the Standing Orders that allows for that element, for him to participate in the proceedings for which we are now deliberating. Thank you, Honourable Speaker.

HON. SPEAKER.- Honourable Members, you have heard that Point of Order raised. The simple rules of Committees are really very simple. If there is a Member who cannot attend, someone else can replace him and the Speaker is informed. That is the polite way of doing it.

We followed that over many Parliaments, the last Parliament, including this Parliament. Not every Member can attend, and there are replacements. There is no opposition to that. There was no opposition then, when we had the Committee at that time and I was the Chairman of that Committee. Now, do not bring this up now after we have done the Committee Meeting and presented this here, that is what has always happened and we were just repeating that, there is nothing new.

HON. LT. COL. P. TIKODUADUA.- Honourable Speaker, Standing Order 124 clearly states the allowance for an alternative Member.

And that does not apply, in my view, to all the other Select Committees, including the Standing Orders Committee, Honourable Speaker.

Honourable Speaker, in an addition given the directions you have given with regards to how matters are treated outside of the Standing Orders because they have been carried that way, I agree in the fact that because of consensus, we can do these things. Otherwise, sometimes the Standing Orders are used deliberately to stop, which is why it is important that we follow the Standing Orders in terms of our deliberation because these are the rules that guide our affairs.

Now, I had also noted that we had overlooked at that time and I have been advised which is the reason I am raising it now, that it would be improper to make these decisions outside of the Standing Orders, particularly when there are no provisions allowing for that. So, Honourable Speaker, I would suggest that the attendance of the Honourable Attorney-General is not authorised under the Standing Orders, which is the reason why it is being amended today. Thank you.

HON. SPEAKER.- I do not want to carry on with the debate on this simple point. I have explained it enough and the process that we have undergone and which will continue to carry on is in place, and we will go on from there.

Does any Member oppose the motion?

(Chorus of 'Ayes' and 'Noes')

HON. SPEAKER.- There being Opposition, Parliament will now vote.

| <u>Votes cast</u> |   |    |
|-------------------|---|----|
| Ayes              | - | 26 |
| Noes              | - | 23 |
| Not Voted         | - | 2  |

HON. SPEAKER.- There being 26 Ayes, 23 Noes and 2 Not Voted, the motion is, therefore, agreed to.

Motion agreed to.

Honourable Members, the hour moves on, we will now suspend proceedings for refreshments and lunch.

You will have on your table, Honourable Members, a copy of the Amended Standing Orders as passed today, as well as a copy of the revised Order Paper, so as to ensure compliance with the resolution of Parliament.

For the information of Honourable Members, refreshments and lunch will be served in the Big Committee Room. We will return from lunch at 2.30 p.m.

I thank you for your indulgence this morning. We still have a lot of work to do for the rest of the day, so enjoy your refreshments and lunch. We adjourn.

The Parliament adjourned at 11.56 a.m.

The Parliament resumed at 2.30 p.m.

HON. SPEAKER.- Honourable Members, we will now move on to the next item on the Agenda.

### **PRESENTATION OF PAPERS AND CERTAIN DOCUMENTS**

HON. SPEAKER.- Honourable Members, I now call upon the Attorney-General and Minister for Economy, Civil Service and Communications to table his Reports. You have the floor, Sir.

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, in accordance with Standing Order 38, I present the following Reports to Parliament:

1. Parliament of the Republic of Fiji Annual Report 2016-2017; and
2. Office of the Auditor-General Republic of Fiji Annual Report 2018.

Thank you.

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

(Reports handed to the Secretary-General)

HON. SPEAKER.- Honourable Members, under Standing Orders 38(2), I refer the Parliament of the Republic of Fiji Annual Report 2016 - 2017 to the Standing Committee on Justice, Law and Human Rights.

Under Standing Orders 38(2), I refer the Office of the Auditor-General of the Republic of Fiji Annual Report 2018 to the Standing Committee on Public Accounts.

Honourable Members, I now call upon the Minister for Employment, Productivity and Industrial Relations, Youth and Sports to table his Report.

HON. P.K. BALA.- Honourable Speaker, in accordance with Standing Orders 38, I present the Fiji National Sports Commission Annual Report: August 2016 - July 2017 to Parliament.

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

(Report handed to the Secretary-General)

HON. SPEAKER.- Under Standing Orders 38(2), I refer the Fiji National Sports Commission Annual Report: August 2016 - July 2017 to the Standing Committee on Social Affairs.

Thank you, Honourable Members. We will now proceed to the next item on the Order Paper.

### **PRESENTATION OF REPORTS OF COMMITTEES**

HON. SPEAKER.- Honourable Members, I now call upon the Chairperson of the Standing Committee on Social Affairs, the Honourable Viam Pillay, to present the Committee's Report.

Report on the Annual Review of the Housing Authority 2015 –  
Standing Committee on Social Affairs

HON. V. PILLAY.- Thank you, Honourable Speaker, Sir.

Honourable Speaker, Sir, I am pleased to present the Report of the Standing Committee on Social Affairs on the Annual Review of the Housing Authority of Fiji for the year ended 31st December, 2015.

In accordance with its established annual report review process, the Committee examines Annual Reports of agencies in order to investigate, inquire into and make recommendations relating to the agency's administration, legislative or proposed legislative programme, budget, functions, organisational structure and policy formulation. As part of this process, the Committee conducted public hearings to gather additional information.

The process has proven to be an effective means of gauging its progress and maintaining a high level of scrutiny of the agencies under review. This review was made from the 2015 Annual Report for the Housing Authority and was done in accordance with Standing Order 109(2)(b) which mandates the Committee to look into issues related to health, education, social services, labour, culture and media.

The review looked at nine key areas covering the period from January to December 2015, conducted into the Housing Authority's administration structure, budgetary allocation, programmes offered, policies, challenges, highlights, priorities for the coming years and its implementation of the Sustainable Development Goals (SDGs).

The Committee is generally satisfied with the operations of Housing Authority and noted the progress made during the year as evidenced by the Authority recording a surplus of \$2.234 million in 2015.

I thank the Management Committee and the staff of Housing Authority for their assistance in this inquiry. I also wish to thank my Committee colleagues and Committee staff for their contributions and support.

I commend this Report to Parliament. Thank you, Honourable Speaker.

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

(Report handed to the Secretary-General)

HON. V. PILLAY.- Honourable Speaker, Sir, pursuant to Standing Order 121(5), I hereby move a Motion without Notice:

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

HON. G. VEGNATHAN.- Honourable Speaker, Sir, I second the motion.

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

Question put.

The Question is:

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

Does any Member oppose the motion?

(Chorus of 'Noes')

HON. SPEAKER.- As no Member opposes, the motion is agreed to.

Motion agreed to.

HON. SPEAKER.- Honourable Members, we move on to the next Agenda Item.

I now call on the Chairperson of the Standing Committee on Social Affairs, the Honourable Viam Pillay, to present the Committee's Report. You have the floor, Sir.

Report on the Annual Review of the Public Rental Board 2016 – Standing committee on Social Affairs

HON. V. PILLAY.- Thank you, Honourable Speaker, Sir.

Honourable Speaker, I am pleased to present the Report of the Standing Committee on Social Affairs on the Annual Review of the Public Rental Board for the year ended 31st December, 2016.

The review was based on the 2016 Annual Report of the Public Rental Board and was made in accordance with Standing Order 109(2)(b) which mandates the Committee to look into issues related to health, education, social services, labour, culture and media.

The review looked at nine key areas covering the period from January to December 2016, conducted into the Public Rental Board's administration, structure, budgetary allocation, programmes offered, policies, challenges, highlights, priorities for the coming years and its implementation of the SDGs.

The Committee is generally satisfied with the operations of the Board and commends it for the continual delivery of quality and affordable rental flats whilst striving to meet its challenges to improve business efficiency, construct new rental flats and secure sustainability.

I thank the Acting General Manager Mr. Patrick Veu, and his staff for their assistance in this inquiry. I also wish to thank my Committee colleagues and Committee staff for their contributions and support. I commend this Report to Parliament.

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

(Report handed to the Secretary-General)

HON. V. PILLAY.- Mr. Speaker, pursuant to Standing Order 121 (5), I hereby move a Motion without notice:

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

HON. G. VEGNATHAN.- Honourable Speaker, Sir, I second the motion.

HON. SPEAKER.- Parliament will now vote.



Question put.

The Question is:

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

Does any Member oppose?

(Chorus of 'Noes')

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

Motion agreed to.

Honourable Members, we move on to the next Agenda Item. I now call on the Chairperson of the Standing Committee on Social Affairs, the Honourable Viam Pillay, to present the Committee's Report. You have the floor, Sir.

Annual Review Report of the Fiji National University 2017 –  
Standing Committee on Social Affairs

HON. V. PILLAY.- I am pleased to present the report of the Standing Committee on Social Affairs on the Annual Review of the Fiji National University for the year ended 31st December, 2017.

This review was made on the 2017 Annual Report of the Fiji National University and was done in accordance with Standing Order 109(b) which mandates the Committee to look into issues related to health, education, social services, labour culture and media.

The review looked at nine key areas covering the period from January to December 2017, conducted into Fiji National Universities:

1. Administration;
2. Structure;
3. Budgetary allocation;
4. Programmes offered;
5. Policies;
6. Challenges;
7. Highlights;
8. Priorities for the coming year; and
9. Implementation of the Sustainable Development Goals.

One of the key activities of the Fiji National University in 2017 was the comprehensive Academic Portfolio Review which was carried out to assess the quality of its undergraduate programmes in both Technical and Vocation Education and Training (TVET) in higher education. This exercise subsequently led to the reorganisation of the University's curriculum.

The Committee looks forward to the University completing the installation of the new University Management Information System which will allow similar Academic Portfolio Reviews to be run for all programmes on an annual basis.

The Committee is generally satisfied with the operations of the Fiji National University and notes the remarkable positive changes made in 2017. In particular, we commend the University for its

commitment to supporting the TVET sector and its recognition for professions such as carpentry, construction, plumbing and electrical engineering which continue to be crucial to sustaining Fiji's continued economic development.

Finally, I thank the Vice Chancellor and his staff for their assistance in this inquiry. I also wish to thank my Committee colleagues and Committee staff for their contribution and support.

I commend this Report to Parliament. Thank you, Honourable Speaker, Sir.

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

(Report handed to the Secretary-General)

HON. V. PILLAY.- Honourable Speaker, pursuant to Standing Order 121(5), I hereby move a Motion without notice:

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

HON. G. VEGNATHAN.- Honourable Speaker, I second the motion.

HON. SPEAKER.- Parliament will now vote.

Question put.

The Question is:

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

Does any Member oppose?

(Chorus of 'Noes')

HON. SPEAKER.- As no Member opposes, the motion is agreed to unanimously.

Motion agreed to.

I now call on the Chairperson of the Standing Committee on Social Affairs, the Honourable Viam Pillay, to present the Committee's Report. You have the floor, Sir.

Annual Review Report of the iTaukei Trust Fund Board 2017 –  
Standing Committee on Social Affairs

HON. V. PILLAY.- Thank you, Honourable Speaker, Sir. Honourable Speaker, I am pleased to present the Report of the Standing Committee on Social Affairs on the Annual Review of the iTaukei Trust Fund Board for the year ended 31st December, 2017.

The review was made on the 2017 Annual Report of the iTaukei Trust Fund Board and was done in accordance with Standing Order 109(2)(b), which mandates the Committee to look into issues related to health, education, social service, labour, culture and media.

The review looked at nine key areas covering the period from January to December 2017 conducted into the funds, administration, structure, budgetary allocation, programmes offered, policies,

challenges, highlights, priorities for the coming years and the implementation of the Sustainable Development Goals.

The Committee is generally satisfied with the operations and activities of the iTaukei Trust Fund Board and is of the view that it has fulfilled its legislated objective in 2017. We commend it for the various projects undertaken on language, culture and heritage in the course of the year to foster advancement of the indigenous Fijians and Rotumans.

Finally, I thank the Acting Chief Executive Officer of the iTaukei Trust Fund Board and his staff for their assistance to this inquiry, and I also wish to thank my Committee colleagues and Committee staff for their contributions and support. I commend this Report to Parliament.

Thank you, Honourable Speaker.

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

(Report handed to the Secretary-General)

HON. V. PILLAY.- Honourable Speaker, Sir, pursuant to Standing Order 121(5), I hereby move a Motion without notice:

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

HON. G. VEGNATHAN.- Honourable Speaker, Sir, I second the motion.

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

Question put.

The Question is:

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

Does any Member oppose?

(Chorus of 'Noes')

HON. SPEAKER.- As no Member opposes, the motion is agreed.

Motion agreed to.

I now call on the Chairperson of the Standing Committee on Social Affairs, the Honourable Viam Pillay, to present the Committee's Report. You have the floor, Sir.

Annual Review of the Fiji Association of Sports and National Olympic Committee 2017 -  
Standing Committee on Social Affairs

HON. V. PILLAY.- Thank you, Honourable Speaker, Sir. Honourable Speaker, Sir, I am pleased to present the report of the Standing Committee on Social Affairs on the Annual Review of Fiji Association of Sports and National Olympic Committee (FASANOC) for the year ended 31st December, 2017.

The review was made on the 2017 Annual Report of the Fiji Association of Sports and National Olympic Committee and was done in accordance with Standing Order 109(2)(b) which mandates the Committee to look into issues related to health, education, social service, labour, culture and media.

The review looked at nine key areas covering the period from January to December 2017 conducted into the FASANOC's administration, structure, budgetary allocation, programmes offered policies, challenges, highlights, priorities for the coming years and its implementation of the Sustainable Development Goals.

The Committee is satisfied with the operations of FASANOC and commends for implementing the Resurgence Agenda in 2017 and has helped build capacity and improved the governance of its National Federations. I thank the President of Fiji Association of Sports and National Olympic Committee and staff for their assistance in this inquiry. I also wish to thank my Committee colleagues, Committee staff for their contributions and support. I commend this Report to Parliament, Honourable Speaker, Sir.

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

(Report handed to the Secretary-General)

HON. V. PILLAY.- Honourable Speaker, Sir, pursuant to Standing Order 121(5), I hereby move a Motion without notice:

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

HON. G. VEGNATHAN.- Honourable Speaker, Sir, I second the motion.

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

Question put.

The Question is:

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

Does any Member oppose?

(Chorus of 'Noes')

HON. SPEAKER.- As no Member opposes, the motion is agreed to.

Motion agreed to.

I now call on the Chairperson of the Standing Committee on Economic Affairs, the Honourable Vijay Nath, to present the Committee's Report. You have the floor, Sir.

Review Report of the Fiji Development Bank 2017 Annual Report –  
Standing Committee on Economic Affairs

HON. V. NATH.- Thank you, Honourable Speaker, Sir. The Standing Committee on Economic Affairs was tasked by Parliament to review the Fiji Development Bank 2017 Annual Report.

The Fiji Development Bank operates with the mission to provide financial and advisory services to assist in the economic development of Fiji. The Bank places core focus on agriculture, commerce and industry. Their objectives specifically state that they aim to provide socio-economic status of people by making the right development investments and financing while staying financially and economically sustainable.

The Committee, whilst deliberating, appreciates that FDB is the biggest lender to agriculture and sugar but given that competition in the banking sector is quite intense, the FDB must engage in aggressive marketing and raising more awareness on its other product offerings in the attempts to attract more customers that they are designed to serve.

Further to this, the effort of revitalization of the beef industry was also acknowledged by the Committee and would recommend that more schemes are considered such as that with the 25 Nadroga beef farmers under the Tilivalevu Beef Scheme.

Furthermore, the Committee was happy to note that FDB continues to play its part towards the Sustainable Development Goals (SDG Goal 7) which is Affordable and Clean Energy which has been portrayed through the Bank's Sustainable Energy Financing Facility (SEFF) introduced with the aim to scaling up renewable energy investment in Fiji in order to encourage farmers and businesses to adopt green technology and reduce reliance on fossil fuel.

Moving on, SDG 13 was evident through initiatives such as Green Climate Fund (GCF) accreditation which was submitted in the year 2017. If successful, this would make FDB the first development bank in the region to be fully accredited and be granted access to GCF adaptation and mitigation funds. This would give way to Government's plan for cushioning negative impact on global climate phenomena and achieving 90 percent renewable energy by 2030. Additionally, the Annual SME Awards, together with the Bank's financial literacy programmes, such as 'Money Smart' and 'Invest Smart' were in the process of being remodelled to encompass SDGs and the Climate Change Action Framework for a re-launch in 2018.

Finally, I would like to take this opportunity to thank the Committee Members who were part of the team that produced this Report: Honourable Veena Bhatnagar (Deputy Chairperson), Honourable George Vegnathan, Honourable Ro Filipe Tuisawau, Honourable Inosi Kuridrani and Honourable Viliame R. Gavoka.

I also take this opportunity to acknowledge and thank the Parliamentary staff who have given their invaluable support.

On behalf of the Standing Committee on Economic Affairs, I commend the FDB 2017 Annual Report to Parliament.

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

(Report handed to the Secretary-General)

HON. V. NATH.- Honourable Speaker, Sir, pursuant to Standing Order 121(5), I hereby move a motion without notice that a debate on the content of the Report is initiated at a future sitting.

HON. V.K. BHATNAGAR.- Honourable Speaker, Sir, I second the motion.

Question put.

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

The Question is:

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

Does any Member oppose?

(Chorus of 'Noes')

As no Member opposes, the motion is agreed to.

Motion agreed to.

HON. SPEAKER.- Honourable Members, the next Item on the Agenda is Ministerial Statements. I have been informed that there are no Ministerial Statements for today. We now move on to the next Agenda Item. I now call upon the Honourable Attorney-General to move his motion. You have the floor, Sir.

### **HIGH COURT (AMENDMENT) BILL 2019**

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

That the -

- a) High Court (Amendment) Bill 2019 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;
- d) Bill must be debated and voted upon by Parliament on Thursday, 4th April, 2019; and
- e) That one hour be given to debate the Bill, with the right of reply given to me as the Member moving this motion.

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

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

HON. A. SAYED-KHAIYUM.- Thank you, Mr. Speaker, Sir. As the Members would see that this is a fairly minor amendment that further gives independence to the Judiciary. One of the reasons why this has been brought under Standing Orders 51, is to help the Judiciary to actually plan for the budget.

In short, Mr. Speaker, Sir, under the 1997 Constitution, the Constitution actually prescribed the number of High Court Judges that the Judiciary could have. At the point in time, it is prescribed as 10.

Under the 1999 High Court Judicial Establishment Act, it amended the Act to limit the prescribed number of Judges to 12 Judges only, and then the Act was again amended to increase the number of Judges in 2002 to 15.

In 2007, it was amended again to increase it to 18 and, Mr. Speaker, Sir, it was amended again in 2012 to increase it to 25, which is the current prescription.

Mr. Speaker, Sir, these passed amendments were possible because the authority for the 1997 Constitution allowed for such a prescription and the Act simply gave effect to that historical provision. However, under the provisions of Section 100 of the current Constitution, Mr. Speaker, Sir, there is no prescribed number of Judges and no requirement to prescribe such a number.

Mr. Speaker, Sir, the general rule is, in any independent Judiciary, the Judiciary should be free to appoint the number of Judges or Magistrates, if it wishes to. Indeed, that is the case currently as far as Magistrates are concerned. So, today, Mr. Speaker, Sir, whilst we have a Magistrates Act, the Honourable Chief Justice has the ability to increase the number of Magistrates as he feels fit to be able to meet the demands of members of the public, of course, subject to the budget considerations which he has been allocated.

Mr. Speaker, Sir, just by way of background, those were members of the legal profession who have been practising, would know that just a few years ago (only in 2007 and 2006), there was only one Judge in the criminal division in the Western Division to serve the entire Western Division in Civil cases.

Today, we have 24 Judges, we have about six Judges at one time sitting in the Lautoka High Court Division. We, of course, have now regular High Court Judge visitations to Vanua Levu too; and we now have 32 Magistrates who service all over Fiji and, in particular, in places like Nasinu where we are building a number of new courts.

For Nasinu, currently, the court system is under new construction there. We will have six new courts with six Magistrates and, hopefully, we will actually have a High Court Judge sitting in Nasinu too, to be able to cater for that municipality and indeed beyond, to Nausori. So, Mr. Speaker, Sir, what this Amendment does is to give the ability to the Honourable Chief Justice, through the Judicial Services Commission, to appoint the number of Judges as they see fit, and for us to be able to actually remove that requirement to have a prescribed number of Judges. Thank you, Mr. Speaker, Sir.

HON. SPEAKER.- I thank the Honourable Attorney-General. Honourable Members, the floor is now open for debate on the motion, and each Member may speak for up to 20 minutes.

At the end of the debate, we will have the right of reply from the mover. Honourable Members, the floor is open. The Honourable Niko Nawaikula, you have the floor, Sir.

HON. N. NAWAIKULA.- Honourable Speaker, I will lead the debate from this side. I believe this is a motion under Standing Order 51 to fast-track the Amendment of the High Court Act.

The first difficulty that we have is that, we do not have a notice. So, the motion is coming before this House without notice and that means this side of the House is totally not aware of the intensions, reasons and the purpose for this Bill, until just now. So, I am standing here as well as my colleagues are looking at this motion and wondering what to say, basically, and that is very difficult.

The Honourable Attorney-General says that it is very small but nothing is too small when it comes to legislation. They talk about the High Court. Just from listening, I understand that the purpose of the motion is to bulldoze. How?

(Honourable Member interjects)

HON. N. NAWAIKULA.- Well, if I could read it, I am standing here, this is the timeline, I am reading this and that is my difficulty ....

(Honourable Member interjects)

HON. N. NAWAIKULA.- It says that the purpose of the Bill is to remove the prescription of Judges. I hear that we have about 25 Judges but I would like to tell the Honourable Attorney-General that in the past years, thank you very much to the Honourable Chief Justice, the management of the cases has been very efficient to the effect that if you come before any of the courts here in Suva or Lautoka, sometimes you will have only four cases coming before a Judge as opposed to the time that is as before, there was only one court in Lautoka, and that is very true.

But in the last few many years, that has been totally streamlined to the effect that it lifts the lawyers to be running around because Judges more or less have nothing before their table. So, it totally defeats the purpose, and I am true, this is the fact. You go to a court now and you have three or four cases and that is it, so that is a sign of a very efficient system that we should give credit to the outgoing Chief Justice, so there is totally no need for this, because you can manage very well within the framework of what the law allows you as it is. That is my basic point so for those reasons, I, as a matter of principle because these notices, Bills without notice, are coming too often now, so we disagree, we oppose.

(Honourable Member interjects)

HON. SPEAKER.- I thank the Honourable Niko Nawaikula. The floor is still open for debate on this Agenda item. Is there anyone wishing to take the floor. The Honourable Member, you have the floor.

HON. M.D. BULITAVU.- Thank you, Honourable Speaker, Sir, again I concur with the Honourable Niko Nawaikula that we oppose the use of Standing Orders 51, in this regard even if it is a full stop or a comma, a law is a law and it is interpreted in the way that the Courts interpret that.

HON. A. SAYED-KHAIYUM.- Four days, Honourable Bilitavu.

HON. M.D. BULITAVU.- I am a Member of the Justice, Law and Human Rights Committee, Honourable Speaker, Sir. In the morning, if I was allowed to talk about the amendments to the Standing Orders, this is the very point I wanted to talk on, where people, when we move around Fiji with the Committee, they do not even know, what is a Bill? We went as far as *Wainikoro*, Honourable Speaker, Sir, that is in the *Tikina* of *Nadogo* and *Namuka* in *Macuata*. A lady stood up and said, '*Na cava the Bill*', they do not know what a Bill is, so that is why it is very important for Committees to take the Bill around. They are also voters, they also voted for some of you people sitting that side, so they need to be in the law-making process.

One of the things that they had requested and the Honourable Chairman will agree with me, that they wanted a few things: one, for the Bills, not only to be brought to them for consultation, it has to be brought to them in the language they understand, either in Hindi or in *iTaukei*, for them to positively contribute to the people. That is one of the things we can improve our Parliamentary law-making system, Honourable Speaker, Sir. It is not a very small change, we need to go back to the people and ask them whether we need to increase the number of judges, they are also taxpayers.

(Laughter)

HON. M.D. BULITAVU.- They will be contributing to the Government coffers, Honourable Speaker, Sir, and they will be the one funding all this in the Budget, as alluded to by the Honourable Minister for Economy. People need to take ownership of this change, and I will ask the Honourable Attorney-General to reconsider that, not to use Standing Orders 51 as an excuse to expedite laws that he



says need to be in operation, but to consult people and people to participate in the law-making process because this is the people's House. The people need to give their views in anything, as I have said, even if it is a comma or a fullstop or changing a vote or anything in the law, that is a very important process.

That is my contribution, Honourable Speaker, Sir, to the motion, and I do not support the motion before the House and also ask the Honourable Attorney-General to withdraw the motion, and come in the right procedure where people will be consulted.

HON. SPEAKER.- I thank the Honourable Mosese Bulitavu for his contribution. The Honourable Ro Filipe Tuisawau, you have the floor.

HON. RO F. TUISAWAU.- Thank you, Honourable Speaker, and thank you, Honourable Attorney-General. I had a few issues too with Standing Orders this morning, but I did not make any contribution, but as mentioned by Honourable Bulitavu, Standing Orders 51 is a problem.

(Honourable Member interjects)

HON. RO F. TUISAWAU.- Well, it is related to the Bill so let me finish, because it is coming through under Standing Order 51, that continues to be an issue because that Standing Order continues to be abused, and today, it is being abused again, and that is one particular Standing Order which needs to be amended. It should only come in under certain circumstances, but, at the moment every Tom, Dick and Harry is coming through.

The other issue regarding this, if you look at that Standing Order 51(2), it says that the motion must set out how and when Parliament will deal with each stage of the Bill's passage or any time limits et cetera, but here, we have a Bill but there is no motion, where is the motion? Because it would be prudent, as already mentioned, when you put in a motion, at least, have attached to this Bill a written motion, so that we can read it and refer to it, but here it is just being said verbally and it is just not right in terms of discussing legislation in this country. Thank you.

HON. SPEAKER.- I thank the Honourable Tuisawau. Honourable Pio Tikoduadua, you have the floor.

HON. LT. COL. P. TIKODUADUA.- Thank you, Honourable Speaker.

Honourable Speaker, I thank the Honourable Attorney-General for the Bill. I rise to support the sentiments echoed by members on this side of the House in terms of the use of Standing Order 51 as has previously been the case and you would know that this has been the subject of our debate at the Standing Orders Committee.

Whilst we all support the independence of our Judiciary and even the inference to make it more independent suggest that it is not independent. But we want to make sure that we have an independent Judiciary where we can all go and take our issues whereby our rights are not limited and the best of our Judges really should be put there.

But I want to contribute to this debate at this time by perhaps, suggesting and I know it is not up to the House to decide who gets appointed to the Bench, but it has always been the concern, Honourable Speaker, that we do not see as many Fijians in our High Court today as Puisne Judges as it was in the past.

As I said, this is not for the House to decide and I am sure the Judicial Services Commission are very well established in their processes to find the best person, but I would suggest, Honourable Speaker, for those who would be considering more Judges to our Bench to look at home first. Look at Fiji, I am sure there are many, many Fijians who are qualified and competent to sit on our Bench rather than having to rely first on Puisne Judges.

(Hon. A. Sayed-Khaiyum interjects)

HON. LT.COL. P. TIKODUADUA.- Yes, but listen, you might learn something Minister! You might learn something, maybe you should listen first. I am saying that this should be considered.

Honourable Speaker, I know it is not for the House but perhaps, for those, particularly the Judicial Services Commission, would take to consideration that there are many, many competent Fijians as well. Thank you.

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

HON. A.M. RADRODRO.- Thank you, Honourable Speaker. I just want to make my small contribution in regards to the motion that is before the House.

We would like register our concern that Standing Order 51 has continuously been used by the Government without the needs to engage Parliamentary Committees and the general public, especially in situations where Bills have been prepared.

I think it is also one of the pertinent areas that we have also raised to request the Government that we understand Standing Order 51 is provided for in the Constitution. But we also understand that in situations where Consequential Bills are being requested to be presented, this is where Standing Order 51 comes in. But important legislations, Bills that have been prepared, the Opposition is left to conduct public consultation with scarce resources that is already available to us to make the general public be aware of the Bills that are now being presented.

We also would like to highlight to Government that it is for any Government that is usually said that it is the Government by the people and for the people, therefore, it is a responsibility of Government to ensure that whatever Bills, be it simple in their description, it should be left to the Parliamentary Standing Committees and are to be undertaken through a Parliamentary public consultation.

As already been alluded to, there are already people out there who seems to do not understand the processes of Bills. And these Bills that we are undertaking are funded by the taxpayers, the general public and it needs their input, irrespective of how small the amendment is.

Mr. Speaker, Sir, I request the Government to consider these views that any Bill that is presented in this process needs to undertake the Parliamentary process of Parliamentary Committees, so that it can engage the general public to air their views and opinions in the Bills that are presented. Thank you, Mr. Speaker, Sir.

HON. SPEAKER.- I thank the Honourable Aseri Radrodro and I will now give the floor to the Honourable Salote Radrodro. You have the floor, Madam.

HON. S.V. RADRODRO.- I thank you, Honourable Speaker, Sir, and I stand to support the views that have been expressed by this side of the House in highlighting how the Government side misuse Standing Order 51 to push the Bills across.

Honourable Speaker, may I remind the other side of the House that our main job as Members of Parliament is to debate the Bills as legislators. As I had alluded to this morning, Honourable Speaker, that to be able to be effective and efficient Members of Parliament, we need to do our work with accountability and transparency and also engage our constituents.

Unfortunately, having to push the Bills through Section 51 like we are doing now, does not allow the voters to contribute to anything at all in regards to the Bill as already alluded to by Honourable Members of this House. And in highlighting that, Honourable Speaker, may I highlight in this House the number of Bills that had been tabled through Standing Order 51.

In summary, it is about 93 percent of the Bills in the last term that had been pushed through Standing Order 51, 4 percent through normal processes that means going to the Committees, and the Appropriation Bills were about 3 percent. For example, in 2018, out of the 14 Bills that were brought into the House, only one found its way to the Committee. In 2017, for the 20 Bills, only three went to the Committees. For 2016, there were 16 Bills and only two found their way to the Committees. That, Honourable Speaker, depicts a Government that is taking things into its own hands and not living up to the principle of democracy which they sing a loud song about, in that they eliminate but they do not include the voters to participate in the Bill processes.

That, Honourable Speaker, also shows us and tells us a story that this Government is, indeed, still exercising dictatorship with regards to excluding the constituents, the members of the public to partake or to consult or to contribute to the very important role that we play in this House, and that is our role as legislators.

(Honourable Member interjects)

HON. S.V. RADRODRO.- Listen!

Honourable Speaker, now we are just starting this new term and again, we are onto this trend again. Having to go in this way, we are not exercising our role as legislators in the right way because the Government missuses Standing Order 51 by misusing its authority as being the majority in the House. Thank you, Honourable Speaker.

HON. SPEAKER.- I thank the Honourable Member.

Honourable Viliame Gavoka, you have the floor.

HON. V.R. GAVOKA.- Thank you, Honourable Speaker, I will be very short.

Sir, 93 percent of all the Bills goes through Standing Order 51. Honourable Speaker, we have said this in the last term that there is an indication that they do not have a legislative committee in their Party.

Every other Government in the past, had a legislative committee. With the SDL, they made sure that this committee brought two Bills to the House at every sitting, properly structured and going through the proper pathway. What is happening here with all my colleagues across the House, they cannot form a legislative committee to look into Bills properly, bring them here for debate and do justice to the House.

We have spoken many times, we have tried to remind them and we tried to teach them but they are beyond repair so perhaps, Honourable Speaker, through you on your influence, ask them to have a legislative committee, bring the Bills properly to the House, not through the sideline Standing Order 51.

Thank you, Mr. Speaker.

HON. SPEAKER.- I thank the Honourable Viliame Gavoka.

I now give the floor to the Honourable Attorney-General for his Right of Reply. You have the floor, Sir.

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

Mr. Speaker, just a few comments, Standing Order 51 is a reality in the Standing Orders. The sooner the Opposition accept it, the better it is, so we are wasting our time. It is a reality!

Mr. Speaker, Sir, I do not rely on the statistic provided by Honourable Radrodro and echoed by her colleague sitting next to her because we know they have never been good in statistics nor figures for that matter.

There is a difference between making its way to the Committee and referred to the Committee, they are two separate issues, nor has she made the distinction between Bills that are presented for budgetary processes. We can have sometimes 10 to 15 Bills referred for budgetary processes which is, for example, tariff increases or decreases. So, that statistics cannot be relied upon, it is flawed.

Mr. Speaker, Sir, the Honourable Bulitavu said that even if there is a fullstop or a comma, we all have to go out to the public and consult them. Mr. Speaker, Sir, this is what you call a complete waste of the resources of this country. A complete waste! This Parliament is responsible enough to know which Bills need public consultations. This particular amendment, Mr. Speaker, Sir, has the potential to increase the number of Judges.

I find it very interesting, Honourable Nawaikula and Honourable Bulitavu, I remember in the last session of Parliament, lamented about the fact there is a shortage of Judges and Magistrates. Today, he is saying there is enough Judges and Magistrates, just because this particular Bill has been brought by us. So, we need to have consistency.

If we went out to all members of the public today and you ask them, "Do you want more Magistrates? Do you want more Judges? They will say, "Yes." This is precisely what this Bill does, that is all he does. It gives the Honourable Chief Justice the ability to increase the number of Judges.

I would accept, Mr. Speaker, Sir, that if we actually made an amendment to the Act to say, decrease the number of Judges, decrease the number of Magistrates, which would affect directly the rights or the ability of individual citizens to access the criminal justice or civil justice system, then we may need to have public consultations. This is a social good that is being done, to allow and give more independence to the Judiciary and to give more people have access to justice. Mr. Speaker, Sir, this Bill is not being brought by any Tom, Harry or any Dick for that matter. I am certainly not a Dick!

Mr. Speaker, Sir, the reality is that, we have a Judiciary that has been modernised, that does not discriminate on the basis of anyone's nationality, Honourable Tikoduadua, and the reality is, we have put in new standards.

To be a High Court Judge in Fiji, you need to have, at least, ....

(Hon. Lt. Col. P. Tikoduadua interjects)

HON. SPEAKER.- Order, order!

HON. A. SAYED-KHAIYUM.-.....Mr. Speaker, Sir, 15 years of post-admission experienced. To be a Magistrate, you need at least 10 years of post-admission experience, Honourable Nawaikula, plus you need to have a clean track record as a lawyer. That is what is required to be a Judge.

The selection is made by the Judicial Services Commission and the appointment is made .....

HON. N. NAWAIKULA.- A Point of Order, Mr. Speaker. He says that I do not have a clean record, so withdraw that. Withdraw it!

(Honourable Government Members interject)

HON. N. NAWAIKULA.- Can you withdraw it?

(Laughter)

HON. N. NAWAIKULA.- Stick to the issues. We do not mind issues and I do not get stress too that easy.

(Laughter)

HON. N. NAWAIKULA.- You can even call me a dog.

HON. SPEAKER.- Honourable Members, all that the Honourable Attorney-General was saying is the qualifications, but that was all. He was not referring to anyone in particular.

Honourable Attorney-General, you have the floor.

HON. A. SAYED-KHAIYUM.- Thank you, Mr. Speaker, Sir. I hope Honourable Nawaikula is not getting to self-incrimination.

(Honourable Member interjects)

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, this is not being bulldozed.

We are giving four days to the Members, there are three clauses that they need to look at in respect to this Bill. The first one is actually just a short title. The first and second clause is about the actual omission of the numbers that is required. The third one, basically is putting in the Judicial Services Commission. There is an omission, there was an error in that, it said “Judicial Service Commission”, all we are doing is making Judicial Services Commission, we are adding an “s”. Same institution, same organisation, that is the only three clauses. You do not have to be an Einstein to be able to analyse this, Mr. Speaker. Sir.

So Mr. Speaker, Sir, I would please urge the Members, you have now four days until Thursday to be able to examine this. I would urge them to be able to look at the Bill, come up with some constructive answers and recommendations, I would also like to take this opportunity, Mr. Speaker, Sir, probably I may not get this opportunity also, as we said publicly last week on Friday to thank the Retiring Honourable Chief Justice for his services to Fiji and in particular to the Fijian Judicial System, because he stood with Fiji and the Fijian people in times of needs. He stood with Fiji in times of when we needed to maintain the rule of law and through his hard work today, we have Judges coming from all over the world.

Our next Supreme Court panel, we have Judges coming from South Africa, we have a Judge coming England, we have a Judge coming from Hong Kong, we have a Judge coming from Singapore. To get a Judge to sit in a Supreme Court from Singapore is one of the most difficult things to do. There are only two countries in the world and Fiji is the second one that has actually had the privilege of getting a Supreme Court Judge to come and sit in our Supreme Court.

Mr. Speaker, Sir, the five top Judges at the moment, Mr. Speaker, Sir, are Fijian Judges. You see the obsession with a particular group overrides the expectations to have quality people and credible people, but I can tell them that we actually have a number of Fijian Judges within the system. Mr. Speaker, Sir, with those introduction, I would like to recommend that we support this particular motion. Thank you.

What about quality which you do not know anything about?

HON. L.D. TABUYA.- A Point of Order.

HON. SPEAKER.- A Point of Order.

HON. L.D. TABUYA.- Thank you. A Point of Order, Honourable Speaker, Sir, under Standing Order 44(5). The Honourable Attorney-General is responsible for the accuracy of this statement which I would like challenge, which he states that the qualifications for a Magistrate needs to be five years or more, he needs to check his records ...

(Chorus of interjections)

HON. L.D. TABUYA.- Thank you, 10 years or more. Thank you for that, actually.

(Chorus of interjections)

HON. L.D. TABUYA.- Yes, well he needs to check the actual record of the Magistrates that have been hired in the last 12 years have included members from the legal profession that have not had 10 years or more experience. So he needs to check the accuracy of that statement because that is not in the practice and there has been Magistrates who have been hired by the Magistracy and the Chief Justice that have been less than 10 years' experience and so we need to check the accuracy of that statement.

Honourable Speaker, Sir, it is one thing to push a Bill through Standing Order 51 based on your arguments, Honourable Attorney-General, but, if you are not practising it, then we have the right to be able to be given time and this goes to the Standing Committees concerned to review the practices that have been happening in the last 12 years on the hiring of Judges and Magistrates who have not been complying with exactly the statement you made which is 10 years and more or 15 years and more. Thank you, Honourable Speaker, Sir.

HON. SPEAKER.- I thank the Honourable Tabuya. The Honourable Attorney-General you have the floor.

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, I would like to clarify that and she should really listen to more accurately. I said that the current provisions are that you need to have 10 years post admission experience to qualify to be a Magistrate and 15 years to be a High Court Judge; the current as it stands. Not about what happened in 2007, 2008, I obviously not going to talk about law that is no longer in place, I am going to talk about practice that are in practise now and that is the current provision; read the Constitution.

(Chorus of interjections)

HON. SPEAKER.- Honourable Members.

HON. L.D. TABUYA.- Honourable Speaker, Sir, again this is really vital because in order to see how the current standing rules apply, we need to look at the practice of it. So if you are bringing to this Honourable House about increasing the number of Judges and their qualifications then we need to be able to ensure that the practice of these rules are complied with. Now, laws are there to be followed and if we are not practicing it in real terms, then I am sorry, there is no use increasing the number of Judges if we are not practicing it.

HON. A. SAYED-KHAIYUM.- Point of Order.

HON. SPEAKER.- Honourable Member, the Honourable Attorney-General has pointed out what the current qualifications are. I asked him about that and he has pointed that out, 15 and 10, those are what they are now. We are not going into what they were, but I will give the floor to the Honourable Attorney-General. You have the floor.

HON. A. SAYED-KHAIYUM.- Thank you Mr. Speaker, Sir. Mr. Speaker, Sir, again I do not know how to get through to Honourable Lynda Tabuya. She is talking about some people she is saying who were appointed in 2007 and perhaps in 2008 and 2009 who had less years of experience than what I am stating now. That may have been the case, I am not talking about that; I am talking about what is the practice now; that is all. There were people appointed under the SVT Government and SDL Government ...

(Chorus of interjections)

HON. A. SAYED-KHAIYUM.-... they came out of university and were made Magistrates. Why not bring that in, you want to bring the past, I will bring the past too. Mr. Speaker, Sir, this is a very simple matter that the Honourable Tabuya just convoluted. I am talking about the current provisions of how one becomes a Magistrate, what is the prerequisite requirements; that is all I am saying. She needs to move with the times.

HON. SPEAKER.- Thank you. We will move on.

Honourable Members, Parliament will now vote.

Question put.

The Question is:

That pursuant to Standing Order 51, that the:

- (a) High Court (Amendment) Bill 2019 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 on Thursday, 4th April, 2019 but that one hour be given to debate the Bill, with the Right of Reply given to the Honourable Attorney-General as the Member moving this motion.

Does any Member oppose the motion?

(Chorus of 'Ayes' and 'Noes')

There being opposition, Parliament will now vote.

|                    |   |    |
|--------------------|---|----|
| <u>Votes cast:</u> |   |    |
| Ayes               | - | 26 |
| Noes               | - | 23 |
| Not voted          | - | 2  |

HON. SPEAKER.- Honourable Members, there being 26 Ayes, 23 Noes and 2 Not Voted, the motion is, therefore, agreed to.

Motion agreed to.

We will move on to the next Agenda Item. Honourable Members, I now call upon the Honourable Attorney-General.

### **PUBLIC ENTERPRISES BILL 2019**

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

That the -

- (a) Public Enterprises Bill 2019 be considered by Parliament without delay;
- (b) Bill must pass through one stage at a single sitting of Parliament;
- (c) Bill must be immediately referred to the Standing Committee on Justice, Law and Human Rights;
- (d) Standing Committee must report on the Bill in the May sitting of Parliament;
- (e) That upon presentation of the Report on the Bill by the Standing Committee that the Bill must be debated and voted upon by Parliament in the May sitting of Parliament with the Right of Reply given to me as the Member moving this motion.

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

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

HON. A. SAYED-KHAIYUM.- Thank you, Mr. Speaker, Sir. This Bill seeks to repeal the Public Enterprises Act 1996 to ensure that legislative framework that regulates and governs Public Enterprises remains relevant. It is a very old Act that was done during the SVT days.

The Bill focuses on improving corporate governance, ownership, monitoring, reporting, accountability and monitoring non-commercial obligations in order to improve the financial and operational performance of Public Enterprises. Mr. Speaker, Sir, just in respect of the rationale for the introduction of this Bill under Standing Order 51, the Fijian Government has given an undertaking to the Asian Development Bank (ADB) to carry out various structural reforms and policy changes in order to access policy based financing. We are carrying out a number of reforms in that respect in modernising our laws.



One of the reforms, Mr. Speaker, Sir, is the complete review of the Public Enterprise Act which is the current Act. Mr. Speaker, Sir, the current Act essentially focuses on the establishment of Public Enterprise which is the key issue when the current Act commenced on 1st January, 1997. Having assessed the current Act against international best practise, and take into consideration the changing dynamics of our current Public Enterprise portfolio in the business environment since the current Act came into force in 1997, it is imperative that the legislation which governs Public Enterprises is urgently updated and aligned to international best practice.

Under these consideration, Mr. Speaker, Sir, and the fact that we have given an undertaking to ADB to do so that we are introducing it under Standing Order 51. As I highlighted on a number of occasions, Mr. Speaker, Sir, and even just in respect of the previous Bill that was brought under Standing Order 51, that when the Bill is something that is of substantive in nature, which may be a new Bill, or substantive changes to an existing Bill, we do refer it to the Committee. We do refer it to the Committee and you will see numerous times we refer it to the Committee but we are asking them to fast track it.

So, the Committee, Mr. Speaker, Sir, has the ability, it was done numerous times, Honourable Ratu Lalabalavu you were not here for most of the time, last time. Mr. Speaker, Sir, numerous times we have actually referred it to the Committee. The Committee that sits on this Bill, which is the Standing Committee on Justice, Law and Human Rights will actually be able to go out to the members of the public and indeed they can go and talk to State-owned enterprises as to what their views are on this particular new Bill.

Mr. Speaker, Sir, just by way of background, essentially the Bill mandates that all Public Enterprises should operate on a commercial basis that is efficient and profitable and to this end the Bill also highlights the significance of the role of the Board of Directors in ensuring that a Public Enterprise adheres to this mandate. In contrast to the current Bill, the Bill specifically provides for the duties and responsibilities of a Director appointed to the Board of a Public Enterprise.

The Bill requires Directors to act honestly and in good faith, with reasonable care and due diligence and comply with the Code of Conduct of Public Enterprises. The Bill also requires Directors to avoid insolvency that you have seen in the past, certain Public Enterprises have become insolvent. Not to use information obtained as a result of being on the Board of Directors of a Public Enterprise for improper purposes. As you know that many of our Public Enterprises are now becoming very commercially large and encompassing and making lots of money, doing investments. So we need the Board members to not use that information for their own personal gain and also to avoid conflicts.

Mr. Speaker, Sir, the Bill also says the oversight of the regulatory functions of the Bill of the Public Enterprise remains with the relevant line Ministry. The Bill also formalises the current process for Board appointments, where Board appointments are made by the Honourable Minister responsible for Public Enterprises, and with the approval of the Honourable Prime Minister. This is due to the significant commercial and financial responsibilities and requirements of members of the Board to a Public Enterprise.

The Bill also, Mr. Speaker, Sir, aligns the regulation of Public Enterprises in respect of governance and operations with the current Companies Act 2015 to ensure that there is no inconsistency with other legislation.

Mr. Speaker, Sir, with those introductory remarks, I would urge that Parliament support this particular motion, so we will refer this particular Bill to the Committee and the Committee can go out and do all the consultations. Then come back and report to Parliament in May so we can actually have

this Bill approved and it can have an enormous significant impact on our Budget on a very positive basis. Thank you, Mr. Speaker, Sir.

HON. SPEAKER.- I thank the Honourable Attorney-General. The floor is now open for debate on this Bill. The Honourable Mosese Bulitavu, you have the floor.

HON. M.D. BULITAVU.- Thank you, Honourable Speaker, Sir. I rise to contribute to the motion that is before the House and again, coming through Standing Order 51 but in this form, it goes through the Committee only for one month, and that is from April to May, and I think due to other pending Bills that are with the Committee, we might come to a stage, Sir, and I asked the Honourable Attorney-General to reconsider because the motion is worded in such a way that we have limited time to come back to the House. We have to do our consultations around the country and after the logistics and other works that are before the Committee, not only that but a very important part, Honourable Speaker, Sir, is to receive the comments from the Solicitor-General's Office.

After a Committee does its consultation, there are questions formulated by the Committee, when we send these questions back through our secretaries to the Solicitor-General's Office, it takes weeks and sometimes the Solicitor-General or the Senior Solicitor or the drafters are not available to come to the Committee because of prior commitments, and if that could be facilitated by the Honourable Attorney-General, especially in these particular cases, for them to come when the Committee requests them to come. That is one of the challenges that the Committee is currently facing as to why some of the Bills in the Committee cannot be tabled in the House because we wait for further comments from the drafters, not giving it on time.

But again, that could have been accommodated if we had our own Parliamentary Counsels, like in previous Parliaments that would help, that is one of the issues. It is just the timeline, we agree with what is in the contents but again, we need to go and ask the people and the stakeholders and who all will be involved and the powers now given to the Honourable Prime Minister, as alluded to by the Honourable Attorney-General, in terms of what this Bill gives in terms of public enterprise and moving into business.

The timeframe could be a limitation and also if the Honourable Attorney-General can re-word his motion so that the Committee could be allowed, if we come to that particular date and when we do not meet the timeline as mentioned in the motion, that the Committee should be allowed to move a motion for an extension of this particular Bill so that further consultations could be done given that most of the people too when they come before the Committee, we have to consider too their availability, for example, the Public Enterprise Ministry, its Chief Executive Officer, the Board members and most of the time when we write letters to them, they normally inform our secretary via email that they are away overseas attending a workshop. Therefore the Committee has to wait when they are available in the office.

If this comes to the Committee, say, next week and there are other urgent works in the Committee and if the Committee sends out a notice to them and plus other logistics like putting an advertisement in the *newspaper* and moving around the country here and there but again there needs to be time. I think there should not be any fixed time on this and for the Honourable Attorney-General to reconsider the wording of his motion and to allow the Committee some leeway in the completion of the making of the review of this particular Bill.

Before I take my seat, Sir, the other thing that we have come to find out, Sir, is that when we move around with the Bills, I have asked the Honourable Attorney-General on numerous occasions on the amount of consultation done to a particular Bill which is normally attached to the Bill as to who are

the stakeholders that the Solicitor-General or the Office of the Attorney-General have already consulted.

One of the problems that we face now when we move around the country, Sir, even with the help of the line Ministry for that particular Bill, those that he says that have already been consulted, they do not come for public consultation, no one comes, and even the public officials, for example, the *Rokos*, the Provincial Administrator (PAs), the Commissioners, even the CEOs for the Town Councils and City Councils, they are so fearful in making submissions. They are afraid to make submissions that they could breach something and they will lose their work. This is the atmosphere that needs to be taken out so that people can freely give their views on a particular Bill and talk freely.

I have also said enough, Honourable Speaker, Sir, in terms of how many consultations were done in this particular Bill, because when we move around, that is when we will know that there was consultation done or there was no consultation done or it was done by a Committee, and when we go around the field, and when we tell them, "Call the line Ministry and tell whoever was consulted in the Northern Division or in the Western Division to appear" and if they had really made the submission, no one comes. That is the test where consultation was done or there was no consultation done. *Vinaka vakalevu*, Honourable Speaker.

HON. SPEAKER.- I thank the Honourable Member. There being no further Member wishing to take the floor, Honourable Attorney-General, you have the floor for your right of reply.

HON. A. SAYED-KHAIYUM.- Thank you, Mr. Speaker, Sir, I will be very brief. I am just getting some mixed reactions because when I was reading out that it should be referred to the Committee, Honourable Leawere and the people around him gave him the thumbs up.

(Laughter)

HON. A. SAYED-KHAIYUM.- Honourable Bulitavu is saying something else, maybe those thumbs up are thumbs down.

Mr. Speaker, Sir, again Honourable Bulitavu is engaged in the usual meanderings, the reality of the matter is that whenever we have had Bills that have been produced urgently, the Solicitor-General's Office does provide the necessary technical assistance and we believe that they will do so again.

All that the Committee has to do is to reach out. You need to learn to reach out, Honourable Bulitavu, and you will find that that assistance will come to you. Mr. Speaker, Sir, in that respect, I urge that we support this motion, for this Bill to be referred to the Committee. Thank you.

HON. SPEAKER.- I thank the Honourable Attorney-General.

Honourable Members, Parliament will now vote.

Question put.

The Question is:

That Pursuant to Standing Orders 51:

That the -

(a) Public Enterprises Bill 2019 be considered by Parliament without delay;

- (b) Bill must pass through one stage at a single sitting of Parliament;
- (c) Bill must be immediately referred to the Standing Committee on Justice, Law and Human Rights;
- (d) Standing Committee must report on the Bill in the May sitting of Parliament;
- (e) That upon presentation of the Report on the Bill by the Standing Committee that the Bill must be debated and voted upon by Parliament in the May sitting of Parliament with the Right of Reply given to me as the Member moving this motion.

Does any Member oppose the motion?

(Chorus of 'Noes')

There being no opposition, the motion is agreed to.

Motion agreed to.

HON. SPEAKER.- Honourable Members, on that note, we will take an adjournment to suspend proceedings for refreshments which will be served in the Committee Room; and we will resume in half an hour. We adjourn for refreshments.

The Parliament adjourned at 3.49 p.m.

The Parliament resumed at 4.21 p.m.

HON. SPEAKER.- Honourable Members, we will proceed with the rest of the Order Paper and for the purposes of complying with Standing Orders with respect to the sitting times, I will allow a suspension motion to be moved, and I will now call upon the Leader of the Government in Parliament to move his motion. You have the floor, Sir.

### SUSPENSION OF STANDING ORDERS

HON. LEADER OF THE GOVERNMENT IN PARLIAMENT.- Thank you, Honourable Speaker Sir, I move under Standing Order 6 that so much of Standing Orders 23(1) is suspended so as to allow the House to sit beyond 4.30 p.m. today to complete the remaining items as 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 the Government in Parliament to speak on this motion. You have the floor, Sir.

HON. LEADER OF THE GOVERNMENT IN PARLIAMENT.- Thank you, Honourable Speaker, Sir. We have a few items as listed on today's Order Paper, and as I have stated in the motion, we need to complete it and, of course, I seek the House's concurrence so that we can complete the items as listed on today's Order Paper. Thank you, Honourable Speaker, Sir.

HON. SPEAKER.- I thank the Honourable Leader of the Government in Parliament. The floor is open for debate on the motion and each speaker may speak for 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. N. NAWAIKULA.- Honourable Speaker, that is before the floor now, we agree.

HON. SPEAKER.- I was just waiting for the Honourable Viliame Gavoka to take his seat, my apologies, Honourable Nawaikula, you have to make allowances for all Members of the House.

There being no one wishing to take the floor, Honourable Leader of the Government in Parliament, you have the right of reply.

HON. LEADER OF THE GOVERNMENT IN PARLIAMENT.- Thank you, Honourable Speaker, Sir, I have nothing further to add. *Vinaka*.

HON. SPEAKER.- Parliament will now vote.

Question put.

The Question is:

That under Standing Order 6, that so much of Standing Order 23(1) be suspended so as to allow the House to sit beyond 4.30 p.m. today to complete the remaining items as listed in today's Order Paper.

Does anyone oppose the motion?

(Chorus of 'Noes')

HON. SPEAKER.- As no Member opposes the motion, it is agreed to unanimously.

Motion agreed to.

We move on to the next Agenda Item and before we proceed, Honourable Members, I wish to remind you that there are five Committee Reports under Schedule 3. For the information of Honourable Members, I wish to clarify that at end of the debate on each of the five debates, we will be voting to note the Report and once the vote is taken, it ends there. The Report will not be debated again in Parliament.

We will now proceed to the first Committee Report and I now call upon the Deputy Chairperson of the Standing Committee on Natural Resources, the Honourable Jale Sigarara, to move the motion. You have the floor, Sir.

### **REVIEW REPORT ON THE PETITION NOT TO REZONE SHIRLEY PARK**

HON. J. SIGARARA.- Honourable Speaker, Sir, I move:

That Parliament debates the Review Report on the Petition not to rezone Shirley Park.

HON. A.D. O'CONNOR.- Honourable Speaker, I beg to second the motion.

HON. SPEAKER.- Honourable Members, I now invite the Deputy Chairperson of the Standing Committee on Natural Resources to speak on the motion. You have the floor, Sir.

HON. J. SIGARARA.- Honourable Speaker, the Honourable Prime Minister, Honourable Ministers, the Honourable Leader of the Opposition and Honourable Members of Parliament; I take this opportunity to speak on the motion with regards to the Committee Review Report on the petition not to rezone Shirley Park which was tabled in Parliament by the former Honourable Chairman of the Committee on Tuesday, 19th May, 2015.

Honourable Speaker, Sir, before I continue, I wish to inform Parliament that I, together with other Honourable Members of this Committee, including those from the other side, are all new Members and that the petition in question, predates all of us.

While there are two recommendations which are self-explanatory, we note that detailed recommendations are no longer applicable and indeed, not necessarily appropriate. I am also sure that the former and current Ministers for Local Government would agree that some of the findings of the Committee are inaccurate. I wish to, before I conclude, make a couple of observations.

The development in question will occupy approximately only one-seventh of the land of Shirley Park. Furthermore, the investment will develop a children's park which will include, a nine-hole mini golf course.

The 142-room hotel which is being developed by Cloud Investments Ltd is owned in equal shares by P. Meghji Limited, Fijian Holdings Limited and R.C. Manubhai Limited. Given these reasons and the fact that the two Honourable Ministers and others can shed light further on this matter, I will now resume my seat to allow others to speak on the motion. *Vinaka!*

HON. SPEAKER.- I thank the Honourable Member.

Honourable Members, the floor is now open for debate on this motion. Honourable Niko Nawaikula, you have the floor, Sir.

HON. N. NAWAIKULA.- Thank you, Honourable Speaker. If I can understand correctly what was stated, I hear that in relation to this, the Honourable mover of the motion appeared to be saying that some of the recommendations were wrong. In any event, this is a petition that was submitted under my name and to go back to the gist of the matter is that, if we go to Lautoka now you will see that half of Shirley Park has been cordoned off to make way for the development. That Park is very important. There are people who live there, Tai Turu, for example. Have you met Tai Turu?

(Laughter)

HON. N. NAWAIKULA.- I am sure they do not know Tai Turu, Vinod Kumar, all those people who are homeless, but you meet them if you care to walk down. They are there and this has taken away part of them but the important thing is that, part of these iconic token has been denied. The public were totally against this and they felt that they were not being heard.

(Honourable Member interjects)

HON. N. NAWAIKULA.- Simple answer, 500.

But the important thing to say was that, they were being thrown from this pillar to that post, to the seawall, here and there again, and no one would listen to them. So, that is the reason why we took up this petition.

And talking about petition, Honourable Speaker, it is important to note that petitions is one of the very, very oldest procedure in Parliamentary proceedings, and it allows the simplest a person to bring their issues right up to the highest authority on the land. It does not matter whether there are already procedures that in place for you to follow or to follow in the court. For example, here, just like the Botanical Gardens, the Honourable Minister put it out in the newspaper. Sometimes, they sneak it in so that no one sees it.

(Honourable Member interjects)

HON. N. NAWAIKULA.- Yes, they do that, and that came out from the recommendation. You read the recommendation!

The recommendation was very demeaning of your Ministry for not consulting, but that is good. This is an example of good governance. You can have the procedure to go to court. You can have your procedure to advertise but it is important to hear and listen to the people, and that is what petitions are for. That is the reason why they came and it was heard and very good. The Committee was set up to hear. The outcome which is good for any democracy, good governance, inclusiveness, hearing every other person not just some, was apparent from the Report.

And if you go through the Report you will see that, that really came out. Submission one, from the Office of the Divisional Commissioner Western. The Divisional Commissioner Western would not have listened to these poor people but because it came to the House, the Divisional Commissioner Western was forced to listen to them.

Next to that, we have the Lautoka City Council. All those people had denied them. They were knocking and knocking but they could not hear them, and that is the whole purpose of the petition. They

brought it here so they were given an opportunity - there is democracy and good governance for them to be heard. Never mind they are right or wrong but it is to air their view.

Submission No. 2, then you go to the Lautoka Chamber of Commerce and the Town and Country Planning, Department of Environment, but mind you some of these (I believe), the Government has forced them to come forward. Just like if you go to some of these Standing Committees, Government goes out of hand to tell these people to come before the Committee. So, that was what was happening here.

But in any event, the real picture will come after that where you will see submissions by individuals - Iaitia Navunisaravi, then you have Submission No. 8 which is by P. Meghi and Company. This is the culprit, in other words, that was the reason why this was being subdivided to deny a very important part, so its view, together with the Government's view were all the same. But then, if we move forward from Pages 32 onwards, you will come to the *Vanua* of Vuda, and what they said is very sad, on how they want this important part of the landscape preserved, as well as the ratepayers.

But important to note, Honourable Speaker, are the recommendations. Yes, sure enough, because the Committee had no powers. It said, "You follow the normal procedure", but it was important to air some very important issues or things about the need for us here to listen to the ordinary people, in this case, the ratepayers on what they want to raise.

So if you look at Page 57, the conclusions, first it says:

"In consideration of the above deliberation and analysis, the Committee concludes that the majority of the public that were in this consultations were not in favour of the development of Shirley Park. It is also noted that the submission were generally in Lautoka but not Shirley Park."

So, it was able to discover that although they want development, they do not want Shirley Park to be taken away. That is what it found out.

Next, it was also evident that the consultation process, so Honourable Minister listen to this, by the Department of Town and Country Planning was not widely done through announcement, advertisement and in the media outlets. So it is simply saying that, there was not enough consultations.

Therefore, the Committee is of the view that it seems that due process was not transparent and there are gaps and inconsistencies that need verification, and it is hoped that the Director of Town and Country Planning takes note of this in the future. Fair enough, this was done! And they had no locus or anything to stop it, but it is for us to learn from. That is the gist of this and that is why I am saying, this is a good example of good governance, democracy is working.

So I wish for this House to take note of it. Thank you.

HON. SPEAKER.- I thank the Honourable Member.

Honourable Bulanauca, you have the floor.

HON. M. BULANAUCA.- Mr. Speaker, Sir, just a few comments on the motion in front of us. I support the motion to get the process back to the Director of Town and Country Planning and not to rezone the land to special lease for tourism purposes.



I must thank the Standing Committee that looked at the petition, and had undergone the process of sharing the voices of the public and the real truth is, when you come out there in particular, it is important that the Ministry concerned do a proper process of applications, particularly for rezoning in various areas of recent developments, particularly the Director of Town and Country Planning and the Ministry of Lands. It is important that correct processes are being undertaken.

Also it is important, Mr. Speaker, Sir, for the Lautoka City Council, to ensure the purposes for which that the land was developed, is to be served, particularly civic zone for public purposes, whether it is for offices or service buildings or public buildings, et cetera, that would serve the purposes of the Lautoka City Council itself. So it is important to properly go through that first process before actually trying to lease out the land to other developers.

Also, it is important to note, Mr. Speaker, Sir, that there are ample land elsewhere where you can do such development on the opposite side of the road. They can do their own reclamation to the seaside. So it is important that we properly inquire the public's opinion on such matter. I also would like to suggest, Mr. Speaker, Sir, to further encourage this kind of petition to properly consult the public on various developments that needs to be undertaken whether in urban areas or in rural areas. With those comments, Sir, I support the motion. Thank you, Sir.

HON. SPEAKER.- I thank the Honourable Bulanuca. Honourable Ro Temumu Kepa, you have the floor.

HON. RO T.V. KEPa.- Thank you Honourable Speaker. Honourable Speaker, just speaking on this motion that is before the House on Shirley Park.

It is significant Honourable Speaker that we are today debating a matter that first came before this House four years ago as Parliamentary Paper No. 25 of 2015 just at the beginning of the last term.

I say significant because as the Honourable Leader of the Opposition at the time, I was approached by concerned citizens led by Maude Elbourne, Patricia Fraser and Denise Gibson. These ladies were at the forefront, Honourable Speaker, and with other key players coordinated the objections by Lautoka citizens against the proposed development. And I wish to acknowledge and thank them for their courageous efforts to protect and preserve the environment of Lautoka as outlined by Honourable Niko Nawaikula.

Significant also, Honourable Speaker, because this matter was perhaps one of the only truly bipartisan efforts from both sides of the House, despite the facts that some Members on the other side had what I considered to be conflicts of interest in this matter. I congratulate and thank all Members of that Committee, some of whom are not here today for their co-operative approach in this matter.

Significant also, Honourable Speaker, and that this development was a subject of a petition from about 500 citizens of Lautoka and presented on their behalf by Honourable Niko Nawaikula in this House in February 2015. Submissions were also received from the various *vanua*, the women namely the Catholic Women's League, other women organisations, youth and private citizens who were very concerned about the proposed development on Shirley Park.

Significant also, Honourable Speaker, is that a 100 percent of the submitters were for developments generally in Lautoka. However, 61 percent were against development on Shirley Park and expressed the view that they did not want to see a repeat of what happened at Churchill Park.

Mr. Speaker, Section 1(h) of the 2013 Constitution states that the Republic of Fiji is founded on the values of a prudent, efficient and sustainable relationship with nature. And yet the Government in

2015 and I suspect again in 2019, seeks to disturb the sustainable relationship with nature that our Lautoka citizens had with Shirley Park. And just 40 days ago speaking at the recent Fiji Tourism Awards in Nadi, the Honourable Prime Minister himself is reported to have said he was alarmed by the recent reports of environmental protection breaches in the country. “Any development must not come at the expense of the health of Fiji’s people or its natural environment” he said.

So, to any developer from anywhere in the world, if you intend to destroy and forever degrade our environment, you are not welcome in Fiji. Our hospitality has hard and fast limits and we do not take kindly to anyone who violates our laws, no matter the size of your development, no matter how grand the promises you carry with you may be.

I ask you, Honourable Prime Minister, can you assure this House that you will prosecute to the full extent of the law any Minister in your Government or your backers for benefits who attempts to disturb the prudent, efficient and sustainable relationship with nature that our Lautoka citizens have with Shirley Park? Most significant also were the conclusions of the Standing Committee, Honourable Speaker, which stated that the majority of the public that participated in this consultation were not in favour of the development part of Shirley Park for a four-star hotel. Some of them even came to Parliament to voice their concerns and to seek support for their submission.

It is also noted that all the submissions were in favour of developments generally in Lautoka City but not in Shirley Park. Even businesses adjacent to Shirley Park, according to the Standing Committee Report, voiced their concerns on flooding in the area and climate change issues that will worsen from this development.

So, from these Honourable Speaker, it was also evident that the consultation process by the Department of Town and Country Planning was not widely promulgated through announcements, advertisements and notifications in all media outlets. The Committee was also informed by the developer P. Meghji and Company that the proposed area is 6,475 square metres of land, which also comprised DP 1805 or part of also known as Lot 2 in the Proposed Scheme Plan of Lot 1, ND 5149, NDP 1905, with an area of 1,743 square meters. This portion, Honourable Speaker, interestingly enough was not part of the rezoning applications submitted to the Director of Town and Country Planning and you can refer to Appendix 3 (a).

There is no evidence as to how the developer had included this portion of land into its proposed development. Therefore, Honourable Speaker, the Committee was of the view that it seems that the due process was not transparent and there are gaps and inconsistencies that need verification and it is hoped that the Director of Town and Country Planning and the Honourable Minister takes this into account in future.

In conclusion, Honourable Speaker, I support the Honourable Prime Minister’s message to potential and existing developers that their developments was not come at the expense of the health of Fiji’s people or its natural environment and any developer from anywhere in the world, if you intend to destroy and forever degrade our environment, you are not welcome in Fiji. I endorse the wishes of the citizens of Lautoka not to rezone Shirley Park. Thank you, Honourable Speaker.

HON. SPEAKER.- Thank you Honourable Member. I give the floor first to the Honourable Premila Kumar, then I will give the floor to the Honourable Jese Saukuru. You have the floor, Ma’am.

HON. P.D. KUMAR.- Mr. Speaker, Sir, I rise to speak on this particular petition. I think you all need to understand that Lautoka City is expanding. It is growing, the population size is growing and when Lautoka City actually reclaimed this land, which was a foreshore land, the idea of that particular

land was to contribute towards the civic development. It was never meant to be a Park. Go back to the Town Planning Scheme, you will see that the use was civic.

The idea at that time was that the town will grow, the land is needed for further development. So that area was left aside and as you know, during those days the Municipal Councils were not looked after by the Governments, so they did not have the money to actually build anything on that particular spot. What we have seen that in Lautoka City we have got different interest groups, it is not just we can classify them as ratepayers or residential rate payers, there are other interest groups and they are looking for jobs, they are looking for opportunity and they would like to see the expansion of Lautoka City.

I know there was a time when everyone was on the band wagon of objecting to what Tappoo did in Lautoka, but today we enjoy. When we go to Lautoka, we enjoy that facility and it has contributed to the economic growth of that place.

HON. DR. M. REDDY.- Tell them, tell them. They were opposing at that time.

HON. P.D. KUMAR.- So the impact of this development will not have a major effect or impact on the public. Why? Because Shirley Park remains there, only a portion is being used but if you look at all other parks surrounding Shirley Park, there are number of them. In total there are about 111 parks and open spaces, of which 22 hectares fall within the periphery of the CBD, and these includes the botanical garden, which is not too far away, Fena Park, Coronation Park, Churchill Park, Marine Drive, et cetera. So, currently if you look at it, there is slightly over 60,000 ratepayers and the number of people who actually objected were 500 and all these 500 did not reside in Lautoka. They also came from other places.

I want to repeat again that the job of the City Council is not only to protect the interest of one particular group, there are competing interests, there are a number of other interest groups there as well and you have to balance it out. That is why the whole of Shirley Park was not given, just a portion of it was given and even today Lautoka City Council can still develop that area because it is classified as “civic”. They can develop a town hall, they can develop a commercial property and they can give it out on lease. That is what the Town and Country Planning Scheme says.

Now, going back to the recommendation that there be a resubmission of the process. The Director of Town and Country Planning had exercised powers in accordance with the Town and Country Planning Act and took the decision to grant final approval after considering all the written objections, because the written objections were more to say that, “do not give away this park, we will lose our spot to relax, to sell BBQ, to conduct flea market”. In fact by giving away a portion does not disturb anything else, they can still do it.

Regarding notification, Honourable Speaker, Sir, the Town and Country Planning Act Regulations states that the notification shall be advertised in one newspaper circulated daily and to be gazetted and this was done. Having said that Honourable Speaker Sir, I do not support this recommendation. Thank you.

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

HON. J. SAUKURU.- Honourable Speaker, I wish to thank the Committee for their effort in putting together this Report that is before the House today. I will just take us back with a bit of history, Lautoka was built for the Colonial Sugar Refinery (CSR). It was built by its workers between 1899 to 1903, and it is lying in the heart of Fiji’s sugar cane growing region. The main Lautoka sugar mill was founded in 1903 covering an area of about 16 square kilometres and it has a population of

approximately more than 60,000 residents as being verified by the Minister. They have called Lautoka their home.

Incorporated as a town in 1929 and proclaimed a city on 25<sup>th</sup> February, 1977, Lautoka City was best governed by a 16-member City Council who elect among themselves a Major. Since 1970 the population of Lautoka has grown rapidly ...

(Honourable Members interject)

HON. J. SAUKURU.- ... and in the last 20 years it has also changed dramatically in structure.

HON. SPEAKER.- Order!

HON. J. SAUKURU.- The population of Lautoka including the rural districts is around 80,000 or more but much of the recent growth of the city itself has been due to urban drifts with a lot of indigenous Fijians moving into the city area. I wish to thank the early founders and planners of this unique city.

Lautoka City is very clean, it is a clean city and environmentally friendly. It has a wonderful botanical garden, children's park, the main street of the city, Vitogo Parade, has been decorated with royal palm trees that is quite unique to Lautoka. Very soon the Lautoka residents will be enjoying their new aquatic centre.

Honourable Speaker Sir, there are two lessons that we should learn from this Report. One, Lautoka City is an industrial hub that creates employment to a vast population in the West. The *vanua* and the residents of Lautoka fully understand this, that development is key for employment. However, Mr. Speaker, Sir, public consultation is also key in any development, especially with residents that have embraced their loyalty to nature.

I am suggesting, Mr. Speaker, Sir, to the Honourable Prime Minister, Sir, if you wish to be remembered by your Cop 23 Presidency and being a climate change advocate, I suggest that you make Lautoka a "Green City". I support the view of the Committee that the due process was not transparent and there are gaps, inconsistencies that need verification on the part of the Director of Town and Country Planning.

Thank you, Mr. Speaker, Sir.

HON. SPEAKER.- I thank the Honourable Saukuru.

Honourable Lenora Qereqeretabua, you have the floor.

HON. L.S. QEREQERETABUA.- Thank you, Honourable Speaker. Honourable Speaker, I rise to make a contribution to this Report before the House, but may I, please, firstly preface my comments by just highlighting how farcical this debate is, given that Shirley Park today at this very present time, has already been rezoned and being developed, and we are here talking about it now only because of Government's time management and inefficiencies of Parliamentary priorities and they are once again in full display in this august House.

(Honourable Members interject)

HON. L.S. QEREQERETABUA.- I have no doubt, Honourable Speaker, that the same issues will continue to arise ...

HON. SPEAKER.- Order, order!

HON. L.S. QEREQERETABUA.- ... and may in fact be more pronounced because there are only a handful of Government MPs patronising the Standing Committees and therefore affects the workloads and the progress of the various Committees, but as Committee representation to ensure seamless progress was not considered worthy of amendments during the Standing Orders Committee deliberations, Honourable Speaker, that inefficiency and incompetence will not be the Opposition side's purview to explain to taxpayers.

The mere fact that the Chair of the Committee cannot speak to the efforts of their progress on the Shirley Park issue, again proves my point, but I believe that we all owe him our thanks for this piece of work just as his efforts on the *Nawailevu* Bauxite, one Committee Report has some insightful recommendations for this House to make good in on this session of Parliament.

Honourable Speaker, the two recommendations in this Report are clear:

Recommendation 1:

That the petition not to rezone part of Shirley Park from civic to special use; tTourism be resubmitted and referred to the appropriate authority, the Director of Town and Country Planning, to process the petition through their regulatory systems and procedures since the application and approval of rezoning is entrusted under their legal jurisdictions; and because the petition was one of the written objections received by the Director during the approved promulgated objection period; and

Recommendation 2:

That the responsible authorities ensure the wider dispersal of promulgations through announcements, advertisements, et cetera, such as rezoning notices, objection periods, public consultations and through all available media outlets in newspapers, radio, television and may I just add websites and social media pages.

Honourable Speaker, as to whether the recommendations were upheld to the latter in upholding the dignity and sanctity of Parliament through the Parliamentary Committee, that is for the current Minister to advise this House and taxpayers on.

I will also highlight, Honourable Speaker, that all the rezoning efforts of public spaces by this Government and perhaps the recent Botanical Garden issue is very much linked, does nothing to improve the Government standing on environmental grounds which they like to inflate verbally all over the world except here in Fiji where deeds and in deeds where it should matter. What is necessary from the Government side, Honourable Speaker, is substance over symbols and results over rhetoric.

On the matter of public spaces being rezoned for purposes not originally intended, an emission creek-like a contagant to snap up these public spaces for the commercial benefits of a minority needs the fullest consultation and consent of those who we represent here in this House.

May I again offer our heartfelt thanks to the then Chair of this Committee for this report, the Commander Joeli Cawaki.

Mr. Speaker, this also reinforces the point of public access to Parliament through petitions that were automatically referred to the relevant Standing Committee. But this changed in February 2017

and no matter what one says, this is a breach of Section 72 of the Constitution guaranteeing public access to Parliament through petitions. I thank you, Honourable Speaker.

HON. SPEAKER.- I thank you, Honourable Member. I give the floor to the Honourable Parveen Bala, you have the floor.

HON. P.K. BALA.- Thank you, Honourable Speaker. I rise to contribute to the debate on the review report on the petition not to rezone Shirley Park.

Honourable Speaker, unfortunately, the Members that were in the Committee from both sides of the House are no more Members of this Honourable House, but I wish to thank them for the work that they have done.

Honourable Speaker, one has to understand that at the initial stage why and how this petition was brought into this Honourable House by Honourable Niko Nawaikula. My observation is, Honourable Speaker, that this was:

1. to promote some of the members of the Lautoka Ratepayers Association which was formed at that point in time; and
2. to fly flags for some of the individuals who had the interest in that development.

Honourable Speaker, let me go on to the recommendation. In respect of Recommendation (1), I am led to believe that all procedures have been followed and the lease has been issued to the developer.

Likewise, Recommendation (2), I am led to believe that all procedures have been followed.

Honourable Speaker, the initial outcry for this particular development was for the area loss which calculates to 27 percent of the total area, so you have another 73 percent area to be developed, but let me make some sense to this debate, and that also appears in some of the pages and I believe one of the Honourable Members have spoken about it on the foreshore reclamation.

We had so many consultations while we were in Lautoka. There was an Environmental Impact Assessment (EIA) done and the idea is to reclaim that 100 metres inside. What will happen now, if that has to happen, and a day will come when that will happen because that is the only potential area for Lautoka to grow.

Once that area is reclaimed, we will have another Shirley Park there, and this will become irrelevant and people like some of the Honourable Members here, do not have any vision, they want to stop developments like this.

Honourable Speaker, let me say something about Lautoka because I have been there.

In recent times, we have had a few meetings with the World Rugby, Fédération Internationale de Football Association (FIFA) and all of them have rated Lautoka's Churchill Park as No. 1 Ground but the biggest question mark that comes is accommodation, and these were all well-thought, not just from thin air. Honourable Nawaikula thinks about it as all well thought of, as to how we are going to address this issue and let us not forget, it is also a city. We need to have the facilities as well. I was told that I have sold Lautoka City by giving that to Tappoos.

Now, if you go to Lautoka and ask each individual resident of Lautoka, they will give you some answers but you people will not talk about that because you know what you will get out of that. But what I am saying, Honourable Speaker, I am also told that there were people that were paid to come and

appear before the Committee, just to speak against this. I have also heard someone saying from that end that they were the Lautoka citizens who have signed the petition; there is no truth in it.

There were also people from Nadi and not only that, only yesterday I had seen some of the people I recognised, 5, members, 10 members from one household, just to make the numbers.

Honourable Speaker, let me go to this submission by the President of the Lautoka Chamber of Commerce, Mr. Pyara Singh. He says in his submission that it has been long overdue, that this project on Shirley Park should have been done 30 years ago. We also have a representative from Vitogo Village saying that we support this development. So I really do not know what the motive of this petition was. Someone will have to come up with some honest answers as to whether this was a genuine petition or to fly flags for some individuals, and I believe Honourable Nawaikula knows those names as well. So with these, Honourable Speaker, thank you so much.

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

HON. A. SAYED-KHAIYUM.- Thank you, Mr. Speaker, Sir, I would just like to very quickly make some contribution on the basis of overall economic realities in Fiji. The reality is that, Fiji is a developing country; the reality is that we do need to have development by Government and also the private sector, and provide a facilitating environment for the private sector to feel comfortable to invest.

The Honourable Kepa also made a comment linking what the Honourable Prime Minister said at the Tourism Awards to what happened in Malolo and the breaches that took place in Malolo. Shirley Park is not Malolo.

There are many other instances where investors have breached the terms and conditions of the development. Yes, in this instance, it has not happened; in this instance, there has been an EIA done; in this instance, the developer has not breached the EIA; in this instance, it is not virgin forest, it is not virgin territory, it is not virgin foreshore land; that is the difference. To actually try and paint everything with the same brush is denying ourselves, this country, our ordinary citizens many opportunities that they need.

Honourable Minister Bala and Honourable Minister Kumar gave the instance of Tappoos. If you go to Tappoos today, and I urge the Honourable Members from the other side to go and talk to the young staff who are working in all those different stores, most of them are predominantly young people, in the cinema, supermarkets, all sorts of outlets. They are very proud of what has happened in Lautoka; they are very proud of the fact that they are actually working there, they have a job. This hotel, at a minimum level, will create at least 80 jobs when it is full, up and running.

We have now an all-weather track at Churchill Park. We have never had what used to be called, the Fiji Finals and now the Coca-Cola Games, an all-weather track event being held in Lautoka. There is a very low stockpile of rooms available in Lautoka. Now this hotel will provide Lautoka that additional edge, so we must view this thing from an economic perspective. We can have development. We can have development in Malolo or in the inner parts of Naitasiri, Ra or wherever it is. We do not have any inland development. We can do that, as long as there is adherence to the environmental standards.

Adherence to environmental standards does not mean you do not have any development. If we do not do development with compliance to environmental standards, they will come along and complain about no jobs being created. So, Mr. Speaker, Sir, it is not a zero sum game. As any good

government and any good law will tell you in particular regarding environment, that you can actually go ahead and do this thing, as long as there is adherence to the standards.

Mr. Speaker, Sir, I also would like to point out that, like Tappoos, Cloud Investments Limited as has been highlighted, has equally held shares by Fijian Holdings, P. Meghi and R.C. Manubhai, they have paid their rentals five years in advance. So, what does that mean? It means that Lautoka City Council has the ability to invest in its city. Get the capital funds to invest. How do you think the all-weather track came about? That is what you called smart planning. And they will also be paying in the sixth year \$146, 170 base rental and then you have also an additional sum of \$52,618.89 and annual city rates of \$13,000. So, this uplifts the quality of the services provided.

Honourable Saukuru talked about Lautoka being a wonderful city, I agree with that. I also went to Class One in Lautoka City and a bit of Class Two, I love Lautoka City. It is one of the only towns and cities in Fiji that has so many parks, so many trees and it is a unique city. It does not mean it gets caught in a time warp, neither should be Opposition get caught in a time warp.

We live in the 21st century. Time and time again we hear admonition of how the Honourable Prime Minister is going overseas, making all those statements and nothing is happening. What nonsense! This kind of pugnacious behaviour of the Opposition and being in the way of development is not acceptable.

Mr. Speaker, Sir, the last point I wanted to make is that, Section 72 of the Constitution, Honourable Qereqeretabua, is not breached. It is alright. You do not try to stand up and say, “Ah, Section 72 is breached”, without giving any reason. It simply says that the public has the right to be heard.

We have also seen the abuse of the petition, as has been highlighted by one of the members, the person who actually went through the process. When the Director of Town and Country Planning calls for public submissions, members of the public are allowed to make submissions, as they go through many other processes. One of the person who actually made the submission was also part of the petition. You cannot do that.

Honourable Nawaikula said, “This is why we started the petition.” Genuine petitions come from ordinary citizens, it is not engineered by political parties. Genuine petitions come from members of the public, who want to have a direct right of access. They can give a petition to any Honourable Member from this side or that side, it is not engineered by political parties. If you go to many jurisdictions in the world, that is what genuine petitions are, and that is what they are made for, Mr. Speaker, Sir.

Mr. Speaker, the motion, of course, at hand is that, we are to simply debate this Report. We are not, in any way, agreeing with the recommendations or otherwise, but simply to debate the Report and I would like to remind Honourable Members on that. And it is a great achievement, we believe, in respect of Lautoka’s development, we want to see Lautoka develop more and, of course, it will develop more without the compromise of the environmental standards that are already set there. Thank you, Mr. Speaker.

HON. SPEAKER.- I thank the Honourable Attorney-General.

Honourable Veena Bhatnagar, you have the floor.

HON. V.K. BHATNAGAR.- Thank you, Honourable Speaker, Sir. Just a very short contribution towards the motion.



Mr. Speaker, Sir, the rezoning of Shirley Park into a tourism zone, we see development unveil in the city of Lautoka. It will establish a chain of economic activity in the Sugar City, from job creation for hundreds of people to more local and international visitors to the city, also paving the way for growth of small enterprises in Lautoka to flourish. Examples of businesses that will indirectly benefit from the development of a hotel includes: suppliers of rooms-related goods; housekeeping suppliers; room amenities, et cetera; telecommunication vendors, utility companies, food and beverage suppliers and other hotel-related vendors.

Honourable Speaker, Sir, we are a developing nation and we need to use our resources to achieve maximum constructive growth economically. Rezoning will subject the area to development, which will benefit the city to raise its profile and strengthen its capacity as a city.

All the previous Honourable Members have spoken about Tappoo City Lautoka, I also would like to say to them that if you look back, the same time the noise was made by critics when we saw the development of Tappoo City in Lautoka. There was a lot said about it, but as alluding to what the Honourable Attorney-General has said, that if we go now and talk to the people there, the stories are all different.

I urge the public not to get swayed by these noise-makers, believe in what you see and not what you hear. And also the Honourable Member from the other side had spoken about the uncleanness of the city, the developments will not cause any uncleanness, I believe, and I do not think that this development which is going to happen in Lautoka City will dirty the City.

Thank you, Honourable Speaker, for giving us time. After all, the development there will still be open space for the public. *Vinaka*.

HON. SPEAKER.– Honourable Members, I now give the floor to the Honourable Sigarara to give your Right of Reply. You have the floor.

HON. J. SIGARARA.-Honourable Speaker, Sir, I have no further comment. Thank you.

HON. SPEAKER.- Honourable Members, Parliament will now vote to note the contents of the Report.

Does any Member oppose the Motion?

(Chorus of ‘Noes’)

HON. SPEAKER.- As no Member opposes the motion, the motion is agreed to.

Motion agreed to.

### **REVIEW REPORT ON THE PETITION FOR NADROGA/NAVOSA PROVINCIAL HIGH SCHOOL**

HON. SPEAKER.- Honourable Members, I call upon the Chairperson on the Standing Committee on Social Affairs, the Honourable Viam Pillay, to move the motion. You have the floor, Sir.

HON. V. PILLAY.- Honourable Speaker, Sir, I move that Parliament debates the Review Report on the Petition for Nadroga/Navosa Provincial High School that was tabled on 19th May, 2015. Thank you, Honourable Speaker, Sir.

HON. G. VEGNATHAN.- Honourable Speaker, Sir, I second the motion.

HON. SPEAKER.- Honourable Members, I now invite the Chairperson for Standing Committee on Social Affairs to speak on the motion. You have the floor, Sir.

HON. V. PILLAY.- Thank you, Honourable Speaker, Sir.

Honourable Speaker, Sir, the Honourable Prime Minister, the Honourable Leader of Opposition and Honourable Members of Parliament; on behalf of the Honourable Members of the Standing Committee on Social Affairs, I take this opportunity to speak on the motion in regards to the review that was made to the Petition against the Government to transform Nadroga/Navosa Provincial High School into a Technical College.

Honourable Speaker, Sir, also for the information of Honourable Members, at that time, I was the Chairman of the Standing Committee on Social Affairs and the Members were the:

1. Honourable Salote Radrodro;
2. Honourable Veena Bhatanagar;
3. the late Anare Tui Vadei; and
4. the former Deputy Speaker, Ruveni Nadalo.

At the outset, the Standing Committee's role was to ascertain the position and the views of the wider population and the stakeholders of Nadroga/Navosa Province. The Committee has observed that the School was established for the students who lived in the highlands and coastal areas around Nadroga. The Committee was informed of the availability of other nearby schools that had the capacity to absorb students from this provincial school. The outcome of the consultation was very positive with the vast majority of the submissions fully supporting the idea of a Technical College.

To my knowledge, the Technical College is up and running now and the young people are now going through the technical education. This will greatly assist them in capacity building and greatly contribute to community and economic development directly and indirectly.

Honourable Speaker, Sir, with those few comments, as a Member moving the motion, I thank you for this opportunity.

HON. SPEAKER.- Thank you, Honourable Member. The floor is open for debate,

Honourable Viliame Gavoka, you have the floor.

HON. V.R. GAVOKA.- Thank you, Honourable Speaker. The petition was mine, the school is located in Cuvu where I come from, and it is an area known as Tavuki with the very long history going back to the Deed of Cession. They had girl schools in there. And I have been very instrumental in educating a lot of our people.

The petitioners came to me to highlight the lack of consultation leading to this move by the Government to close the School and turn it into a technical school. It was very poorly done. As an example, the person who came to me, who led the group said, "My child came home today and told me, mum we have to look for a school for me" and the mother who went to the Nadroga/Navosa knew for the first time through her son. Can you imagine that, that you learn that a school is being closed through your child. This is where the reaction was very strong, very severe against Government in the way it implemented this change. I took up the petition and signed by a good number of people and mostly, ex-students of Nadroga/Navosa.

The school, Honourable Speaker, was started by the Nadroga Provincial Council back in 1976. As like most Provincial Councils in Fiji, they decided to start a school, and it had produced top students. A greater part of it, Honourable Speaker, was this sentimental attachment to a name. I went to RKS and I love RKS, people like you, you have not.

This school was just developing its name as “NN”. Where did you go? NN. It was beginning to develop a character relating to the school and it was very sad that the Government decided to close NN down and established a Technical College.

In my contribution to the Committee, I said look, “This school is so important to us, why cannot it run together with the Technical College? Run the school as it is and create a Technical College alongside it.” This was my contribution.

The Government came back with no space and very typical of this one way kind of communication with Government, “It is our way or the high way.” And the tragedy here, Honourable Speaker, was that, personally for me parents were from up in the highlands of Navosa. One parent came and took his daughter away saying, “If she does not going to boarding in Nadroga/Navosa High School, she will not go to school.”

You try to plead with the father like that, he said, “No, I do not want my child to be anywhere else but in this boarding school.” I do not know what happened to her daughter but she must be back in the village now up in the highlands because of that.

Students were from Vatulele, the islands of Nadroga; Malolo, the islands of Nadroga; were all boarded at Nadroga/Navosa High School. So, it was very sad that instead of allowing it to operate with the capability of running a Technical College alongside it, we decided to close the school totally.

If I may just go back to the development of education in Fiji, this country is very grateful. I have said this many times, that our Indo-Fijian people came from India with education, we learn from them. We had a very different from any other nation in the Pacific because of the education that came from India, but we started late.

I come from Cuvu. Cuvu had a school which did not start until about 1938 and 1939. My uncles went to school in a church. If you go to Nadroga Sangam and Naidovi Indian School, they started in 2018 and 2019, and we have benefitted from it. But we also wanted to start our own schools and it was a tragic that we closed a school that was opened by the fathers and mothers of Nadroga Province. There were other ways around it and to me, even today, I am Chairman of Nadroga/Navosa Corporation, people are saying to me, “Build more schools.” It is happening today, build more schools after we had closed Nadroga/Navosa High School!

Honourable Speaker, my message today is that the last thing we must do as a people is to close a school. Find a way around it. Nadroga/ Navosa High School is the sad story in the way that Government wanted to introduce its policy forgetting the value of education to a people who needed it and built it for a responsible purpose. Thank you, Honourable Speaker.

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

HON. DR. M. REDDY.- Honourable Speaker, one thing when you look at their contribution, you will note a very simple common trend. They always want to live in the past with emotion, “our great grandfather built the school, therefore we are attached to it, we want that school to be there,” but Honourable Speaker, they do not know that their own people came to us and said, “We are done and dusted, we want to move ahead, this is our need.”

Let me tell the Honourable Member, Honourable Speaker, at the end of 2014 we established three campuses of Technical College; one in Suva, one in Labasa and one in the Western Division. Honourable Speaker, after that, there were people from all the areas, all the other towns coming to us saying, “We too want to have a campus of a Technical College here.” And people from Sigatoka as well came to us. So we said, “our target is that in 2016 we want another nine campuses of Technical College”, importance of technical education.

And there you go, Honourable Speaker, we went around, looking for places where people would want to give the infrastructure. For example, you go to Tagitagi, you will see on your left Tagitagi Sangam Primary School with 25 students and four teachers. Exactly on the right, about 10 metres opposite that road, you will see Tagitagi Sanatan Primary School with another 25 students taught by four teachers. They came to us and said, “We do not want this primary school, there is a primary school across the road. Please we want to have technical education here.” They begged and said, “This is what we want.”

So, we did some homework of how far it is from the town, the transportation, et cetera. Now Honourable Speaker, if you visit there, you will see this amazing infrastructure, and how they are serving the community there. Similarly, Honourable Speaker, people from Nadroga came to us and said, “We want a college.” Honourable Speaker, we did not go and say, “We want to close this school.” Absolutely not. We did not go and say, “We want to close the school”, they came to us and said, “We want this place to have a Technical College campus.” So we said, “Have a meeting with the Provincial Council and give us the letter that you want this infrastructure to be used to offer technical education.” They gave us and then came Honourable Gavoka with big song and dance in Parliament saying people were not consulted.

Honourable Speaker, we then went back and said, “Call everyone and also call Honourable Viliame Gavoka, let us have a meeting”. Honourable Speaker, we gave the date to the Honourable Viliame Gavoka to come there, this is the date we will have a meeting, senior staff of the Ministry were there and I as well. The Honourable Gavoka never turned up.

(Chorus of interjections)

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

HON. SPEAKER.- Honourable Member, you have a Point of Order. You have the floor.

HON. V.R. GAVOKA.- I ask the Honourable Member to withdraw that. I attended the deliberations chaired by Honourable Viam Pillay twice. I did not know about his consultation and I would like him to show the letter that he wrote to me inviting me to go to that meeting. If he does not then he withdraws that statement.

HON. DR. M. REDDY.- No, no, Honourable Speaker, I am not referring to the meeting with the Committee. He said that we did not consult, not the Committee. I said, “We are going to have a meeting with the Provincial Council, you come and witness the deliberation.” The Honourable Member did not turn up. You understand. So, we had the meeting with the Provincial Council and the people and the parents were also invited. The school sent out letters using the students to invite their parents, the Honourable Viliame Gavoka did not turn up because he knew what the parents would say or what the Provincial Council would say.

Honourable Speaker, that was four to five years ago. Now, not a single parent has any problem of where their child will go in terms of high school education. In fact, the programme is such in high demand that the teachers and the lecturers are saying that when the students go out for attachment, they

do not return because the employer takes them in. They do not want to return and complete it, that is how in demand that particular programme is.

Honourable Speaker, this Report is no longer relevant, we are just wasting parliamentary time. That was at that time when you brought it to the Parliament to show that you have got a petition from the people but Honourable Speaker, that is one of the best things that Nadroga/Navosa has done. Honourable Speaker, I suggest that you visit the place. Before you get to the school on the mountain, on the foothill you will see an incomplete infrastructure worth \$10 million from the SDL Government to build some kind of academic excellent centre. What you will see for \$10 million, Honourable Speaker, the Honourable Viliame Gavoka should know; some foundation, steel rods and loads of gravel; where has the \$10 million gone? Very poor. Now, the Honourable Viliame Gavoka is asking that we should construct another building beside it. The building is there, \$10 million beside it, with some rods.

Honourable Speaker, the Honourable Viliame Gavoka should thank us that Nadroga/Navosa Council has taken education to a next level (tertiary level) that is the best gift that they have given to their children.

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

HON. RO T.V. KEPA.- Thank you Honourable Speaker. This is what I got from the Report Honourable Speaker, is that on 20th May, 2015 the Director Technical College approached the Chairman of the Nadroga/Navosa Provincial Council on the issue of converting the Nadroga/Navosa Provincial High School to a Technical College. So this is a little bit different from what the previous Minister is saying. Within a month, the Ministry of Education received an agreement on the provincial letterhead that they would agree to this Technical College and this is too shorter time and this is pointed out in the report by other submitters that there was a lack of consultation and the time was just too short in terms of the Technical College setup.

Looking at the Ministry of Education Annual Report for January to July 2016, listed under Priority Outcomes of the Government meaning the FijiFirst Manifesto, Honourable Speaker, for the 2014 General Elections was the establishment of Technical College of Fiji which they started implementing immediately after the General Elections with hardly any preparation or training provided for the technical team of the Ministry of Education. Was there any study done on how Technical Colleges would work in Fiji? How were the schools selected? How would it benefit students? How are courses lined up with manpower needs of the area (where the Technical College was going to be situated), manpower needs of the country and the economy?

So barely six months after the Election in 2014, with no proper study being done, the Director Technical College admitted to this in the Report that no feasibility study was done on the school, this is the Nadroga/Navosa Provincial High School. And they would be profiling the students as they went along to see which is the closest school (as alluded to by the Honourable Gavoka), some of the students would be assigned to, if they did not fit into the new Technical College, and that the Ministry of Education will pay bus fares, et cetera.

So in other words, Honourable Speaker, the Technical Unit of the Ministry of Education had no idea what they were getting themselves into and the schools had no idea what the Technical College was all about and the schools did not know that the Technical College or the Technical Unit did not know what they were about. So it sounds like they really did not know what they were talking about, which means Honourable Speaker, that the actual planning for this was probably minimal or non-existent.

The Ministry of Education technical staff themselves in such a short space of time and this was the beginning of the second term of the school year, knew very little about how the Technical College would fit in with other courses that were offered by the Ministry of Education that were already in existence, meaning the TVET programmes, the Technical Vocational Courses that were offered but with much lower fees.

The submittees according to this Report, there were 30 submissions received who supported the idea of a Technical College in Nadroga/Navosa, three of them objected to the transformation of the Nadroga/Navosa Provincial High School to a Technical College.

So in conclusion, Honourable Speaker, this being the fourth year of this Technical College, it would be interesting to note how the one-year programme is progressing, given that Term 1 is devoted to theory, Term 2 to practical and Term 3 with attachments until employment and how this actually works in the real world. It would be interesting to find out, Honourable Speaker, and not just for us to listen to Honourable Reddy come up with his story, but, a proper study or a report to be done on how the Technical Colleges are actually working. Thank you, Honourable Speaker.

HON. SPEAKER.- I thank the Honourable Ro Teimumu Kepa. I give the floor to Honourable Inosi Kuridrani. You have the floor, Sir.

HON. I. KURIDRANI.- Honourable Speaker, Sir, I just want to contribute to the issue before us, the turning of the Nadroga/Navosa High School into a Technical College.

The issue that I want to remind the former Minister of Education, I gather that he is getting information from certain groups who inspired them to turn this high school into a Technical College. My question to the Minister, whether they prepared a needs assessment analysis that took into consideration the views on this project by the students and parents?

If not, was there any assistance given to the displaced students who were currently in the school during that time, if the Ministry helped them to find places in other nearby schools? Thank you, Mr. Speaker, Sir.

HON. SPEAKER.- I thank the Honourable Kuridrani. I give the floor to the Honourable Rosy Akbar, you have the floor.

HON. R.S. AKBAR.- Mr. Speaker, Sir, I rise to contribute to the motion for debate. As mentioned by Honourable Reddy, this campus is in full operation and I just like to give you a background brief and also touch on the petition that was before the House.

Mr. Speaker, Sir, the Government established the Technical Colleges of Fiji to provide National Certificate Level II trade qualifications to the students who were involved within these campuses. Of course, it caters for those students who have an aptitude for skills training and supports trades men and women by giving them better access to formal qualifications to improve their skills.

Before I move on, Mr. Speaker Sir, last week, I visited two of the campuses in the West; one was the recently established Nukuloa College Technical Campus, that is in Ba and, of course, the Tagitagi Campus that was mentioned by Honourable Reddy.

My association with the lecturers, the Head of Campus and the students was very interesting. I met up actually with three students who were above the age of 40 (one was 44; another one was 50; and one was 55) and they shared their experiences with me, and when I asked them as to what made them choose Technical Colleges, they said they did not have these opportunities before, and because they live

in the surrounding areas, the Technical Colleges are giving them the opportunity to upskill themselves and make them more available to the job market.

In terms of Nukuloa College, Mr. Speaker, Sir, the management made a special point of coming to see me because they said that they want to offer more land for the expansion of the Technical Colleges, and even with the Campus, one of the members of the management board also came and said, “We have a lot of land available around here and we would like to offer it to the Government to expand it”.

I would also like to say that this approval for the Nadroga Navosa Campus was given in September 2015 by the Provincial Council, again as mentioned by Honourable Reddy, and this was to convert the Nadroga Navosa High School to Nadroga Navosa Technical Colleges. So we have not taken the NN out of that, Honourable Gavoka, the NN is still there, except it is now a Technical Campus.

The decision was made again, if I may mention here after consultation with the management, the community and the public as majority were in favour of converting the high school into a Technical College. I have even gone through the report here, Mr. Speaker Sir, and this report and the recommendations of this report clearly supports the fact that the Technical College to move forward and, of course, to create more awareness amongst the communities about the courses being offered and the rest of it.

So the Campus was established on 5th January, 2015 with the Head of Campus, 15 trainers, 12 ancillary staff. The teaching and learning programme began on 7th March, 2016, with an enrolment of 298 students in four different programmes, expanded into six different programmes in 2017 and eight in 2018.

For the information of the House, these include:

- National Certificate II in Cookery
- National Certificate II in Baking and Pastry
- National Certificate II in Carpentry
- National Certificate II in Cabinet-Making and Joinery
- National Certificate II in Automotive Mechanical
- National Certificate II in Welding and Fabrication
- National Certificate II in Electrical Fitter Mechanic

Again, the information that I gathered from the Director of Technical College is that, many of the students who go on training do not actually come back to complete their Certificate because the demand is there and many of them have been able to secure jobs within their fields of study.

Mr. Speaker, the Campus also provide hostel facilities to accommodate students from Navosa Valley and Serua areas. Over time, there have been between 51 to 68 boarders within this Campus.

From 2016 to 2019, 1,143 students have enrolled in this Campus; 792 men and 321 women, and I am delighted to say that in 2017 and 2018, 471 trainees graduated. Many of them now have taken up job opportunities in various resorts, construction and engineering and mechanical companies.

Mr. Speaker, the Government or the Ministry has upgraded the infrastructure at the Campus, including the road, buildings, cookery, baking facilities, automotive workshop, quarters as well as fencing the walkway.

One of the reasons given to me for the conversion of the school into a Technical College was the fact that the school buildings needed a lot of renovations and the Nadroga Navosa Provincial Council was having difficulty in maintaining those buildings.

So other than that, the student numbers were declining at the College, the boarding student numbers were declining and like I have mentioned, the deteriorating school infrastructure which Nadroga Navosa Provincial Council was not able to maintain.

What amazes me, Mr. Speaker Sir, is that the petition came up with strong objections to the establishment and operation of school into a technical college, but as I read through the report, there was overwhelming support, not only for Nadroga/ Navosa, for the information of the House, but right across the country where technical colleges have been established.

Yes, the way forward is for us to do a stocktake of the students who have graduated, where they are and which other courses that we can implement with the right infrastructure and expertise that we need to support the teaching and learning within these Campuses. So, all in all, I would like to thank the Committee and, of course, to all those who were a part of the consultation, provided feedback to this report for the support that they have given for the technical college to move forward. Thank you very much.

HON. SPEAKER.- I thank the Honourable Member. I now give the floor to the Honourable Vijendra Prakash. You have the floor, Sir.

HON. V. PRAKASH.- Honourable Speaker, I would like to contribute on this technical college because this was initially brought by the Ministry of Education as a policy change towards upgrading education.

In early 2015, in the Education Forum Meeting where the owners of the schools, the faith-based organisations, the other arm of the Ministry of Education and the heads of tertiary institutions, all were part of it. Mr. Speaker, Sir, for the information of the House, once it was introduced by the Permanent Secretary for Education then regarding the benefit of the technical colleges and the timely need of this institution for the people of Fiji, were explained and debated. There was no Minister there, there were Ministry of Education Officials who explained and once we debated and it was unanimously approved during that Forum meeting that this is one of the best education policies for the nation, I fail to understand that leaders here are saying that the institutions were closed, the schools were closed but the schools were never closed. Instead, the schools were upgraded to a new type of learning that was technical in nature.

Some of the students have already left school, and they were just roaming around and had no places to go. These students had certain skills which were not being able to be tapped while they were in their formal education in the classrooms. I would like to inform this House that our denomination was one of the first ones to fully support the Ministry of Education and we offered our School in Nabua to be the first school to take up this challenge.

All the stakeholders within six months were clearly explained by the Ministry officials and then the Honourable Minister for Education that no single child in the schools would be affected or deprived of learning. They were well-placed in other schools, their education continued and the Ministry of Education went further to assist those children who were displaced in other schools with other needs like books, uniform and at the same time, to see that the parents are not burdened for those children who will be attending other schools nearby, and to-date we have got two institutions, one in Nabua and one in Lautoka that our denomination was managing. We are so proud to say that the schools and the property were not given for good to the Ministry of Education.



We had an agreement, they leased this property from us for 10 years to try and see that they develop our schools and upgrading the facilities and also try to bring about the required training that our country needs, the technical people who are needed to develop this nation so badly. We do not have even qualified carpenters here in this country to meet the expectation of development that is taking place. Now, we can see that there are children who are coming with various skills to fulfil this.

Let me assure this House that this was one of the best decisions in the history of education to bring about technical college and to develop our nation with people who were left out in the field and they were the ones who came to join to develop their skills and they are doing very well.

Honourable Speaker, I would like to say that once we know the details of those things, only then we will be able to know that nothing was forced, it was all agreed by all stakeholders, including the children and the parents who were struggling in those schools.

Sir, as I said, there is also another institution in Lautoka and we are prepared if out of the 117 that we have got, if there is another need in any area, we will be there to give the space for such education, thank you.

HON.SPEAKER.- Honourable Attorney-General, you have the floor.

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, I will be extremely brief, I feel compelled to make a statement about Nadroga.

Mr. Speaker, Sir, the reality is that there are other schools around Cuvu; Cuvu Secondary up the road, you have got Sigatoka Methodist, you also have Andhara Sangam in Olosara, but I just wanted to make a point. Honourable Gavoka brought in again some of the ethnic demarcation. He said that the Indo-Fijians came with education to Fiji, completely incorrect.

If you read the seminal works of Gillian, Gillian was the person who wrote, I think, two books on the “Girmit Experience in Fiji”, and in his book, Gillian remarks that the Girmityas, were one of the most illiterate group of people he ever met. A lot of them were picked up off the street and they came to Fiji without any education whatsoever. However, they saw education as a means out of the existence they had. That is why there was a huge level of investment in education. They did not come here all as scholars, most of them were uneducated and if you read Gillian, Mr. Speaker, Sir, that is what it says because I know he said that for the record.

Mr. Speaker, Sir, that brings me to the point and again as someone else has highlighted that we need to be able to get out of time warps. We need to get out of this idea of homogenising people.

In the same way, Mr. Speaker, Sir, just because a particular school was run in a particular fashion or way, it does not mean it cannot evolve with the times. There are certain schools, many would say that in our time, those of us who went to Marist Brother High School, it was the top school at that time, it does not mean that it will forever remain the top school. There are many other new schools that have popped up.

Some may probably argue they are better than Marist Brothers High School, so we need to be able to understand what is actually happening in our society now, what is happening in the education system now, what is happening with technology and be able to move along with that, Mr. Speaker, and that is what I want to say, Mr. Speaker, Sir.

I just want to make one point - the critical importance of having technical colleges. Just a few months ago, Electricity Fiji Limited (EFL) known as Fiji Electricity Authority (FEA) before, had 25 of that top high voltage linesmen poached by New Zealand Company, 25 gone like that.

The Honourable Minister for Education will also tell you that New Zealand is also trying to poach our teachers in the area of Science, Maths and Physics because they have a shortage, and also I went to a construction site the other day and there was, in fact, a shortage of Fijians who want to work, for example, in the construction industry.

One in particular, British American Tobacco, is putting an \$8 million facility in Nadi. The contract was given to a Fijian construction company but majority of the people on site were from Bangladesh and I asked them, "Because there is no one willing to work nor do some of the people have the skillsets because some of our people are now working in Christchurch after the earthquake.

So, Mr. Speaker, Sir, we have to realise the importance of Technical Colleges, the importance of investing in Technical Colleges and, indeed, the opportunities in particular for our young people in those types of courses and those types of facilities which we will most definitely be focussing on for the future. Thank you, Mr. Speaker, Sir.

HON. SPEAKER.- Thank you, Honourable Attorney-General.

Honourable Bilitavu, you have the floor.

HON. M.D. BULITAVU.- Thank you, Honourable Speaker, Sir. I have a short contribution to make on the motion that is before the House. First, I would like to thank the Committee, for cleaning up something that the Government did not do properly. And I thank the Honourable Chairman and the Committee Members for creating that consultation, bringing all the stakeholders together and asking them relevant questions.

One of the questions, Honourable Speaker, Sir, that I will refer to is on Page 25 by the Honourable Vijay Nath when he asked a question to the Ministry of Education; "What will happen to the students if you convert that into a technical college? How will you cater for that?"

At this point in time, with outcries, students went there. So they also came to know that there was not enough consultation done. If you go to Page 31, the Honourable Vijay Nath, also said;

"The difficulty as seen now is for parents who pay uniforms. For the uniform, can you show the Committee whether the students from this school can use the same uniform, when going to other schools or they will have to change their uniform?"

The reply from the Ministry of Education was, "We can make arrangements for them to use the same uniform. Maybe we can just change the badge to start with"

When you look at the frame of question and the answer and what the Committee tried their best to do, we thank them, Sir, for cleaning up something that probably the Minister for Education then, did not do a proper consultation on. And poor planning on this, the outcry of parents and I also thank the Honourable Gavoka for bringing this particular Petition to Parliament.

(Honourable Member interjects)

HON. SPEAKER.- Order!

HON. M.D. BULITAVU.- Listen and learn!

(Honourable Member interjects)

HON. SPEAKER.- Order!

HON. M.D. BULITAVU.- Again, Honourable Speaker, Sir, it is a lesson for the FijiFirst Government to listen to the people in anything that they want to do. They need to consult the people. They do not have the answers on everything. They need to listen to the people, make changes and dialogue with them, so that the people are part of any change that they are proposing. That is one of the things that Parliament can note, and good that this came about now.

Again, Honourable Speaker, Sir, the Government needs to consult the people and also the plans, as alluded to by the Honourable Leader of the Opposition on consulting the people, and also some assurance whether the two recommendations that were reached by the Committee, how far have we gone to? In terms of people graduating from the area, have they been absorbed or have they found employment in the local area?

I think the former Minister for Education is feeling really bad, Honourable Speaker, because this was done during the time when he was former Minister for Education. But again, he wanted to revolutionise the Ministry of Education through his reforms, but now we found out that most of those reforms were done without proper consultation. Again, Sir, that is something that I want the Government to note and for the current sitting Minister Education, not to follow the footsteps of the former Minister.

(Laughter)

Probably, we should consult more, listen to the people more, to become a very responsible Government. *Vinaka vakalevu*, Sir.

HON. SPEAKER.- Thank you, Honourable Bulitavu. I was going to give the floor to the Chairperson of the Standing Committee for his right of reply. You have the floor.

HON. V. PILLAY.- Thank you, Honourable Speaker, Sir. At this time, I would also like to thank the officials of the Nadroga/Navosa Provincial Council and also all the Government Officials, especially the Heads of Schools around Nadroga, from Cuvu Secondary School and all the schools.

We also visited all the schools around Nadroga/Navosa to make sure that the students coming out of the School have space and that is where Honourable Vijay Nath has raised those questions and all those clarifications were provided and as said, the Committee was very much satisfied with the Reports and the clarification given by all the Government Officials.

Honourable Speaker, to conclude, I recommend that the Ministry of Education continue with their public awareness in regards to the Technical College, for the benefit of our youths not only in Nadroga but all over Fiji, as we see that they have greatly benefitted out of that.

Also, I would like to thank at this time the current Honourable Minister for Education for visiting Nukuloa Technical College. As the Patron of Nukuloa College, and on behalf of the Management, thank you, Madam, for the visit.

Honourable Speaker, I have no further comments. Thank you, Sir.

HON. SPEAKER.- Thank you. Honourable Members, we will now vote to note the content of the Report.

Does any Member oppose the motion?

(Chorus of 'Noes')

HON. SPEAKER.- As no Member opposes, the motion is agreed to.

Motion agreed to.

Honourable Members, I now call upon the Chairperson of the Standing Committee on Foreign Affairs and Defence, the Honourable Alexander O'Connor to move the motion. You have the floor, Sir.

**REVIEW REPORT ON THE MINISTRY OF DEFENCE,  
NATIONAL SECURITY AND IMMIGRATION 2015 ANNUAL REPORT**

HON. A.D. O'CONNOR.- Mr. Speaker, Sir. I move:

That Parliament debates the Review Report of the Committee on the Ministry of Defence, National Security and Immigration 2015 Annual Report which was tabled on 8th March, 2018.

HON. DR. S.R. GOVIND.- Honourable Speaker, Sir, I second the motion.

HON. SPEAKER.- Honourable Members, I now invite the Chairperson of the Standing Committee on Foreign Affairs and Defence to speak on the motion. You have the floor, Sir.

HON. A.D. O'CONNOR.- Mr. Speaker, Sir, the Honourable Prime Minister, the Honourable Leader of the Opposition, Honourable Members of Parliament; on behalf of the Honourable Members of the Committee, I take this opportunity to speak in support of the motion in regards to the debate on the above Committee Report tabled previously by the former Chairperson, Lieutenant Colonel Retired Netani Rika before the House.

The gist of the Report is about reforming the National Security Sector whilst managing our global arrangements in terms of defending national security interests and maintaining Fiji's contribution to global peace. Under Fiji's National Development Plan (NDP), the National Security sectors of the rule of law is guided by the premise of an inclusive, safe, secure, stable and prosperous Fiji.

Fiji's system of governance is based on the principle that all Fijians are equal under the law. Preserving the system warrants a strong commitment to upholding the rule of law and national security. It is every Fijian's responsibility and more so, Honourable Members in this august House to protect the Constitution of the Republic of Fiji and defend it for God and country at all times.

The United Nation's SDG No. 16 - peace, justice and strong institutions sets the platform for member countries to adhere to in terms of benchmarking to the best international practices. Apart from the traditional security challenges, focus will also be placed on protecting Fijians from the threats of climate change and other environmental challenges, natural disasters, transnational crimes, both human and drug trafficking, food and nutrition security, public health risks, financial and cybercrime.

Mr. Speaker, Sir, it is anticipated that the recommendations by the Committee is given due consideration by Government and addressed through appropriately.

Mr. Speaker, Sir, with those few words, I support the recommendations of the Report before the House, and I thank you.

HON. SPEAKER.- Thank you. The floor is now open for anyone who wishes to speak on the motion.

Honourable Anare Jale, you have the floor.

HON. A. JALE.- Honourable Speaker, Sir, I take this opportunity to speak in support of the motion in regards to the debate on the Committee Report tabled previously by the former Chairperson.

The gist of the Report is about reforming the national security sector whilst managing our global arrangement in terms of defending national security interests and maintaining Fiji's contributions to global peace. Under Fiji's National Development Plan, the national security sectors and the rule of law is guided by the premise of an inclusive, safe, secure, stable and prosperous Fiji.

Mr. Speaker, Sir, all Honourable Members in this august House and all Fijians need to consider the concept of total security, as practised by other States in the world. Moreover, national security in its totality is everyone's responsibility and not the sole domain of the Security Forces.

Honourable Speaker, it is anticipated that the recommendation made by the Committee is given due consideration by Government and addressed appropriately.

Honourable Speaker, with those few words, as a Member, I support the recommendations of the Report before the House. Thank you, Sir.

HON. SPEAKER.- I thank the Honourable Member.

Honourable Pio Tikoduadua, you have the floor.

HON. LT. COL. P. TIKODUADUA.- Thank you, Honourable Speaker.

Honourable Speaker, I wish to make a contribution on the motion before the House and to endorse the recommendations by the Members of the Foreign Affairs and Defence Committee that had compiled the Report.

I note, Honourable Speaker, that this is a Report from 2015 and it is being quite old. However, the recommendations made by the Committee is relevant and the Standing Committee as it were in the last few weeks, has reviewed a number of Reports, primarily from the Police and also a Biannual Report of the Ministry of Defence. And we had the opportunity also of hearing from the Ministry of Defence staff and also from the Secretariat of the National Security Council.

Firstly, to say Honourable Speaker, that we live in dangerous times. I mean, that we tend to react hastily by exerting force as a way of compiling solutions that we want, particularly for situations where force has involved terrorism for that matter. And Honourable Speaker, we had that situation in Christchurch recently and we saw how bad that was. But one great observation I got out of that was how we saw the New Zealand Police that had the capability to be able to manage that situation quite well.

The armed police professionally handling themselves to the extent that they were able to arrest the person without having to take his life. And, Honourable Speaker, this is something, particularly with terrorism now. It is all of our concern because we live in a global world and it touches us here in Fiji and we do not want these things to happen.

It is important for us to understand that the more we govern ourselves with hard laws and force being a major component of this, then we stand the risk in the future of resistance by the same token. So, it is always very well Sir, that whilst we are here now to be able to look at that aspect of national security from a perspective where there is dialogue and mutual respect and participation of all that is involved. We do not want to have this as a special responsibility of any particular Government Department and also a Ministry for that matter.

This is something that is wholly encompassing like security is and in the future, I would like to invite particularly Government to be more inclusive in these processes particularly in dealing with our national security and not limiting it to any particular Department of our Government. Thank you.

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

HON. N. NAWAIKULA.- I would like to make a contribution to the motion. The motion that is before the House is the Standing Committee Report on Foreign Affairs for 2015 and to note that the Chairman's point at the start was that the purpose of the review was to scrutinise the Ministry of Defence, National Security and Immigration 2015 Annual Report.

However, as legislators Honourable Speaker, I believe that there are three things that we need to properly scrutinize any Government Department as our tools and those things are;

1. The Budgetary allocation which we pass now in the month of June or July;
2. The Auditor's Report which is what that is highlighted by the auditor of how the public money is spent according to that allocation; and
3. An account of how a Department uses that money to forward its purpose or its mission.

I am saying that because the gist of my contribution this evening is that the 2015 Report is totally lacking in those areas and the Standing Committee has not fully appreciated those. So, my view is that every Departmental Report must have in it;

1. The budgeted amount for that year;
2. How it has addressed the issues raised by the Auditor's Report; and
3. It must have set out its Corporate Plan.

Those things are clearly lacking in the Report as well as it is not fully highlighted in the Standing Committee, for example, if you look at Page 1 of the 2015 Annual Report, I understand that that side and this side are all managers and we are familiar with performance management where you must have outputs, targets, indications whether those targets were reached or not and if not the reasons.

That is needed for us to know whether we are achieving anything or not and it is not here and it does not have anything at all on what were raised for this Department in the Auditor's Report. If I can just outline what those things are.

In the 2015 Auditor's Report, there were three or four items that the Auditor-General Report highlighted lacking in this Ministry and needed to attend to.

The first point was that the Ministry diverted funds without the approval of the Ministry. We need those indicated in the Report and the Report to tell us how it has addressed that. The second point raised were the tremendous anomalies in the passport records.

Indications from the records are that a lot of the passports were missing and we need those in the reports or in the Standing Committee to highlight to us how this Department is addressing that.

The Registry did not have adequate space for all visas, so the point that I am saying is that this Report or any of the Departmental or Ministerial Reports needs to give us an indication of how it has addressed things that are highlighted in the Auditor's Report. This one does not have it, many other Ministerial Reports do not have it and I am asking the Honourable Ministers to please attend to it.

I would say the best Annual Report that comes out is the Police Annual Reports, because they indicate what their targets are, whether those targets are achieved or not and why they are not achieved. And that is only coming from the Police. The others, no, and this is also an example of that. So it is important for us as legislators to know how this money has been spent, how those targets are being made and whether they have been achieved or not.

So coming back to the Report, it highlighted some of those and that is good that they are highlighting those. It contains seven findings as well as seven recommendations. And there is one where it says that the Ministry informed the Committee that it has insufficient office space. How is this being addressed? We need the Department to answer to the House in relation to that.

It also says that the Department of Immigration faces human resource challenges in terms of lack of manpower. But in my view that is not really addressing the issue. The issue was, how these passports got lost. And if my understanding is correct, this was also at a time when we were also having the passport scam in the Department, not too sure, but, that is what I feel was happening at that time.

And lastly in terms of gender analysis, this Report says it has it in its appendix - indications of gender analysis. To the Honourable Minister, correct me, I go from Page 1 to the last page looking for that index, but it is not there. So the basic point is that, you need a new narrative on how ministries put out their Annual Reports to indicate to us as legislators how to address those and it must have an indication of how it has addressed issues that had been raised by the Auditor's Report.

The Government has been in Performance Management since 1992, if I am correct, but, some Reports do not even have Corporate Plans, do not have key result areas and targets, and whether those targets have been achieved or not. So I wish to say that we need to relook at how we prepare reports for use of us in this House as legislators.

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

HON. M.D. BULITAVU.- Thank you Honourable Speaker, Sir, just a short contribution. Just to the recommendations and to add onto what the Honourable Nawaikula has already said, I will go to Recommendation No. 5 in terms of how the Ministry has actioned this recommendation by the Committee. "Recommendation No. 5 - a dedicated legal office to be stationed at the line Ministry to provide legal advice, initial vetting of legislations."

This particular recommendation came out of the presentation of the Ministry where they had said in one of their Powerpoint slides, which is in the Report that they faced difficulty in legislations or delay in timely response from the Solicitor General's Office. That was one of the challenges that they

faced and we would like to know whether that has been actioned or what are the measures that are now in place that has helped them in terms of facing those challenges.

The other recommendation that was raised was on Recommendation 6 - the trend or virement of allocations which shows on the Ministry's budget for Fiji Day Celebrations, this has increased as pegged to the actual expenditures. So every year, as they were moving it around Suva to Vanua Levu, Fiji Day Celebrations and other national celebrations, the budget allocation was booming and that was why they had to vire from Head 50 of the budget. What has Government done or what has the Ministry done? That is very important.

The other issue was on the Search and Rescue Operations (SAR) on requesting line agencies to work hand in hand with the Fiji Navy and also those who will be participating in all those SAR operations. Those are a few things and the facilities that they talked about in terms of staffing needs for frontline border control.

A request by the Department of Immigration that they go back and come under the Ministry of Defence. Now, they are currently under the Prime Minister's Office. They feel like it is their mother Ministry and one of them during our deliberations had mentioned that and I hope that they ....

(Honourable Member interjects)

HON. M.D. BULITAVU.- I will not identify.

HON. A. SAYED-KHAIYUM.- Which report?

HON. M.D. BULITAVU.- The Report that is before the House, it is the 2015 Annual Report.

HON. SPEAKER.- Order, order!

(Honourable Member interjects)

HON. M.D. BULITAVU.- When they came to make their presentation, they came together because it was the 2015 Annual Report for the Ministry of Defence. At that time they were together, so when they came to present, they came in as a team before they split up after the 2017-2018 Budget. But that was one of the recommendations that came from them.

Again, I thank the former Members of the Committee. From this side, only Honourable Ratu Suliano Matanitobua and I have made it back to Parliament. The rest of our Committee Members who were also part of this Committee were from the other side of the House, unfortunately, they did not make it back to Parliament, but again thanks for the co-operation. We were a very good team, a very genuine report, a Chair who facilitated a very bipartisanship approach and also with the recommendations, and I hope the Government will action those recommendations and help the current members of the Foreign Affairs and Defence Committee. Once new annual reports come in, for the recommendations to be actioned, most questions, reports and recommendations are not repeated for the new reports. *Vinaka vakalevu*, Mr. Speaker Sir.

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

HON. A. SAYED-KHAIYUM.- Thank you Mr. Speaker Sir. I would like to specifically talk on Recommendation 5 and I thank Honourable Bulitavu for actually providing the introduction to that. Unfortunately, the Committee has got it wrong and also nor do we find anywhere in the Report itself a



single example given of the supposed delay by the Solicitor-General's Office. This is a general statement being made. Not a single example being given, which specific time is the delay.

Mr. Speaker, Sir, under Section 116(2) of the Constitution, Honourable Bulitavu, I refer you to that, it says;

“The Solicitor-General is responsible for –

- (a) providing independent legal advice to Government and to the holder of a public office, on request;
- (b) preparing draft laws on the request of Cabinet.”

So, Mr. Speaker, Sir, the point of the matter is that the recommendation of the Committee is contrary to the Constitution, because the Constitution says that the independent legal advice is actually provided by the Solicitor-General's Office.

But, Mr. Speaker, Sir, what actually used to happen prior to 2007, we found that the practice at that time, many of the Ministries had their own lawyers. They would recruit their own lawyer individually through the Ministry and the quality of the lawyers whom were recruited by the individual Ministries, were actually in doubt many times.

Mr. Speaker, Sir, as some of the lawyers on the other side will tell you, not all lawyers are drafters. This specifically talks about initial vetting of legislation. At one place, it talks about drafting of legislation. Not all lawyers can draft legislation so the expertise and the repository of legal knowledge and drafting rests with the Solicitor-General's Office.

So in 2007, notwithstanding the fact that we did not have the 2013 Constitution then, there was a Cabinet decision that was made that said to bring back and, in fact, there was a circular also issued in 2009 that all of their legal officers must be appointed through the Solicitor-General's Office because in the Solicitor-General's Office, you have a hierarchy of people who actually have specific knowledge, expertise knowledge and experts in specific fields. So when you, for example, want to draft a legislation in respect of, say, compliance with the international conventions, you cannot look at it in a very narrow-minded fashion, because ratifying, for example, international conventions, that may then have implications of the domestic law. You need to understand the implications of the domestic law. You need to also understand how it will affect other facets, other legal provisions within our society, within our country and within our jurisdiction, so this is why it is very critical to have the legal services provided by one particular agency.

In the same way, for example, the Ministry of Economy has certain levels of expertise, the same way the Ministry of Foreign Affairs has a particular level of expertise, so you actually go to those Ministries.

Now, Mr. Speaker, Sir, the other point is that the legal officer in the Ministry of Defence will not be privy, for example, to other pieces of legislation that may exist and he would be able to provide or give good legal advice to the Ministry itself.

Mr. Speaker, Sir, there is also the example given by the Immigration. The reality of the matter is that Immigration now rests with the Honourable Prime Minister's Office.

On numerous occasions, we have spoken about, for example, the security issues and granting of work permits or visas, et cetera, is of national importance and therefore, it rests with the Prime Minister's Office. So overall, Mr. Speaker, Sir, the question was asked: have we complied with Recommendation 5, no. We will not comply with Recommendation 5 because Recommendation 5 is

actually contrary to the Constitution. What we find is that the system of centralising legal services to the independent Solicitor-General's Office is working quite well and the quality of services being provided, Mr. Speaker, Sir, is obviously of paramount importance. Thank you.

HON. SPEAKER.- I thank the Honourable Attorney-General. I now give the floor to the Chairperson of the Standing Committee on Foreign Affairs and Defence ...

HON. A.D. O'CONNOR.- Mr. Speaker, Sir, I do not have any further comments. Thank you.

HON. SPEAKER.- Honourable Members, Parliament will now vote to note the content of the Report. Does any Member oppose the motion?

(Chorus of "Noes")

As no Member opposes, the motion is agreed to.

Motion agreed to.

HON. SPEAKER.- Honourable Members, the hour is getting late. We will now suspend proceedings for dinner which will be served in the Committee Room and we will resume in an hour's time, at 7.30 p.m.

The Parliament adjourned at 6.31 p.m.

The Parliament resumed at 7.30 p.m.

## **REVIEW REPORT ON THE FIJI CORECTION SERVICES 2015 ANNUAL REPORT**

HON. SPEAKER.- Honourable Members, I now call upon the Chairperson of the Standing Committee on Foreign Affairs and Defence, the Honourable Alexander O'Connor, to move the motion.

HON. A.D. O'CONNOR.- Mr .Speaker, Sir, I move:

That Parliament debates the Review Report of the Committee on the Fiji Corrections Service 2015 Annual Report, which was tabled on 8th March, 2008.

HON. DR. S. GOVIND.- Honourable Speaker, Sir, I second the motion.

HON. SPEAKER.- Honourable Members, I now invite the Chairperson of the Standing Committee on Foreign Affairs and Defence, to speak on the motion.

HON. A.D. O'CONNOR.- Mr. Speaker, Sir, the Honourable Prime Minister, the Honourable Leader of the Opposition and Honourable Members of Parliament: on behalf of the Honourable Members of the Committee , I take this opportunity to speak in support of a motion in regards to the debate on the above Committee Report tabled previously by the former Chair, Lieutenant Colonel Retired Netani Rika before the House.

The gist of the report is about reforms in the Fiji Correction Service in the paradigm shift from relying on punishment-based approaches to a more modern approach of rehabilitation of convicts through the implementation of various programmes to help them obtain skills and knowledge to facilitate their reintegration into society upon release.

Under Fiji's National Development Plan 2017 to 2021 focuses, the Government will continue its efforts to further improve access to justice. Correctional services and rehabilitation of inmates for reintegration of inmates into society will continue. This will help maintain a low recidivism rate by providing inmates with opportunities to learn skills for income-generation and through other personal support.

The United Nations SDG 16 - Peace, Justice and Strong Institutions sets the platform for Member Countries to Adhere in terms of Benchmarking to the Best International Practices: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels

The key to this is Government and the Fiji Correction Services adhering to the United Nations standard minimum rules for the treatment of prisoners or commonly known as the Nelson Mandela rules. Presently, more than 10.2 million men, women and children are in prisons globally and around a third are awaiting trials.

The revised UN standard minimum rules for the treatment of prisoners were adopted unanimously in December 2015, by the United Nations General Assembly and set out the minimum standards for good prison management, including to ensure the rights of prisoners are respected.

The Nelson Mandela rules are not entirely new, but an updated version of the 1955 Standard Minimum Rules for the treatment of prisoners. The rules were revised on eight substantive areas to reflect standards that have emerged in correctional science and human rights since 1955.

As negotiations on the revised textbook completed at an inter-governmental expert group meeting in Cape Town, South Africa, it was decided that they should be known as the Nelson Mandela Rules. This is in honour of the late President of South Africa who spent 27 years in prison and advocated for the rights of prisoners.

Applying the Nelson Mandela Rules from admission to release, the 122 rules cover all aspects of prison management and outline the agreed minimum standard for the treatment of prisoners whether pre-trial or convicted.

Rules (1) to (5) provide the following basic principles:

1. Prisoners must be treated with respect for their inherent dignity and value as human beings;
2. Torture or other ill treatment is prohibited;
3. Prisoners should be treated according to their needs without discrimination;
4. The purpose of prison is to protect society and reduce reoffending;
5. The safety of prisoners, staff, service providers and visitors at all times, is paramount.

In the local Fiji context, all Honourable Members in this august House and all Fijians have a common responsibility in the respect, acceptance, forgiveness and holistic rehabilitation of our sons and daughters under the care of the FCS (Fiji Corrections Service).

Unlocking the second prison upon the release of the sons and daughters of Fiji through acceptance into homes and society is critical.

Mr. Speaker, Sir, it is anticipated that the recommendations by the Committee is given due consideration by Government and addressed appropriately.

Mr. Speaker, Sir, with those few comments, I support recommendations on the report before the House, and I thank you.

HON. SPEAKER.- I thank the Honourable Member.

Honourable Members, the floor is now open for those who wish to contribute to this motion.

Honourable Leawere, you have the floor.

HON. M.R. LEAWERE.- Thank you, Mr. Speaker, Sir, first I would like to thank the Committee for the issues that they have found which they have summed up in the report that has been tabled which we are now debating in this Honourable House.

Mr. Speaker, Sir, the report for the 2015 and scrutinisation by the Committee makes interesting reading, the fact that there are some key issues which I would like to highlight in the brief response this evening.

The proposal for the provision of care giving allowance to Correction Officers who provide care for the elderly is on Page 9 of the Report. It is an important component in terms of having to recognise the work carried out by the Correction Officers in terms of looking after the elderly inmates in their prison walls.

Also, Mr. Speaker, Sir, the fact that 37 per cent of the prison population is comprised of youth from the age group of 16 to 35 years which has created the necessary demand for an extension of the prison amenities at Nasinu.

With that, Honourable Speaker, Sir, we hope that the Government is taking that into consideration.

Also, Mr. Speaker, Sir, the need for Traumatic Stress Disorder Programmes for Correction Officers and their families, these are also important findings that the Committee has come up with and the need for the Correction Officers to be equipped with the necessary qualification in order to tackle the work that is in front of them within the Correction Services really needs an urgent of attention for the fact that the work that they carry out is very demanding. And it is my sincere hope, Mr. Speaker, Sir, that the SDGs or the National Development Plans and its objectives to the Government is to incorporate these proposals in its policies and programmes, as well as in the national budgetary allocations to give effect to these proposals.

Mr. Speaker, Sir, there are two other pertinent issues which I had intended to highlight briefly before standing up:

1. The need for Government to grant TELS Assistance or loan scholarship for counsellors for post-traumatic stress management personnel; and
2. Set up a committee of inquiry to find out the causes of young age inmates which, by any account, is a worrying trend.

Correction Officers, Mr. Speaker, Sir, and their families go through a lot in the course of their service and they need special attention on time before the toll of service affects their lives and we cannot provide them with those kind of services anyhow. There needs to be specialists in this area and we do not have the specialists, unless we give them the opportunity to be trained and to fill up those positions.

At this juncture, Mr. Speaker, Sir, I pay my very special contribution to the faith-based bodies and Non-Governmental Organisations who take the responsibility and initiative to partly provide counsellor services and pay for the officers and inmates, so we must appreciate and value their contributions. They are doing a wonderful job to spiritually guide and inspire the inmates.

Mr. Speaker, Sir, with that short contribution to the motion before the House, I am looking forward to the Government to take the recommendation seriously as made in the Report, and not to sweep it under the carpet because in here, we are dealing with a lot of people and the society would deserve attention and action to rehabilitate and become a productive section of our nation. Thank your, Mr. Speaker, Sir.

HON. SPEAKER.- I thank the Honourable Member for his contribution to the debate. Honourable Mosese Bulitavu, you have the floor.

HON. M.D. BULITAVU.- Thank you, Honourable Speaker, Sir. My contribution to the motion before the House this evening; first of all, I was part of the Committee that compiled this Report and actually took time to listen to the presentation made by the Commissioner for the Fiji Corrections Services and the team that came to Parliament, I think that was in 2016 and 2017.

This Report, as time flies by, I was part of that Committee, then towards the end of the last Parliamentary when I lost my seat as a Member of Parliament when I was convicted for an offence which was later squashed, then I became an inmate. Then coming back now as a Member of Parliament to debate a Report which I was part of before that whole process.

A few things probably, I will bring to the House for us to note and for the Government to note from what I have heard from the presentation of the Commissioner and all the Annual Reports and its Strategic Plans and Commissioner's Intent, all the good decorative Yellow Ribbon books that were presented to us, most of the things are in book and paper and, in fact, are not the reality of what was faced by an inmate.

And what draws me to this particular debate is what the mover of the motion, the Chairperson of the Standing Committee that has tabled this report, that was on the Mandela rules. If you look at the Mandela Rule, it talks about the rehabilitation, all the basic rights and privileges of inmates, right to rehabilitation and access to rehabilitation, and the right to reintegration into the society.

I think there are a few programmes that are currently running through the Fiji Corrections Service. One was their various Yellow Ribbon Programmes under that. Their earlier releases, you have educational releases, you have work placements, but again, you go through the system.

Once you come into prison, you are categorised before you reach a special stage where you no longer wear a uniform, you wear green, so you are just like a warden too moving around, supervising or with minimal supervision. And in stages, the first few months you will be sent to the plantation, like to soften you, before you come to other stages where you will have to win back your rights and privileges on things before you go into the rehabilitation procedure that is available.

This is very important to any inmate, given that your life as an inmate is a routine job, starts with the same thing everyday, it is repeated and it becomes boring. But to connect you to the outside world, these programmes do come in to prepare you, if one day you will be released.

I will be talking today, especially for rapists. Those who have served their mandatory sentences in prison and they have rehabilitated, they have reached a special stage, have met all the requirements of the Mandela Rule but the procedure for them to follow to one day enjoy back their freedom outside the walls of prison, is one of the biggest challenges they have.

Time and again from 2015, 2016 and 2017, the *Hansard* clearly records the Honourable Attorney-General, have been asked on many occasions on the Mercy Commission and the establishment of that and also the Parole Board. These are few ways in which any inmate can access, if you are rapist, to come out of prison. You will recall, Mr. Speaker, Sir, I think at the time when you were the President of the Republic of Fiji Islands in 2011, I think that was probably the last time there was a pardon of mercy that was done to more than five inmates. But from that time till now, many who have applied for mercy, still wait.

One of the biggest requirements, as alluded to by the Honourable Attorney-General, previously is that there is need for psychologists. And psychologists, that was also a challenge that was faced by the Corrections Services on the qualification of psychologists that have to deal with inmates who have been rehabilitated and those who have shown that they can reconnect back to their families and also move on in life.

We still await the establishment of the Mercy Commission, although there have been psychologists coming around to interview inmates in prisons, interview them on their background and what they plan to do after they come out, whether they have secured a job somewhere. Many have even reached the Honourable Prime Minister's Office with good submissions, where they have guaranteed employment outside.

One in particular, a soccer player who used to play for Lautoka, Nadi and Rewa, came in on a case of a joint enterprise. And the Rewa Rugby Club had assured a contract for him if he comes out,

but they still await the approval of that through the Mercy Commission. Those are some of the issues that probably if Government could note today on the need for the establishment of this Mercy Commission through the Attorney-General in consultation with the Judicial Services Commission advising His Excellency the President on the appointment of one so that cases are disposed of.

The other one is the requirement on Section 119 of the 2013 Constitution where any convict can apply for a pardon of Mercy from His Excellency the President. But again, the limitations set by the Commissioner's practice in prison in terms of the selection of those who should qualify for Mercy Petitions are not very clear.

Sometimes, they will say that it depends on the rehabilitation officers, sometimes for rapists, it will depend if they have served their mandatory sentence but still await. But there needs to be clear practice by the Commissioner of Corrections on how inmates are selected or are qualified to petition to the Mercy Commission.

There were even inmates who have gone to court through Judicial Review applications on questioning Section 119 of the 2013 Constitution and where the Supreme Court have sat and decided that any convict can apply, even before the sentence has been laid, there is also Section 119 of the 2013 Constitution where you can ask for a partial suspension of a sentence which is pending.

Those are some of the things that probably the Government could take note of today, on how to help inmates who have been rehabilitated but do not have the opportunity to come out, given that the process set out in law is not functional.

The other one is the Parole Board where the Minister for Corrections Service on the advice of the Commissioner of Prisons probably to appoint members of the Parole Board, those who will look at those prisoners who are serving but have served their parole period.

Secondly, the current practice on Remission whereby when you come in as an inmate, the law says that one-third of your sentence is remitted but in practice, that is not done given if the non-parole period is so close to the head sentence, then you will have to serve the whole non-parole period and they will only apply the one-third remission on the leftover sentence.

From few Supreme Court rulings where prisoners have already applied through Judicial Review application to no applications, they have already stated that the Commissioner needs to bring this current practice into conformity of the law and to help inmates rehabilitate because most of the head sentence and non-parole are so close to the end of the sentence so it does not give an inmate a time for rehabilitation.

Those are some of the general views, Sir, in terms of few things that should help the Government to make decision in terms of what the inmates are facing in terms of Section 49 of the Prisons and Corrections Act and also Section 119 of the 2013 Constitution.

In terms of the materials and the basic inmate facilities, like mattresses, I think there needs to be proper look into the hygiene and also other things, like bed sheets, also the overcrowding is another concern and how old inmates are kept with young inmates. Those who on wheelchairs, those suffering from NCDs and probably the Fiji Corrections Services should isolate them somewhere, that they are kept with proper medical attention to be given to them, given that some of the inmates become nurses too in trying to become caregivers for these inmates, especially in odd hours of the night where one of the inmates becomes very sick.

Those are some of the things, Sir, from experience, from what I have seen and also from those whom I have discussed with and this is the real objective of this Report. If the real vision of Fiji Corrections Services is to rehabilitate inmates and move away from retrospective justice to rehabilitative justice then I think we need to take it very seriously. At the back of this Report, there is a Strategic Plan for Fiji Corrections Service which talks about the policies and the regulations that they are currently doing and the various plans that they do. That needs to be properly thought out and how things really need to be implemented.

The last thing that I will point to Sir, is the culture of work at the Fiji Corrections Service. From the officers' perspective, the duty roster, a young officer came to me one night before lock up in the afternoon and said, "Sir, can you help me?" I said, "What?" He said, "I want to get married." I replied, "Okay, what is stopping you from getting married?" He said, "There is a policy that before I get married, I have to write to the Commissioner and then with the chaplain they will advise and then I can get married. My girlfriend wants to leave me now, because she is not sure whether I am serious or not." I said, "Why do you have to wait for the Commissioner to get married?" Honourable Speaker, those are some of the things. Why does he have to wait for the Commissioner, just go and get married and tell the Commissioner later?

(Laughter)

The current practise, Mr. Speaker, Sir, the culture that is there and also the fear of these officers of getting reprimanded. Some are promoted this month and next month they are demoted and the fear that most of the officers have loans, hire purchase at Courts and other instalments they make, but, they are not sure of their ranks and their salary, given that they can be demoted at any time. That should be reviewed and Government to note.

I think proper leadership style and culture will help this organisation move forward into rehabilitative justice. Again I thank the Commissioner for Fiji Corrections, I think he is a product too of Yellow Ribbon and also through the CSO Provision, he should know better as a former inmate. We are talking facts here, Sir, on how he came out and also others should come out. And we should not have the rule of the animal farm where some animals are more equal than the others. We should have equality, if the Prime Minister talks about equal access to justice then everyone has to have equal access to justice.

(Honourable Members interject)

HON. M.D. BULITAVU.- Those are a few things, Honourable Speaker, Sir, to improve that and also the other recommendation as listed on how this organisation could be improved to meet the vision and the mission on how to actually reintegrate inmates to become law-abiding citizens. *Vinaka vakalevu*, Mr. Speaker, Sir.

HON. SPEAKER.- I thank the Honourable Member and I now give the floor to the Honourable Attorney-General.

HON. A. SAYED-KHAIYUM.- I thank you Mr. Speaker, Sir. Mr. Speaker, I would just like to make a few comments in respect of the findings of the Committee and just provide an update.

It is also very interesting Mr. Speaker, Sir, if you see that the Corrections Service Annual Report goes to the Standing Committee. If you want to think outside the box on Foreign Affairs and Defence, really what the Honourable Bulitavu is talking about, if you want to take a social approach to Corrections Service as opposed to, we just call it the "Prisons Department". We need to take a more social approach, a more engaging approach, so indeed we need to think as a Parliament whether it



should be in fact be going to Defence or whether it should be going to some other Committee that can have more social engagement like Social Affairs Committee, et cetera. I think we need to think about that, because that also has a psychological impact as to how we view the correction system.

Mr. Speaker, Sir, the Training Academy in Naboro continues with leadership and there were some observations made about training of staff. They are now liaising also with the RFMF candidates from FCS to attend the Senior Non-Commissioned and Warrant Officers Courses at the Force Training Group in Nasinu plus the Junior Staff Officers Course at the Officer's Training School in Vatuwaqa.

In 2017, the Fiji Corrections Service developed its first training manual, identifying the relevant course for all personnel, plus more importantly, a career path from Basic Recruit Training up to the rank of Senior Commissioned Officers.

There has also been in respect of the Close Circuit Television (CCTV), this has been an ongoing project, we already have 15 Correction Centres that now possess this capability of CCTV coverage, we continue to identify and plug blind spots within the close circuits and also extend our coverage beyond the specific Corrections Service.

We have also invested in portable hand-held body scanners. The report talks about scanning machines which we now have in all 15 Corrections Centres. We will be installing our first permanent fixed body scanner at the Maximum Corrections Centre which is included in the scope of work in the current renovations at that particular centre.

We intend to extend this capability to the other 14 Corrections Centres. The hand-held scanners have provided the necessary lift to support our security operation because as we know that there is a lot of contraband.

The Vocational Training Centre in Nasinu Corrections Service was launched on 6<sup>th</sup> November last year by the Permanent Secretary for Education. The school is now a registered organisation and recognised through our training academy by the Higher Education Commission. In other words, the courses that they will actually complete will be recognised outside that particular facility.

We have also started the Delivery Vocational Trainings at this Corrections centre, Mr. Speaker Sir. Nasinu is dedicated for the first time, young offenders with the age range from 18 to 25 plus also the elderly prisoners; 60 years and beyond. For the latter, we provide caregiving services also.

Yellow Ribbon Programme, Mr. Speaker Sir, which we started under the Bainimarama Government continues to be the flagship of our outreach rehabilitation initiative to support our core business of through-care or service in return. It ensures that the offenders do come into the system that we do not have a higher rate of recidivism.

As we know that a few years ago, the rate of recidivism in the Corrections Service in Fiji was 50 percent. In other words if 100 people went to prison, 50 percent went back in again. That is a very high rate of recidivism and through the Yellow Ribbon Programme, it not only provides opportunities for those offenders to be trained with skills and give them a sense of self-worth and be able to integrate back into society. As we know that we have Open Days, for example, Sukuna Park where they actually come out and display what they have actually made.

We have and I would also like to acknowledge people like Jane Ricketts, who has been providing wonderful services through the arts gallery opposite Korovou Prison. It has been a wonderful opportunity and we, in fact, have tourists coming into the art gallery and buying these art pieces and some of them, indeed, are master pieces. So, Mr. Speaker Sir, this is all part and parcel of the Yellow

Ribbon Programme, it was the rate of recidivism. The current rate of recidivism is 1.26 percent which is equal to 26 persons. That is how low it has become.

Mr. Speaker, Sir, I also remember when I worked as a Prosecutor, I remember in one of the High Courts over here, there was an appeal by a couple of men who had escaped and they were appealing the sentence. There is one particular gentleman and I was informed by the Corrections Service that he was released that afternoon, he had finished his sentence in the afternoon round about 2 p.m. By 5 p.m. he was already in the Bowling Club stealing from someone's yacht. Then they actually got caught, they took away all the radio equipment, et cetera, he was back in again. I was told that he had gone in at the tender age of 17 or 18 and he was about 36 years old at that time. He had spent 16 years of his life thereafter in prisons.

Mr. Speaker, Sir, we want to break that cycle and indeed we have been breaking that cycle. We will continue to invest, we have of course worked with various NGOs, various organisations, with the Provincial Councils also, with the various church organisations to ensure that momentum is carried through.

Again Mr. Speaker Sir, in respect of the respective Act that has been referred to and in Part (2), that is currently being worked upon with the Solicitor General's Office and we will make sure that, that gets addressed very soon. There are currently six psychologists that are actually engaged by Fiji Corrections Service including of course the Senior Psychologist which makes it seven. This is far from the days when we had only one, so again as the Honourable Bulitavu highlighted, that there is a need to ensure that we have psychologists to be able to carry out the proper assessments. I just wish that he speaks for some time rather than sort saying things across the Chamber.

The Mercy Commission has met. The Mercy Commission actually had a meeting about two to three weeks ago. The Mercy Commission has actually recommended nine persons to be given the pardon to His Excellency the President. It has already been on foot. All he had to do was ask. We had morning tea, lunch time tea, ask?

Honourable Radrodro asked me about a particular inmate and I said to him, "please apply and he has given me the letter and that will go to the Secretariat of the Mercy Commission." The system is in place. So, Mr. Speaker, Sir, again in respect of some issues raised about the rental properties that FCS actually has and of course, Mr. Speaker, Sir, we are constantly looking at balancing the books as far as the budget is concerned. So sometimes it is better to actually rent premises, other times may be better to build, strategically it does matter also for us so we are going through that particular exercise and the reality is that just generally highlighting about the conditions.

Some of the lawyers may actually remember back in the 1990s, the then Chief Justice and some of the senior members of the bench were extremely concerned about the conditions in Korovou and they actually paid a visit to Korovou. It was very unusual for judges to visit the prison system and they found the horrendous conditions that our prisoners, not just who were in custodial sentences, but those who were in remand. People were mixed, people in remand and those with custodial sentences were actually mixed.

You are supposed to keep them separate. In some of those old cells, the walls were peeling off, you would invariably catch some kind of skin disease if you went into those cells. You had to, the conditions were so terrible. Whether it was from ringworms to any other type of skin ailment and you had one bucket in a corner of the cell.

I am not talking about 50 years ago, I am only talking about a few years ago. You had public humiliation and your integrity being thrown away from you while you defecate or urinate, whilst the

other five or seven people watched you do it; people you do not know at all. That happened only recently. That no longer happens in any prison now.

So, Mr. Speaker, Sir, we have come a long way. We want to adhere to international standards. If you look around Fiji, right from Taveuni to various other places, the conditions of the cells have actually improved. We now have specific career paths for our officers and, of course, a lot more will be done and can be done and we need to do that because many of the people who do go into prison, are actually young people.

It is not to say people should not, some people have said to us, “Yellow Ribbon Programme that means you are letting people off very easily.” No, that is not the case. The reality is, people have to serve their sentence. The reality is, we need to have that deterrence effect but also at the same time, we need to ensure that when people do come out, they integrate well into our society.

So I would like to thank the Committee for this Report and I just wanted to very briefly brief Parliament in respect of the many changes, in fact, that have taken place since the 2015 Annual Report was tabled in Parliament. Thank you, Mr. Speaker.

HON. SPEAKER.- I thank the Attorney-General. I give the floor to the Honourable Niko Nawaikula.

HON. N. NAWAIKULA.- Honourable Speaker, very briefly I would like to contribute to this debate by asking the Minister responsible to please look at the welfare of the prison officers as well as the prison inmates.

I am happy to hear from the Attorney-General that the concerns of the welfare of the prison inmates will be looked into and I wish to note that complaints have been coming in relation to overcrowding and the status of facilities, even at Suva and in Lautoka. So having heard from the Honourable Attorney-General that this will be looked into, I sincerely hope that that will eventuate.

In relation to the prison officers, they have really suffered in their conditions of work and they have been treated no less than slaves by the authorities from the Commissioner of Prisons, echelons coming down. In Nasinu, some time ago when the higher authorities demanded that they clean up and that was not done, they were punished by their salaries being deducted; totally unfair, they do not have any union so they do not have a voice in relation to those.

The other thing that I wish to ask the Minister is to look into or what has happened to the Community-Based Prisons Act, the Community Based Act that we have passed in 2018, what has happened to that? The purpose of that was to encourage community-based correction services to encourage the Government to work with Faith-Based Organisation in relation to the welfare of the prisoners.

Finally, if I am also ask the Minister responsible for prison to ask why? Of course, 2015 was the date of the Naboro Mart Limited, why did he, in 2015 allow that to happen to the extent that there were market sheds in Naboro, Vaturekuka and in Suva and was left to carry on in that way for some time until it was raised, finally, by the OAG, but the whole public knew and yet we have a Minister responsible for that, and if I could ....

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, a Point of Order.

Mr. Speaker, Sir, the matter that the Honourable Member is raising, he knows very well is a matter before the courts in respect of the investigation that emanated from the Auditor-General's

Report. We are not here to discuss matters that are before the court. He knows that people have been charged in this respect and therefore he should refrain from discussing those matters in Parliament, that is a separation, people have been charged, you know that.

HON. N. NAWAIKULA.- I am not raising here an issue about those that were accused. I am raising here the points that were raised by the OAG, that is fairplay. If I talk about the individuals who have been charged then that is out of order, but raising a point, simply repeating what was raised in the OAG, in my view, that is all right for Parliament to hear that, just to note here, this is what they said: "The FSC officers are operating a private company, Naboro Mart Limited, on the FSC premises in Naboro, Suva, Natabua and Vaturekuka". That is not a matter for the court, that is for public interest.

HON. A. SAYED-KHAIYUM.- Of course, it is a matter for the court.

HON. N. NAWAIKULA.- And to note that \$882,000....

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, again, a Point of Order. The Honourable Member is using his privilege to speak in Parliament, again he is traversing on areas ....

HON. N. NAWAIKULA.- I am not talking about that.

HON. A. SAYED-KHAIYUM.- ... and the Honourable Member also knows that the subject of the investigation which resulted in people being charged has directly to do with the matter he is raising. It would be nice if he maintains a particular level of professionalism and decorum. Please, this report is about the Annual Report, and he is going on to matters that are directly or indirectly before the courts, Mr. Speaker, Sir, and he is taking huge liberties.

HON. N. NAWAIKULA.- I am not allowed to read from here - this is the OAG Report, that is what I am doing.

HON. A. SAYED-KHAIYUM.- It is not the OAG's Report. This is the Annual Report of the Correction Services 2015 that you should be reading from, not from the OAG Report, nor any subsequent matters they allow into that.

HON. N. NAWAIKULA.- It happened in 2015, it is part of the report.

HON SPEAKER.- Honourable Member, we are talking about the report that is tabled before the House. That is the report we are talking about and you quoted from the OAG's Report but that matter, as you well-know, is before the courts, and anything before the courts, we do not touch it. You quoted part of that but the thing is, the more you go into it, the more you are getting yourself ....

HON. N. NAWAIKULA.- Well, I just close by saying that that happens to that was made in the report and if you want to look at it (Page 3) - about the payment of certain amounts that should have surely come from there.

HON. SPEAKER.- Honourable Salote Radrodro.

HON. S.V. RADRODRO.- Thank you, Honourable Speaker. I thank the Committee for this report and my short contribution is focussing on Recommendations 5 and 6 on the Yellow Ribbon Programme and I quite agree with what the Honourable Attorney-General had said in regards to the report and its social impact and maybe going to the Social Committee.

In my recent visit to the Women's Prison in Korovou, I saw a child about two or three years old, and I inquired and I was told that the mother actually gave birth in prison, and when the Honourable Attorney-General highlighted the issue, the social impact or the physiological impact on this child's growth or childhood, I am wondering what kind of services are offered to the mother and the child in there. That brings me to the point on the Yellow Ribbon Programme and I also acknowledge what the Honourable Attorney-General had said about those that have been considered under the Yellow Ribbon Programme and the Mercy Commission.

The women in there raised their concern with me that they have been well-equipped in terms of training, preparing themselves to assimilate back into society, and they were advised that they were going to be on the Yellow Ribbon Programme, but until the time they are still inside there, and also some whose names were submitted to be considered under the Mercy Commission, and I am glad that the Honourable Attorney-General had mentioned that some have been considered, but I would make a request to the Honourable Attorney-General in regards to the women, if they are indeed being considered under the Yellow Ribbon Programme and also under the Mercy Commission.

Otherwise, as I see it, the Yellow Ribbon Programme tend to have some kind of selective application and that being so, we have known of those that have been part of that Yellow Ribbon Programme, and I am saying this in regards to the women that are inside the prison, why are they not considered along that Yellow Ribbon Programme, to be able to help them assimilate back into society, particularly to their families. That is my earnest request to the Honourable Attorney-General, if women prisoners could be relooked at in regards to the Yellow Ribbon Programme, and also those that are listed for the Mercy Commission consideration.

Thank you, Honourable Speaker.

HON. SPEAKER.- I thank the Honourable Member. I give the floor to the Chairperson of the Standing Committee on Foreign Affairs and Defence, to speak on your Right of Reply. You have the floor.

HON. A.D. O'CONNOR.- Mr. Speaker, Sir, I have no further comments. Thank you.

HON. SPEAKER.- Honourable Members, the Parliament will now vote to note the content of the report.

Does any Member oppose the Motion?

(Chorus of 'Noes')

HON. SPEAKER.- As no Member opposes, the motion is agreed to.

Motion agreed to.

Honourable Members, I give the floor to the Chairperson on the Standing Committee on Economic Affairs, the Honourable Vijay Nath. You have the floor, Sir.

## **REPORT ON THE FIJI FINANCIAL INTELLIGENCE UNIT ANNUAL REPORT 2014**

HON. V. NATH.- Mr. Speaker, Sir, I move:

That Parliament debates the Report on the Fiji Financial Intelligence Unit Annual Report 2014, which was tabled on 8th March, 2018.

HON. V.R. GAVOKA.- Honourable Speaker, I beg to second the motion.

HON. SPEAKER.- Honourable Members, I now invite the Chairperson of the Standing Committee on Economic Affairs to speak on the motion. You have the floor, Sir.

HON. V. NATH.- Thank you, Honourable Speaker, Sir. On behalf of the Honourable Members of the Standing Committee on Economic Affairs, I take this opportunity to speak on the motion.

Mr. Speaker, Sir, the Fiji Intelligence Unit (FIU) is an independent and administrative statutory agency of the Fiji Government. At the time the Report was produced, FIU was in its 10th year of operation and it continued to be the lead agency in combating money laundering and related serious crimes which are on the rise in Fiji.

In reviewing the Report, Mr. Speaker, Sir, the Standing Committee on Economic Affairs commended the work being undertaken by the FIU which covers administration of the Financial Transaction Reporting Act 2004, enforcing companies' compliance by financial institutions and combatting money laundering, tourism financing and other serious crimes. However, the Committee felt that FIU, though was performing extremely well, needed to further strengthen the ability to combat ever-growing criminal activities taking place globally, and this would enhance the effort should they become a standalone entity in future.

In this regard the Committee, after fully reviewing the Report, recommends that:

1. FIU needs empowerment to enforce compliance on anti-money laundering; and
2. FIU to continue to build capacity, to address the gap that exists with law enforcement agencies, to be able to carry out their work effectively.

On the same note, the Committee commended the capacity building effort carried out by the Fiji Police Force in support of the FIU and urge that this practice be continued.

The Committee believes that FIU has made tremendous progress in the fight against money laundering and other criminal activities, such as smuggling of drugs into Fiji.

Mr. Speaker, Sir, with those few comments to enlighten the House, as the Member moving the motion, I thank you for this opportunity.

HON. SPEAKER.- I thank the Honourable Member.

Honourable Members, the floor is open for anyone wishing to contribute to the debate. Honourable Viliame Gavoka, you have the floor.

HON. V.R. GAVOKA.- Thank you, Honourable Speaker. I rise to make a short contribution on this Report being a Member of the Economic Affairs Committee to scrutinise this Report for 2014.

As a bit of background, Honourable Speaker, the Fiji Intelligence Unit is a creature of the Ministry of Justice. It was established back then in the time of the Honourable Attorney-General, Mr. Qoriniasi Bale, and in other jurisdictions all over the world, it is an independent body and it exists on its own. But at that time the Honourable Attorney-General then asked the person whom they nominated to run this agency on where he wanted to be located at that time, given the resources available in Fiji. He said it was best that they come under the Reserve Bank of Fiji (RBF), and that is the arrangement that has been there since then.

As the Report states here that in other countries, it is independent and it stands alone but for Fiji at this time, it has been working well under the RBF's umbrella, given the RBF's linkages to the business community in Fiji but having said that, I think we should be heading towards the day when the FIU stands alone. FIU is then linked to a number of bodies in the country, such as the Police, Fiji Independent Commission Against Corruption (FICAC), Immigration and the Fiji Revenue & Customs Authority (FIRCA). It is very high powered and they call for very specialised people.

One of the recommendations that we have identified lately when we did the recent Report was that, members of the FIU, even some the Police, should be people who serve with longevity, because the nature of the intelligence is that, you have to know a lot of history on a particular case. So, those in the Police Department or in other areas linked to FIU have helped the people in a stable environment and highly trained, and they are also very marketable. So, there is a danger here in retaining this quality of staff in FIU.

Our recommendation here is to encourage the building of capacity and also to empower them in areas where they need to execute their role. They are linked to a lot of global organisations and it behoves us to make sure that they are part of them because it is now a global game. Lately, Honourable Speaker, they even had a case involving Mexican cartel. When I heard about that, I said our little Fiji and we know how big the Mexican drug lords are and how they play on the whole scheme, but Fiji sometimes is part of that Mexican cartel and I suppose you could bring in the Colombians, et cetera. So, it is a huge network of crime that we need to be able to combat.

And it worries me, Honourable Speaker, that in our recommendations in the Committee, we are recommending that they become stronger, they are strengthened. As I said, the latest was that they need to have direct link to Interpol. Interpol in Fiji is with the Police, but FIU right now is asking for the ability to link in directly to Interpol in Fiji, because if the Police can only open during office hours, whilst a case may appear on the weekend, they should be able to have the ability to link into the Interpol. So those are all the areas where FIU needs to be strengthened.

I say these, Honourable Speaker, because it worries me that the IMF in its recent report laid some very strong observations about Fiji. I read this from the Report, I quote:

“Available evidence based on indicators and collaborative reports, points to governance and corruption vulnerabilities notably in fiscal Government, rule of law and regulatory framework, financial oversight and entire money laundering.”

So there is still a question mark about our ability to combat money laundering and that is why it behoves us, it behoves this House. We are very proud of the people who came to present to us. They were very highly specialised people but it appears that in the eyes of the global community, Fiji has got a long way to go, and that is exemplified by what IMF had said recently about the ability to combat money laundering.

So all in all, Honourable Speaker, it a great organisation, we should feel proud that we have an FIU but in years to come, it must be a standalone and independent agency. Reserve Bank of Fiji (RBF) is doing a wonderful job but I think it could be that IMF is making these observations that it needs to be further strengthened.

In the course of the week, I would really ask Government to try and explain why IMF has said this about our ability to combat these types of crime. Thank you, Honourable Speaker.

HON. SPEAKER.- I thank the Honourable Member for his contribution today. Honourable Attorney-General, you have the floor.

HON. A. SAYED-KHAIYUM.- Thank you, Mr. Speaker, Sir, just a few comments in respect of the FIU. Since the Report was last tabled, the FIU has, in fact, gone through some changes. It has been further strengthened through amendments to the Financial Transactions Reporting Act 2004.

Under the 2017 amendments, the Financial Transaction Reporting Act 2004 now provides the FIU with the powers to apply sanctions to any financial institution and under the Act itself, a financial institution includes lawyers, accountants, real estate agents because generally this is where you see where money laundering does take place.

A few years ago, we used to hear people turning up buying houses with a suitcase full of money and that is how the transaction actually took place. Some people may be familiar with that but, Mr. Speaker Sir, the reality is that, now they have the ability to issue directives to these financial institutions. Now, also, Mr. Speaker, Sir, it can enforce regulatory guidelines to ensure the integrity and safety of Fiji's financial system from abuse, money launderers and criminals.

Mr. Speaker Sir, the Honourable Viliame Gavoka is absolutely right that we ourselves, for example, sometimes find people coming in through as supposed investors. Ostensibly, they are investors but, in fact, they are not, they are simply coming here to launder money. For example, before Investment Fiji gives the Foreign Investment Certificate they go to FIU and they provide a check for that.

Many people have come to Fiji and I have seen some business people in Fiji. Let us talk to them and take them out to *Tikos* and various other places but these are simply people who are not just money launderers but also see Fiji as a destination where they can actually scheme funds. We have seen that, we have seen the \$6 billion schemes in Lautoka and various other places where people came along and offered, "We will give you \$6 billion" overnight. These people are essentially all schemers and if you go to FIU, they will tell you exactly their background.

The FIU does work very closely with Australia and New Zealand agencies and, of course, organisations like Interpol and they provide support to the Fijian Police Force and even organisations, like FICAC, et cetera.

The FIU is actually housed within the RBF premises, but they do operate independently. Yes, of course, it would be ideal to have them completely separate in a completely different premises but even though they may be housed in the same building, it does not mean that they do not have the intelligence – they have their own intelligence and also their own independence. We do not provide any specific funding for them, the RBF very generously actually provides the funding for them but they do maintain their independence.

Mr. Speaker, Sir, the reality is that, we do need FIU, we need to maintain our financial integrity systems and we will continue to work with them. Recently, Mr. Speaker, Sir, you may have seen that through a particular drug criminal who came to Fiji and there was a forfeiture of his assets. He had bought some assets in Fiji, I think it was approximately about \$90,000 and those assets were liquidated and the New Zealand Government actually said to us that we can actually keep those funds. And we have said that we will apply those funds in our quest to actually end money laundering and also to keep up to pace with the criminal elements.

The fact that the New Zealand Government asked us to actually keep those funds indicates a particular level of confidence in how we are managing that end of the business in respect of money laundering in FIU's work. So, Mr. Speaker, Sir, we would like to congratulate the team at FIU and we look forward to working together with them, and I would like to thank the Committee for their Report.



HON. SPEAKER.- I thank the Honourable Attorney-General. I now give the floor to the Chairperson of the Standing Committee on Economic Affairs to speak on his right of reply. You have the floor, Sir.

HON. V. PILLAY.- Mr. Speaker, Sir, I have no further comments.

HON. SPEAKER.- Honourable Members, Parliament will now vote to note the content of the Report.

Does any Member oppose the motion?

(Chorus of 'Noes')

HON. SPEAKER.- As no Member opposes the motion, the motion is agreed to.

Motion agreed to.

HON. SPEAKER.- We will move on.

## QUESTIONS

### Oral Questions

#### Reconstruction of Schools - Post-TC Winston (Question No. 45/2019)

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

Can the Honourable Attorney-General and Minister for Economy, Civil Service and Communications explain what Government will do differently after evidence of major defects in the post-*Cyclone Winston* 2016 reconstruction of schools, like QVS and St. John's College, Cawaci, to ensure standards comply with the National Building Code?

HON. A. SAYED-KHAIYUM (Attorney-General and Minister for Economy, Civil Service and Communications).- Thank you, Mr. Speaker, Sir. I would like to thank the Honourable Ro Teimumu Kepa for this question.

Mr. Speaker, Sir, of course, this reconstruction or rebuild programme that the Honourable Member is actually talking about, was in the aftermath of the strongest storm that ever hit the Southern Hemisphere - Category Five Cyclone that hit Fiji and left trail of destruction. It wiped off one-third of the value of our GDP by approximately US\$1.3billion.

In respect of schools specifically, Mr. Speaker, Sir, the Construction Implementation Unit (CIU) was initially given 166 schools to rebuild, of which 143 have already been completed and the remaining schools will be completed by July this year.

Mr. Speaker, Sir, there are three categories of the rebuild and one of them was, the Government actually funded it entirely on its own and the CIU was completely responsible for the rebuild. In other words, they brought in the consultants, engineers, construction company, they went through a tender process through the Fiji Procurement Office, the Government Tender Board awarded the tenders and that was the one processes which we funded.

The other methodology, Mr. Speaker, Sir, was something that we came up with which is called, 'Adopting a School.' In 'Adopting a School', there were two categories and one was, where a particular country or organisation said that, "we will fund school 'x' for the rebuild" or "we will fund a particular building in school 'x'". And so countries, for example, Japan, India, United Arab Emirates and organisations, for example, Fiji Ports Authority and various other organisations - the Red Cross, Friends of Fiji/China, they are the ones who actually said, "Here is the money" or "we will choose school x, tell us how much it is going to cost, we will give you the money to rebuild that school", so again, the engineering, the architecture. And let me remind Honourable Members of this Parliament that over 95 percent of all the schools that we rebuilt did not even have architectural plans or engineering plans. We had to do it from the scratch so those ones that were adopted, CIU did the rebuild and they were completely in charge of it.

There was another category of 'Adopt a School' and they were undertaken by Indonesia, the US Navy, Australia and New Zealand. Australia had responsibility for Koro Island and they are still building the schools, I know some members have raised that, but that is the responsibility of Australia. I understand they have got some problems with the local contractors.

New Zealand adopted schools in Vanuabalavu. They have already completed, it is all done and dusted. Indonesia said, "We will rebuild QVS." US Navy said St. Johns College in Levuka. Now, there was absolutely no carriage of responsibility by CIU in respect of the rebuild in those four schools – Vanuabalavu, Koro, St. Johns and also QVS. The materials they bought, the supervision that they went through was done entirely by them.

Of course, at that time, Mr. Speaker, Sir, in hindsight because there was such massive devastation, the way it was dealt with, "well, alright, they are offering to do it, let us take their assistance" so they dealt directly with the Ministry of Foreign Affairs and Ministry of Infrastructure and Transport.

Mr. Speaker, Sir, for the QVS specifically, the Indonesian Government, as I said, dealt with the Ministry of Foreign Affairs. After they had done the plans, et cetera, CIU was brought in but they recommended to them to engage local consultants, local engineers for supervision and sign off process. However, that suggestion was not considered. As a result, Mr. Speaker, Sir, the construction at QVS, they brought in prefabricated building material. In fact, I was shown a sample of it, it was quite heavyduty and I was going to bring it in Parliament for the fact of it, but it is actually quite thick and, in fact, it can be quite toxic.

However, Mr. Speaker, Sir, following the reconstruction by Indonesia, it was subsequently discovered that the construction was not up to scratch and did not meet the local standards. So when CIU was asked to go and fix up the problem, then they discovered that the problem was a lot bigger and we all know that. The reality is that, we need to rebuild it. So what have we learnt from this?

We have learnt that next time, if anyone wants to adopt a school, we must insist, and indeed, we must only accept that assistance if we have complete control of it, in respect of them engaging local consultants, local construction companies and adhering to local building codes.

Mr. Speaker, Sir, what will happen at QVS? There is already a final master plan at QVS that has already been undertaken prioritising the teaching and learning area first for 1 x 6 double-storey classroom. The tender has already been called and evaluated. Preparation of another set of tender documents for dormitories are underway to accommodate 800 students, Mr. Speaker, Sir, and that again, the tenders will be going out for that.

In respect to St. John's College in Cawaci, the reconstruction was carried out by the US Navy during the intermediate rehabilitation phase after *TC Winston*. The existing materials that are left after the havoc of *TC Winston*, we found this later on, together with new material, it was actually mixed together such as roofing iron and coal formed purlins were used without any engineering plans or material specifications. The purlins, Mr. Speaker, Sir were cut and welded on site to use as trusses commonly known as "rafters" in Fiji. The same materials were used for the purlins but installed wrongly and I have been shown the angle at which it should be and how it was not. Accordingly, as a result of that, and we had similar strong winds subsequently, it did not withstand those winds, that is why the damage took place, Mr. Speaker, Sir.

For the Honourable Member, we of course, many of us have learnt from this particular problem. All the schools that have been reconstructed by Construction Implementation Unit (CIU) after the wake of *TC Josie*, *TC Keni* and *TC Gita*, nothing was damaged. They withstood all those strong winds.

Mr. Speaker Sir, I also wanted to highlight to you that all the schools that we have rebuilt, we have actually given a cyclone certification. So the individual school managements can actually go out and get cyclone insurance. So when the Honourable Prime Minister has gone to certain schools, apart from handing over the key, he actually gives a cyclone certification for those particular buildings. I have got all the details as to how much wind they can withstand, et cetera.

There is one other issue that I wanted to highlight that has never been done in Fiji before. We, Mr. Speaker, Sir, have now engaged in what we call, the Capital Projects Database where all the schools that we have rebuilt, they were rated what we call, "R3" to "R5" will be numbered and properly tagged according to its wind speed compliance together with all the project completion documents such as building plans, engineer's certificate and the materials database.

If you go to all the schools that we have already rebuilt, you can click on the button and you will find, for example, building in some school in Tavua, every single material, the certification is all there. So next time when there is a damage, we know exactly what to use and we know exactly what was blown away. That was never been done and of course will help us with all the planning, it will also help us in terms of calling for tenders, et cetera, in the future. It will help us to prepare for future budgetary provisions and Mr. Speaker, Sir, which we are not very good at in Fiji, periodic maintenance. Periodic maintenance is very, very critical and for future extensions, Mr. Speaker, Sir.

To answer the Honourable Member's question, what will we do differently in respect of those two schools? Most definitely, we would insist upon them complying with local standards. Thank you, Mr. Speaker, Sir.

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

HON. RO T.V. KEP A.- My supplementary question to the Honourable Attorney-General is what type of professional expertise do you have in your CIU, to ensure that the challenges and gaps that you have just outlined here will be compliant to the National Building Code, so it will not happen again? Thank you, Honourable Speaker.

HON. SPEAKER.- Honourable Attorney-General.

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, I thought I had answered the question.

Mr. Speaker, just to reiterate, the schools that CIU has had direct control over, they were all compliant and the reason why they are compliant, Mr. Speaker, Sir, the Honourable Member probably

does not understand this because in her term in Parliament or when they were in Government, they did not outsource.

We actually have engineers that are engaged, we have construction companies, we have all sorts of geo-tech studies that are being done to ensure the integrity of those buildings. So we get the experts, we get them to do the work for us, there is also what we call, Professional Indemnity Insurance. In other words, if they do not get it right, they can actually be sued by us and taken to task, and that is the beauty of it. When you outsource it and you get the right people to do the work, you actually have a fall-back position.

(Honourable Member interjects)

HON. A. SAYED-KHAIYUM.- Yes, absolutely!

We have people who do pay fines, people who actually pay cost to us when they are out of timey. So as I highlighted, in respect of QVS and St. John's College, of course, we accept the fact that it was not done correctly and it was because we accepted the assistance by those respective organisations or countries, and we will now insist upon adherence to local standards. Thank you, Mr. Speaker, Sir.

HON. SPEAKER.- I thank the Attorney-General. Honourable Nawaikula.

HON. N. NAWAIKULA.- The other two categories where certification is issued, what person or authority issues those standards to certify that they comply with engineering and planning?

HON. SPEAKER.- Honourable Attorney-General, you have the floor.

HON. A. SAYED-KHAIYUM.- These are qualified engineers, whose certification is actually accepted and recognised by banks and various other organisations in Fiji, Mr. Speaker, Sir. These are generally people who are outsourced.

HON. SPEAKER.- Thank you.

HON. RO F. TUISAWAU.- Honourable Speaker, I thank the Honourable Attorney-General for the explanations.

One of the main concerns that you have touched on is the annual property maintenance because in all the three Government schools - ACS, QVS and RKS, when we go in during enrolment, it is still an issue. So that is something I would suggest. It does not have to be costly because it can be done by just a few contractors during the holidays. If they can do that during all holidays, there will be a lot of issues which could be fixed. So just going through the boarding schools, at the beginning of this year, all the maintenance issues were still there and that included electrical wiring exposure, et cetera.

The other issue is the audit of electricity or checking on the wires. So that is something which I thought I just share. Just a question on QVS, in 2016, the former Minister for Education said, "We will make QVS state-of-the-art." So I am asking, what is state-of-the-art?

HON. SPEAKER.- Honourable Member, the Honourable Attorney-General is responsible for this question and now you are asking the former Minister for Education. That is ....

HON. RO F. TUISAWAU.- Because the Government side used the term, "state-of-the-art". If you look at the meaning of state-of-the-art, that is really something out of this world, so I am asking them, what does the Government mean by state-of-the art at QVS? Thank you.

HON. SPEAKER.- Honourable Attorney-General, you might like to answer that question. What is this state-of-the-art?

HON. A. SAYED-KHAIYUM.- Mr. Speaker, I already sensed that I might give some credibility to the question by actually answering it.

Mr. Speaker, Sir, of course, the question is directed to the former Minister for Education, Honourable Dr. Reddy, but I would like to respond to the question regarding annual maintenance of Government schools.

Honourable Member, one of the requirements through the Ministry of Education is the selection of the heads of schools and being the head of a school means, you take a holistic approach to your school. And one of the things we found is that, many heads of schools, including principals, have absolutely no care in the world. A part of their responsibility is to report regularly in particular, the Government schools, to the Ministry of Education.

There is actually an Asset Management Unit (AMU) in the Ministry of Education so they can actually respond to it. In fact, I found a year or so ago that one of the principals in one of the Government schools rather than actually informing the Ministry of Education to say, “the cistern in the toilet is not working, et cetera”, decides to have a fundraising. When we are trying to reduce the burden on parents, they want to go around and have all these side shows. So, part of the responsibility lies with the heads of schools to regularly inform the Ministry of Education and the Minister, so they can have their AMU Unit roll out those programmes.

HON. SPEAKER.- I thank the Honourable Attorney-General.

Ministry of Health – Customer Care Toll-Free Line  
(Question No. 46/2019)

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

Can the Honourable Minister for Health and Medical Services update Parliament on the Ministry’s call toll-free 157 customer care?

HON. DR. I. WAQAINABETE (Minister for Health and Medical Services).- Honourable Speaker, thank you for this opportunity to answer the question and thank the Honourable Member for the question.

The Ministry’s call toll free 157 is an essential patient engagement tool and allows the patient, the family and the public to inform the Ministry and provide feedback on perception, strengths, weaknesses and subsequently the quality of health service provided.

Since the establishment of 157 Customer Care by the FijiFirst Government in June 2017, the Ministry has registered a cumulative total of up to last week 6,161 tickets, 90 of these tickets have been addressed and considered closed with identified processes in place for improvement.

The Ministry has a unique complaint mechanism where the general public can either call, text or email. Many countries like the National Health Services in United Kingdom only utilize a written format. With the three available options, we found that this makes it more easier and friendlier for Fijians to give feedback. This is also being proven by some of the literature around this in evidence based mechanism.

Mr. Speaker, Sir, 10 percent are still open but has been acknowledged and currently investigated as part of quality improvement processes. The fact that we have closed 90 percent is a very high response rate that augurs well with our endeavour for customer care.

Improvement in the turnaround time of acknowledging feedbacks is one of the reflections of customer focus services the Ministry values.

We have made the complaints cycle so important that staff want to resolve them as soon as possible. We have also ensured that other mechanisms follow an algorithm such as that it does warrant action or health system review.

The highest feedbacks received so far, Honourable Speaker, is 23 percent on delays and waiting time. On this, the Ministry has strengthened of the last one and a half years and continues to strengthen processes to address certain areas such as:

- Reducing waiting for medical reports from four weeks to five to ten working days;
- Patients visiting the emergency department can be assured that within four hours of getting into the emergency department, they will be seen depending on case severity;
- A fast track system is in place to address the long waiting times for patients in emergency although delays will be expected if patients receive investigations and are waiting for investigations to come back;
- The strengthening of patient triaging in all General Outpatients Departments;
- Case referrals to other health facilities for investigations such as x-rays and ultrasound to reduce waiting time; and
- The Ministry will also look in partnership with private facilities local and overseas to reduce waiting time on certain results such as MRI and occasionally we have sent blood test overseas for certain blood test that many not be available here.

Honourable Speaker, 10 percent of feedbacks are on unsatisfactorily treatment and poor staff attitude. The complaints as alluded to earlier are currently under disciplinary process or the council's responsible are on track.

The Ministry, in partnership with the Department of Foreign Affairs and Trade from Australia, is focusing on strengthening customer-service through knowledge and capacity-building and conducting patient-experience service in all health facilities. Patient-experience serving results will be used to gauge service-quality and improve information for strategic direction to strengthen health services delivery across Fiji.

Thank you, Sir.

HON. SPEAKER.- I thank the Honourable Minister.

Honourable Dr. Ratu Antonio Lalabalavu, you have the floor.

HON. DR. RATU A.R. LALABALAVU.- Thank you, Mr. Speaker, Sir, a supplementary question to the Honourable Minister for Health: what is the budget allocation for this Toll-Free-Line? Thank you, Mr. Speaker.

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

HON. DR. I. WAQAINABETE.- Sorry, I cannot provide specific figures.

(Honourable Members interject)

HON. SPEAKER.- Is that a supplementary question you wish to ask?

HON. LT. COL. P. TIKODUADUA.- Yes, Sir.

HON. SPEAKER.- You have the floor.

HON. LT. COL. P. TIKODUADUA.- Sir, I thank the Honourable Minister for the initiative on the 157 Customer Care.

My question to the Honourable Minister is: what does the Minister have to say about improving the accident and emergency facilities at major hospitals, like CWM, where the lack of facilities and the lack of hygiene and sanitation is quite evident, because, Honourable Speaker, 12 months I have been admitted there, and I went for 12 months again later and no improvement because the waiting room for people coming in has been converted to waiting room for patients, so absolutely no progress, Honourable Speaker. Thank you.

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

HON. DR. I. WAQAINABETE.- Thank you, Honourable Speaker. The original question is on the 157 complaints line, but certainly there are budget provisions for improvement of the Emergency Department and for that, certain facility upgrades have been done.

One of the issues about Emergency Department is that, it is 24/7, there is a high flow, so we cannot actually close it to do major repairs, so that is one of the reasons why certain improvements have to be done on a step by step basis. Thank you.

HON. SPEAKER.- Thank you. We move on to the next question.

COP 23 Presidency - Communications & Public Relations Services  
(Question No. 47/2019)

HON. LT. COL. P. TIKODUADUA asked the Government, upon notice:

Can the Honourable Attorney-General and Minister for Economy, Civil Service and Communications inform Parliament whether he waived procurement regulations in respect of tender process at any time for communications and public relations services provided to the COP 23 Presidency?

HON. A. SAYED-KHAIYUM (Attorney-General and Minister for Economy, Civil Service and Communications).- Thank you, Mr. Speaker, Sir. I cannot waive procurement regulations. The regulations allow me to waive certain processes.

HON. SPEAKER.- We move on to the fourth Oral Question for today.

Access to Good Healthcare  
(Question No. 48/2019)

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

Often it is thought that people in rural areas do not have access to good healthcare. Can the Honourable Minister for Health and Medical Services inform Parliament on what is the Government's stand in this regard?

HON. DR. I. WAQAINABETE (Minister for Health and Medical Services).- Thank you, Sir, and I thank the Honourable Member for that question.

I would like to inform this House that Fiji's health system is based on a primary healthcare model aimed at delivering basic care to all Fijians and also aspires for universal health coverage which is also something that the World Health Organisation (WHO) has pioneered and is championing all around the world.

We have 207 health facilities in Fiji with three divisional hospitals, two specialised hospitals, 17 sub-divisional hospitals in the rural areas (to be 18 by the opening of the Navosa Sub-Divisional Hospital next year), 85 Health Centres and 100 Nursing Stations. All hospitals operate on a 24/7 basis.

The opening hours for the Health Centres are stipulated under the Public Hospitals and Dispensaries Act 1955 which notes that "outpatients seeking attention at a public hospital or public dispensary shall, unless other arrangements are made in any particular case by a medical officer on the staff of such hospital or dispensary be seen except on public holidays between the hours of 8.30 in the morning and 1.00 in the afternoon and between the hours of 2 o'clock and 4 o'clock in the afternoon, from Monday to Friday, and between the hours of 8.30 in the morning and 12 noon on Saturday."

As part of the Bainimarama-led Government's mandate to improve public service, the Ministry have extended the opening hours for some of its health centres and has also asked staff to work through lunch hour and exchange bases to provide Fijians with better and more convenient medical services. For example, in the busier health centres of Lami, Samabula, Raiwaqa, Makoi and Nuffield in Tamavua, their hours have been extended to 10.00 p.m and Valelevu Health Centre is now on a 24-hour basis.

This is a part, Honourable Speaker, of delivering primary healthcare in the established health facilities around the country. The Ministry also provides community outreach house to house, domiciliary case visits on an ongoing basis every week, and these services include community outreaches of general outpatients, screening, dental reviews, review of chronic cases, the environmental health services and health promotion.

Honourable Speaker, the Ministry has also increased the special outreach services to the rural communities and this consolidates the health services at its divisional and sub-divisional hospitals for easier access to rural and remote populations.

Last week, two weeks ago on a Friday on the way to Ovalau, I stopped over in Korovou and I talked with Dr. Joji, who is originally from Nasautoka, who is a Senior Surgical Trainee doing a clinic in Korovou on that Friday on which he is going on a monthly basis.

Dr. Helen Gilbore, our only neurosurgeon is doing a clinic in Navua on a monthly basis, so these specialists are going out to provide this clinic and I am pleased to inform this House as we sit here that currently, there is a team of 33 health professionals, including our first locally own ENT surgeon



who came back from Adelaide doing a tour in Lau on the Government Medical Boat *MV Veivueti*, conducting minor surgeries, reviewing patients in 14 remote islands in the Lau Group.

This is unprecedented as it never happened before. We have a ship that has hospital capability, has an operating theatre with recovery and is now travelling around. It came back from Lomaiviti, now it is going around Lau and we intend to visit all the islands in Fiji on a regular basis every year.

Apart from routine community outreach conducted among the five sub-divisions, Clinicians from CWM Hospital, Lautoka and Labasa have increased outreach clinics for the Sub-divisional Hospitals and Health Centres.

HON. MEMBER.- Which is state-of-the-art.

HON. DR. I. WAQAINABETE.- One of the areas in which this has worked very well is with our Labasa Team visiting Taveuni on a regular basis. I know that on several occasions, they have met my friend, the Honourable Dr. Ratu Atonio Lalabalavu in Taveuni. These visits to these rural areas, Honourable Speaker, include internal medicine with cardiac ECHO services, minor operations and screening for major surgical services, paediatric, cardiac and neurological services, including the ECHO of our children in schools in the rural areas, Ophthalmologist services and Obstetric services. This is, apart from decentralising specialised services from Divisional Hospitals and taking the care closer to the community. On the same note, it has given the public health medical teams to increase community outreach and health promotion activities. Thank you, Sir.

HON. SPEAKER.- I thank the Honourable Minister. You can go to other islands, but just make sure that you complete the Lau Group. Honourable Member, is that a supplementary question?

HON. RO F. TUISAWAU.- Yes, Sir, Honourable Speaker, thank you. It is spending a lot of time on the ship going to Lau, it will come back to Rewa, Tailevu and Naitasiri.

HON. SPEAKER.- After Lau.

HON. RO F. TUISAWAU.- Yes. Regarding the Wainibokasi Hospital in Nausori, if you go to Wainibokasi Hospital on Mondays, Tuesdays and Wednesdays, it is really crowded, a lot of people are standing on the corridors, on the benches, et cetera.

On Saturdays, we need improvements regarding the treatment there because it is always crowded in that small wooden building and everyone comes from Nausori Health Centre, some even from Makoi. My question is, what are the plans regarding extending the hospital in Wainibikasi, hospital beds and also developing Nausori? Thank you.

HON. SPEAKER.- Honourable Minister.

HON. DR. I. WAQAINABETE.- Thank you, Honourable Speaker, and I thank you Honourable Ro Tuisawau for that question. We have had discussions and we have made strategic plans around the Rewa Sub-division.

One of the other things that we have done, Honourable Speaker, is that the Rewa Sub-Division boundary extends all the way up to Tailevu North and back into Nakasi area, so the total population that the Rewa Sub-Division looks after is about 80,000 to 90,000 Fijians. We have now rezoned all the boundaries, all the way back to the bridge in Kasavu so that we can slightly increase the population in Tailevu Sub-Division and also bring it back to Nakasi so that we can bring it to a manageable number. Again, these are some of the changes as being alluded to the discussions all over today.

Some of the decisions made in the past, now that we live in the modern times, we need to make the appropriate decisions to be able to look after it. What we have also been doing is visiting the Rewa Sub-division. I was in Burebasaga Village a few weeks back where we have had discussions with the people on the ground on how best we will be able to serve them.

I was at the Tailevu Provincial Council Meeting about two weeks ago in which we talked about the plans that we have for the Tailevu Sub-Division. So, of course, the feedback is so important for us but also we are looking at strategies to be able to ensure that no Fijian is left behind.

HON. SPEAKER.- Thank you, Honourable Minister.

Honourable Dr. Ratu Atonio Lalabalavu, you have the floor.

HON. DR. RATU A.R. LALABALAVU.- Thank you, Mr. Speaker, Sir. A supplementary question to the Honourable Minister.

First and foremost, I commend them both, him and his Honourable Assistant Minister, for going around Fiji taking issues with regards to Health Centres, wellbeing of the staff. One of the issues that I bring to this House is the issue with accommodation in regards to healthcare personnel being sent to work in rural areas. How are you addressing the issue of accommodation?

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

HON. DR. I. WAQAINABETE.- Thank you. Accommodation, as in staff quarters just seeking clarification, Honourable Speaker, is that it?

HON. DR. RATU A.R. LALABALAVU.- Staff quarters.

HON. DR. I. WAQAINABETE.- Thank you, what has happened, Honourable Speaker, is that in some of these areas, the numbers of doctors and nurses have also increased from what it was before. So in that regard, we know that we have to be able to increase accommodation. There is a budget provision for repairs and there are teams that are actually moving around, doing it on a regular basis.

For example, the Eastern Division have their own group of carpenters, there are areas in which we have been able to look at outsourcing, so there are plans in place and strategies in place. One of the things that I just want to remind this august House is that with the increase in services and the increase in demand, there is also increase in the number of staff who are needed in these areas and the amount of accommodation that we have had in the past may not be adequate and, therefore, we have made plans to ensure that they are accommodated. Thank you.

HON. SPEAKER.- Thank you, we will move on to Question No. 49 and I give the floor to the Honourable Viliame Gavoka to ask his question.

European Union Tax Haven Blacklist  
(Question No. 49/2019)

HON. V.R. GAVOKA asked the Government, upon notice:

Can the Honourable Attorney-General and Minister for Economy, Civil Service and Communications briefly explain the reason for Fiji's inclusion in the European Union Tax Haven Blacklist?

HON. A. SAYED-KHAIYUM (Attorney-General and Minister for Economy, Civil Service and Communications).- Thank you, Mr. Speaker, Sir.

Mr. Speaker, the recent inclusion of Fiji in the European Union (EU) Tax Haven Blacklist is actually very unfortunate and it is actually demonstrative of the fact that the EU is trying to undermine development aspirations for small countries like ours in the guise of Tax Corporation, and I will explain why. Unfortunately, it also would appear from the Members of the Opposition, I understand maybe even the Honourable Leader of Opposition, joining the fray.

Mr. Speaker, Sir, the approach taken by the EU in this entire process has actually been completely non-transparent and, in fact, quite irresponsible. Many countries have spoken against this particular position of the EU.

Usually when you have a global corporation matters, such as taxation to World Trade Organisations (WTO), all of these aspects are discussed openly in a transparent manner with clear guidelines and well established processes. Proper consultation sessions are undertaken and implementation timelines take account of difference in countries' economic and financial circumstances. So, the WTO rules, opening up their markets, some countries had been given time.

What is actually happening, Mr. Speaker, in this process of blacklisting countries, the EU Code of Conduct on Business Taxation was very non-transparent. The EU, instead of issuing a blanket synopsis or blanket information, wrote directly to individual countries on measures or policy changes that need to be undertaken or otherwise get blacklisted.

We were actually told that the EU Code of Conduct Group generally wrote to smaller and weaker countries, and this is obviously not fair, and I will give you examples.

We were not even sure what each country was asked to do and what guidelines were applied and how it was applied, but we are sure that there was no standardised approach. Smaller countries like ours were bullied in the name of tax corporation.

In Fiji's case specifically, Mr. Speaker, Sir, the blacklisting by EU was largely attributed to our position to maintain the following tax incentives which have been introduced to support investment, exports and jobs for ordinary Fijians. They want us to remove the:

1. 50 percent Export Income Tax deduction concession that is provided to Fijian exporters. So, if, for example, we are making noodles in Fiji and if that company is exporting those noodles say to, Papua New Guinea, Solomon Islands, Vanuatu or America or wherever it is, to increase our exports, to incentivise our exporters, we actually give them a 50 percent export income deduction. So, it incentivises them, it creates jobs. Close to 200 Fijian companies, Mr. Speaker, benefit from this including FMF and various other companies that employ literally hundreds of people.
2. The other taxation regime they want us to take away is what we offered a few years ago, a 17 percent corporate tax rate on the re-allocation of global or regional headquarters to Fiji. So, we said to companies, if you move your regional or global head office to Fiji, because it creates jobs, they invest in the private sector, they will take up real estate, rent homes, and we will give a 17 percent tax deduction. So, far only one company has taken advantage of that and that is ANZ. ANZ has moved its regional head office from Melbourne to Fiji.

3. The third one they wanted us to remove is the ICT incentive. Today, we have over half a million smartphone users in Fiji. 50 percent of our population is below the age of 27. We have over one million SIM Cards that are actually in operation at the moment, more than the number of people we have. So, we are technologically very savvy.

We believe that there is a lot of opportunities and a lot of jobs in this sector. So, what we have said, if an ICT company comes and sets up a business and employs more than 50 people and exports 60 percent of its services, we will give you a 13 year tax holiday.

The Honourable Leader of Opposition knows that they set up tax free zones in Kalabu post-1987, 13 years tax holidays. It got the garment industry going. We are doing this with the ICT sector. Companies like, Mindpearl, RCL, all are here with 200 or 300 jobs and some of them run 24/7. It creates jobs. They want us to remove that.

Mr. Speaker, Sir, the EU is adamant that we remove these tax incentives, but we are a small country. Even though we are a small country, they want to bully us to do that. And we, of course, are a sovereign nation and we need to protect our national interest and our domestic tax regime.

Apart from the removal of tax incentives, Mr. Speaker, Sir, EU has also been pushing Fiji to join the global forum on transparency and exchange of information for tax purposes, sign the OECD Multilateral Convention on Mutual Administrative Assistance in tax matters, and to join the inclusive framework on Base Erosion and Profit Sharing (BEFS), which we do not have a problem with and can accede to. We do not have problems with that, we want to do that.

In fact, we had agreed with the UN to pursue these additional conditions, however, after a thorough assessment and consultation domestically, because it will have an impact on some of our businesses, we resisted removing the tax incentives for those three areas that I had earlier on announced, as the impact would tie up investments and jobs that will undermine the Fijian economy. The CEO of Fiji Revenue Customs Services, Mr. Speaker, Sir, has also issued a press release in this regard, we are not being treated equally.

Mr. Speaker, Sir, there are many countries in the world that have various tax incentives. In fact, we have modelled some of our tax incentives based on these countries, but they have not been blacklisted. I will give you an example, Mr. Speaker, Sir.

The lower corporate tax rate for having a regional global Headquarters relocation was borrowed from Singapore. Singapore has a similar provision, we copied them. But, Mr. Speaker, Sir, guess what? They offer the same incentives but they are not being blacklisted. Singapore is not being blacklisted.

China has tax incentives for ICT, similar to ours. EU has not blacklisted China, but they have blacklisted us.

Mr. Speaker, Sir, not only this, there are many countries who are not members of the global forum, for example, Nepal, Bhutan, they have not been blacklisted. Not all countries have signed for the OECD Multilateral Convention on Mutual Administrative Assistance in tax matters, like Thailand, or joined the Inclusive Framework on Base Erosion Profit Sharing (BEFS), for example, Bangladesh, but none of these countries have been blacklisted. The EU has been pressurising us only on these issues.

There is no consistency Mr. Speaker, Sir, in the application of these rules by the EU Code of Conduct Group. Whatever the guidelines they may have and they are applying is not applied in a

transparent manner or in a uniformed manner. We are not sure if there is even a guideline. We have not seen it. They told us there is one, but we have not seen it.

The reality is that, if these rules that are being imposed on us are applied consistently, many EU countries themselves will be blacklisted because they are also real tax havens, unlike ours.

OXFAM, the international NGO has also recently carried out the assessments and agreed with us. But, it seems that the EU has targeted the smaller countries. If anyone looks at the list of countries in the blacklist with the exception of a few, most are small and vulnerable countries.

Countries blacklisted include: Aruba, Barbados, Belize, Bermuda, Dominica, Fiji, Guam, Marshall Islands, Oman, Samoa, Trinidad and Tobago, UAE, Vanuatu and territories, like American Samoa and US Virgin Islands.

Mr. Speaker, Sir, the EU, in fact, we believe has been very inconsiderate of the fact of removing tax incentives in developing countries, like Fiji. They are trying to interfere and influence domestic tax policy without really understanding its disruptive implications.

The EU did not carry out any impact analysis on the removal of these tax incentives on the Fijian economy, despite our requests. Without an impact assessment, the haphazard removal of standing tax policies would have been hugely irresponsible.

We have voice these concerns with the EU, noting the economically destructive impact that removing tax incentives would have, including the loss of thousands of Fijian jobs, but to no avail.

In addition to the economic impacts, it was also clarified that these incentives do not create any tax avoidance opportunities for European businesses to artificially shift their profits to Fiji to maximise tax. We are not competing with Europe, we do not see a rush of European businesses coming into Fiji because of these free tax incentives. It does not mean European companies will leave overnight to set up in Fiji and directly disadvantage Europe.

Fiji has demonstrated these incentives create real economic activity and has direct impact on Fiji's macro-economic stability. We have a lot at stake if you remove these incentives and we have other incentives.

Vanua Levu has set up a new business, 13 year tax holiday. From Nausori all the way to Matawalu Village in Drasa, set up a new business tax incentive. Lomaiviti, Lau, Kadavu, all of these places because they are economically depressed, we want to drive more businesses there, we want the people from there to stay there, in fact, we want people from the hugely populated areas to go there.

Now, if we are to remove these three, the next thing they will say, "Remove this also." They might then say, "Do not give any more incentives to hotel because you will be competing with Europe, it is ridiculous!"

Fiji has always, Mr. Speaker, Sir, continuously engaged with the EU to discuss the agenda and these were raised at the high level Fiji/EU political dialogue, with the EU was encouraged to continue to discuss these issues with Fiji. However, the EU has decided otherwise and took this drastic action. But we are glad because this is largely symbolic, having virtue with no impact on the extremely minimal EU trade investment in the country given that.

Although there is no direct impact as a result of blacklisting, of course, it paints a negative image and some people want to capitalise on that, especially in a time when Fiji has introduced tax policy reforms in line with global best standards.

International organisations, such as the International Monetary Fund (IMF), that carried out the Article IV mission in Fiji regularly, has spoken highly of Fiji's tax reforms in their various missions to Fiji and views Fiji indeed as a model country in articulated tax reforms in the region.

Mr. Speaker, Sir, we will, however, continue our dialogue with EU to get Fiji off the list but definitely, not by compromising the development of Fiji and our sovereignty. Thank you, Mr. Speaker.

HON. SPEAKER.- Thank you, Attorney-General. It is your question you have the floor.

HON. V.R. GAVOKA.- Yes, thank you, Honourable Speaker.

Honourable Speaker, that is all very well but we need to be mindful of our reputation in the global community. The Government claims that the investment from the EU is miniscule but our reputation in this global community is being impacted and an investor learning that Fiji is on the blacklist by the EU, may harm the opportunity to come and invest in Fiji. So what is Government doing to try and repair this damage?

HON. A. SAYED-KHAIYUM.- Mr. Speaker Sir, I have already answered the question to say that we will continue our dialogue with them but, Mr. Speaker, Sir, this supposed loss of reputation should not come at the expense of ordinary Fijians losing their jobs.

HON. GOVERNMENT MEMBERS.- Hear, hear!

HON. A. SAYED-KHAIYUM.- And, Mr. Speaker, Sir, if the removal of these tax incentives actually meant on balance, an increased economic activity, increased jobs, then we could consider for it, overnight, no problem but we do not want to lose jobs.

Most of these people who work in the ICT sector are young people. They are graduates. We want them to keep their jobs, in fact, we want grow it.

Mr. Speaker, Sir, in a month's time, we are calling a meeting of all the IT companies, all those companies in Fiji because as we know also, there is now a cable that is going to come from New Caledonia in respect of connecting to a Southern Cross Cable.

We are building our capacity, the speeds are increasing, therefore, becoming right for more ICT businesses to be set up in Fiji and we will pursue that because we must pursue that service sector in Fiji to grow our economy. Thank you.

HON. SPEAKER.- Thank you, we will move on, supplementary question.

HON. RATU N.T. LALABALAVU.- Thank you, Sir, a supplementary question to the Honourable Attorney-General and Minister for Economy.

Sir, just a while ago, the Honourable Attorney-General and Minister for Economy, in his contribution on the debate on the motion to do with the Financial Intelligence Unit 2014 Annual Report, stated in his contribution that there was a need to ensure that money laundering is carefully vetted and taken care of, so as to ensure that it does not happen here through the FIU.

Based on that and on his recent reply, first of all, it is quite heartening to hear that they are continuing dialogue with the European Union. But what sort of measures does the Government have in place to ensure that (given the huge tax incentive that they provide for investors to come in and set up base here to do exports and get a 50 percent concession), the very thing that he was talking about on all the money laundering does not happen when we attract these kinds of investors who come and set up business here? Thank you.

HON. SPEAKER.- Honourable Attorney-General, I thought you covered that sufficiently. But you take the floor, Honourable Attorney-General.

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, perhaps if I could inform the Member that money laundering and offering a 50 percent tax export income deduction has got not nothing to do with money laundering. Basically what it means is this, you have to be established in Fiji and you have to be exporting outside of Fiji. So if, for example, there is one company at one point in time was making what we call “knockdown kitchens.” You know, you set up a kitchen, you knock it down, you screw it up.

There is a company in Samabula. They used to export knockdown kitchens to Papua New Guinea (PNG). So if you are going to do exports to PNG then 50 percent of what you export you get as income deduction which is your concession, to incentivise you to do more. Because we like exports, because our balance of trade at times can be affected if we are importing more so we need to export more to get more foreign exchange. Many countries do this. So Flour Mills of Fiji (FMF) Foods Limited and Punjas & Sons, they make biscuits. If you see the factory outside in Veisari now, the reason why they built that factory there is because the people in PNG, in their biscuits they like meat. You know the cabin crackers, they like meat in that so they have actually separated that biscuit factory from the one in Walu Bay. So that has also got meat in it. So they export that directly to PNG. When they do that by setting up that factory, we have created actually literally hundreds of jobs. They have in fact invested in that particular facility so we want to encourage that. That is not money laundering.

So it is a misnomer, in fact, to say we are a tax haven in that sense. We do not allow people to bring money from all over the place, not accounted for. FIU is there. In fact, we are quite stringent. Now again, Mr. Speaker, Sir, the 17 percent corporate tax, instead of paying 20 percent, you pay 17 percent. So you have to have a legitimate business, you need to make profit and when you make profit, instead of paying 20 percent tax, you pay 17 percent tax. That is what it means. They do not want us to give 17 percent tax. In some of the European countries, the tax rate is as high as 50 percent or 40 percent. We are not competing with Europe. That is what we keep on telling them. We are not competing with you. It is not like an investor is sitting somewhere in Asia, going, “Europe or Fiji?” They are not doing that necessarily.

Now the third one, Honourable Member, Mr Speaker, Sir, through you, is the ICT. Again, if you come and set up an ICT company, a lot of it is what we call “backend processing” and the other is what you call like call centres. You would not believe it. There are currently young Fijian people who are answering phone calls, so you could be an Australian insurance company that has a toll free number. I could be sitting in the city of Melbourne, my house has got robbed, I want to ring up my insurance company to say, “What do I do now?” I dial the number, guess where the call goes to? It goes to Kalabu. So we have people trained here who pick up the phone and say, “Good afternoon, Sir, how can I help you?” They do not even know that, that person is sitting in Kalabo, Fiji answering their call. That is what you call outsourcing. That is the ICT sector.

Backend processing; I will tell you there is one gentleman at the moment in Lautoka, who is an Australian approved taxation agent. He is filing tax returns for Australian taxpayers from Fiji using Fijian accountants to file their tax forms and submitting it from Fiji online. We want to grow more of that if they pay top dollars. They can pay \$10 an hour, \$15 an hour or \$8 an hour, whatever the case

may be. So that is what we are trying to do. So that is in no way of money laundering. That is a completely separate issue so there is nothing contradictory in terms of what I said before and what I am saying now. Thank you.

HON. SPEAKER.- Thank you. We will move on to the next question. Upon request received, I am allowing Honourable Vijendra Prakash to ask Question No. 50/2019, instead of Honourable Sanjay Kirpal.

Update on Drainage Works – Farms and Rural areas  
(Question No. 50/2019)

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

Can the Honourable Minister for Agriculture, Rural and Maritime Development, Waterways and Environment provide an update on the drainage works that are currently being carried out in the farms and rural areas by the Ministry?

HON. DR. M. REDDY (Minister for Agriculture, Rural and Maritime Development, Waterways and Environment).- Honourable Speaker, I thank the Honourable for asking the question.

Honourable Speaker, drainage works for farms and rural residential, I believe the Honourable Member is only asking for these two categories, one of the two major capital projects that had allocations in the current budget. As of 29th March, the following works have been undertaken. For the farmland drainage programme that showed the two that I mentioned, one is for the farmlands and the other one is for rural residential. So, I will answer them separately.

For the farmland drainage this consists of two categories:

1. sugar drainage; and
2. non-sugar drainage.

Honourable Speaker, in the Central Division where you do not have sugar, drainage work has been undertaken in 48 locations with a total cost of \$747,000. This includes 7,753 hours of machinery and it involved 371 kilometres of work.

Honourable Speaker, in the Western Division and Northern Division and you have got sugar and non-sugar. So, that is how I am going to respond. In the Western Division the drainage work had been undertaken in 38 locations and 69 cane field locations. So, 69 locations is the areas of cane field and 38 non-sugar farms. Value of the total work done in the Western Division was \$978,135. So, it involved 6,876 hours of work and it involved 293 kilometres of drainage work.

Similarly, Honourable Speaker, in the Northern Division there were 12 cane sector areas and 27 farm location areas. A total value of work done was \$861,450 and it involved 7,102 hours and it was equivalent to 517 kilometres of work.

Honourable Speaker, again it involved in the Northern Division, \$861,000 of work, Western Division \$978,000 of work and in the Central Division \$747,000 of work.

Honourable Speaker, if you demarcate this, Fiji in the sugarcane farm in field drainage, \$838,000 and non-sugar \$1.7 million.



Honourable Speaker, since the 1st August until now, we have done \$1.7 million of work in non-sugar, for example, *dalo* farm, cassava, dairy area and then sugar in field drainage \$838,240; there is a massive amount of work that we have done until now.

Now, Honourable Speaker, the other aspect that the question was, one was rural residential basically means villages, settlements not on the farm. So, in the Central Division, 17 villages and settlements were attended to, the total value of work was \$346,125. So it included a total of 98.6 kilometres of work. Honourable Speaker, in the Northern Division, 15 villages and settlement were attended to, and the total value of work was \$260,000 and it was equivalent to 62 kilometres of work. In the Western Division, 18 villages and settlements were attended to, and the total value of work was \$322,970 or 45 kilometres of work.

Honourable Speaker, you will see that the total amount of work that was done for rural residential was \$929,000, you can see nearly \$2.5 million of work was done on farm and sugar area, whereas as close to \$1 million was done on the rural residential. Honourable Speaker, I would just like to let the House know that, this is the first time our Government has allocated to deal with drainage works for villages and rural settlements. We never had this allocations before.

HON. GOVERNMENT MEMBERS.- Hear, hear!

HON. DR. M. REDDY.- So we have done \$1 million worth of work on this area. Honourable Speaker, we could have done more, but the thing is that we wanted to give first priority to sugar cane areas because the harvesting will start soon, so we wanted to deal with that. But this is again substantial amount of work, Honourable Speaker, more will be done, and we have got a lot of other requests, and our Central Division, a lot of work has been done in the Western and Northern Divisions, we are holding some of these requests because we want to finish sugar area first because we have got listed contractors approved by the Government Tender Board. So they are now busy in the sugar area and once that is done then we will go and look at the other pending request in the residential areas.

Honourable Speaker, these are the words, I have got details of the areas that we have done, if anyone wants. I will read that out but that will take another one hour to read that out.

(Laughter)

I am happy to do that, should they want. Thank you.

HON. SPEAKER.- I thank the, Honourable Minister.

HON. M.D. BULITAVU.- Supplementary question, Honourable Speaker. I just want the Honourable Minister to clarify on rice farming areas, rural areas. Some farmers in Labasa are complaining, given that they cannot cultivate their rice farmers, because of the poor drainage, and how is the Ministry of Waterways maintaining those drains given that they are dependent on rice as a business.

HON. DR. M. REDDY.-Honourable Speaker, I do not know where he has got that information from because, last year there was a special contract, which is still continuing about \$1 million worth of contract to a contractor to deal with all the irrigation schemes in the Northern Division as well as the Central Division. So that work is still going on, it is not going to be drainage but also repair all the irrigation gates, so it is about to finish actually. They have done Korokadi, they have completed the Dreketi area.

HON. M.D. BULITAVU.- What about Labasa?

HON. DR. M. REDDY.- No wait.

(Laughter)

We want to repair the Nasarawaqa Scheme that has been damaged by landslide, and then at Labasa, we are not using that contractor, because that contractor is only designated for irrigation scheme. So Labasa as the request comes, we are doing it, the infield drainage, so it is a non-issue. I do not know who that question is for.

The irrigation scheme is different from the drainage schemes and in-field drainage. .

HON. SPEAKER.- I will take one last supplementary question on this.

You have the floor, Honourable.

HON. J. SAUKURU.- Thank you Honourable Speaker. Thank you Minister for clarifying that you will be prioritising the sugar cane areas. Just yesterday, there was a heavy down pour in Lautoka, and there were floods along Drasa Flats, Drasa Sector and Lovu Sector. It is related to silt sitting on the Vitogo River and Matawalu River and the small creeks along Lovu. The place was heavily flooded yesterday. My question is, are you considering Drasa and Lovu Sectors when you are talking about the West for proper drainage?

HON. SPEAKER.- Honourable Minister.

HON. DR. M. REDDY.- Honourable Speaker, the question was about the drainage but the Honourable Member is asking about the river dredging, so there is a separate question on that later on but just to let you know that in any area where there is a drainage scheme or drains then those waterways, Honourable Speaker, has a volume of discharge capacity. When you have massive amount of rain then obviously the place will get flooded.

(Honourable Members interject)

HON. DR. M. REDDY.- Any drain can only handle that amount of discharge.

HON. SPEAKER.- We will move on to the 7th Oral Questions for today. I give the floor to the Honourable Leader of the Opposition, the Honourable Major-General (Ret'd) Sitiveni Rabuka.

Key Criteria in Waiver of Tenders - Purchase of Goods and Services  
(Question No. 51/2019)

HON. MAJOR-GENERAL (RET'D) S.L. RABUKA asked Government, upon notice:

Can the Honourable Attorney-General and Minister for Economy, Civil Service and Communications explain to Parliament the key criteria used in the waiver of tenders on purchase of goods and services above \$50,000 as required under the Procurement (Amendment) Regulations 2012, particularly, Regulation 29(3)?

HON. A. SAYED-KHAIYUM (Attorney-General and Minister for Economy, Civil Service and Communications).- Thank you, Mr. Speaker, Sir. Mr. Speaker, unfortunately, the question asked by the Honourable Leader of the Opposition is actually flawed as there is no Regulation 29(3) in the Procurement (Amendment) Regulations 2012, which is Legal Notice 54 of 2012 which I have here and there is no Regulation 29(3) in the Amendment Regulation 2012.

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

HON. MAJOR-GENERAL (RET'D) S.L. RABUKA.- Mr. Speaker, Sir, the Honourable Attorney-General was part of the Business Committee that allowed this question to come through, Sir, as is.

HON. SPEAKER.- Honourable Attorney-General, you have the floor.

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, when we correct their questions, they do not like it and now when we do not correct it, they do not like it either.

Mr. Speaker, Sir, the reality is that, the question is flawed as was the Honourable Pio Tikoduadua's question. They need to check their facts and, of course, we cannot be checking every single question. When they say that we object to their questions, when we actually point out, they say, "You are objecting too much to our questions." The reality is that, the Honourable Member has got the question wrong. There is, under Legal Notice 2012, no Regulation 29(3) but under 2010, there is a Section 29 which is not part of the question.

HON. M.D. BULITAVU.- A supplementary question, Sir?

HON. GOVT. MEMBER.- There is no supplementary.

HON. SPEAKER.- It cannot be a supplementary question because ....

HON. M.D. BULITAVU.- A supplementary question, Sir.

HON. GOVT. MEMBER.- No question.

HON. M.D. BULITAVU.- A supplementary question, Sir.

(Honourable Members interject)

HON. M.D. BULITAVU.- Allow me to ask the supplementary question then I will tell them how to answer.

HON. A. SAYED-KHAIYUM.- No.

HON. SPEAKER.- There is no supplementary question, we will move on.

HON. M.D. BULITAVU.- A Point of Order, Sir.

(Laughter)

HON. SPEAKER.- A Point of Order.

HON. M.D. BULITAVU.- A Point of Order because the ...

HON. A. SAYED-KHAIYUM.- Standing Order?

HON. R.S. AKBAR.- Why the Point of Order?

HON. M.D. BULITAVU.- That question was asked: what are the key criteria used in the waiver of tenders on the purchase of goods above \$50,000? If he does not answer then I think, he does not even know the answer too.

(Laughter)

HON. M.D. BULITAVU.- Sir, the Minister of Economy should be answering that.

HON. SPEAKER.- Honourable Members, I think we will move on because we will look at these questions in another form at another session.

We will move on to the last question for today. I give the floor to the Honourable Dr. Salik Govind.

Advanced Technical Equipment - Fiji's Tertiary Healthcare  
(Question No. 52/2019)

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

Tertiary Healthcare in developed countries is exploding due to advancement in the latest technological availability and utilisation. Can the Honourable Minister for Health and Medical Services inform Parliament as to what are the plans for the Ministry to introduce such technology and expertise to utilise it for the benefit of the nation?

HON. DR. I. WAQAINABETE (Minister for Health and Medical Services).- Thank you, Honourable Speaker, and I thank the Honourable Member for that question. Tertiary care refers to third level of delivery of care in which specialised consultative care is provided and is usually a new referral from a primary or secondary medical care. These include specialised Intensive Care Units, complex medical or surgical procedures, advanced diagnosis support services and requires specialised medical personnel are the key features of tertiary healthcare.

Generally, they are available on national and international referral centres. Fiji has done well over the past decade, Honourable Speaker, again under the leadership of this Bainimarama Government, in progressively developing and monitoring its tertiary health services against the National Development Plan targets. However, I am sure that everyone inside this august House will agree to the fact that development will need to be viewed holistically, because for tertiary services to continue to flourish, we are setting in place infrastructure, state-of-the-art equipment has been procured and most importantly, the need to further develop the capacity of our local health professionals to an internationally-accredited standard.

Over the last few years, a number of speciality areas have been developed which since incurred the need for more advanced specialist support. This comprised the field of Nephrology which includes dialysis, Urological surgery and Neuro-surgery, Gastroenterology.

Honourable Speaker, the Gastroenterology Unit at the CWM Hospital was honoured to have the Honourable Prime Minister as its Chief Guest in the celebration of its 10 years of existence and it being supported by the World Gastroenterology Association.

In doing so, he is able to see the advanced technical equipment that is currently made available for this Unit. This Unit provides training for not only Fiji doctors, but also those from across the region, and as we speak, there are now arrangements for the visits to happen again in the next one or two months. Because of the increasing rate of kidney complications around the country, we have also

supported dialysis services, and as we speak, the Prime Plaza in Nadera which will have fifteen Haemodialysis machines is actually nearing the completion of the building, the spot in which we are going to use it and procurement of the equipment is underway.

It is important to note that high-end technology, such as MRI and CT Scan are also available and for the last few minutes I have been talking about predominantly the infrastructure that has been set in place. There were also further opportunities under the Public Private Partnership that Government has expanded into for the provision of services, specialist care and also the latest technology. Thank you, Honourable Speaker.

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

HON. L.D. TABUYA.- Thank you, Mr. Speaker Sir, to the Honourable Minister, it is all very well to have good intentions for tertiary healthcare but let me just address the issue we are having about the primary healthcare and that is the fact that the x-ray machines to do big x-rays like spine and pelvis has been out of action for the last two months, and then we have got the ultra sound scan machines in the X-Ray Department that is not working for the last two months.

Also there was a test component that can be conducted, that is the only test that can indicate a heart attack, again these tests are not able to be done at the moment up to probably three weeks now, almost a month. How can we dedicate to tertiary healthcare when we are not even handling primary healthcare, Honourable Minister? Can you, please, answer as to when will these machines be up and running again for our people? Thank you.

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

HON. DR. I. WAQAINABETE.- Thank you, Mr. Speaker Sir, I just want to clarify that the primary healthcare is not x-rays. Primary healthcare denotes the first level of contact between individuals and the families with the health system.

These include mother and child, family planning, immunisation, prevention of locally endemic diseases, treatment of diseases or injuries, provision of essential health education, provision of food and nutrition, adequate and safe water supply, which basically means bringing health to everyone's doorsteps.

We have had recently a machine at the CWM Hospital as alluded to that was broken down. As we speak, the parts have been bought and are now in the country. We are waiting for engineers. I am not going to name the company but that is an international group that we rely on to actually do the repairs for us. The ongoing maintenance on the ground is provided by medical engineers and technicians but when there is significant repairs that needs a part, we go back to the manufacturer and they actually come to do that for us. Thank you.

HON. SPEAKER.- Thank you. The Honourable Viliame Gavoka, you have the floor.

HON. V.R. GAVOKA.- Thank you, Mr. Speaker, the Honourable Minister spoke about dialysis, I raised a question once as to why is it that it costs \$75 in Labasa and \$200 in Suva.

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

HON. DR. I. WAQAINABETE.- Mr. Speaker, again this is deviating from the origins of the question. It is a very deviated supplementary question but anyway, I will answer what I have here with me.

In Labasa, the subsidy has begun, that is the \$75 subsidy; in Suva we have actually asked patients to actually register for the subsidy, for Suva and the Western Division. This is going to be provided only at our Nadera Unit which I have just alluded to.

For the Western Division, we have identified a building. The Construction Implementation Unit have been involved in making sure that they do the appropriate maintenance and renovations to the building to be able to fit it out for this Government Dialysis Centre. That is what it is in that space but patients need to register. There is a registration procedure that goes in place within the Ministry of Health to ensure that we capture the patients that have dialysis.

Having said that, I can assure this august House that there are many patients that go to the hospital and have kidney injury and need dialysis, Government provides that dialysis in the Intensive Care Unit at no cost to all Fijians, and this is a life saving measure. So if you happen to turn up to the Intensive Care and I invite everyone in this august House to probably come with me one day, you will see two state-of-the-art dialysis machines (state-of-the-art is the word today) in the Intensive Care Unit, provided free of charge for all Fijians.

What happens is, a considerable number of these patients may actually improve and may not need ongoing dialysis. For those who need ongoing dialysis, they are then linked to a provider to provide that.

With the Nadera Unit up and running, hopefully within the next two months, then they will transfer from there to the Nadera Unit. Thank you.

HON. SPEAKER.- I thank the Honourable Minister.

HON. M.D. BULITAVU.- A supplementary question, Sir, just a last one; how and what measures does the Ministry have in terms of training our local biomedical technicians in handling this new modern machines that are coming, whether they are going overseas for training or whether they are getting used to the machines here and how they maintain the machines, if the machine gets bad, how is the procurement of the spares parts are coming through for the machines, not to be in a permanent breakdown status.

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

HON. DR. I. WAQAINABETE.- Thank you very much. When we buy new equipment and they are very expensive, some equipment are more than a million, \$1.5 million, for a state-of-the-art MRI Machine, Honourable Speaker, what happens is, as part of the contract the manufacturers send their team down and they spend a week sometimes and on occasions, two weeks, in which the machine is set up and our team on the ground are taught about it.

What also happens is, with these new machines, they speak to one another in terms of the machine and our staff, together with the manufacturers, they are able to speak online. In overseas, they are able to actually log in to our machine and actually see what is happening with the machine.

As I have alluded to earlier, the small minor checks, if I may say in terms of a car maybe changing the oil, those can be done by our local technicians. In some instances over a period of time, they learn to do a little bit more sophisticated things. But when there are more complex mechanisms

involved, we actually go back to the manufacturer to ensure that they come because it is so important that we get it right because accurate diagnostics is so important. So that is why we go back to the manufacturer.

And in this case the x-ray machine that we are currently have in place, the parts are available here. We are waiting for them to arrive and now I have been told last week that they are arriving on 8th April, which is sometime early next week, to fix that. Thank you, Sir.

HON. SPEAKER.- Thank you, Honourable Minister. Honourable Members that brings us to the end of Question time for today and surprisingly, we have come to the end of the day. It has been a rather long day but with your cooperation during the day, we managed to get this far.

HON. MAJOR-GENERAL (RET'D) S.L. RABUKA.- Mr. Speaker, Sir...

HON. SPEAKER.- Yes.

HON. MAJOR-GENERAL (RET'D) S.L. RABUKA.- ...may I raise on the Point of Order - Standing Order 45(4) respectfully, Sir.

I believe the Honourable Minister and learned Attorney-General has misled Parliament in avoiding the question I had asked. The question, you would recall, Mr. Speaker, Sir, based on the facts of the Procurement (Amendment) Regulations 2012, which the Honourable Minister has, particularly Regulation 29(3). And that even the part that was substituted or corrected or amended from 30 to 50, et cetera.. So I believe Mr. Speaker, Sir, that the Honourable Minister should have answered the question. Thank you, Sir.

HON. SPEAKER.- I thank the Honourable Leader of the Opposition. I think the point that was raised there was that, the Regulation quoted was wrong. But did I get that right, Honourable Attorney-General?

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

Mr. Speaker, Sir the Honourable Leader of the Opposition asked the question, "Can the Minister explain to Parliament the key criteria used in the waiver of tenders on purchase of goods and services above \$50,000 as required under the Procurement (Amendment) Regulations 2012, particularly to Regulation 29(3)?"

I have Amendment Regulation 2012, there is no Regulation 29(3) here. It has Regulations 1, 2, 3 and 4. Regulation 4 talks about the amendment of Regulation 29 but Amendment Regulation 2012 specifically does not have Regulation 29(3), that is the point.

The Honourable Leader of the Opposition has about four lawyers and he needs to get instructions from them.

HON. SPEAKER.- Anyway, I thank the Honourable Attorney-General. Earlier on, after he had raised that point, I said we would look at this question because a certain part of that question is a good question and we can consider it later on in the week but in replacement of one of your questions, if we get the corrected part.

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, it seems that the Honourable Leader of the Opposition may have the opportunity to correct it, I ask him to further correct it. Regulation 29(3) in 2010 Regulations does not deal with the amounts above \$50,000 but it deals with the amounts below

\$50,000; you need to get that right too. You have got that wrong also. Regulation 29(3), the substantive 2010 Regulations deals with the amounts that are below \$50,000, not above \$50,000.

HON. SPEAKER.- All right.

HON. MAJOR-GENERAL (RET'D) S.L. RABUKA.- Sir, we will go by your ruling.

HON. M.D. BULITAVU.- We will go by your ruling.

HON. A. SAYED-KHAIYUM.- Here, you have got a copy in your office, read it.

HON. SPEAKER.- Honourable Bulitavu, this is a first time you have said you have to go by my ruling.

(Laughter)

HON. SPEAKER.- Things are improving.

Honourable Members, I thank you for your perseverance today. I do not intend to have long days like this. It is my intention to finish within the allocated time, but it will need everyone's co-operation.

We have gone through a lot today but as I have pointed out, everyone has co-operated. We have not fulfilled everyone's wishes but we have come this far. We have got another full day tomorrow and I hope we do not go this late.

Just on a final note, there was a lot of talk about Shirley Park today. No one mentioned what Shirley Park was named after. Shirley Park was named after a Miss Sugar of Lautoka.

(Laughter)

HON. SPEAKER.- And the Honourable Member who moved the motion was wondering what I was talking about.

Honourable Members, we adjourn for today.

The Parliament adjourned at 10.04 p.m.