

APPENDICES

HON. SPEAKER'S RULING

Honourable Members, I will now address the House on an incident that occurred during the August sitting of Parliament.

Honourable Members, as you are no doubt aware, on Friday 9th August 2019, during his right of reply to the debate on the motion to appoint a Special Parliamentary Committee under Standing Order 129 to holistically look into the multifaceted risks of the hard drugs situation in Fiji, Honourable Pio Tikoduadua made certain accusations against the Honourable Prime Minister, which resulted in a point of order from the Honourable Prime Minister. The Honourable Prime Minister accused Honourable Tikoduadua of making personal attacks against him. Heated discussion ensued thereafter. Following the conclusion of the debate on the motion, Parliament voted on the motion which was defeated in Parliament.

In accordance with Standing Orders, Parliament then proceeded to the next agenda item which was oral questions as set out in the Order Paper for that day. During the fourth oral question on the current state of measles in Fiji, Honourable Tikoduadua raised a point of order to bring to the attention of the House and to inform me as the Speaker that he had been physically assaulted by the Honourable Prime Minister. Given that the Honourable Minister for Health was in the process of answering the oral question which had been asked, I ruled that the point of order raised had nothing to do with what was going on in Parliament at that moment, and as such, allowed the Honourable Minister for Health to continue with his answer.

During the fifth oral question, Honourable Prof. Biman Prasad interrupted the order of business, urging me to say something with respect to what Honourable Tikoduadua had raised earlier. He asked Parliament to condemn the action of the Honourable Prime Minister. I informed the Honourable Member that I had made a ruling before, and that we are dealing with the agenda item of oral questions and that we will continue as per the Order paper.

At the end of the adjournment motion on that day, I revisited the interventions made by Honourable Tikoduadua and Honourable Prasad, and reiterated to all Members that rulings of the Speaker are based on what he sees and what he hears and that I cannot make a ruling if I have not witnessed anything. Thereafter, Parliament was adjourned on that day at 12.37 p.m.

Honourable Members, in the afternoon of that same day, the Honourable Prime Minister visited me in my chambers and gave his apology to Parliament and to me as the Speaker of Parliament. He offered to have a meeting with Honourable Tikoduadua in my presence to offer Honourable Tikoduadua an apology.

In my capacity as the Speaker of Parliament, since the adjournment of Parliament on Friday, 9th August 2019, I had attempted to arrange a meeting with Honourable Tikoduadua and the Honourable Prime Minister. Unfortunately, this meeting did not eventuate because Honourable Tikoduadua was not available to meet me on his own.

Also in the afternoon of that same day, Friday, 9th August 2019, I received correspondence from the leader of the National Federation Party requesting to secure CCTV footage of Parliament for that day and informed me of his intention to bring this matter to the Privileges Committee.

Following the adjournment of Parliament on Friday, 9th August 2019, I have had the opportunity to view the CCTV footage as well as read the daily Hansard of Friday, 9th August 2019.

Given that Parliament was adjourned soon after midday on Friday 9th August 2019 and has not had a sitting since that day, this is the first opportunity I have as Speaker to address this matter before the House.

Honourable Members, the Parliament is an independent arm of the State and is fully entitled to take such measures it deems fit to maintain its integrity and decorum, and to take action for breach of privilege or

contempt of Parliament. The Fijian Constitution and the Standing Orders of Parliament are very clear in that the control and administration of the Parliamentary precinct is vested in the Speaker. The Speaker has the authority to maintain order and decorum in Parliament in accordance with the Standing Orders. It is the Speaker's responsibility to secure and maintain the honour and dignity of Parliament.

Honourable Members, having considered the complaints raised, firstly by the Honourable Prime Minister and, secondly by Honourable Tikoduadua and Honourable Prasad on Friday, 9th August 2019, and having considered all relevant materials, I have decided under Standing Order 134(2)(a) that there has been a *prima facie* breach of privilege by both the Honourable Prime Minister and Honourable Tikoduadua, for words allegedly spoken and acts allegedly done within the Parliamentary precincts on Friday 9th August 2019.

Therefore, I am referring this matter to the Privileges Committee and further direct the Privileges Committee to meet to consider all relevant evidence and to table its report with recommendations to Parliament by no later than Thursday, 5th September 2019. Time will be allocated on Thursday, 5th September 2019 for Parliament to consider the report and the recommendations of the Privileges Committee and to pass such resolutions as Parliament deems just and appropriate in the circumstances.

Honourable Members, given the need to expedite this privileges matter and allow the Privileges Committee to sit and deliberate and have its report ready to be tabled on Thursday morning, Parliament will need to expedite its proceedings in the next few days. In this regard, I hereby rule that all the Standing Committee motions listed for debate this week will be deferred to a later date. We will still proceed with questions but I propose that Parliament adjourns at 12.30 p.m. to allow the Privileges Committee to meet thereafter.

Honourable Members, the Privileges Committee comprises the following Members –

- (1) Deputy Speaker the Hon. Veena Bhatnagar as Chairperson;
- (2) Attorney-General and Minister for Economy, Civil Service and Communications the Hon. Aiyaz Sayed-Khaiyum;
- (3) Minister for Defence, National Security and Foreign Affairs the Hon. Inia Seruiratu;
- (4) Assistant Minister for Employment, Productivity and Industrial Relations the Hon. Alvick Maharaj;
- (5) Leader of the Opposition the Hon. Sitiveni Rabuka; and
- (6) Hon. Adi Litia Qionibaravi.

Until Parliament receives the report from the Privileges Committee, this matter now stands referred to the Privileges Committee and there will be no debate on this matter.

Honourable Members I thank you for your attention.

MEETING MINUTES'



PARLIAMENT OF THE REPUBLIC OF FIJI

MINUTES OF THE 1st PRIVILEGES COMMITTEE MEETING FOR 2019 HELD IN THE PARLIAMENT SMALL COMMITTEE ROOM, EAST WING, ON MONDAY, 2 SEPTEMBER 2019, AT 1.00 P.M.

MEMBERS PRESENT

Hon. Veena Bhatnagar, Deputy Speaker (Chairperson)
Hon. Aiyaz Sayed-Khaiyum, Attorney-General and Minister for Economy, Civil Service and Communications
Hon. Inia Seruiratu, Minister for Defence, National Security and Foreign Affairs
Hon. Alvick Maharaj, Assistant Minister for Employment, Productivity, Industrial Relations, Youth and Sports

ABSENT

Hon. Sitiveni Rabuka, Leader of the Opposition
Hon. Adi Litia Qionibaravi

IN ATTENDANCE

Mrs Viniana Namosimalua, *Acting* Secretary-General to Parliament
Mrs Jeanette Emberson, Deputy Secretary-General to Parliament
Mrs Kalo Galuvakadua, Head of Legislative Services Division
Mr Sakiusa Rakai, Manager Tables and Committees
Mrs Saleszni Prasad, Senior Tables Officer
Ms Wati Sovea, Hansard Reporter

1.0 WELCOME

1.1 The Chairperson welcomed Members of the Privileges Committee to their first meeting and in the process reminded Member of the mandate of the Privileges Committee.

2.0 APOLOGIES

2.1 There were no apologies received.

3.0 CONSIDERATION OF MATTERS OF PRIVILEGE

- 3.1 The Chairperson informed the Members that even though it was the Committee's first meeting, the Members had to proceed directly to the Matter of Privilege as they had a timeline to adhere to. She reminded the Members that the Hon. Speaker had invoked Standing Order 134(2)(a) that there has been a *prima facie* breach of privilege by both the Honourable Prime Minister and Honourable Tikoduadua, for words allegedly spoken and acts allegedly done within the Parliamentary precincts on Friday, 9th August 2019. She then invited the Members to discuss.
- 3.2 The Hon. Attorney-General requested Secretariat to provide the following materials for consideration by the Privileges Committee –
- CCTV footage of the exchange that took place on the floor of Parliament;
 - CCTV footage of the alleged assault that took place outside Parliament;
 - *Hansard* report, to be verified against the CCTV footage for that day in question;
 - Copies of any medical reports received by Secretariat (if any);
 - List of all publications on media, social media, and so forth whereby comments have been made by any Member of Parliament relating to the incident;
- 3.3 The Hon. Attorney-General also suggested that the Chairperson obtain ongoing independent legal advice from the Solicitor-General, similarly as in the case of the Hon. Speaker for legal matters.
- 3.4 The Members agreed for the following witnesses to be called to provide evidence –
- i) Hon. Pio Tikoduadua;
 - ii) Prime Minister the Hon. Josaia Bainimarama;
 - iii) Hon. Prof. Biman Prasad; and
 - iv) Hon. Lenora Qereqeretabua.
- 3.5 The Hon. Attorney-General requested a viewing of the Parliament official CCTV footage to establish *prima facie* evidence as any footage taken from the public at that time, may not be credible evidence and the Committee could not rely on hearsay or evidence that was questionable.
- 3.6 After viewing the Parliament CCTV footage, the Hon. Attorney-General requested Secretariat to also provide a list of the staff and the by-standers who were also visible in the footage as they could also be called to give evidence.
- 3.7 The Chairperson also asked the Secretariat to highlight issues on the *Hansard* report pertaining to the incident for ease of reference to the Members.
- 3.8 The Chairperson brought the attention of the Government Members present at the meeting to a letter written from the Leader of the Opposition, with respect to their non-attendance. The letter was read out to the Members for their information.
- 3.9 The meeting was informed that the Hon. Speaker had requested that the Committee make a decision on whether to proceed with the meeting or not. Most of the Members agreed that since a ruling and directive had been issued by the Hon. Speaker, the Privileges Committee should abide by it and continue with its meeting.

3.10 The Hon. Attorney-General also made it clear that his statement at a press conference was made in his capacity as the General Secretary of the Fiji First Party and that he was willing to step down and be replaced if the Chairperson requested that he do so. The Chairperson informed the Members that they would stand by the decision made by the Hon. Speaker and continue their meetings with the current membership.

3.10.1 Hon. Inia Seruiratu also agreed that the current membership be retained as the Leader of the Opposition had also made statements in the media, and he, as Leader of the Government in Parliament, had accompanied the Prime Minister to the Speaker's Office to provide an explanation of what transpired.

3.11 In terms of the letters to be sent out to the witnesses, the Hon. Attorney-General requested that the letters be sent out after the meeting so that the witnesses were aware of the time they were to appear before the Privileges Committee. Secretariat to draft the letters and hand deliver to the members in question to which the Secretariat confirmed they would action immediately after the meeting adjourns.

4.0 **OTHER BUSINESS**

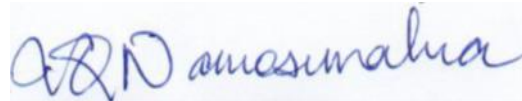
4.1 As there were no other business to discuss, the Chairperson adjourned the meeting until 1 p.m. on Wednesday, 3 September 2019.

4.2 The meeting concluded at 2.25 p.m.

Signed,



.....
Hon. Veena Bhatnagar
Deputy Speaker/Chairperson



.....
Viniana Namosimalua (Mrs)
Acting Secretary-General to Parliament

Date: 3 September 2019



PARLIAMENT OF THE REPUBLIC OF FIJI

MINUTES OF THE 2nd PRIVILEGES COMMITTEE MEETING FOR 2019 HELD IN THE PARLIAMENT SMALL COMMITTEE ROOM, EAST WING, ON TUESDAY, 3 SEPTEMBER 2019, AT 1.00 P.M.

MEMBERS PRESENT

Hon. Veena Bhatnagar, Deputy Speaker (Chairperson)
Hon. Inia Seruiratu, Minister for Defence, National Security and Foreign Affairs
Hon. Dr Mahendra Reddy, Minister for Agriculture, Rural and Maritime Development, Waterways and Environment
Hon. Alvick Maharaj, Assistant Minister for Employment, Productivity, Industrial Relations, Youth and Sports
Hon. Mosese Bulitavu
Hon. Adi Litia Qionibaravi

IN ATTENDANCE

Mrs Viniana Namosimalua, *Acting* Secretary-General to Parliament
Mrs Jeanette Emberson, Deputy Secretary-General to Parliament
Mrs Kalo Galuvakadua, Head of Legislative Services Division
Mr Sakiusa Rakai, Manager Tables and Committees
Mrs Saleszni Prasad, Senior Tables Officer
Ms Wati Sovea, Hansard Reporter

1.0 WELCOME

1.1 The Chairperson called the meeting to order and welcomed Members of the Privileges Committee to their second meeting.

2.0 APOLOGIES

2.1 Members of the Privileges Committee were informed that the two Members from the Opposition would be joining the Committee at a later stage during the meeting.

3.0 CONFIRMATION OF MINUTES

3.1 Hon. Alvick Maharaj made a correction to his portfolio and the Secretariat to action the amendment.

3.2 Hon. Alvick Maharaj moved that the Minutes of the meeting held on 2 September 2019 was a true record of proceedings. Hon. Inia Seruiratu seconded the motion.

3.3 The Minutes was agreed to unanimously, with the amendment in paragraph 3.1 above.

4.0 MATTERS ARISING

4.1 The Hon. Dr Mahendra Reddy informed the Committee of the reason the Hon. Attorney-General recused himself from the meeting, and mentioned that it was due to the letter received from the Leader of the Opposition. In view of that, he stated that the Leader of the Opposition should consider doing the same thing as he had also made certain comments to the media.

4.2 The Leader of the Opposition informed the Committee that if one were to recuse themselves from the Committee it would be at their own will and not that of the Committee members. He mentioned that if it was the wish of the Chairperson, he would recuse himself and get another Member who had not made any public statements.

4.3 The Leader of the Opposition recused himself and the Hon. Mosese Bilitavu replaced him on the Committee.

5.0 CCTV FOOTAGE

5.1 The Hon. Dr Mahendra Reddy requested to view the footage from the CCTV on the alleged incident.

6.0 SUMMONING OF WITNESSES

6.1 The Privileges Committee summoned the following witnesses to give evidence –

- 1) Hon. Pio Tikoduadua;
- 2) Hon. Prof. Biman Prasad; and
- 3) Hon. Lenora Qereqeretabua.

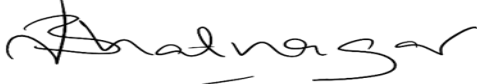
6.2 The full record (verbatim report) of the examination of witnesses is attached for the information of the Privileges Committee.

7.0 OTHER BUSINESS

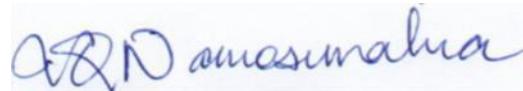
7.1 As there were no other business to discuss, the Chairperson adjourned the meeting until after the sitting of Parliament on Wednesday, 4 September 2019.

7.2 The meeting concluded at 7.25 p.m.

Signed,



.....
Hon. Veena Bhatnagar
Deputy Speaker/Chairperson



.....
Viniana Namosimalua (Mrs)
Acting Secretary-General to Parliament

Date: 4 September 2019



PARLIAMENT OF THE REPUBLIC OF FIJI

MINUTES OF THE 3RD PRIVILEGES COMMITTEE MEETING FOR 2019 HELD IN THE PARLIAMENT SMALL COMMITTEE ROOM, EAST WING, ON WEDNESDAY, 4 SEPTEMBER 2019, AT 1.00 P.M.

MEMBERS PRESENT

Hon. Veena Bhatnagar, Deputy Speaker (Chairperson)
Hon. Inia Seruiratu, Minister for Defence, National Security and Foreign Affairs
Hon. Dr Mahendra Reddy, Minister for Agriculture, Rural and Maritime Development, Waterways and Environment
Hon. Alvick Maharaj, Assistant Minister for Employment, Productivity, Industrial Relations, Youth and Sports
Hon. Mosese Bulitavu
Hon. Adi Litia Qionibaravi

IN ATTENDANCE

Mrs Viniana Namosimalua, *Acting* Secretary-General to Parliament
Mrs Jeanette Emberson, Deputy Secretary-General to Parliament
Mrs Kalo Galuvakadua, Head of Legislative Services Division
Mr Sakiusa Rakai, Manager Tables and Committees
Mrs Saleszni Prasad, Senior Tables Officer
Mrs Laisa Maafu, Assistant Editor *Hansard*

1.0 WELCOME

1.1 The Chairperson welcomed Members of the Privileges Committee to their third meeting.

2.0 APOLOGIES

2.1 There were no apologies.

3.0 CONFIRMATION OF MINUTES

3.1 Hon. Alvick Maharaj moved that the Minutes of the meeting held on 3 September 2019 was a true record of the proceedings. Hon. Inia Seruiratu seconded the motion.

3.2 Minutes were agreed to unanimously.

4.0 MATTERS ARISING

4.1 There were no matters arising.

5.0 WITNESSES TO GIVE EVIDENCE

5.1 The Privileges Committee summoned the following witnesses to give evidence –

- (a) Hon. Prime Minister;
- (b) Hon. Pio Tikoduadua; and
- (c) Mr Saimoni Tagivetaua (Security for the Hon. Prime Minister

5.2 After the examination, the Members discussed and agreed that they write to the Hon. Speaker to seek an extension to defer the tabling of the report of the Privileges Committee to Friday and not Thursday as was directed by the Hon. Speaker.

5.3 The full record (verbatim report) of the examination of witnesses is attached for the information of the Members.

6.0 CONSIDERATION OF SEVERITY OF BREACH, IF ANY

6.1 The Chairperson invited the Members to discuss the question of breach and severity. After deliberating on the issue, the Members agreed that there were breaches from both parties, that is –

6.1.1 That there was a personal attack by Hon. Pio Tikoduadua against the Hon. Prime Minister on the floor of the Parliament Chambers; and

6.1.2 The Hon. Prime Minister for words allegedly spoken and acts allegedly done within the Parliamentary precincts.

6.2 The Chairperson advised the Committee that they needed to justify their explanations in terms of how the decisions are reached.

6.3 Further deliberations continued and points were noted by the Secretariat for inclusion in the report. The Committee also agreed to await the verbatim reports to clarify some of the comments made by the witnesses.

7.0 CONSIDERATION OF RECOMMENDATIONS, IF ANY

- 7.1 The Chairperson asked the Members if they could consider recommendations which the Privileges Committee could table in Parliament.
- 7.2 The Committee agreed to further deliberate on the issue and consider the recommendations accordingly.
- 7.3 It was also agreed that the Committee await the verbatim reports in order to justify the options that they were going to take.

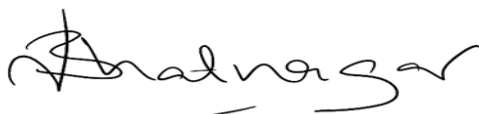
8.0 COMPILATION OF COMMITTEE REPORT

- 8.1 The Members agreed that the Secretariat provide a draft report by 8.00 a.m. on Thursday, 5 September 2019.

9.0 OTHER BUSINESS

- 9.1 The Chairperson informed Members of the Committee that the Hon. Speaker had agreed to their request in paragraph 5.2, and had allowed the Committee to table its report on Friday morning, 6 September 2019.
- 9.2 As there were no other business to discuss, the Chairperson adjourned the meeting until after the sitting of Parliament on Thursday, 5 September 2019.
- 9.3 The meeting concluded at 7.22 p.m.

Signed,



.....
Hon. Veena Bhatnagar
Deputy Speaker/Chairperson



.....
Viniana Namosimalua (Mrs)
Acting Secretary-General to Parliament

Date: 5 September 2019



PARLIAMENT OF THE REPUBLIC OF FIJI

MINUTES OF THE 4TH PRIVILEGES COMMITTEE MEETING FOR 2019 HELD IN THE PARLIAMENT SMALL COMMITTEE ROOM, EAST WING, ON THURSDAY, 5 SEPTEMBER 2019, AT 1.00 P.M.

MEMBERS PRESENT

Hon. Veena Bhatnagar, Deputy Speaker (Chairperson)
Hon. Inia Seruiratu, Minister for Defence, National Security and Foreign Affairs
Hon. Dr Mahendra Reddy, Minister for Agriculture, Rural and Maritime Development, Waterways and Environment
Hon. Alvick Maharaj, Assistant Minister for Employment, Productivity, Industrial Relations, Youth and Sports
Hon. Mosese Bulitavu
Hon. Adi Litia Qionibaravi

IN ATTENDANCE

Mrs Viniana Namosimalua, *Acting* Secretary-General to Parliament
Mrs Jeanette Emberson, Deputy Secretary-General to Parliament
Mrs Kalo Galuvakadua, Head of Legislative Services Division
Mr Sakiusa Rakai, Manager Tables and Committees
Mrs Saleszni Prasad, Senior Tables Officer
Ms Wati Sovea, *Hansard* Reporter

1.0 WELCOME

1.1 The Chairperson welcomed Members of the Privileges Committee to their fourth meeting.

2.0 APOLOGIES

2.1 There were no apologies.

3.0 CONFIRMATION OF MINUTES

3.1 Hon. Dr Mahendra Reddy moved that the Minutes of the meeting held on 3 September 2019 was a true record of proceedings. Hon. Mosese Bulitavu seconded the motion.

3.2 Minutes agreed to unanimously.

4.0 MATTERS ARISING

- 4.1 The Hon. Dr Mahendra Reddy asked if the Item 6.1.1 of the Minutes could read “That the first breach was the personal attack by Hon. Pio Tikoduadua on the Hon. Prime Minister and his family inside Parliament Chambers.”
- 4.2 Hon. Adi Litia Qionibaravi and Hon. Mosese Bulitavu placed on record that they only agreed that the personal attack was based on the violence against women but not the reference to the words “... in your own House”. The Hon. Inia Seruiratu also mentioned that the words “... your own House” was subject to interpretation because the Government members saw it as an attack on the Hon. Prime Minister’s family whilst the Opposition saw it as a reference to the Parliament Chambers.

5.0 WITNESS TO GIVE EVIDENCE

- 5.1 The Chairperson made reference to Hon. Pio Tikoduadua’s testimony to the Committee when he was recalled on Wednesday, 4 September 2019, that his reference in Parliament for the Hon. Prime Minister to look at his “own House” was in fact a reference to the FijiFirst Party.

The Chairperson further advised that the Hon. Pio Tikoduadua had referred to an incident during a Parliament workshop at the Warwick Resort and mentioned that a Parliament staff had approached him to complain about the incident.

- 5.2 The Chairperson stated that for the purpose of clarity and deliberation, they could call on the lady referred to by Hon. Pio Tikoduadua to establish a few facts before the Committee proceeded.
- 5.3 The Privileges Committee summoned Ms Komal Khushboo to give evidence to the Committee.
- 5.4 After the examination, the Members discussed and agreed that they have had sufficient evidence and that they now proceed to deliberation on the draft report.
- 5.5 The full record (verbatim report) of the examination of the witness is attached for the information of the Privileges Committee.

6.0 DELIBERATION AND COMPILATION OF COMMITTEE REPORT

- 6.1 The Chairperson thanked the Secretariat for providing the draft report and requested the Members to discuss, add and amend the report before it was finalised.

7.0 CONSIDERATION OF RECOMMENDATIONS

- 7.1 The Chairperson requested the Members to consider the options in terms of recommendations that will be recommend by the Privilege Committee to Parliament.

7.2 The Members agreed that the draft report be forwarded for independent legal advice to assist the Committee with any legal implications.

8.0 OTHER BUSINESS

8.1 As there were no other business to discuss, the Chairperson adjourned the meeting.

8.2 The meeting concluded at 5.25 p.m.

Signed,



.....
Hon. Veena Bhatnagar
Deputy Speaker/Chairperson



.....
Viniana Namosimalua (Mrs)
Acting Secretary-General to Parliament

Date:

VERBATIM REPORTS

PRIVILEGES COMMITTEE MEETING

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[Verbatim Report of Meeting]

HELD IN THE

COMMITTEE ROOM (EAST WING)

ON

MONDAY, 2ND SEPT., 2019

**VERBATIM REPORT OF THE MEETING OF THE PRIVILEGES COMMITTEE
HELD IN THE COMMITTEE ROOM (EAST WING), PARLIAMENT PRECINCTS,
GOVERNMENT BUILDINGS, ON MONDAY, 2nd SEPTEMBER, 2019 AT 9.24 P.M.**

Present:

- | | |
|--|---|
| 1. Deputy Speaker | : Hon. Veena K. Bhatnagar (Chairperson) |
| 2. Attorney-General and Minister for Economy
Civil Service and Communications | : Hon. Aiyaz Sayed-Khaiyum |
| 3. Minister for Defence, National Security and
Foreign Affairs | : Hon. Lt. Col. Inia B. Seruiratu |
| 4. Assistant Minister for Employment,
Productivity and Industrial Relations | : Honourable Alvick A. Maharaj |

Absent:

- | | |
|-----------------------------|---|
| 1. Leader of the Opposition | : Hon. Major-General (Ret'd) S.L. Rabuka, |
| 2. Hon. Adi L. Qionibaravi | |

Also Present (Secretariat):

- | | |
|---|-----------------------------|
| 1. Secretary-General to Parliament | : Mrs. V. Namosimalua |
| 2. Deputy Secretary-General to Parliament | : Mrs. J. Emberson |
| 3. Director, Legislative Processes | : Mrs. Kalo T. Galuvakadua |
| 4. Manager, Tables Office | : Mr. S. Rakai |
| 5. Hansard Reporter | : Wati V. Kaunibaravi Sovea |

HON. A. SAYED-KHAIYUM.- Madam Deputy Chair, I propose that we find out whether the other Members are coming or not. It has already been 15 minutes and maybe you can start because I assume we have a quorum. Thank you.

HON. CHAIRPERSON.- Honourable Members, a very good afternoon to you all. I welcome all the Honourable Members to this first sitting of the Privileges Committee. Before we proceed to the meeting proper, I would like to reiterate to the Members the mandate of the Privileges Committee and these are;

- (a) bring to the attention of Parliament any breach of the privileges of Parliament committed by any person;
- (b) consider any questions of privilege as maybe referred to it by Parliament or the Speaker whether under Standing Order 134 or otherwise;
- (c) inquire into any complaint that may be referred to it by Parliament or Speaker concerning any breach of privilege on the part of any person or persons; and
- (d) provide reports and recommendations to Parliament as a result of any matter referred to it.

I am sure that you all are aware that “(3) for the purposes of performing its functions and duties, the Privileges Committee may summon any person to appear before the Committee

to give evidence or provide information, and, for these purposes, the Committee has the same powers as the High Court to;

- (a) enforce the attendance of witnesses and examine them on oath, affirmation, or otherwise; and
- (b) compel the production of documents or other material or information as required for performing the function or duty concerned.”

Honourable Members, thank you very much for your presence here. I can see that the two Honourable Members from the Opposition are not present here in this Privileges Committee Meeting and I believe this should not be entertained in any further meetings. If the meeting is scheduled at 1.00 p.m., all the Members should be present here at 1.00 p.m.

So once again, moving on to the next Item on the Agenda, are there any Apologies - No.

As there being no apologies, let us move on to the Item No. 3 on the Agenda - Consideration of Matter of Privilege.

As this is our first meeting, we will proceed directly to discuss the Matter of Privilege referred to the Committee by the Honourable Speaker. Please, Honourable Members, note that we have been given a timeline with which we must report back no later than Thursday, 5th, September, 2019.

The Honourable Speaker has invoked Standing Order 134(2)(a) that there has been a *prima facie* breach of privilege by both, the Honourable Prime Minister and the Honourable Tikoduadua, for words allegedly spoken and acts allegedly done within the Parliamentary precincts on Friday, 9th August, 2019.

With that in mind, I now invite Members to discuss. Thank you.

Honourable Members, you have the floor.

HON. A. SAYED-KHAIYUM.- Thank you, Madam Deputy Speaker. Madam Deputy Speaker, thank you for that. Obviously, we have some fairly strict timelines and, from a Privileges Committee perspective, we obviously need to call people to appear before the Privileges Committee and frankly, we do not have much time left at all.

If I could suggest, Madam Deputy Speaker, as we have been thinking about it over the lunch adjournment that we need to be armed with a number of material before us to be able to consider these very serious allegations that have been put to the Privileges Committee.

There are obviously two matters that are being referred to. One, of course, is the comment by Honourable Pio Tikoduadua and I understand that this Hansard copy (which has been given) would have the words that were uttered by him. Then, of course, is the exchange that subsequently took place between him and the Honourable Prime Minister on the floor of Parliament.

The other one is, of course, the alleged assault as claimed by the Honourable Tikoduadua which could be, we understand, captured by the Closed-Circuit Television (CCTV)

that the Parliament actually has, so we would need to see the CCTV footage. We need to see that as part of the evidence and as a Committee, we need to see the CCTV footage, so if we could also be given that, perhaps we can have a screening of that in the Privileges Committee.

Also, just for our clarity's sake, with the Hansard copies that have been given to us, we would like to just check it against the video recording of Parliament that day, so if the Secretariat could provide that to us so we could go and have a look and check that against the words that have been recorded in the Hansard against the video.

Then, of course, Madam Deputy Speaker, we will need to also ensure if there are any medical reports that have been presented from the assault - is there any medical report that may have been acquired? So, we need to see that, if any. We understand there has not been any but we just need to be sure of that. If the Secretariat could check that for us.

Also, Madam Deputy Speaker, we would like to suggest that perhaps you have legal advice for your independence from the Solicitor-General's Office, as Mr. Speaker, Sir, himself does so - get advice.

Also, we need to compile a list of people whom we will need to call to appear before the Privileges Committee, who we can question in respect of the allegations that have been made. As we know, Madam Deputy Speaker, that the Privileges Committee obviously has quasi-judicial functions and we can call anyone at any time. Also, even if they do appear before us, we can call them again, we reserve the right to do that.

So I think we need to very quickly do this and the Secretariat would probably need to write to them today to put them on notice to make themselves available as to these individuals. So, if I could, with your leave, after we have done this and perhaps heard from any of the other Members, probably come up with the list of people whom we need to invite to appear before the Privileges Committee. Oh, sorry, before that, Madam Deputy Speaker, if we can also get a list and then the Secretariat can provide to us a list of all publications whether in social media or any media where comments have been made by Members of Parliament.

Any statements by any of the political parties in relation to that, in particular the Complainant or complainants and other people making comments on that, in particular, Members of Parliament because again, if they are going to appear before us, we need to know what they have said and what they will say to us also when they appear before this Committee. Thank you.

HON. CHAIRPERSON.- Thank you, Honourable Attorney-General. Any other comments from the floor? So as requested, Honourable Attorney-General, Sir, what is your priority on the list? What should the Secretariat do first - compile a list?

HON. A. SAYED-KHAIYUM.- I think the things that I have highlighted, we need to see the CCTV footage because that obviously has been the subject of discussion. We have seen, I think, we would not be living in the city if no one has not seen it because obviously there is quite a lot of things floating around on social media.

But, as to establish any *prima facie* evidence, we cannot take any footage as evidence unless it is from the official CCTV footage, because as you know in this day and age with the use of technology, people that put up posts on social media or on phones or people that take footage on phones can be doctored. I mean, we have already seen it being doctored, so we

cannot and I think, Madam Deputy Speaker, please, I think the Committee needs to rely on credible evidence. Like I said, with the quasi-judicial powers we have, so we need to ensure that we also conduct ourselves in that fashion and not rely on hearsay and also not rely on evidence that is actually questionable.

So, if we can get the official footage of the CCTV, that will be the first thing. We can arrange to have the viewing if it is available now, we probably can view it now, if that is available. So at least, we have done one thing and we need to have it handy because if we are going to have people appear before us as witnesses and then if they make certain claims, we need to be able to check that against the actual footage itself. So that is incredibly important for us to have that available.

The second thing, Madam Chairperson, we would like to also see if the Secretariat, like I said, has any medical report in question, they need to ascertain that. We obviously got the Hansard, and we probably need to get the videos of that day too, please, of the proceedings in Parliament.

Madam Deputy Speaker, you also need to have consultation with the Solicitor-General; and we also need to look at the compiled list of people who we will need to be called to give evidence, and I think if we can agree on that today, we can then send out the letters to them so they can be here tomorrow.

HON. CHAIRPERSON.- Secretariat, would you be able to arrange the original CCTV footage today?

SECRETARIAT.- Madam Deputy Speaker and Honourable Members, the only copy that we have is currently with the Honourable Speaker, and which we are going to request right now. I think the Deputy Secretary-General has gone to request Honourable Speaker for its release because that was the only footage that was kept and saved which is with the Honourable Speaker at this point.

I think that was the only one that was released and we are going to seek the Honourable Speaker's permission to release that.

DEPUTY CHAIRPERSON.- That *CCTV* is from our Parliament.

SECRETARIAT.- Yes, the *CCTV* from Parliament, Madam Chair.

DEPUTY CHAIRPERSON.- Thank you, and the Parliament proceedings' video footage?

SECRETARIAT.- For that Friday, Honourable Deputy Speaker, we can also get that.

DEPUTY CHAIRPERSON.- Yes, arrange for that so that we need to screen it by tomorrow at the latest, and if it is done today, it is much better. We do not have much time actually because we have to start compiling our Report on Wednesday, so basically we do not have much time.

Honourable Attorney-General, Sir, have you got people in mind whom you want to invite as witnesses?

HON. A. SAYED-KHAIYUM.- I think, Madam Deputy Speaker, again if the other Members could also contribute. I would assume that the two complainants, the Honourable Prime Minister and the Honourable Tikoduadua, need to be given notice to appear before the Privileges Committee to explain themselves; and again the Honourable Qereqeretabua who has also made a number of statements publicly on social media, and we understand that she was in the vicinity of the place; and the Honourable Biman Prasad who made comments in Parliament that was brought to the attention of the Honourable Speaker himself.

Of course, as we go along, any other persons we may want to call in respect of the incident itself but most definitely, I think these are the four people that I can think of at this point in time that could be called.

We have seen from the photographs published, et cetera, that there were other people standing around the vicinity of the Honourable Prime Minister and Honourable Tikoduadua, perhaps some of these bodyguards and other people who were there that we could see from the footage, but I think a lot of it will depend on the footage itself, and we can only determine that but most definitely, the Honourable Prime Minister, Honourable Tikoduadua, Honourable Qereqeretabua, Honourable Biman Prasad would be the people.

DEPUTY CHAIRPERSON.- Definitely, I agree because they are the two people concerned and we need to hear them out. That is the very first thing I think we should do, so when would you like to summon them - today or tomorrow, because we have to give them some time.

HON. A. SAYED-KHAIYUM.- I think, I have been guided by other Members of the Committee and yourself, perhaps we can probably invite them tomorrow, maybe it will be short notice today.

DEPUTY CHAIRPERSON.- Yes.

HON. A. SAYED-KHAIYUM.- But we may need to sit fairly late into tomorrow, because like you pointed out, we need to write the Report, probably by Wednesday, but I can see there will be a lot of questioning and, of course, people will want to explain themselves. We should probably have the first witnesses by at least 1.15 p.m. or 1.30 p.m. tomorrow.

DEPUTY CHAIRPERSON.- So, I think the Secretariat will need to write today to the Honourable Prime Minister, Honourable Tikoduadua, Honourable Qereqeretabua and, of course, the Honourable Biman Prasad. They need to appear before the Committee tomorrow, what is the timeframe we will interview the Honourable Minister?

HON. A. SAYED-KHAIYUM.- I think we need to be guided by you. We can call either the Honourable Prime Minister or the Honourable Tikoduadua and first

DEPUTY CHAIRPERSON.- Together?

HON. A. SAYED-KHAIYUM.- We cannot have them together ...

HON. I.B. SERUIRATU.- I suggest we interview the Honourable Tikoduadua first.

DEPUTY CHAIRPERSON.- Hear them out separately first.

HON. A. SAYED-KHAIYUM.- Yes, the Honourable Tikoduadua first, then the Honourable Prime Minister but like I said, we may want to call more people after we have viewed the footage.

DEPUTY CHAIRPERSON.- Yes. So, any luck with the footage - it is coming, so today we will go through the footage and any idea where these two Honourable Members are - No.

SECRETARIAT.- Madam Deputy Speaker, we have actually sent out staff to go and see them but they have not been able to come back to us.

DEPUTY CHAIRPERSON.- Thank you. So, meanwhile the Secretariat will have to compile all the statements made by any Member of Parliament like the request from the Honourable Attorney-General and when can that be possibly done at the latest?

SECRETARIAT.- Honourable Deputy Speaker, probably we can do it later today, collect all the information that we have received online and present it tomorrow at your next meeting?

HON. A. SAYED-KHAIYUM.- If I could suggest, even if it is distributed to us today, because we need to read it. I have done some research myself but I want to rely on the official ones. I can give you copies of what we have printed. We have got Tweets, social media posts but media articles also. I think it is very important, because I think that will also establish and we have already seen, Madam Deputy Speaker, some contradictions also. So again when they appear before us, we should be able to question them on that. If we can do that but I am quite happy to provide you with some copies.

HON. CHAIRPERSON.- I would like the Honourable Members to suggest, if you need the Solicitor-General to be present in all meetings, I would rather have him but it depends on the Honourable Members.

HON. A. SAYED-KHAIYUM.- I think, Madam Deputy Speaker, that is really your call whether you have them present or whether you have them for advice, but I suggest that that is something you decide with the Secretariat. It may be perhaps in your decision, you may want to not necessarily have them here but you can refer certain matters to them.

HON. CHAIRPERSON.- Obviously. Thank you, Sir.

SECRETARIAT.- Honourable Deputy Speaker, just clarifying with the Honourable Attorney-General in terms of the footage of the Sitting on Friday, 9th August, 2019. Is it the whole Sitting or is it just that portion where the debates took place and also when they reported back to the House?

HON. A. SAYED-KHAIYUM.- I think it depends on only the matter surrounding the incident, that would be of importance.

SECRETARIAT.- Okay, Sir. Thank you very much.

HON. CHAIRPERSON.- Honourable Members, while we wait for the screening to be done of the CCTV footage, this is a letter written to the Honourable Speaker of the Parliament

of the Republic of Fiji. I want to read it out to everyone. This is in regards to the absence of the Members of this Committee (Madam Deputy Speaker reads):

“Participation in Select Committee on Privileges

We acknowledge and respect your decision this morning to refer two matters to the Select Committee on Privileges under Standing Order 134(2)(a), that there has been a *prima facie* breach of Parliamentary Privilege by Honourable Pio Tikoduadua, President, National Federation Party and the Prime Minister, Honourable Voreqe Bainimarama, for words allegedly spoken and acts allegedly done within the Parliamentary precincts on Friday, 9th August, 2019. It is unfortunate, Mr. Speaker, Sir, that we, the Parliamentary Caucus of the Social Democratic Liberal Party, have discussed and unanimously agreed not to participate in the Select Committee on Privileges for the following reasons:

- i. We believe that the ruling to refer these matters to the Select Committee on Privileges is out of order because Standing Order Rule 134(1) clearly states that a motion for a matter of privilege must be part of the House Agenda, and must be raised by a Member during proceedings after having given the Speaker one hour notice rather than the Speaker initiating the matter. It is unfortunate, in our view, that the Speaker has erred in raising the matter of his own volition.
- ii. We understand that the matter has been reported to Police because it involves an alleged breach of the Crimes Act 2010, and that investigations are ongoing. This is consistent with the Party principled stance with regard to the motion to condemn Honourable Mosese Bilitavu on 8th August, 2019.
- iii. Again, Mr. Speaker, Sir, we would like to revisit the Ruling by the late Speaker, Honourable Jiko Luveni, on a complaint by the Honourable Mosese Bilitavu against the Honourable Prime Minister for an alleged incident in the Big Committee Room where she ruled that the incident did not take place within the Parliamentary Chamber during a sitting, neither was a Standing Committee meeting within the Big Committee Room, and therefore it was not a breach of Parliamentary Privilege.

It is also important to look at the precedent rulings of the Privileges Select Committee regarding Honourable Ratu Naiqama Lalabalavu, Honourable Ratu Isoa Tikoca and Honourable Roko Tupou Draunidalo. We are also of the strong view that the Parliament should not interfere with the work and constitutional role of the Police, particularly incidents that are criminal in nature.

- iv. The Constitution guarantees the right to equality before the law. This requires that all citizens, whether Members of Parliament, Head of Government or Cabinet Minister must be treated equally, just as any ordinary citizen who is alleged to have breached any criminal law is investigated by the Police. Parliament, therefore, must not arrogate to Parliamentarians special treatment or exemption from the Criminal Law which applies to ordinary citizens.

- v. With regard to the membership of the Privileges Select Committee, we are very much concerned that the Honourable Attorney-General is a member despite his public utterances against Honourable Pio Tikoduadua. In particular, the *Hansard* of Friday, 9th August, 2019 where he agrees with the Honourable Prime Minister accusing the Honourable Pio Tikoduadua of making a personal attack.

Furthermore, at a press conference on the evening of Friday, 9th August, 2019, the Honourable Attorney-General announced that Honourable Tikoduadua's comments in Parliament regarding the Honourable Prime Minister's family is highly unfitting of a Member of Parliament. Therefore, he has prejudged the matter and cannot be impartial as a Member of the Privileges Committee.

We sincerely hope that our comments will be taken in the spirit of good governance and transparency and in support of the integrity and sanctity of Parliament is paramount. Therefore it is unfortunate, Mr. Speaker, Sir, that we will not be attending the Select Committee on Privileges.

Signed:

Yours faithfully

Honourable S.L. Rabuka
Leader of the Opposition.”

So, this letter is referred to the Speaker? He will have to come up with the decision on that.

SECRETARY-GENERAL.- Honourable Chair, if I may, this letter had been read by the Honourable Speaker, and his instruction that it be referred to this Committee - the Privileges Committee.

HON. A. SAYED-KHAIYUM.- I think our opinion is that, we should continue with the Privileges Committee because it has been referred to us by the Speaker and we need to do that. I mean it is just an opinion of theirs that it should not, and frankly they tend to get the law incorrect quite commonly.

Madam Chairperson, if you look at Standing Order 134(2), I do not know which Standing Order they have quoted there, if you read that, it says:

“A member called upon by the Speaker to raise a matter of privilege must state briefly the facts that the member wishes to draw to Parliament's attention and the resulting grounds on which the member believes there has been a breach of the privileges of Parliament or a member.”

Honourable Professor Biman Prasad has already done that on Friday itself when he stood up and said that something needs to be done about this and I think the *Hansard* should actually capture that.

Then it goes on to say:

“The Speaker must then decide (either immediately or after deferring the decision to a sitting day as soon as practicable after that sitting day)” [so that was the last sitting day, so he is now referred it to us, whether:-

“a) there has been a *prima facie* breach of privilege, in which case the matter must be referred to the Privileges Committee for consideration;”

which is what he has done. Of course, there is the other path where the Member can move it. If the Speaker does not do anything about it, the Member then can do so under Standing Order 134(2) which says:

“(b) ... in which case the member who raised the matter or any other member, may move a motion.”

But there is the option of the Speaker having the discretion to refer it directly to the Privileges Committee which is indeed what he has done and we need to do that.

In respect of my matter whether I am conflicted or not, Madam Deputy Speaker, the issue here is obviously against the breach of privilege against the Honourable Prime Minister and also against Honourable Tikoduadua. I mean, I made those statements as the General Secretary of the Party, but again I mean I can obviously consult with the Leader of the Government in Parliament and the Honourable Prime Minister and indeed if there is a need, then I can obviously step down too if there is a need for it. But at this point in time, I do not see the need for it to do that unless, of course, Madam Deputy Speaker, you decide that I should not be in the Committee and I can, of course, quite happily get some other Member of Government to be a Member of this Privileges Committee.

HON. CHAIRPERSON.- Thank you, Honourable Attorney-General. The Committee list has been decided by the Speaker and it stays. This Committee has been mandated by the Speaker, as the Privileges Committee to work on this particular issue so we are going to move forward, whether the Members are ready to come or not is their discretion, but we will continue or if the Secretariat

SECRETARY-GENERAL.- I think, Deputy Speaker, we will just go by the instruction given by the Honourable Speaker that the Committee decides whether you want to proceed or not but the decision must be made by you.

HON. CHAIRPERSON.- So, I believe this is something serious which needs to be looked into and we are here to look into it and the Privileges Committee has been decided by the Honourable Speaker. So, as Deputy Speaker, I believe that we should continue, move forward with it and get our recommendations and our Report ready before Thursday, if the Members agree.

HON. LT. COL. I.B. SERUIRATU.- Thank you, Deputy Speaker. I agree that we proceed. Again on the objections by the SODELPA Party on the membership of the Privileges Committee, my understanding is, if they were to do so, it would have been good if they had indicated that on the floor of Parliament something that we had already discussed in Government as well.

Similarly, the Honourable Leader of the Opposition has already made statements and he is going to be in the Committee as well. I mean so many statements have been made. I had also consulted the Honourable Speaker because I accompanied the Prime Minister to the Speaker's Office and he did indicate that I was there merely as Leader of the Government in Parliament. So, I think the Honourable Speaker clearly understands the scenario and he has made the decision and we proceed with it.

HON. CHAIRPERSON.- Thank you, Honourable Seruiratu. So, while the Secretariat will be doing their job by sending out invitations to Honourable Prime Minister and Honourable Tikoduadua to appear tomorrow individually, and looking at the timeframe, if the Members can decide on how much time we are going to give.

HON. A. SAYED-KHAIYUM.- I think, Deputy Speaker, we cannot say that. Normally when you are called to be a witness, we give a general indication, for example, if the Honourable Tikoduadua is going to be the first witness to be called, or to give evidence before the Privileges Committee, we could finish with him in half an hour and it may take one and half hours. But whoever is the next person will just simply have to wait. We can give them some idea and say "No, give us space of maybe, say, every half an hour or 45 minutes", but they have to understand that they will have to wait. That is what people do in the courts - wait.

HONOURABLE CHAIRPERSON.- So, currently we have got four names on the list;

- (1) Honourable Prime Minister
- (2) Honourable Tikoduadua
- (3) Honourable Qereqeretabua
- (4) Honourable Prasad

After the CCTV footage, if the Committee decides that we need to interrogate all or have more people on the stand, we will decide. So, we proceed with the CCTV footage.

(Viewing of the CCTV Footage on the alleged incident concerning the Honourable Prime Minister and Honourable Pio Tikoduadua on Friday, 9th August, 2019.)

HON. A. SAYED-KHAIYUM.- Madam Chairperson, I suggest that we take that part of the footage as official evidence for this Committee, that we include that.

So now that has been presented, we can take that clip with the time recording (showing the time) as part of the official evidence for the Committee. I think we will need to sort of digest that and see who we should call but sometimes, these things pens up, so when once we call a couple of witnesses, in particular, the prime witnesses then from there, we will probably be able to ascertain who else we should call.

But, at least, it will be good for us if the Secretariat can make a note of all the people who were there and their names, so at least we know where they are, and if we need to, then we can call them. But, let us not alert them as yet, but as long as you have a list of them and then we will see as it pens up, because the fact of the matter is, it is in the interest of natural justice also that when we start calling the witnesses, including Honourable Tikoduadua and Honourable Prime Minister, we will need to show them the footage also and question what happened, why it happened and what did they say, et cetera, because obviously there is no audio.

I think also the other point is that, we need to have a copy of the video for the parliamentary proceedings too, apart from relying on the Hansard. I think that is important too and that can also be shown.

SECRETARIAT.- Honourable Deputy Speaker, the Friday, 9th August, 2019 footage is currently being brought over by the IT team and they will show us very shortly. Thank you.

HON. A. SAYED-KHAIYUM.- For those purposes, if we can just get copies of that because that is available publicly and that will be good, if we have just got that, we do not have to see it now.

So just put it on a flash drive and we can have a look but also just to expedite matters, we should include that also as evidence for these proceedings.

DEPUTY CHAIRPERSON.- And if the Secretariat can highlight all those on the Daily *Hansard*, we have to see if it synchronises with whatever we see in the footage. So, just highlight everything in the *Daily Hansard* so that it is available for all the Members. Is there anything else?

HON. A. SAYED-KHAIYUM.- I think that will be it, Madam Deputy Speaker, but perhaps if you can, through the Secretariat, send out the letters to those four people to appear before the Committee tomorrow. They can probably start coming in from 1.15 p.m. I assume that we will start at the same time tomorrow?

HON. CHAIRPERSON.- Yes.

HON. A. SAYED-KHAIYUM.- Also, if we can get the copies of all the information that we requested; the media printouts of the communications?

HON. CHAIRPERSON.- And find out if there are any medical reports?

HON. A. SAYED-KHAIYUM.- Yes. I think if nothing has been submitted to the Secretariat then we do not have it, as long as the Secretariat can confirm that. Do we have any at the moment? Is there any medical report been handed in?

(Inaudible)

HON. A. SAYED-KHAIYUM.- Okay. As long as that is recorded, that no medical reports have been handed in then, of course, we can ask Honourable Tikoduadua when he is here whether he actually did go and get a medical report for that? Thank you.

HON. CHAIRPERSON.- Thank you, Honourable Members. There being no further items on the Agenda, I will now close the meeting and thank you very much for your discussions and your attendance today.

HON. A. SAYED-KHAIYUM.- Sorry, Honourable Madam Deputy Speaker, can we get a copy of that letter that was sent by SODELPA to the Speaker, please?

SECRETARY-GENERAL.- We will make copies of that too and have them distributed.

HON. A. SAYED-KHAIYUM.- So can we get both?

HON. CHAIRPERSON.- Just a small amendment there, it should be Crimes Act 2009 instead of 2010 which he initially wrote. So, basically there are no other amendments. I suppose you make copies and give it out to all the Committee Members.

Thank you, that brings us to the end of today's meeting. Hopefully, all the requested materials should be in by tomorrow. We will meet here again tomorrow at around 1.15 p.m. Thank you, Honourable Members.

The Committee adjourned at 2.04 p.m.

PRIVILEGES COMMITTEE MEETING

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[Verbatim Report of Meeting]

HELD IN THE

COMMITTEE ROOM (EAST WING)

ON

TUESDAY, 3RD SEPTEMBER., 2019

VERBATIM REPORT OF THE MEETING OF THE PRIVILEGES COMMITTEE HELD IN THE COMMITTEE ROOM (EAST WING), PARLIAMENT PRECINCTS, GOVERNMENT BUILDINGS ON TUESDAY, 3RD SEPTEMBER, 2019 AT 1.06 P.M.

Present:

1. Deputy Speaker : Hon. Veena K. Bhatnagar (Chairperson)
2. Minister for Agriculture, Rural and Maritime Development, Waterways and Environment : Hon. Dr. Mahendra Reddy
3. Minister for Defence, National Security and Foreign Affairs : Hon. Lt. Col. Inia B. Seruiratu
4. Assistant Minister for Employment, Productivity, Industrial Relations and Youth & Sports : Honourable Alvick A. Maharaj
5. Leader of the Opposition : Hon. Major-General (Ret'd) S.L. Rabuka,
6. Hon. Adi L. Qionibaravi
7. Hon. M.D. Bulitavu

Also Present (Secretariat):

1. Secretary-General to Parliament : Mrs. Viniana Namosimalua
2. Deputy Secretary-General to Parliament : Mrs. Jeanette Emberson
3. Head of Legislative Services : Mrs. Kalo T. Galuvakadua
4. Manager, Tables and Committees : Mr. S. Rakai
5. Hansard Reporter : Mrs. Wati V. Kaunibaravi Sovea

HON. CHAIRPERSON.- A very good afternoon to all of you. This meeting is called to order and I welcome all Honourable Members to this second meeting of the Privileges Committee.

Are there any apologies? No, apologies. Are we waiting for some people?

MR. S. RAKAI.- Madam Chairperson, we have not received any

HON. CHAIRPERSON.- All right, we move on to the next Item on the agenda. It is the confirmation and adoption of Minutes. Are there any amendments to the Minutes of 2nd September, 2019? I believe all of you have got copies in your folders, please, the Minutes for the last meeting. So are there any amendments to the Minutes for 2nd September, 2019?

Please, note that the Minutes are very brief but the Verbatim notes are also provided in your folders. I propose that we look at the Minutes for confirmation and for any changes to the Verbatim, Members can liaise directly with the Secretariat.

Let us go through the Minutes - Page 1, Page 2, Page 3 - are there any amendments? There being no amendments, can I request a Member to move that this is a true record of the Minutes?

HON. A.A. MAHARAJ.- Madam Chairperson, just a correction on Page 1.

HON. CHAIRPERSON.- What Page?

HON. A.A. MAHARAJ.- Page 1.

HON. CHAIRPERSON.- Yes.

HON. A.A. MAHARAJ.- Under my title it should actually read “Assistant Minister for Employment, Productivity and Industrial Relations, Youth and Sports”.

HON. CHAIRPERSON.- Thank you, Secretariat to take note of that. Are there any other amendments?

HON. A.A. MAHARAJ.- On the same note, Madam, I would actually move that this is the true record of the last meeting’s proceedings.

HON. CHAIRPERSON.- Thank you. Is there a seconder?

HON. LT. COL. I.B. SERUIRATU.- I second the motion.

HON. CHAIRPERSON.- Thank you, Honourable Seruiratu.

Next Item on the agenda - Matters Arising. We will now move on to the next Item - Any Matters Arising from the Minutes? We just quickly run through Page 1.

HON. DR. M. REDDY.- Madam Chairperson, just for noting that the second Member there, Honourable Aiyaz Sayed-Khaiyum, I just want to note that I am now replacing him.

HON. CHAIRPERSON.- Thank you. Secretariat to take note of that.

HON. CHAIRPERSON.- Thank you, Secretariat to take note on that. Let us welcome Dr. Mahendra Reddy. He is our new Member on the Privileges Committee replacing the Attorney-General and Minister for Economy, Honourable Aiyaz Sayed-Khaiyum. Thank you, Dr. Reddy.

Page 2.

HON. LT. COL. I.B. SERUIRATU.- Sorry, Chair, can I just go back to Dr. Reddy being the Alternate Member for the Honourable Attorney-General and Minister for Economy. Can it be clarified in the records of the meeting that this is in response to the objection raised by SODELPA in their letter to the Speaker about the participation in the Select Committee on Privileges? This is particularly on Paragraph 5 of their letter.

HON. CHAIRPERSON.- Thank you, Honourable Seruiratu. In response to that, Honourable Speaker had responded and I will just read that particular bit. This is in response to the letter from SODELPA and Honourable Prasad to the Honourable Speaker. The response says that;

“With respect to your complaint against the Honourable Attorney-General’s participation as a Member of the Privileges Committee, please, note that all Members of Parliament are duty-bound to act independently and impartially when sitting as Members of the various Committees of Parliament, however, I wish to inform you that the Honourable Attorney-General had written to me in the afternoon on 2nd September, 2019 and has recused himself from sitting as a Member of the Privileges Committee. An alternate Member will take his place in the Privileges Committee which is Honourable Dr. Mahendra Reddy.”

So I hope that makes it clear. Honourable Member, is that all right? Thank you. Are there any matters arising from the Minutes?

HON. A.A. MAHARAJ.- Honourable Madam Chair, just on a point of clarification regarding the letter that you have read and the letter to the Speaker by the Honourable Attorney-General. Was that a confidential information or was the press informed as well that the Honourable A-G is going to be replaced by an alternate Member because while walking to this Chambers today, I was actually questioned by the media? So, somehow or the other, information from these meetings or proceedings are being leaked out, because definitely it was not from the Government Chambers that information was released that the Honourable A-G is not going to sit in today, but the media had that information. So, we are actually quite worried about the confidentiality of the proceedings of this meeting.

HON. CHAIRPERSON.- Well, those letters were sent to the respective parties. That is all I know about, that the letter from Honourable Speaker's Office was sent to respective parties, Members rather. Thank you.

Moving on, the next Item, witnesses to give evidence. All right, Honourable Members, since we have Dr. Reddy replacing Honourable A-G and as per his request, I think it is only right that we view the CCTV footage again. So, if you do not have any objections, please, can we go through the CCTV footage?

(Viewing of CCTV footage)

HON. DR. M. REDDY.- I just want you to note that the vehicle is pulling in, Honourable Tikoduadua is going to the other side, Honourable Prime Minister coming down and going to his vehicle then suddenly he spots Honourable Tikoduadua on the side then he goes there.

So, just stop there for the record. All right, what I want to say here is that, it was not pre-meditated but instant. It was not planned, that was not his intention because he was going to wherever the vehicle was supposed to take him. He was coming down, he looked about two or three times to the other side and he spotted him and then only, he moved to that side to talk to him or confront him.

(Viewing of the CCTV footage)

HON. A.A. MAHARAJ.- Who is that person standing right in that corner over there with black coat and white shirt just behind those pot plants.

HON. DR. M. REDDY.- All right, just stop there. Now you will have noted the other thing that Honourable Tikoduadua was going the other side then someone pulls him and brings him back while the Honourable Prime Minister is going back to his vehicle, he brings him back whoever that guy is?

HON. CHAIRPERSON.- Go back.

HON. DR. M. REDDY.- It is very important to note that Honourable Prime Minister comes back to his vehicle. Honourable Pio Tikoduadua goes to the other side. Then you have that guy with the purple shirt, pulls him and brings him back.

HON. CHAIRPERSON.- Who is that guy?

HON. LT. COL. I.B. SERUIRATU.- Orange or purple shirt?

HON. DR. M. REDDY.- A person with the purple shirt brings him back. Honourable Prime Minister comes this side, the guy comes there, Honourable Tikoduadua stands again and

HON. CHAIRPERSON.- Any idea of who that guy is?

HON. DR. M. REDDY.- All right, for noting.

HON. LT. COL. I.B. SERUIRATU.- Can we rewind it, just on Honourable Prime Minister and Honourable Tikoduadua because he also stated that Honourable Prime Minister broke his glasses, but if you look at it, he was holding his glasses on his right hand. Prime Minister has nothing to do with the glasses.

HON. CHAIRPERSON.- Can we start again?

HON. LT. COL. I.B. SERUIRATU.- Go back, go back. It looks like he is holding it like this (indicating).

HON. CHAIRPERSON.- I want to know if he is wearing his glasses.

HON. DR. M. REDDY.- Yes, I think we go back to the point.

HON. LT. COL. I.B. SERUIRATU.- He is holding it like this (indicating) on his right hand.

HON. CHAIRPERSON.- We cannot zoom this.

HON. LT. COL. I.B. SERUIRATU.- You can stop it

HON. DR. M. REDDY.- Slowly, slowly

HON. CHAIRPERSON.- Go back, when he walks out of the Parliament, just before he gets down to the steps, he turns once like that, stop there.

HON. LT. COL. I.B. SERUIRATU.- It is in his right hand, the other side. Go on, there.

HON. CHAIRPERSON.- There, it is in his hands.

HON. LT. COL. I.B. SERUIRATU.- Right, look at that.

HON. DR. M. REDDY.- With that showing, it will be difficult for the glasses to fall off from his front pocket, but it will be easier for the glasses to fall off if he was holding it.

HON. CHAIRPERSON.- I mean at one time, he was walking like that, you could see something.

HON. LT. COL. I.B. SERUIRATU.- He was holding the glasses like this (indicating).

HON. DR. M. REDDY.- Honourable Chairperson and Honourable Members, you see Honourable Pio is picking up the glasses, not from the front of his front pocket, which is on the left hand side, but he is picking it like this (indicating), which means it fell off his hand and he is picking it up from there. If you want, we can go back and see, he is picking it up this way.

HON. CHAIRPERSON.- Can we just go back and just make that sure.

HON. DR. M. REDDY.- See, that is quite far on the right. If the glasses were to fall, it would fall from the left pocket somewhere in the middle, but this, he will wield it this way (indicating) like a metre away.

HON. CHAIRPERSON.- No, go back, I think when he is walking out down the steps, you will see something in his hand. There, there, just before he swings his hand, there is something in his right hand. There is no way we can zoom it? All right.

HON. A.A. MAHARAJ.- Can we reverse it once more, from where PM comes down?

(Viewing of the CCTV Footage)

HON. A.A. MAHARAJ.- Can someone identify that guy, where the pot plant is?

SECRETARY-GENERAL.- He is a Parliament Media Civic Education staff.

HON. DR. M. REDDY.- What is his name?

SECRETARY-GENERAL.- Waisale.

HON. CHAIRPERSON.- The argument here is, if he had put it in his left pocket and if it fell, it would have naturally fell that way or that way, but not on your far right. All right.

HON. DR. M. REDDY.- Honourable Chairperson, you mentioned that they have confirmed that they are coming.

HON. CHAIRPERSON.- Yes.

HON. DR. M. REDDY.- But, apparently, they are not coming?

HON. CHAIRPERSON.- Can I have an update from the Secretariat, if the two other Members on Privilege's Committee, who are mandated to be on the Committee are coming, Honourable Sitiveni Rabuka and Honourable Qionibaravi, any news?

SECRETARY-GENERAL.- Honourable Chairperson, I have just received the text that they will attend but a bit late.

HON. CHAIRPERSON.- So they have sent a message that they will attend but a bit late. Any reasons for their delay? No, not given.

SECRETARY-GENERAL.- I believe the Honourable Leader of the Opposition is having a meeting with the Prime Minister.

HON. CHAIRPERSON.- Supposedly the Honourable Leader of the Opposition is having a meeting with our Honourable Prime Minister. They were supposed to but whether it is happening right now or not.

HON. DR. M. REDDY.- Since they are willing to come and be part of the Committee, I suggest that we will wait because we cannot call a witness now because they will come and then we will have to go through the whole process again. The witnesses may not want to come twice.

HON. CHAIRPERSON.- Thank you. Meanwhile, Honourable Members, let me remind you that today, I think, will be a long sitting because we will be calling all the witnesses, plus the additional proposed list I have got of the witnesses, that is Madam Masilina Raumakita (Senior Civil Service Education Officer) with the pink dress on the steps, that is her in the video; Mr. Rokotuiwailevu, a Police Officer; Mr. Waisale Tavuitalagi is a Project Officer; Mr. Dylan Kava, NFP Caucus staff; and, of course, Honourable Prime Minister's Bodyguard and Police Security Personnel whom we would like to interview after we have done with these four.

So, meanwhile, Mr. Rakai or Madam Deputy Secretary-General, have you

MR. S. RAKAI.- Madam Chairperson, can I just make an explanation.

HON. CHAIRPERSON.- Yes, please.

MR. S. RAKAI.- Madam Chairperson, the list that we have provided is the list of people that are also on the CCTV that was just

HON. CHAIRPERSON.- So, actually, we would like to interview those people who were witnessing, who actually witnessed this incident. So, if these people were there as we can see in the footage, we would like to talk to them as well, to be very transparent and fair in our reporting since as Members of Parliament, we are duty-bound to act independently and impartially. So, basically, we have to get as much information as possible to compile our Report and if possible, I want to know from the Committee Members if you propose to invite them today because tomorrow we would not have time. Yes, agreed by all the Members? Thank you.

The Secretariat, please, make arrangements for all these Members to appear before us today. We might sit beyond 6.00 p.m.

HON. CHAIRPERSON.- So, as per suggestion by Honourable Dr. Reddy that instead of going over and over again the same thing, we will wait for them because when they come, they will also want to go through the footage again and then everything will be done again. So, meanwhile we give them another 15 to 20 minutes.

HON. DR. M. REDDY.- Yes, in the meantime, the secretariat would get a definite time from them on what time they come in like 2.00 p.m. or a quarter to 2.00 p.m. or a quarter past 2.00 p.m.

HON. CHAIRPERSON.- Because I can say it is already after half-past 1.00 p.m. and I think Honourable Tikoduadua is also waiting and the Honourable Prime Minister also has an engagement. So,

HON. DR. M. REDDY.- Since they have said that they want to participate, we really cannot interview any witness without them.

HON. CHAIRPERSON.- Yes. So, how are we going to time ourselves?

HON. DR. M. REDDY.- We take 5 minutes adjournment, let us have some hot coffee while the Secretariat finds out.

HON. CHAIRPERSON.- Yes.

The Committee adjourned for tea at 1.34 p.m.

The Committee resumed at 1.50 p.m.

HON. CHAIRPERSON.- Thank you, Honourable Members and the Secretariat team, welcome back to the meeting.

Honourable Members, we have with us our first witness, Honourable Pio Tikoduadua.

In discussion with the Secretariat, we can do this in various ways. If we wish the evidence to be tendered as sworn or affirmed, the Secretariat is ready with the Holy Book and Scripts as may be necessary. Do the Honourable Members have any views on this? Do you want sworn evidence or is it all right? Honourable Members? They have got the books but do you want them to be sworn in?

HON. A.A. MAHARAJ.- Madam Chairperson, what has been the precedence in past Privileges Committee Meetings?

HON. LT. COL. I.B. SERUIRATU.- He makes the choice, whether he wants to make an affirmation or whether he wants to take a sworn evidence, that is his right.

HON. CHAIRPERSON.- Honourable Pio Tikoduadua, welcome to the meeting. Thank you for your presence here this afternoon. Would you like to give a sworn evidence or an affirmation?

HON. LT. COL. P. TIKODUADUA.- Thank you, Madam Chairperson. First of all, before we go into that, I do not have any problem in the swearing an oath, but I must apologise, my sincerest apology to the Committee without any disrespect at all. I was called to a few side meetings with the view on other people working on other things, which has led me to not being here on time, as stated in the summons and for that I apologise and I would like to take that up.

With regards to the oath and the giving of statement, I would like to make a statement under oath.

HON. CHAIRPERSON.- A statement under oath. So in either case actually sworn or not, although we exercise the same powers as the High Court, Committee proceedings are not adversarial but deliberative. So, I will call upon the Honourable Members to take turns in asking questions until you are satisfied that sufficient evidence is before the Committee. If you feel that the Committee has exhausted all questions, you can move that we move onto the next item as with all deliberations. Once moved and the question is put, we will take a vote and that will become a resolution of the Committee.

With that in mind, I will call upon the Secretariat to get the Holy Book because Honourable Pio Tikoduadua has proposed to give sworn evidence.

Witness No. 1: HON. LT. COL. P. TIKODUADUA

(Sworn on Holy Bible in English)

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

Actually everyone knows why the Privileges Committee is here and whatever transpired in Parliament and outside Parliament. Honourable Pio Tikoduadua, we would like to hear from your side of the story.

HON. LT. COL. P. TIKODUADUA.- Thank you, Honourable Chairperson. Honourable Chairperson, may I, please, seek your guidance before I begin as to whether this is being recorded as verbatim and will be recorded in the Report word for word including all the evidence that I intend to table today as annexures so that it may guide your processes?

HON. CHAIRPERSON.- Yes, everything will be on record.

HON. LT. COL. P. TIKODUADUA.- Thank you very much, Honourable Chairperson.

First of all, Honourable Chairperson, I want to qualify that I am here under duress. We have written to the Speaker expressing our concerns about the unilateral invocation of Standing Order 134 which is in our humble view, a privilege afforded only to Members who have to follow the specific processes within Standing Order 134. But that is an ongoing and parallel discussion which we are having with the Honourable Speaker's Office.

Secondly, I wish to state that the august House is the constitutional space for the debate of ideas and thus words. My words were cleared by the Speaker and I urge the Committee to remember

HON. CHAIRPERSON.- At this juncture, Honourable Members, I welcome the Leader of the Opposition and a Member of the Privileges Committee, Honourable Sitiveni Rabuka. Thank you for your presence, Sir.

HON. LT. COL. P. TIKODUADUA.- Honourable Chairperson, if it pleases you and the Committee, would you like me to commence from the beginning for the benefit of the Honourable Leader of the Opposition?

HON. CHAIRPERSON.- Yes.

HON. LT. COL. P. TIKODUADUA.- Would you like to me to start again?

HON. CHAIRPERSON.- Yes, please.

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Secondly, I wish to state that the august House is the constitutional space for the debate of ideas and thus words. My words were cleared by the Speaker and I urge the Committee to remember that it is the actions of the Honourable Prime Minister that are on trial here, not my words of intentions or supposed intentions, that third parties like Qorvis and other contractors are trying to twist in public. It is not working. The people out there want to see justice done and be seen to be done.

Thirdly, whatever this Committee recommends, I am being upfront today.

HON. DR. M. REDDY.- Madam Chair, I just want to say,

HON. CHAIRPERSON.- Honourable Member, yes.

HON. DR. M. REDDY.- ... is it proper in any proceedings of this nature that the witness comes and gives a statement? I thought the witness will be responding to questions that we will pose. I do not think in any trial, the witness comes and presents a report. No!

HON. CHAIRPERSON.- Actually, Honourable Tikoduadua, what I asked was, what transpired on that particular day because, Honourable Members, as you no doubt are aware that on Friday, 9th August, 2019 during his right of reply to the debate on the motion to appoint a Special Parliamentary Committee under Standing Order 129 to holistically look into the multi-faceted risks of hard drugs situation in Fiji, Honourable Pio Tikoduadua made certain accusations against the Honourable Prime Minister which resulted in a Point of Order from the Honourable Prime Minister. The Honourable Prime Minister accused Honourable Tikoduadua of making personal attacks against him. Heated discussions ensued thereafter following the conclusion of the debate on the motion. Parliament voted on the motion which was defeated in the Parliament.

In accordance with Standing Orders, Parliament then proceeded to the next agenda item which was Oral Questions as set out in the Order Paper for that day.

During the fourth oral question on the current state of measles in Fiji, Honourable Tikoduadua raised a Point of Order to bring to the attention of the House and to inform the Speaker that he had been physically assaulted by the Honourable Prime Minister. Given that the Honourable Minister for Health was in the process of answering the oral question which had been asked, the Speaker ruled that the Point of Order raised had nothing to do with what was going on in the Parliament at that moment and as such allowed the Honourable Minister for Health to continue with his answer.

During the fifth oral question, Honourable Professor Biman Prasad interrupted the order of business, urging the Speaker to say something with respect to what Honourable Tikoduadua had raised earlier. He asked Parliament to condemn the action of the Honourable Prime Minister and the Honourable Speaker informed the Honourable Member that he had made a ruling before and that they were dealing or he was dealing with the agenda on the item of Oral Questions and that he will continue as per the Order Paper.

At the end of the adjournment motion on that day, the Honourable Speaker revisited the interventions made by the Honourable Tikoduadua and Honourable Prasad. He reiterated to all Members that rulings of the Speaker are based on what he sees and what he hears and that he cannot make a ruling if he has not witnessed anything. Thereafter, Parliament was adjourned on that particular day at 12.37 p.m.

Honourable Members, in the afternoon of the same day, the Honourable Prime Minister visited the Honourable Speaker in his Chambers and gave his apology to Parliament and to the Speaker of the Parliament. He offered to have a meeting with Honourable Tikoduadua in the Speaker's presence to offer Honourable Tikoduadua an apology. In his capacity as the Speaker of the Parliament, since the adjournment of the Parliament on Friday, 9th August, 2019, he had attempted to arrange a meeting with Honourable Tikoduadua and the Honourable Prime Minister. Unfortunately, this meeting did not eventuate because Honourable Tikoduadua was not available to meet the Honourable Speaker on his own.

Also in the afternoon of the same day, Friday, 9th August, 2019, Honourable Speaker received correspondence from the Leader of the National Federation Party requesting to secure CCTV footage of

Parliament for that day and informed the Honourable Speaker of his intention to bring this matter to the Privileges Committee. So, following the adjournment of Parliament on Friday, 9th August, 2019, the Honourable Speaker, would have had the opportunity to view the CCTV footage, as well read the *Daily Hansard* on Friday, 9th August, 2019. Given that Parliament was adjourned soon after midday on Friday, 9th August, 2019 and has not had a sitting since that day, this is the first opportunity the Honourable Speaker has to address the matter before the House. So, the matter was addressed before the House. A Privileges Committee was set and then here we are to deliberate and listen to you. So, what transpired on that particular day inside and outside of Parliament is what we would like to hear from you. In between, the Members are at liberty to ask you questions. Is that all right, Honourable Reddy?

HON. DR. M. REDDY.- Yes, Madam Chair, I just want to make it very clear that the Honourable Member cannot say that he is here under duress. He is here as a Member of Parliament, subpoenaed by the Privileges Committee.

HON. CHAIRPERSON.- Yes.

HON. DR. M. REDDY.- He will respond to the questions that we ask him.

HON. CHAIRPERSON.- Yes.

HON. DR. M. REDDY.- That applies to all witnesses. They cannot read out a statement. They do not do that, I mean, it never happens. He will respond to specific questions that we will ask and that is how it should be.

HON. CHAIRPERSON.- Thank you. Honourable Members, would you like to hear from Honourable Pio Tikoduadua what transpired on that particular day or do you want to ask questions?

HON. DR. M. REDDY.- I think we have enough material, we would want to go into questions.

HON. CHAIRPERSON.- All right, please.

HON. DR. M. REDDY.- I want to start, Honourable Tikoduadua, I will start from your

HON. LT. COL. P. TIKODUADUA.- Honourable Chair, before the Honourable Minister as a Member of the Committee goes on to do that, I am the second party to the Parliamentary Committee. He has raised an issue before this Committee that affects the way my evidence is going to be put to the Committee. I have reduced my account in writing to help me bring it to the Committee in the best way possible. Now, what the Honourable Minister is saying to the Committee today is a matter of procedure where the Secretariat can advise you according to the Standing Orders in terms of how a Privileges Committee takes into, considers its matter now. For as far as I am concerned, I have reduced my statement to writing so that it helps me say what I want to say. If the Committee objects to whatever I am saying then there is reasonable avenue within the Committee's work to take disregard what I am saying but this is what I am saying in terms of what I accede.

I am just about to start going into the events commencing with the ruling of the Speaker and how I come in. But I think I am fully entitled to represent my evidence for a fair hearing in this Committee because I am here on trial. The acceptability of what I give as witness that I have given on oath is up to the Committee to accept. If I am saying something that is against my oath then I commit perjury but I think I am fairly entitled in the first instance to represent my statement to the Committee in the way that I think will give the Committee the best platform to make its decision on me and I think I need to be fairly heard, not to be restricted, in particular, in the way that I should give it, and it is entirely up to the Committee to question me on anything that I have said here today and I will answer that honestly for the benefit of the Committee.

But for your guidance, Honourable Chair, what the Honourable Minister is saying is a matter of procedure. If that has to be cleared first because the ruling needs to be done whether I should be making a statement as I am or whether I am only answering questions. So that is what I would like to know.

HON. DR. M.REDDY.- Honourable Chairperson, can I ask that the Honourable Member gives us a minute, if he just goes out, we discuss this and there is another matter, I want to raise.

HON. CHAIRPERSON.- Thank you.

HON. DR. M. REDDY.- Honourable Tikoduadua, can you please give us a minute?

HON. LT. COL. P. TIKODUADUA.- Sure, of course, it is up to you. I will take my instruction from the Honourable Chair.

HON. CHAIRPERSON.- Thank you Honourable Tikoduadua for giving us a minute.

HON. LT. COL. P. TIKODUADUA.- Would you like me to leave the room for the Committee to deliberate?

HON. CHAIRPERSON.- Yes, Sir.

HON. LT. COL. P. TIKODUADUA.- Okay, thank you, I shall do that. I will be waiting outside.

(Honourable Tikoduadua leaves the Committee Room)

HON. DR. M.REDDY.- Honourable Chairperson, that is the other matter I want to raise, one is that. Number two is the disqualification or the objection raised against Honourable Attorney-General was on the basis that he had made a statement. Honourable Rabuka has also made a statement on this matter, and therefore I would want to raise my objection of him being part of the Committee; that he has also compromised himself on the same grounds that the objection was made by SODELPA and NFP of Honourable Attorney-General being part of this, that he has compromised himself given that he has given a statement. Honourable Sitiveni Rabuka has also given a statement.

HON. CHAIRPERSON.- What statement are you talking about?

HON. DR. M.REDDY.- The statement he has given to the media saying the process that must be followed and that there is a breach. If that is the case, then he has also compromised himself.

HON. CHAIRPERSON.- Can I have you on the mic, please?

HON. DR. M. REDDY.- Honourable Chairperson, the document presented here, if you go to Number 3, Honourable Rabuka said and I quote, titled, "Due process must be allowed to take its course, to ensure justice is done – Rabuka. The Leader of the Opposition stated that due process must be allowed to take its course to ensure justice is done, and without prejudice to the rights of the Honourable Prime Minister or any other accused person being investigated by police."

So, in the same manner, Honourable Attorney General had made a statement.

HON. MAJOR-GENERAL (RET'D) S.L. RABUKA.- Madam Chairperson, I had reiterated what I had stated to the Honourable Speaker in a letter. The Honourable Speaker has come back to me with his own explanations about those issues that I had raised. In consideration of those, I had to obey to this request that I attend, but if some Honourable Members are uncomfortable because I had made a statement, I will take your directive, Honourable Chairperson.

HON. CHAIRPERSON.- The order raised by Honourable Dr. Reddy is on that the grounds in which the Honourable Attorney-General was asked to leave the Privileges Committee because he had made a statement.

HON. MAJOR-GENERAL (RET'D) S.L. RABUKA.- On the same ground, Madam Chairperson, I would now respectfully request that I be recused also and another member who has not made a statement come in.

HON. ADI L. QIONIBARAVI.- I would like to distinguish the statement that was made by the Honourable Attorney-General and the statement made by the Honourable Leader of the Opposition. He was speaking as a neutral, independent person, he did not take sides between the two persons as against the Honourable Attorney-General, I think he was clearly supporting the view that there was not any assault or something that, I am not too sure now. But I think, if we check the records, his statement clearly shows that he was in support of the other party. Thank you.

HON. CHAIRPERSON.- Honourable Leader of the Opposition, please give me a minute.

HON. A.A. MAHARAJ.- Honourable Chairperson, just to note on that, the letter that we received had nothing to do with the content of what the Honourable Attorney-General said in the statement. It was about the Honourable Attorney-General giving a statement and that is where we are coming from. It is not about the content, but someone giving a statement with regards to this particular case, and I think as respectfully as the Honourable Attorney-General did

HON. CHAIRPERSON.- To the media?

HON. A.A. MAHARAJ.- Yes to the media, and as respectfully as the Honourable Attorney-General had sent his alternative to this particular meeting, we would request the Honourable Leader of the Opposition if he can do the same.

HON. CHAIRPERSON.- Just give me a minute, Honourable Member. Can I have some advice from the Secretariat as well? Honourable Dr. Reddy, can you make your point again, please?

HON. DR. M. REDDY.- There was an objection, there was a letter written by SODELPA as well as NFP that the Honourable Attorney-General cannot be in the Committee given that he has given a statement and therefore, from their point of view, that he has compromised himself. I note a statement by Honourable Rabuka that the Prime Minister should avail himself to the police and let the police do the job. In the same manner, he has also done it. If that is to be taken and that they believe that that is ground for the Honourable Attorney-General not to be in this Committee, then in the same manner, the Honourable Rabuka should not be in this Committee.

HON. MAJOR-GENERAL (RET'D) S.L. RABUKA.- Honourable Chairperson, recusing oneself from a committee or from a hearing is the initiative taken by the person himself. It does not have to be a directive from the Chair, this has been brought to my attention and I respectfully ask that I be recused. I recuse myself from

HON. CHAIRPERSON.- And you will be replaced by?

HON. MAJOR GEN. (RET'D) S.L. RABUKA.- By another person close-by.

HON. CHAIRPERSON.- Is it agreed by the Committee?

HON. MAJOR-GENERAL (RET'D) S.L. RABUKA.- Who has not made a statement.

HON. CHAIRPERSON.- Thank you. The Secretariat to take note of that.

HON. MAJOR-GENERAL (RET'D) S.L. RABUKA.- Thank you very much, Honourable Chair.

HON. CHAIRPERSON.- Thank you, Honourable Leader of the Opposition.

(Hon. Leader of the Opposition retires)

HON. CHAIRPERSON.- So, Honourable Members, are we going to wait for the replacement Member?

HON. CHAIRPERSON.- All right, we will take an adjournment for ten minutes.

The Committee adjourned at 2.17 p.m.

The Committee resumed at 2.23 p.m.

HON. CHAIRPERSON.- Welcome back to the meeting and we welcome Honourable Bulitavu to the Privileges Committee. He replaces the Leader of the Opposition, Honourable Sitiveni Rabuka. Thank you.

Can we call the witness, please?

We will start off with the questions.

HON. DR. M. REDDY.- Questions, yes.

HON. CHAIRPERSON.- Thank you.

HON. A.A. MAHARAJ.- Honourable Chair, with the regards to the statement that Honourable Pio Tikoduadua was reading, if the Committee Members can agree, he can table it before the Honourable Chair and then the Committee at a later stage can decide whether they want to go through that as an evidence or not, but he cannot actually read it out. But if he wants, he can table it to you and then later on we can deliberate on it.

HON. CHAIRPERSON.- We can scrutinise it at our level.

HON. A.A. MAHARAJ.- Yes.

HON. CHAIRPERSON.- Thank you. The Honourable Prime Minister is also waiting and he has to leave at 3.00 p.m. and I think looking at the time, what do you suggest, Honourable Members? The Honourable Prime Minister will be leaving at 3.00.

MADAM SECRETARY GENERAL.- He has been waiting there.

HON. CHAIRPERSON.- Shall we call him first?

HON. DR. M. REDDY.- Call him first.

HON. CHAIRPERSON.- Apologies to Honourable Tikoduadua, he will have to wait for a while.

Thank you, Honourable Lt. Col. Pio Tikoduadua for the wait.

Once again, welcome Honourable Bulitavu, who is replacing the Honourable Leader of the Opposition in the Privileges Committee.

Honourable Members, we have our first Witness, the Honourable Lt. Col. Pio Tikoduadua with us here and the Committee is at liberty to ask the Honourable Member any questions, if you would like to.

Honourable Lt. Col. Tikoduadua for your knowledge, you have got a report, I believe. You can table that report for our scrutiny at a later stage. Thank you.

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

HON. CHAIRPERSON.- What happened with the Honourable PM? So, why do we not give some time to him first?

HON. LT. COL. P. TIKODUADUA.- I promise you, I will be brief. I have only a very ...

HON. DR. M. REDDY.- No, he wants to go, we call him first, and then we will give him as much time as he wants.

HON. CHAIRPERSON.- Honourable Lt. Col. Pio Tikoduadua, if you do not mind, because the Honourable Prime Minister has

HON. LT. COL. P. TIKODUADUA.- I do mind, Honourable Chairperson. I have been sworn and I am giving my statement on oath. I respectfully submit that I complete this procedure in the order that we have been summoned. Thank you.

HON. CHAIRPERSON.- Then at that stage, we will interview the Honourable Prime Minister tomorrow.

HON. LT. COL. P. TIKODUADUA.- Thank you.

HON. A.A. MAHARAJ.- In that respect, can we inform the Honourable Prime Minister.

HON. CHAIRPERSON.- Yes, the Secretariat will have to do that.

HON. LT. COL. P. TIKODUADUA.- Shall I continue, Honourable Chairperson.

HON. DR. M. REDDY.- No.

HON. CHAIRPERSON.- The questions, like I said, Honourable Lt. Col. Tikoduadua, if you wish you can table the Report and the Report will be scrutinised by the Committee Members at a later stage. Right now, you are on the witness stand and Honourable Members have the right to question you.

HON. LT. COL. P. TIKODUADUA.- Just for a point of clarity here, Honourable Chairperson, for the purpose of the record of this Committee, the Committee has ruled that I am not allowed to present my evidence as I have reduced it to writing, except that I will only be subjected to questions from the Committee and that will be it.

In that event, then there is no point in releasing this because this is my statement that I have reduced to writing to help me. This is my statement to the Committee. It is like every report that comes in before a special committee of Parliament, they read their report or they read their statement. I am reducing whatever I want to say to this Committee so that it can be fair on me.

HON. CHAIRPERSON.- The procedure is in place. Honourable Members are allowed to question you. Anyone standing on the witness stand will have to answer the questions by the Committee Members and that is proper procedure. So, basically we will follow the procedure and the Committee Members have the right to question whoever is on the witness stand.

Currently, Honourable Lt. Col. Tikoduadua, you are our number one witness - first witness, for the day and the Committee is at liberty to question you. And like I said, if you wish, please, do table your report and we will go through the report, scrutinise it, it will help us in our deliberations.

HON. LT. COL. P. TIKODUADUA.- Thank you, Honourable Chairperson. I think I am being misread here.

I absolutely agree that the Committee can question me, that is not something I am disputing. What I am saying as a matter of procedure is in the way that I am presenting my statement by way of reduced evidence to help me to give my statement to the Committee. Is the Committee ruling that I do not give a statement, only be subjected to questions, is that it?

HON. DR. M. REDDY.- Yes, that is how it is.

HON. LT. COL. P. TIKODUADUA.- I will take my instructions from the Madam Chairperson.

HON. DR. M. REDDY.- Madam Chairperson, that is how it is.

HON. CHAIRPERSON.- As of now, that has been decided, Honourable Lt. Col. Tikoduadua, that you are on the witness stand and Honourable Members will be questioning you.

HON. A.A. MAHARAJ.- Madam Chairperson, just for clarification sake, I do not think it is right for us to say that Honourable Lt. Col. Tikoduadua is not allowed to give any statement, nor with our decision. It is a procedure. It is not something that is coming from Honourable Dr. Reddy or from myself or from the Government side or any Member, it is just a procedure that witnesses are not supposed to give any statement. We cannot be actually minuted over here that it came from us, that we are not allowing Honourable Lt. Col. Tikoduadua to give any statement.

HON. DR. M. REDDY.- I just check with Honourable Bulitavu, Madam Chairperson, saying that, “Look this is how it is,” and he agreed with me.

HON. A.A. MAHARAJ.- It is a procedural matter, and it is not a decision by the Committee.

HON. CHAIRPERSON.- Thank you Honourable Members. That is what I have been telling Honourable Lt. Col. Tikoduadua, that we are following procedures here and the procedure is that the Committee has the right to question you and we will start off with questions from Committee Members.

HON. LT. COL. P. TIKODUADUA.- Honourable Chairperson, if may I, I have here the Parliamentary Powers and Privileges (Cap 5), the Privileges of Witnesses and it is under section 15.

With your indulgence, I will read it. It is under the Laws of Fiji Cap 5, regarding the Parliamentary Powers and Privileges.

HON. CHAIRPERSON.- You are quoting from?

HON. LT. COL. P. TIKODUADUA.- The Laws of Fiji Cap. 5. 15 Edition 34 1978 which are the current rules guiding the way evidence is taken before the Committee or in Parliament. I am just going to state the law as it were, if you do not mind.

HON. CHAIRPERSON.- Go ahead.

HON. LT. COL. P. TIKODUADUA.- Thank you. Section 15, Honourable Chairperson, which is under Privileges of Witnesses of which I am. It reads, and I quote:

“Every person summoned to attend to give evidence to produce on paper, book, record or document before the House of Representatives or the Senate or a committee thereof shall be entitled, in respect of such evidence or the disclosure of any *communication* or the production of any such

paper, book, record or document, be accorded to the same right or privileges as before a court of law.”

That is what the rule says. I would seek the Committee to look at this and then interpret it that way.

HON. CHAIRPERSON.- Honourable Members?

HON. A.A. MAHARAJ.- Madam Chairperson, can we get the Secretariat to actually pass a copy from their records to us?

HON. LT. COL. P. TIKODUADUA.- Shall I retire then, Madam Chairperson, that you deliberate on this Law that is now before the Committee?

HON. CHAIRPERSON.- Honourable Lt. Col. Tikoduadua, Honourable Members have asked for a copy from the Secretariat of the Law which you are reading through.

HON. LT. COL. P. TIKODUADUA.- If the Committee breaks, then I shall refer this to the Secretary who can then guide the Committee accordingly. Thank you.

[Witness - Hon. Lt. Col. P. Tikoduadua retired from the Stand]

HON. DR. M. REDDY.- I need the full source of that.

HON. M.D. BULITAVU.- Honourable Chairperson, how about we go ahead with the cross examination and allow the Honourable Lt. Col. Tikoduadua just to refresh his mind on his own statement, not to read it, but if he wants to revisit events that actually happened from our questions, he could revisit it by looking at the statement but not reading it, to allow the questions to start.

HON. DR. M. REDDY.- Madam Chairperson, I agree that when we ask questions, that is the time he can elaborate on his experience of what had happened, but within the boundaries of the question. He will get ample time to provide his account, there is no doubt about it. There are times when witnesses choose not to make a statement.

HON. A.A. MAHARAJ.- Madam Chairperson, I think we have quite a strong evidence here that in his starting statement, Honourable Lt. Col. Tikoduadua actually mentioned an organisation of manipulating the way things are actually put before the people. And he does not have any evidence for that or any proof stating as to where he came from, or where it came from, so we cannot allow that to happen but if we can actually get that particular

HON. DR. M. REDDY.- No, I do not think we should accept that document. I suggest that we just tell him that this is the ruling, that he responds to questions.

HON. CHAIRPERSON.- And I believe if need be, he can refer to his notes if he needs guidance from there to answer that particular question.

HON. A.A. MAHARAJ.- What he is actually referring to, you can actually refer to a book while answering, if it has a subject matter to your explanation.

HON. CHAIRPERSON.- If it is relevant.

HON. A.A. MAHARAJ.- Yes, if it is relevant.

HON. CHAIRPERSON.- Yes, summon him again, please. Honourable Inia Seruiratu?

HON. LT. COL. I.B. SERUIRATU.- Madam Chairperson, we are pressed for time but my advice would be, because he is quoting the Law, et cetera, just for the integrity of this Committee because you have the right as Chairperson, to have independent legal advice. I think to protect this Committee, because there are already articles about this Committee will be put to the test and because it is a legal issue as well and he has a right like any other citizen, then probably I suggest that you take a quick legal advice so then we can proceed.

My point is, the decisions that you take here must be consistent with the Laws of Fiji. I do not know about Honourable Adi Litia and Honourable Bulitavu, but I am just concerned at this stage because as much as we want to proceed, but then we must be seen to be doing the right thing consistent with the laws of Fiji.

HON. CHAIRPERSON.- You are right.

HON. LT. COL. I.B. SERUIRATU.- That is my point and as I said, you have the right to legal advice.

HON. CHAIRPERSON.- Thank you, Honourable Member. Yes, Madam.

HON. ADI L. QIONIBARAVI.- We agree with those comments, Madam Chairperson. I do not know, perhaps even before the Meeting started we should have had the procedures and all the laws regarding the Committee should have been given to each one of us so that we understand instead of start-stop, start-stop that we are doing now, *vinaka*.

HON. CHAIRPERSON.- Honourable Members and Honourable Lt. Col. Tikoduadua, I invite you all for tea. While you have tea, I will get some legal advice.

The Committee adjourned at 2.40 p.m.

The Committee resumed at 2.55 p.m.

HON. CHAIRPERSON.- Honourable Members, I call this Meeting to order. Thank you for your indulgence and can we invite the Witness to Stand again, please.

HON. A.A. MAHARAJ.- Madam, before that, what is our discussion with regards to that. We do not want to be discussing all those things in front of the Witness.

HON. CHAIRPERSON.- No, I will have to get it across to him because I have got some legal advice.

HON. A.A. MAHARAJ.- No, but we need to know before it is actually passed onto the Witness.

HON. CHAIRPERSON.- Honourable Members, section 15 of the Parliamentary Powers and Privileges Act 1965 provides, and I quote:

“Every person summoned to attend to give evidence to produce on paper, book, record or document before Parliament or a committee shall be entitled to the same right or privilege as before a court of law. In a court of law the witness summoned appears in court to give evidence through examination and cross-examination. The witness may submit written evidence such as a written statement but does not have the right to read out a statement in a Court of Law. In court a witness must answer and respond to questions which are being asked.”

On that note, Honourable Lt. Col. Tikoduadua will be required to answer questions from the Committee and submit a copy of his written statement to the Committee. Agreed?

HON. COMMITTEE MEMBERS.- Yes.

HON. CHAIRPERSON.- Thank you. Can we call him?

HON. A.A. MAHARAJ.- Madam, just again with regards to what the Honourable Leader of the Government in Parliament actually said, with all due respect due the Secretariat team, we still need independent legal views, and that power is with the Solicitor-General's Office, not with the Secretariat.

HON. CHAIRPERSON.- This is from the Solicitor-General.

HON. A.A. MAHARAJ.- Okay.

HON. CHAIRPERSON.- Our Secretary-General to Parliament had called Solicitor-General's Office.

HON. A.A. MAHARAJ.- Okay, no worries.

HON. CHAIRPERSON.- Yes, thank you. Honourable Members, anything else before we call the witness back?

HON. A.A. MAHARAJ.- Yes, we can go ahead, Honourable Chairperson.

HON. CHAIRPERSON.- Thank you, Honourable Members. Once again, I welcome all the Members.

Thank you once again, Honourable Lt. Col. Pio Tikoduadua.

[Witness 1 - Hon. Lt. Col. P. Tikoduadua recalled]

HON. CHAIRPERSON.- Honourable Lt. Col. Tikoduadua as per your argument, I have taken some legal advice from the Solicitor-General and as per his advice, section 15 of the Parliamentary Powers and Privileges Act 1965 provides that every person summoned to attend, give evidence or to produce any paper, book, record or document before Parliament or a Committee, shall be entitled to the same right or privilege as before a Court of Law.

In a Court of Law, the witness summoned appears in court to give evidence through examination and cross-examination. The witness may submit written evidence, such as a written statement but does not have the right to read out a statement in a Court of Law. In court, a witness must answer and respond to questions which are being asked.

On that note, Honourable Lt. Col. Tikoduadua will be required, in this case, your good self will be required, to answer questions from the Committee and submit a copy of your written statement to the Committee.

HON. LT. COL. P. TIKODUADUA.- I am duly obliged. Thank you.

HON. CHAIRPERSON.- Honourable Members, you have the right to question, Honourable Tikoduadua.

HON. DR. M. REDDY.- Honourable Chairperson, may I take the lead?

HON. CHAIRPERSON.- Yes, Honourable Dr. Reddy. Please proceed.

[Examination of Witness 1 by Hon. Dr. M. Reddy]

HON. DR. M. REDDY.- Honourable Lt. Col. Tikoduadua, can I ask you a series of questions? My first question would be, how closely do you know the Honourable Prime Minister?

HON. LT. COL. P. TIKODUADUA.- 31 years.

HON. DR. M. REDDY.- So, in the 31 years, you knew his family as well?

HON. LT. COL. P. TIKODUADUA.- Not exactly. I only know his family very well from 1999.

HON. DR. M. REDDY.- You knew how many children he had and how many...

HON. LT. COL. P. TIKODUADUA.- Yes, I do.

HON. DR. M. REDDY.- You knew his son.

HON. LT. COL. P. TIKODUADUA.- I know Meli.

HON. DR. M. REDDY.- I will come back to that in a second.

In the Military, you were his ...

HON. LT. COL. P. TIKODUADUA.- I served the Commander in many capacities. I joined in 1988 when the Honourable Prime Minister was the Commander of the Navy – Lieutenant Commander and Captain at that time.

We came across each other but where he had command over me directly was from 1999 when he became Commander, obviously that he had the status of full command, meaning that he has the commanding authority over everything until when I resigned during when I was Permanent Secretary.

HON. DR. M. REDDY.- So, you knew him for 31 years but you knew him very closely for the last 21 years, let us say, from 1999.

HON. LT. COL. P. TIKODUADUA.- I knew him very intimately from 1999 to 2002, and I knew him also very well from April 2007 until May 2015.

HON. DR. M. REDDY.- You are close to his family?

HON. LT. COL. P. TIKODUADUA.- I am not saying I am close, I know them. I am close to the Commander, the Honourable Prime Minister.

HON. DR. M. REDDY.- You were his PSO, am I right?

HON. LT. COL. P. TIKODUADUA.- Of course.

HON. DR. M. REDDY.- A PSO is a position which is very close to the person.

HON. LT. COL. P. TIKODUADUA.- A PSO is the Personal Staff Officer to the Commander RFMF.

HON. DR. M. REDDY.- So, in that way you visited his house a number of times and that you interacted with his family and you knew his family life.

HON. LT. COL. P. TIKODUADUA.- That is correct.

HON. DR. M. REDDY.- So, you knew his family well.

HON. LT. COL. P. TIKODUADUA.- I know the family in terms of, I know Mary his wife and I know the girls and Meli.

HON. DR. M. REDDY.- And you knew Meli well?

HON. LT. COL. P. TIKODUADUA.- No, I did not.

HON. DR. M. REDDY.- But you said you knew Meli, like....

HON. LT. COL. P. TIKODUADUA.- Of course, Meli Bainimarama is his name. He is the son of the Commander.

HON. DR. M. REDDY.- But I am sure you would have interacted with him a lot.

HON. LT. COL. P. TIKODUADUA.- No, that is not true. I have never interacted with him, never!

HON. DR. M. REDDY.- So, you never spoke to him?

HON. LT. COL. P. TIKODUADUA.- My relationship with the Commander is my work. I assist the Commander in looking after his office. I am his Personnel Staff Officer. As the work is like the ADC, that is what I do.

HON. DR. M. REDDY.- In that process, I am sure you knew the family well, you went to his place a number of times, you organise functions, given you are his PSO.

HON. LT. COL. P. TIKODUADUA.- I have never organised a function for the family at home. I have always organised functions for the Commander in barracks. I get invited by the Commander to go home for a bowl of grog or something.

HON. DR. M. REDDY.- In those occasions, you met his family?

HON. LT. COL. P. TIKODUADUA.- In that occasion, I would meet Mrs. Bainimarama and the children. On certain occasions, yes.

HON. DR. M. REDDY.- So, you are close to the family?

HON. LT. COL. P. TIKODUADUA.- I know the family.

HON. DR. M. REDDY.- Yes, you know the family?

HON. LT. COL. P. TIKODUADUA.- I know the family, of course.

HON. DR. M. REDDY.- If I am right, I mean, you knew him for 31 years and then from 1999, you worked with him and a very close confidante. You shared, he shared, so he really trusted you?

HON. LT. COL. P. TIKODUADUA.- That is the question you need to pose to the Commander if he trusted me, I cannot say that.

HON. DR. M. REDDY.- And you are very close to him as PSO?

HON. LT. COL. P. TIKODUADUA.- My job as a Personal Staff Officer is to look after the private matters of the Commander, including his office at work, meaning, I will start with his work. Everything that comes to the Commander goes through my eyes. I tell him and give him my opinion on what I think it is. If there are things, like I said I have never organised any event at his house. I do not do that.

HON. DR. M. REDDY.- But you have been to his home?

HON. LT. COL. P. TIKODUADUA.- Of course, many times.

HON. DR. M. REDDY.- Now, I will read this statement that you gave in Parliament on that day, the day this alleged event took place. I will read the entire paragraph from Page 2836 of the *Daily Hansard* on 9th August, 2019, and I quote:

“Honourable Speaker, let me talk about yesterday. Honourable Professor Prasad gave the position of NFP on this matter and what my Honourable *Tauvu* did is deplorable, despicable. I was raised by a single mother, he should not have said that to every woman.

But, Honourable Speaker, I tell the Government - get off your high horse, you are the last people to talk on this. The Honourable Prime Minister should be the last person talking about violence against women in this House.”

I pause there.

Why did you say that the Honourable Prime Minister should be the last person talking about violence against women in this House?

HON. LT. COL. P. TIKODUADUA.- Thank you, Honourable Chairperson. I know the Honourable Prime Minister as Commander very well and for the dignity of the Honourable Prime Minister, I would ask the Committee and discretion to tread very well unless they want it on public record. But if you want me to answer this, then I am going to answer this.

Now, if you are implying anything because you have been asking me about Meli Bainimarama, I have never referred to him in name.

HON. DR. M. REDDY.- Honourable Chairperson, again, I have now asked him the question on this. I did not ask on Meli Bainimarama. That, I asked you earlier on and you said that you did not know about him.

HON. LT. COL. P. TIKODUADUA.- Alright, I did not know about him, yes, of course.

HON. DR. M. REDDY.- So, your response now says that you know something about Honourable Prime Minister in person with regard to violence against women.

HON. LT. COL. P. TIKODUADUA.- Yes.

HON. DR. M. REDDY.- So, therefore, you are saying that, that basically implies that the following words, “he should be the last”, saying that you should know what is happening in your own house, meaning, “I know you, I know what you have done in the past regarding women, you should be the last person.” And you have just said that for the integrity of the Honourable Prime Minister, you would rather not open your mouth.

HON. LT. COL. P. TIKODUADUA.- Honourable Chairperson, I am very clear of what I said yesterday. It is exactly as it is in the Minutes as being asked by the Honourable Member.

HON. DR. M. REDDY.- Okay....

HON. LT. COL. P. TIKODUADUA.- May I finish? When I said those words, if you look at the video which I am going to tender today, I made the gesture towards the Members of Government. That has been what I meant, I have been talking about ‘house’. If the Committee or if the question is implying that I am implying about the Prime Minister bashing women in his family, I did not mention ‘family’. In his home

HON. DR. M. REDDY.- Madam Chairperson

HON. LT. COL. P. TIKODUADUA.- No, let me say this, I did not say it in his home. I meant, he should look at the Members of his House.

HON. DR. M. REDDY.- No, I have not gone there yet, but I am going to get there. It says, “The Honourable Prime Minister should be the last person talking about violence against women...”. So as a person and as an individual, you have signalled to him that he should be the last person talking about violence against women, therefore, there is something that you know about him.

HON. LT. COL. P. TIKODUADUA.- Yes.

HON. DR. M. REDDY.- Now, you said, “The Honourable Prime Minister should be the last person talking about violence against women in this House (in Parliament)”. Then you continued, “he should be the last. You should know what is happening in your own House.” In the earlier sentence you said, “in this House.” Then you said, “You should know what is happening in your own House.” There is a clear distinction between the two houses you are referring to; in this House and you are saying, “in your own House.” Do you want to make any comment on that?

HON. LT. COL. P. TIKODUADUA.- Do you want me to answer?

HON. DR. M. REDDY.- Yes.

HON. LT. COL. P. TIKODUADUA.- My answer is that, when I made that statement “in your House”, I was talking about the members of the FijiFirst who are members of the House of Parliament. And if you are implying that I am here because you are pointing at his house, no, that is not what I meant. And if you read it in full context from when I started my speech, even the *Hansard* quoted it as ‘House’ (capital H) referring to the House; to the Parliament. But, there is no way that my intention if that is what you are alluding to that I am pointing at the Prime Minister’s family, his home, no, I did not mean that.

HON. DR. M. REDDY.- Just a correction, Honourable Chairperson, the *Hansard* wrote that capital “H”, they were not told by you later on that you meant capital “H” and not small “h”.

HON. LT. COL. P. TIKODUADUA.- It is Parliamentary procedure, when referred to the House, they always write it in the Minutes as capital “H”, I stand to be corrected. It is always there, it is in the whole Minutes, referring to the House. It is not home, it is not family.

HON. DR. M. REDDY.- That is your response.

HON. LT. COL. P. TIKODUADUA.- Of course, yes.

HON. DR. M. REDDY.- As I said, it clearly says here that the Honourable Prime Minister should be the last person talking about violence against women and you agreed that, yes, you know something more about him and that is why you said that as a person he should not talk about violence, he should be the last person.

Then as you said “in this House” and then you are saying, “you should know what is happening in your own house.” My next question is that ...

HON. LT. COL. P. TIKODUADUA.- You said that 100 time already, all right.

HON. DR. M. REDDY.- Going to the incident place, you walked down the steps.

HON. LT. COL. P. TIKODUADUA.- I was in the parking area.

HON. DR. M. REDDY.- No, I am starting a bit earlier on. You walked down the steps and you go to the parking area, here and then Honourable Prime Minister walks down to his vehicle, spots you then goes there. And then you say that the glasses was in your front pocket and when he shoved you,

HON. LT. COL. P. TIKODUADUA.- When he what?

HON. DR. M. REDDY.- When he pushed you.

HON. LT. COL. P. TIKODUADUA.- The other word you said previously.

HON. DR. M. REDDY.- Shoved.

HON. LT. COL. P. TIKODUADUA.- All right, yes.

HON. DR. M. REDDY.- I am saying when he pushed you.

HON. LT. COL. P. TIKODUADUA.- Pushed or shoved?

HON. DR. M. REDDY.- Honourable Member, you should not act smart.

HON. LT. COL. P. TIKODUADUA.- No, I am not acting smart because Honourable Chairperson, the Honourable Member's question, "He shoved and then pushed".

HON. DR. M. REDDY.- You cannot ask us questions.

HON. LT. COL. P. TIKODUADUA.- All right.

HON. DR. M. REDDY.- It does not happen that way.

HON. LT. COL. P. TIKODUADUA.- All right, fair enough.

HON. DR. M. REDDY.- You said that glasses were in your front pocket?

HON. LT. COL. P. TIKODUADUA.- Yes.

HON. DR. M. REDDY.- If the glasses fell down from your front pocket, that means the impact was so much that the glasses came up then fell down, but, when we viewed the footage, we saw that you picked it up one metre away from your right hand side, right hand leg. How can the glasses go there?

HON. LT. COL. P. TIKODUADUA.- Honourable Chairperson, the question alluded to me about how far the glasses fell from where I stood and how it got there? The glasses got there, the video, as part of this evidence, will show that the glasses fell from my pocket and using the Honourable Members words from when the Prime Minister "pushed" me.

Now, my recollection of that date leading to when and where the glass fell. I had left Parliament premises going down the step and the intention was that I was going to Lami. When I got into the area of the car park, I heard a loud voice, a shout, "Oi, Pio, lako mai ke," so I walked back to that spot where we eventually met up. He came in, then he grabbed the lapel of my jacket and he shoved me up as on the left side of my pocket and my glasses were there, it is a Oakley sunglass. In that process when he did it, I noticed that one of the side glasses had fallen down, it bounced and it rolled then I did not pay attention to the Prime Minister at that time. I went down and I picked it up and then I put it back in my pocket. How it fell far, I do not know. Now the only reason it did not fall to my feet, it fell away from my feet, if you are asking me why? I think it fell that far because of the strength of the shout that the Prime Minister did when he actually shoved me.

HON. DR. M. REDDY.- When we looked at the footage, we noted that probably it looked like that you were holding the glasses in your hands. Was it that you were holding the glasses in your hands?

HON. LT. COL. P. TIKODUADUA.- No. I am absolutely sure. I always put my glasses in my pocket. I was going out that day, because that day was sunny.

HON. DR. M. REDDY.- Like it is now?

HON. LT. COL. P. TIKODUADUA.- That is correct

HON. CHAIRPERSON.- It was in the shirt pocket or the jacket pocket.

HON. DR. M. REDDY.- Is it in your pocket now?

HON. LT. COL. P. TIKODUADUA.- No it is not in my pocket now

HON. DR. M. REDDY.- Oh, I thought you said “always”.

My next question is after that incident, someone with a purple shirt, while the Honourable Prime Minister turned back to go to his vehicle, someone with a purple shirt held your hand and was taking you to the other side and you were going and then the person with the purple shirt held your hand and pulled you towards Honourable Prime Minister. So, you came, you also walked past the Honourable Prime Minister so closely

HON. LT. COL. P. TIKODUADUA.- Honourable Chairperson, the Committee is giving us the description of the event. Why do we not see the video so that it can be seen, and in that way we can return to it so you can make references to it? You referring it to me blindly, something that I never saw because then I can.

HON. CHAIRPERSON. - Definitely, can we play the video, please?

HON. DR. M. REDDY.- Start from 11.23.01 seconds.

(Viewing of CCTV Footage)

HON. DR. M. REDDY.- There you can see Honourable Pio Tikoduadua going, Honourable Prime Minister coming down.

HON. LT. COL. P. TIKODUADUA.- Honourable Chairperson, can I just raise some point right here, there are two cameras. This is the one on this end, is it not? This is not the footage from the camera that is closer to the other side where I am leaving. It is clear there are two cameras, can that be ascertained first? So, we are talking about which camera this is coming from. The way that is going, this is from the camera as you face Parliament the one to the right.

HON. DR. M. REDDY.- Can we just open this one at the moment.

HON. LT. COL. P. TIKODUADUA.- Yes, because I need to know which camera this is coming from.

HON. DR. M. REDDY.- This camera is this side that is why it is facing this way.

HON. LT. COL. P. TIKODUADUA.- All right. So, is that ascertained now this one on this side?

HON. DR. M. REDDY.- Yes.

MR. M. ULUILAKEBA.- Sir, the camera on the other side would not be able to pick the

HON. DR. M. REDDY.- All right, you can see the Honourable Tikoduadua, you are going there then this gentleman with the purple shirt pushed you now to this side.

HON. LT. COL. P. TIKODUADUA.- Can I get closer because my eyes, I cannot see it well.

HON. DR. M. REDDY.- If you want, you can come and watch this from here. Go back a little bit.

HON. LT. COL. P. TIKODUADUA.- No, I have a problem, I cannot make distinctions of the picture because you are making references to it. I need to be able to ascertain if you say it is me, then I say it is me.

HON. DR. M. REDDY.- No, that was clear that was you.

HON. LT. COL. P. TIKODUADUA.- No, but it is clear to you but I am

HON. DR. M. REDDY.- Can you go back, please, to the place after the incidents he goes that side. All right, now we can see you are moving towards your right, turning that way, the guy approaches you, he pulls you this side. He brings you back to the Honourable Prime Minister.

HON. LT. COL. P. TIKODUADUA.- But this was after, I mean this was when I was returning to the House. All right, go on.

HON. DR. M. REDDY.- So, what I am saying

HON. LT. COL. P. TIKODUADUA.- I thought you were talking about when the incident happened when my glasses fell.

HON. DR. M. REDDY.- No, after you were going, then he pulls you back to this side and again there is some

HON. LT. COL. P. TIKODUADUA.- The one with the purple shirt?

HON. DR. M. REDDY.- Yes, after the incidents, you were going probably somewhere, home or wherever, he pulls you back and you come again and then again Honourable Prime Minister had stopped because you came back to him.

HON. LT. COL. P. TIKODUADUA.- No, I was not coming back to Honourable Prime Minister.

HON. DR. M. REDDY.- All right.

HON. LT. COL. P. TIKODUADUA.- I was going into Parliament.

HON. DR. M. REDDY.- All right, I want to go back. I want to raise a point, go back to the start, 23:01. When I ask you to pause, if you could pause, so the vehicle comes, we can see the Honourable Pio Tikoduadua coming down, I can see Honourable Prime Minister comes, the vehicle is there to take him, he comes down. Pause, please.

What I want to put to you is that, Honourable Prime Minister came out to go somewhere.

HON. LT. COL. P. TIKODUADUA.- May be, I am not sure.

HON. DR. M. REDDY.- You can see the vehicle came to take him.

HON. LT. COL. P. TIKODUADUA.- No, that is your assumption, I am not sure if he is going to go somewhere.

HON. DR. M. REDDY.- You see him coming down.

HON. LT. COL. P. TIKODUADUA.- I saw him coming down and walking to the car. I am not sure if he is going somewhere. It needs to be factual, I can see him going to his car, I cannot assume he is going somewhere.

HON. DR. M. REDDY.- All right, done. I think I will leave it there.

HON. CHAIRPERSON.- Just rewind the video again. I want to ask you, Honourable Pio Tikoduadua, do you remember whether you were carrying the glasses in your right hand or it was really in your pocket? Because the video there shows something in your hand.

HON. LT. COL. P. TIKODUADUA.- It may have shown something in my hand but definitely not my glasses.

HON. CHAIRPERSON.- Whatever you were holding in your hand, where did it go?

HON. LT. COL. P. TIKODUADUA.- I do not know, I mean I was holding something but, definitely, I hold things in my hand, but not my glasses.

HON. CHAIRPERSON.- Go back again.

HON. LT. COL. I.B. SERUIRATU.-see his right hand, before this step, you can see, it looks like the glasses is in this manner.

HON. CHAIRPERSON.- All right, go. There was something in your hand (just go a little bit back), I do not know whether you can you pose the right, it is very fast because you swing your arms and there is something in your hands like you are holding your glasses like that.

HON. LT. COL. I.B. SERUIRATU.- It is not folded but

HON. CHAIRPERSON.- Yes, it is open.

HON. LT. COL. P. TIKODUADUA.- But it is definitely not my glass, Honourable Chairperson. My glass was in my left pocket because the only time that I realised it was broken when I put the bit that I picked up, (you know the part that fell on the floor) on the tarmac.

HON. CHAIRPERSON.- Okay, carry on play the video.

HON. LT. COL. P. TIKODUADUA.- That is when I realised it was broken.

HON. CHAIRPERSON.- There is something in your right hand looking like a pair of glasses.

HON. LT. COL. P. TIKODUADUA.- I would not recall what was in my right hand but I am absolutely sure my glass was in my left pocket.

HON. CHAIRPERSON.- Because if there was something else than you would have done something with it but right throughout the video, okay keep playing.

(Footage playing)

HON. CHAIRPERSON.- You are going there. The Honourable Prime Minister calls you, okay that event where you said that he shoved you, he pushed you, that is just like in seconds. All we can notice is that (arm movement) – going like that.

HON. LT. COL. P. TIKODUADUA.- What are you trying to tell me to do, Honourable Chairperson?

HON. CHAIRPERSON.- No, this evidence which we are looking at.

HON. LT. COL. P. TIKODUADUA.- I would suggest that if you disagreed with my statement then I would ask that you put it to me.

HON. CHAIRPERSON.- It is not a matter of disagreeing but we are just trying to clarify matters here and we will be having other witnesses to give their views as well.

HON. LT. COL. P. TIKODUADUA.- Yes, very well.

HON. CHAIRPERSON.- Whoever were present there, they will definitely not lie here, they will tell us the truth. So, basically what we can see is a slight thing and you was leaning down to pick your glasses from the right hand side. So you said you had your glasses inside the jacket, in the shirt pocket on your left hand side?

HON. LT. COL. P. TIKODUADUA.- Not inside the jacket, it was in my....

HON. CHAIRPERSON.- I mean inside your shirt pocket ...

HON. LT. COL. P. TIKODUADUA.- I think it is very important

HON. CHAIRPERSON.- ... under the jacket.

HON. LT. COL. P. TIKODUADUA.- That it is very specific exactly what I am saying. I am saying that my glasses were in the pocket of my shirt.

HON. CHAIRPERSON.- Under the jacket, under the coat.

HON. LT. COL. P. TIKODUADUA.- Of course, I was in a coat, yes. Definitely.

HON. CHAIRPERSON.- On your left hand side.

HON. LT. COL. P. TIKODUADUA.- It was in my pocket on my left chest.

HON. CHAIRPERSON.- Anything else, Honourable Members? Yes, Honourable Mosese Bulitavu.

HON. M.D. BULITAVU.- Thank you. Honourable Pio Tikoduadua, where were you on the 9th August, 2019?

HON. LT. COL. P. TIKODUADUA.- Can I check the diary because I need to confirm the date, if this 9th August, 2019 is the date that I was in Parliament when this incident occurred.

Honourable Chairperson, just by way of clearance, the diary is telling me that 9th is a Friday sitting of Parliament. I came to Parliament that day.

HON. M.D. BULITAVU.- Did you have an item to speak on, on that day?

HON. LT. COL. P. TIKODUADUA.- Sorry, I did not get that Honourable Member.

HON. M.D. BULITAVU.- Did you have an item to speak on, on that day?

HON. LT. COL. P. TIKODUADUA.- Yes, I had a motion before the House.

HON. M.D. BULITAVU.- What was the motion for?

HON. LT. COL. P. TIKODUADUA.- The motion was to propose under the Standing Order of a Joint Parliamentary Standing Committee to address the drug issue in Fiji.

HON. M.D. BULITAVU.- Can you recall how long did you speak?

HON. LT. COL. P. TIKODUADUA.- I was allowed 20 minutes to speak but I think I finished well short of it.

HON. M.D. BULITAVU.- At any time during your contribution on the motion, did you refer to the Honourable Prime Minister?

HON. LT. COL. P. TIKODUADUA.- In the substantive motion, no. But in the right of reply, yes I did and that I think came out during the question by the Honourable Dr. Mahendra Reddy.

HON. M.D. BULITAVU.- What can you recall that you had mentioned of the name of the Honourable Prime Minister?

HON. LT. COL. P. TIKODUADUA.- Thank you. Honourable Chair, to the best of my recollections here, I had mentioned the Honourable Prime Minister in my right of reply. During my right of reply, I spoke impromptu from notes that I had and I was replying to the interventions of the House by the Members of the House and because the interventions of that day, particularly the interventions from the Government side of the House made references to the debate that we had the other day about the Honourable Bulitavu, in my right of reply, I found it fitting that I should wade into it, which I did.

HON. M.D. BULITAVU.- What was the statement that you made that you mentioned the Honourable Prime Minister?

HON. LT. COL. P. TIKODUADUA.- Thank you. If I may to correctly state, could I be made to read exactly from the verbatim so that I do not mislead the Committee. Thank you.

(Hon. Tikoduadua handed the verbatim report)

HON. LT. COL. P. TIKODUADUA.- Honourable Chair, with your indulgence, would you like me only to read the bits where my name appears? I would like to make references to the verbatim when I had made references to the Honourable Prime Minister for the benefit of the Committee. I mean this is already before the Committee anyway.

HON. M.D. BULITAVU.- Just that part where

HON. LT. COL. P. TIKODUADUA.- Alright. I said and I quote:

“HON. LT. COL. P. TIKODUADUA.- Honourable Speaker, let me talk about yesterday. Honourable Professor Prasad gave the position of the NFP on this matter and what my Honourable tauvu did is deplorable and despicable. I was raised by a single mother. He should not have said that to every woman. But, Honourable Speaker, I tell the Government, get off your high horse. You are the last people to talk on this. The Honourable Prime Minister should be the last person talking about violence against women in this House. He should be the last. He should know what is happening in your own house. You should know.”

That is the first time I made reference to him and the other occasion where the exchange was with the Honourable Prime Minister when he said and I quote:

“HON. J.V. BAINIMARAMA.- Honourable Speaker, Point of Order. I do not know why he is doing a personal attack on me. If he talked about what is happening, I made a statement here yesterday condemning what Honourable Bulitavu said. He did not say anything. But why the personal attack on me. That is what I want to know.”

Then the Speaker goes and I quote, “*Order, order! You have the floor and your point?*” Then I made this comment and I quote:

“Honourable Speaker, I was not being personal on the Prime Minister.” Then the Honourable Aiyaz Sayed-Khaiyum said and I quote, “Yes, you were.” And then we went on. I said and I quote, “You know I was not.” Honourable Attorney-General said and I quote, “Of course you were” and so on and so forth, so those were the two occasions that I made

HON. M.D. BULITAVU.- I will take you to the first occasion where you said and I quote, “The Honourable Prime Minister should be the last person talking about violence against women in the House.” What did you mean by this?

HON. LT. COL. P. TIKODUADUA.- I meant that the Honourable Prime Minister should be the last person talking about violence against women in the House. That is what I meant.

HON. M.D. BULITAVU.- What made you say that?

HON. LT. COL. P. TIKODUADUA.- Of things that I know.

(Inaudible)

HON. LT. COL. P. TIKODUADUA.- Absolutely.

HON. M.D. BULITAVU.- In your 31 years as a member of the military and also knowing him very close from 1999 to 2001, did you see the Honourable Prime Minister as a violent person, given what you said that he should be the last person to say this.

HON. LT. COL. P. TIKODUADUA.- A bit of a loaded question that one. Madam Chair, may I have the right not to answer that question if you do not mind? I will give you the reason why. There are things, irrespective of what this Committee is going to say, about the Honourable Prime Minister I am not going to share in this

Committee wherever it takes me. And that I will keep. I have already said this to the Honourable Speaker, that I will keep. And that question, I will not answer, I will not answer that question.

HON. CHAIRPERSON.- Thank you.

HON. LT. COL. P. TIKODUADUA.- Can I not answer that question?

HON. CHAIRPERSON.- Yes.

HON. LT. COL. P. TIKODUADUA.- Thank you. I am not going to answer that, thank you.

HON. M.D. BULITAVU.- I respect that. You had mentioned that you had said that to the Honourable Speaker. Why did you say that?

HON. LT. COL. P. TIKODUADUA.- I am sorry, Honourable Member. What was that again?

HON. M.D. BULITAVU.- You just said that you had mentioned that to the Honourable Speaker that you will not say that. Where did that conversation happen?

HON. LT. COL. P. TIKODUADUA.- That conversation took place at the InterContinental when the Honourable Speaker saw me. I gave him my word I would not in respect on that matter. I will speak on this matter as it were and the Committee can see for itself in terms of the evidence before it.

HON. M.D. BULITAVU.- Thank you. Let me move forward. What did you mean by “your own house.”

HON. LT. COL. P. TIKODUADUA.- I meant the Members of Government as I had always alluded to it and I am absolutely sure about that.

HON. M.D. BULITAVU.- You reconfirm that to the Committee?

HON. LT. COL. P. TIKODUADUA.- I can confirm that, I did not mean his family nor his home.

HON. M.D. BULITAVU.- After your speech, what happened?

HON. LT. COL. P. TIKODUADUA.- After my speech, I came out. I was going to Lami. I told my Parliamentary Leader that I needed to take time out of the House and go to Lami. So, I did the protocols and I came out. I went up straight up to the office, the Opposition Chambers. I am guided, so how far do you want me to go?

HON. M.D. BULITAVU.- Where did you next to see the Honourable Prime Minister on 9th August?

HON. LT. COL. P. TIKODUADUA.- Immediately after Parliament, the very next time I met him was when he called me, “*Oi, Pio lako mai ke.*” I know the Honourable Minister when he calls me and that was the time that we met.

HON. M.D. BULITAVU.- Has he called in that tone before?

HON. LT. COL. P. TIKODUADUA.- Not exactly in the same words.

HON. M.D. BULITAVU.- By the tone of his word...

HON. LT. COL. P. TIKODUADUA.- Not for a very long time though.

HON. M.D. BULITAVU.- Was he friendly?

HON. LT. COL. P. TIKODUADUA.- When, on that day?

HON. M.D. BULITAVU.- By the tone of his words, did he sound friendly?

HON. LT. COL. P. TIKODUADUA.- You know that sound, “*Io Pio, kerekere lako mai ke*”, that would be a friendly one. That would be more of an order. But it was what came after that, the words that he uttered, those definitely pointed to the fact that they were not quite friendly. The words that he told me after that.

HON. M.D. BULITAVU.- What did the Honourable Prime Minister tell you after that? What were the words that came out from his mouth?

HON. LT. COL. P. TIKODUADUA.- Honourable Chairperson, may I be guided because I wrote this, just what I said that I am not mistaken, just to refer to my notes. I am not reading from it. May I refer to my notes?

HON. CHAIRPERSON.- Just tell what you remember, because definitely an incident happened and there is a question.

HON. DR. M.REDDY.- What you can recall.

HON. LT. COL. P. TIKODUADUA.- Alright, then he said, “*Lako mai ke Pio magaijinamu. Caiti tamamu.*”

HON. M.D. BULITAVU.- Those were not friendly words?

HON. LT. COL. P. TIKODUADUA.- No, and “*Na cava o kataki au jiko kina ena loma ni vale ni bose. Na cava o kauta mai kina na noqu vuvale ena na loma ni bose?*” Those are the words or thereof without referring to my notes are things that I heard him tell me.

HON. M.D. BULITAVU.- Has he ever spoken like that to you before, the same words?

HON. LT. COL. P. TIKODUADUA.- No, no, not the same words in that manner, no.

HON. M.D. BULITAVU.- Why did you think that he said those words to you?

HON. LT. COL. P. TIKODUADUA.- Oh, he was angry. He was in a rage. As I am tall, he was essentially like the distance of the microphone from me.

HON. M.D. BULITAVU.- What made him angry from your recollection?

HON. LT. COL. P. TIKODUADUA.- Well, I think you should ask him that.

HON. M.D. BULITAVU.- On your way down because we saw in the video footage, what did the Honourable Prime Minister do?

HON. LT. COL. P. TIKODUADUA.- I did not see him do nothing, but that he shouted and he walked in haste towards me.

HON. M.D. BULITAVU.- Did you see him walking towards you or you were facing GPH?

HON. LT. COL. P. TIKODUADUA.- He called me by name.

HON. M.D. BULITAVU.- And you turned around?

HON. LT. COL. P. TIKODUADUA.- Yes.

HON. M.D. BULITAVU.- Does the Honourable Prime Minister ever contacted you? Was there contact, a touch or a shove or a push?

HON. LT. COL. P. TIKODUADUA.- Meaning, did any part of his body touched mine?

HON. M.D. BULITAVU.- Yes.

HON. LT. COL. P. TIKODUADUA.- Yes, he did.

HON. M.D. BULITAVU.- What part of his body?

HON. LT. COL. P. TIKODUADUA.- His right hand held by the lapel of my jacket.

HON. M.D. BULITAVU.- What did his right hand do?

HON. LT. COL. P. TIKODUADUA.- He shoved me up.

HON. M.D. BULITAVU.- And what did you do?

HON. LT. COL. P. TIKODUADUA.- I did nothing.

HON. M.D. BULITAVU.- As a result of that?

HON. LT. COL. P. TIKODUADUA.- No, no, no, I did nothing.

HON. M.D. BULITAVU.- Were you pushed back?

HON. LT. COL. P. TIKODUADUA.- Yes, the video shows that I moved back, in the spur of the moment because he came in with such a shove, I literally just went back like that (indicating).

HON. M.D. BULITAVU.- The bodyguards were around?

HON. LT. COL. P. TIKODUADUA.- Yes.

HON. M.D. BULITAVU.- Do you know some of them?

HON. LT. COL. P. TIKODUADUA.- Yes, very well.

HON. M.D. BULITAVU.- Did anyone say anything to you?

HON. LT. COL. P. TIKODUADUA.- No.

HON. M.D. BULITAVU.- Did anyone tried to stop the Honourable Prime Minister?

HON. LT. COL. P. TIKODUADUA.- Not from where I was standing, no. None of them did.

HON. M.D. BULITAVU.- The video shows that you walked back into the House.

HON. LT. COL. P. TIKODUADUA.- Yes.

HON. M.D. BULITAVU.- Is that correct?

HON. LT. COL. P. TIKODUADUA.- Yes.

HON. M.D. BULITAVU.- Did you make your way back to the House?

HON. LT. COL. P. TIKODUADUA.- I reached the House.

HON. M.D. BULITAVU.- What was the reason for going back to the House?

HON. LT. COL. P. TIKODUADUA.- I was going to go and tell the House what had just happened to me outside.

HON. M.D. BULITAVU.- And what did you do? Did you reveal that to the House or bring that to the attention of the House?

HON. LT. COL. P. TIKODUADUA.- Yes, I did. The verbatim of the House will show that.

HON. M.D. BULITAVU.- You had said in the *Fiji Times* on Monday, 26th August, 2019 that you had no hard feelings towards the Honourable Prime Minister.

HON. LT. COL. P. TIKODUADUA.- Correct.

HON. M.D. BULITAVU.- What did you mean by that?

HON. LT. COL. P. TIKODUADUA.- It means that I have no grudge. To assume that I would hold a grudge and be angry for what I had alleged that he had done to me, that I do not have, meaning I do not have this feeling of anger. It does not take away the fact for as far as I am concerned of what happened to me as I had already put to the Committee.

HON. M.D. BULITAVU.- You still have no hard feelings today?

HON. LT. COL. P. TIKODUADUA.- Absolutely not! No, I do not.

HON. M.D. BULITAVU.- Would you apologise to the Honourable Prime Minister?

HON. LT. COL. P. TIKODUADUA.- No, I will not.

HON. M.D. BULITAVU.- You have no hard feelings towards the Honourable Prime Minister?

HON. LT. COL. P. TIKODUADUA.- What would I apologise for? For him attacking me?

HON. M.D. BULITAVU.- As quoted by the *Fiji Times*.

HON. LT. COL. P. TIKODUADUA.- Sorry, I did not get that Honourable Member.

HON. M.D. BULITAVU.- As quoted by the *Fiji Times* on 26th August, you had said, “No hard feelings towards the Prime Minister.”

HON. LT. COL. P. TIKODUADUA.- Yes.

HON. M.D. BULITAVU.- And you do not want to apologise?

HON. LT. COL. P. TIKODUADUA.- Why would I apologise? I mean, what should I apologise for? What wrong did I do? Perhaps, Honourable Chairperson, could I be enlightened in that regard.

But, as far as I am concerned, Honourable Chairperson, I have given my statement to the Committee. I know what I said and I know what I meant. I did not say or referred to the Prime Minister’s family. I did not refer to his home, I mentioned “House”. And I know what I meant, I meant the Government Members of the House, who I had earlier said should get off their high horse. So that is what I meant.

If I had done and the verbatim says also, I mean, it was being posed to me under the Point of Order by the Honourable Prime Minister that I was attacking him personally, I said, ‘no’. And the Honourable Attorney-General said, “Yes, you are”, and I said, “no”. Then he said again, “Yes, you are”, and I said, “no”, because I am absolutely clear of what I said.

HON. CHAIRPERSON.- Honourable Member, if I can interrupt.

Honourable Pio Tikoduadua, if I read correctly from the verbatim, whenever you spoke about the Government, you specifically mentioned Government. Like when you mentioned:

“Honourable Speaker, and I would like to ask the Government here today - get off your high horse, get off your high horse, realise what is before you.”

Then alluding to what Honourable Dr. Reddy already said and Honourable Bulitavu had said, the statement, I quote: “The Honourable Prime Minister should be the last person...”, before that statement, there is another statement which you said, and I quote: “Honourable Speaker, I tell the Government...”. Again, you are mentioning Government: “I tell the Government - get off your high horse, you are the last people to talk on this.”

Then you go on to say, and I quote: “The Honourable Prime Minister should be the last person talking about violence against women in this House.” So why “the last person”? You have got the privilege not to divulge anything if you do not want to.

You said, “...he should be the last. You should know what is happening in your own House.” When you spoke about, “own house”, we still have to view the videos, your actions, whom you were pointing to, were you pointing to the House or you were pointing to the Honourable Prime Minister, so that still has to be decided after watching the video, which we have already requested for.

Basically, every time when you spoke about the House and the Government, you mentioned Government but in this sentence you did not mention Government. You said, and I quote, “Your own House”. So, in the

manner which you everyone was present there in the House and the manner which you spoke those words, individually, I would be provoked, if you spoke about my own house. So, you were very specific about your own house.

That is the point I want to make and the Secretariat to take note of because every time you spoke of the Government you mentioned Government, but here you spoke about your own house.

HON. LT. COL. P. TIKODUADUA.- Honourable Chairperson, what I hear in your statement, you are alluding to matters of conclusion of where you are drawing your opinion. I am quite clear because forming the opinion of what you believe from what I said, is a matter that you will form.

HON. CHAIRPERSON.- No, Honourable Lt. Col. Tikoduadua, I already told you, we will only make a decision after viewing all the evidences, not now. But what we read in the verbatim, that is what I am pointing out. Every time when you spoke of the Government, you mentioned Government but in this ...

HON. LT. COL. P. TIKODUADUA.- No, but if you are asking me.

HON. CHAIRPERSON.- ...particular instance, why did you not mention the Government or we will have yet to see your actions and reactions. So, basically I am asking you that if you want to talk about it when you mentioned that, your own house.

HON. LT. COL. P. TIKODUADUA.- Yes, I think this has been covered well and good. I remember, if I count correctly, the Honourable Dr. Reddy has asked me or alluded to this about four times and I have been giving the same answers. With your indulgence, it is up to the Committee to read it as they please. I have already made my comments.

HON. CHAIRPERSON.- Thank you. Honourable Dr. Reddy.

HON. DR. M. REDDY.- Honourable Lt. Col. Tikoduadua, the current House has how many Members?

HON. LT. COL. P. TIKODUADUA.- The current House has 51 Members.

HON. DR. M. REDDY.- That is the House.

HON. LT. COL. P. TIKODUADUA.- The House is the House of Parliament.

HON. DR. M. REDDY.- So, when you say, “this House”, that means you are referring to Parliament...

HON. LT. COL. P. TIKODUADUA.- Correct.

HON. DR. M. REDDY.- ...with 51 Members.

HON. LT. COL. P. TIKODUADUA.- Yes,

HON. DR. M. REDDY.- So, you cannot say to the Honourable Leader of the Opposition, “your House” and then say that you mean your party because....

HON. LT. COL. P. TIKODUADUA.- Why?

HON. DR. M. REDDY.- Look, you cannot say to....

HON. LT. COL. P. TIKODUADUA.- Are you trying to put word in my mouth?

HON. DR. M. REDDY.- No, no. I am saying...

HON. LT. COL. P. TIKODUADUA.- I can say it because I have just said it to the Honourable Prime Minister, I can say it. I have already said it.

HON. DR. M. REDDY.- No, you cannot.

HON. LT. COL. P. TIKODUADUA.- No, I can because I have already.

HON. DR. M. REDDY.- That is what we are saying, that you did not, you cannot.

HON. LT. COL. P. TIKODUADUA.- No, no. Honourable Chairperson, the Honourable Member is telling me something that I have already said, so why can I not say that? If you are saying that I am not authorised to say it, ...

HON. DR. M. REDDY.- No.

HON. LT. COL. P. TIKODUADUA.- ...of his questioning me....

HON. DR. M. REDDY.- It is wrong to say, a party referred to a party as a House, technically you cannot refer to a party as the House.

HON. LT. COL. P. TIKODUADUA.- Honourable Chairperson, I think there is a matter of procedure here because I have already given what I said and what I meant.

HON. DR. M. REDDY.- My last question.

HON. LT. COL. P. TIKODUADUA.- Alright, very well.

HON. CHAIRPERSON.- Honourable Lt. Col. Tikoduadua, the practice has been, if you go through the verbatim - the old ones, everything, and every time you mention, you said this side of the House, that side of the House. Most probably, this would be the first incident when you said own house, because that is why these things are coming up.

HON. DR. M. REDDY.- Alright, my last question.

HON. LT. COL. P. TIKODUADUA.- That is a matter of a deliberation of the Committee. That is not up to me. Madam Chairperson, if you are forming that to me...

HON. DR. M. REDDY.- Agree, we will....

HON. CHAIRPERSON.- We get a last question from Honourable Dr. Reddy.

HON. DR. M. REDDY.- "Honourable Prime Minister should be the last person talking about violence against women in this House."

HON. LT. COL. P. TIKODUADUA.- Madam Chairperson, I have been asked this same question by the Honourable Member, making references to it.

HON. CHAIRPERSON.- If need be

HON. LT. COL. P. TIKODUADUA.- What is the new angle, because I am here defending my honour. What is the angle of this question and what new matter does the Honourable Member want to bring before the attention of the Committee?

HON. DR. M. REDDY.- If he does not want to answer the question, that is fine.

HON. CHAIRPERSON.- Honourable Tikoduadua, if you are called again, you will have to come, so basically, if they are asking questions 10 times, you will have to answer, please.

HON. LT. COL. P. TIKODUADUA.- All right, very well.

HON. DR. M. REDDY.- You are saying here, Honourable Pio Tikoduadua, “The Honourable Prime Minister should be the last person talking about violence against women.” Is that not an attack on him, saying, “You are the last person who should be talking about violence against women.” That is a personal attack on him as an individual.

HON. LT. COL. P. TIKODUADUA.- No, it is not.

HON. DR. M. REDDY.- Honourable Prime Minister is one person. There are no two Prime Ministers in the House or in the country, that is one person, sitting there. You are saying, taking the title, “The Honourable Prime Minister should be the last person talking about violence against women in the House.” You are telling him, “You, Honourable Prime Minister, should be the last person ...” Is that not an attack on him?

HON. LT. COL. P. TIKODUADUA.- Madam Chairperson, I have answered many questions, I posed many questions to the Honourable Dr. Mahendra Reddy as the Minister for Agriculture, and I have said, I can bring the Verbatim that the Honourable Minister should know when I am talking about dairy or agriculture. I am not attacking the Honourable Minister.

HON. CHAIRPERSON.- All right, let us move on. Next question, Honourable Seruiratu.

HON. LT. COL. I.B. SERUIRATU.- Madam Chairperson. Is it correct to say, Honourable Tikoduadua, that the Honourable Prime Minister and I think most Members of the House as well, misinterpreted your response or your statement?

HON. LT. COL. P. TIKODUADUA.- I would say that, yes. They misread it.

HON. LT. COL. I.B. SERUIRATU.- I am particularly referring to your reference to “... your own house” because this is subject to interpretation of the Committee because I think we are riding on the fact that it is the *Hansard* that usually refers to the House with the capital “H” referring to the House, but then in the words used particularly “own house” and whatever. That was my question whether it is correct to say that given what you have stated, you would have been misinterpreted?

HON. LT. COL. P. TIKODUADUA.- Yes, Sir.

HON. LT. COL. I.B. SERUIRATU.- Thank you. My other question is on: The Honourable Bulitavu has raised a lot of questions about the assault, the nature in which it occurred. Just a quick question from me: Did you, in the cause of that alleged assault, sustain any injuries?

HON. LT. COL. P. TIKODUADUA.- Physically, no; emotionally, yes.

HON. LT. COL. I.B. SERUIRATU.- My other question is: Was there any medical report?

HON. LT. COL. P. TIKODUADUA.- I went to a doctor and a medical report was submitted to the Police?

HON. LT. COL. I.B. SERUIRATU.- Submitted to the Police?

HON. LT. COL. P. TIKODUADUA.- Yes.

HON. LT. COL. I.B. SERUIRATU.- There was a medical report?

HON. LT. COL. P. TIKODUADUA.- Yes, there was one done. I went for medical examination and it was given to the Police.

HON. LT. COL. I.B. SERUIRATU.- When did that occur?

HON. LT. COL. P. TIKODUADUA.- The same afternoon.

HON. LT. COL. I.B. SERUIRATU.- The same afternoon?

HON. LT. COL. P. TIKODUADUA.- Yes. For your benefit, Honourable Member, I did not sustain any physical injury for that matter from the assault that the Prime Minister did to me. That is a statement of fact, no physically, no; emotionally, yes, I was, because in terms of that, one of the things that is not coming out clearly because he threatened me, Honourable Member. He said, "*Qarauni iko tiko*", I do not want to go back. Those are things. You may want to ask me - what do I mean? I know him well, I know what he means by that. Pio knows what he means by that, and I met the receiving end over that threat. So it was the psychological, emotional side more so rather than the physical.

HON. LT. COL. I.B. SERUIRATU.- Were you emotionally stable when he confronted you?

HON. LT. COL. P. TIKODUADUA.- Meaning what? Yes, like if he says I was cool, yes, I was cool. My hands were down, I absolutely had no intention of reprisal. He was coming at me angrily, I did not defend myself. He shoved me I moved back.

I weigh 110 kilograms and I weigh more than the Prime Minister. I am actually very heavy and I am tall. He shoved me back enough with such a force that I said he broke my glasses. But reaction, I only spoke to him. I was replying to the question he was asking me and I never lost my cool. Honourable Member, you would know, he was surrounded by his bodyguards. I was only watching the bodyguard's right-hand that was my focus. I was watching the Police who were standing on those steps, I was watching the bodyguards where their right hands were, their job was to protect the Prime Minister and my appreciation was running through my mind, do I defend myself that he has attacked me.

HON. LT. COL. I.B. SERUIRATU.- Honourable Member, this is why I raised the question to you: were you mentally stable because of the dispute on where you have your glasses and how your glasses broke. I am trying to find out whether you are in the right mood to ascertain very correctly the proceedings and the events that occurred.

HON. LT. COL. P. TIKODUADUA.- On that day?

HON. LT. COL. I.B. SERUIRATU.- Yes, Honourable Member, with all honesty and the oath I am given, I remember that very well. I am absolutely certain, I made a snap decision, as soon as he called me, my mind was running so many kilometres an hour about what I would do and I just want to assure you, Honourable Member and the Committee, that I was in the right state of mind.

HON. LT. COL. I.B. SERUIRATU.- Thank you. My other question is, apart from PSO, you were also the Permanent Secretary to the Office of the Prime Minister, is that so?

HON. LT. COL. P. TIKODUADUA.- Yes, that is correct.

HON. LT. COL. I.B. SERUIRATU.- You had encounters with him in the past as well in both your capacity as PSO and, of course, as Permanent Secretary as well?

HON. LT. COL. P. TIKODUADUA.- Yes, Sir.

HON. LT. COL. I.B. SERUIRATU.- In this event, you did reconcile as well?

HON. LT. COL. P. TIKODUADUA.- I have never been made to be reconciled with the Prime Minister on anything. I had my differences with him but I have never had to reconcile on anything.

HON. LT. COL. I.B. SERUIRATU.- Definitely, you have differences with him but then work still carried on. What I was trying to say is in that, in that 31 years and, of course from 1999 as PSO and as PS, you are very familiar with how the Honourable Prime Minister behaves and handles issues and, of course, his emotions as well?

HON. LT. COL. P. TIKODUADUA.- Yes, Honourable Member.

HON. LT. COL. I.B. SERUIRATU.- The Honourable Bulitavu did state about the *Fiji Times* of 26th August and I was also very interested in that, no hard feelings towards the Honourable Prime Minister. This is the reason why I raised the question about you being very familiar with the Honourable Prime Minister because you will be sworn at, you will be under all sorts of whatever, but then in the end, he is quick to reconcile, forgive and, of course, move on with work as well, Honourable Member, because in the afternoon of the 9th August, 2019, he did approach the Honourable Speaker, to offer his apology because of what occurred within the Parliament premises as well and, of course, he was willing to offer you an apology as well for what transpired.

My question is, having taken that process already with the Honourable Speaker and you, having no hard feelings towards the Honourable Prime Minister, if the Honourable Prime Minister, maybe I will put it in two ways across to you:

- (1) Are you willing to accept an apology from the Honourable Prime Minister as was intended to be arranged by the Speaker; or
- (2) Because it transpired in the House, would you be able to accept an apology from the Honourable Prime Minister as well?

Those are my two questions to you, having known the Honourable Prime Minister very well, Honourable Member.

HON. LT. COL. P. TIKODUADUA.- Thank you, Honourable Chair. I am pausing very long for the answer to that question by my learned friend and Honourable Member.

I will start by saying that the Prime Minister in all my relationship with him, has never apologised to me. This would be the very first time that he would want to apologise to me. Those things that the Honourable Member had alluded to in terms of the work relationship between the Prime Minister and I, are just as the Honourable Member has described. He was my commander, I looked after him. I know him from head to toe. I know him when he is angry. I know him when he is happy. I know how to react to him. I have been on many and as Permanent Secretary and as PSO on the receiving end of his anger. That was my job, I took it. I never expected him to apologise to me, never. He does not have to, that is part of my job. I do not hold it against him and nor would I say anything further to that.

The matter being raised here about the apology was raised to me in the first instance by the Speaker and again today, by the Honourable Leader of the Opposition, who had gone to see the Prime Minister as well.

Yes, Honourable Chair. I have absolutely no hard feelings, from before also. It does not take away the fact that I have alleged what is before the Committee today and on the instructions of the Speaker and as alluded to by the Attorney-General, I had gone to the police and that is what I have done and I am still waiting and then this is now being put before the House.

I find it quite strange for two reasons, the matter of the apology. One, because despite all our hardships, despite what I have gone through and I am not going to allude to that. I have never had him apologised to me so it is strange and it is new.

On top of that, the matter of the apology, I am not sure if it is investigating the matter of the *prima facie* evidence before the Committee, Mr Speaker, I had alluded to now something I have to think about and something that I must think about for the reasons that I have stated.

HON. LT. COL. I.B. SERUIRATU.- Thank you, Madam Chair. The line of questions that I am trying to bring to the attention of the Committee is, although the Honourable Prime Minister may not have apologised to the Honourable Member and we all know what command is, the authority that they have but, of course, between us we know instances where they had differences and then the Honourable Prime Minister maybe did not offer apology but forgives him and allows him to continue with the work and other things. So, that it why I raised the question about the apology because the Honourable Prime Minister, I think, in this instance after realising the events that have occurred went back quickly to the Honourable Speaker to offer an apology and he was willing because that is the question that I wanted to raise because he has no grudges against the Honourable Prime Minister whether he was willing to accept the apology from him as well. So, that was the question that I wanted to ask.

HON. P. TIKODUADUA.- Just two point there, Honourable Seruiratu, I respect exactly what you are saying, and you know that I know what you are saying.

HON. LT. COL. I.B. SERUIRATU.- Yes.

HON. P. TIKODUADUA.- And in this light, as much as I do not want to go back past the incident and I would like to treat the incident completely in isolation because then it does not make it right but I accept it. The second strange thing was because he went to the Honourable Speaker.

The Honourable Prime Minister knows where I live. I live in Delasui and he knows that and I told Parliament that I am living in the village. The matter of apology is a very sensitive issue because it is a matter of forgiveness. It is beyond the realms of the law because then it has implications on the law too. So, it is something that I would like to because it has been raised by my good friend and the Honourable Member is something as I

said that I would have to consider. But the Committee here is to look at the *prime facie* which the Honourable Speaker has looked at and whether it has merits and perhaps the Select Committee on Privileges would like to consider that too.

HON. LT. COL. I.B. SERUIRATU.- Honourable Chair, I wish to declare my interest here because I did accompany the Honourable Prime Minister and I have raised that with the Honourable Speaker and, of course, I wanted to be recused out of the Committee as well but he has given his directive but I went with him to the Honourable Speaker. The reason being because of his responsibility under Standing Orders 18, I think, he is responsible for the decorum and it happened and occurred within the precincts of Parliament, that was the reason.

My last question to the Honourable Member, I have talked about interpretation, “own house”, the capital “H” and whatever. You have responded to that as well.

Talking about values, the Honourable Prime Minister is very principled and, of course, has high regards to values as well. You will recall that during his time in the RFMF, he included the family as one of the five values of the RFMF. Am I correct to say that, Honourable Member?

HON. P. TIKODUADUA.- Including the family as one of the five values, yes, I agree with that, yes.

HON. LT. COL. I.B. SERUIRATU.- You do not remember the other four?

HON. P. TIKODUADUA.- I think I still remember the acronym I used.

HON. LT. COL. I.B. SERUIRATU.- But family and his strong conviction on the values, particularly the family as an institute and as a very critical component of our community.

HON. P. TIKODUADUA.- I am sorry, what was your question again, Honourable Member?

HON. LT. COL. I.B. SERUIRATU.- I mean the family is one of the values of the RFMF and it was during his time as Commander that that became one of the five values.

HON. P. TIKODUADUA.- That is correct. I remember that clearly, yes.

HON. LT. COL. I.B. SERUIRATU.- I have no further questions for now, Honourable Chairperson.

HON. LT. COL. P. TIKODUADUA.- Given that the Honourable Member has alluded when describing that as Prime Minister being a very principled and holds high values, my only reservation to that is that, I would very highly question the alleged act that he did to me because that would testify that, because it is a very dangerous precedence to make. If someone wants to defend their family and allows them any room to go physical with someone without letting the law, then I would be very concerned. Because there are many examples, we all uphold our families and I know the Honourable Prime Minister, what the Honourable Member is saying is quite true.

We were on a trip, we came back from Malaysia and we were in Sydney and we went to this shop. It only had things for girls and I know him very well. He was very soft spot for it, and I will be the first person to attest for it and he said, *qo na nona vosa vei au*, “*Pio, qo na leqa ni vuvale e levu ga kina na yalewa*” translated as, “This is the thing you do when your house is full of ladies”. And yes, of course, but by the very example of that to preserve it, it is preserved within in my view, a certain set of conditions that bind all of us.

And that to me is important, what he did to me is not principled and not high value. It cannot be the way to defend it, otherwise I will be going after every person in my village or people from Nameka who stole yaqona from my farm, because they are impeding on the security of my family and taking off the hard worth. So I cannot, unfortunately, Honourable Member, agree that that is the good way to protect family. I would make that statement.

HON. ADI L. QIONIBARAVI.- Honourable Tikoduadua, I only have one question, you mentioned the word ‘threatened’ on the day in which it happened. It has now been three weeks getting on to the fourth week since it happened. My question is whether during the course of three weeks, you have felt threatened or anxious and what is the background of the event that has caused you anxiety or felt threatened?

HON. LT. COL. P. TIKODUADUA.- Thank you, Honourable Member. Not only I, but my family feels threatened. Because he said to me that day, “*Qarauni iko tiko*”, even in a more sterner voice, and in that process also, because I feel for my family because my wife and my children they heard that. More so, the following morning immediately I was driving my family to the village to Natovi in my private vehicle Hilux FQ167 and we drove to Korovou and we went to the village and turning off into the village, the driveshaft of my vehicle just came off completely. I think it was in God’s favour it did not come off when I was running on the highway at 80 kilometres or so. But, after I had come up the hill at Waito, I went down to fourth gear, third and second and just when it was on, it came off. I recovered only one nut bolt. So I got my family to come out, I thought that I bring this because as a matter of anxiety. I did not report it to the Police for various reasons. But, that is what had happened to me. I drive a Toyota Hilux which is regularly serviced and so I worry about my family.

HON. CHAIRPERSON.- Can that happen to anyone?

HON. LT. COL. P. TIKODUADUA.- Yes, of course, it could happen to anyone. In terms of that, I feel worried.

HON. LT. COL. I.B. SERUIRATU.- But, on that Honourable Member, you did know how that occurred?

HON. LT. COL. P. TIKODUADUA.- No, mechanics came and they gave me their views. The views that I got that, that could not have come out on its own except if someone had intentionally....

HON. LT. COL. I.B. SERUIRATU.- So you are assuming that it is linked to the threat?

HON. LT. COL. P. TIKODUADUA.- I am. In natural that I am.

HON. LT. COL. I.B. SERUIRATU.- Have you been threatened again by the Honourable Prime Minister?

HON. LT. COL. P. TIKODUADUA.- No, I have not. You mean after that day, no.

HON. LT. COL. I.B. SERUIRATU.- Any threats to the family?

HON. LT. COL. P. TIKODUADUA.- Directly, no.

HON. LT. COL. I.B. SERUIRATU.- On social media?

HON. LT. COL. P. TIKODUADUA.- On my page, yes. One by the Facebook name Nemani Bainivalu saying, “*Me se vacuka saraga o Prime Minister na gusuna coci ya.*” That would be the only one.

HON. LT. COL. I.B. SERUIRATU.- Sorry, Honourable Member, but, nothing from the Prime Minister or his family member?

HON. LT. COL. P. TIKODUADUA.- No, no, Prime Minister, no. But, Honourable Member, this whole thing about my situational awareness just got hyped up by 400 percent.

When I drive, I second look at my car. When I am travelling, I am visiting my environment and my surrounding. When I am going, I am looking at my rear mirror and I am looking for patterns and I do that all the

time. And of course, Honourable Member, you would know this very well, that is because I feel threatened. Obviously because I wanted to, if something, God forbid does happen, that at least I am prepared for it.

So I do not take my family in my car. My family now travel in a taxi. So those are the things, but, to answer your question directly, Honourable Member, no, not the Prime Minister, he has never threatened me again. But, because you asked me social media that was the only one I read, someone by that name, Nemani Bainivalu saying, “*Ke se vacuka vinaka saraga o Prime Minister na gusuna coci*”, that would be the only one. Otherwise there are other people that make comments, but, they do not move me.

HON. CHAIRPERSON.- Is it not normal for a person to check your vehicle before you drive?

HON. LT. COL. P. TIKODUADUA.- ... do not. They do not move me.

HON. CHAIRPERSON.- Is it not normal for a person to check your vehicle before you drive? It is a normal procedure, everyone does that. I am just asking, is it not normal?

HON. LT. COL. P. TIKODUADUA.- Yes, it is called first parade every morning. We get taught that in military school. You check the tyres, make sure they do not come off. You check the oil and make sure it is alright. Make sure the water is there, that is what it is called.

HON. CHAIRPERSON.- That is a normal procedure?

HON. LT. COL. P. TIKODUADUA.- Yes, yes, absolutely!

HON. CHAIRPERSON.- For any driver, for me....

HON. LT. COL. P. TIKODUADUA.- No, I am not speaking for anyone, but that is how I am schooled and that is how I do it everyday.

HON. CHAIRPERSON.- Alright, thank you.

HON. LT. COL. P. TIKODUADUA.- Yes.

HON. CHAIRPERSON.- I just have a question, you said that you knew the Honourable Prime Minister for 31 years. During this 31 years of acquaintance with the Honourable Prime Minister, did you ever consider him a friend?

HON. LT. COL. P. TIKODUADUA.- My relationship with the Honourable Prime Minister in all respects was work. I was his Personal Staff Officer and I did that job for him. I was his Permanent Secretary for a long time, and that was the work I did for him. I did everything for him at the time intimately to support him as the Commander and my allegiance to the Commander, and later as Permanent Secretary everything I did was upholding him as Prime Minister. That is what I did.

HON. CHAIRPERSON.- Yes, Honourable Maharaj.

HON. A.A. MAHARAJ.- Thank you, Madam Chairperson. I have a series of questions and clarifications to be made.

Honourable Pio Tikoduadua, when you mentioned Honourable Prime Minister, whom do you actually mention? When you say in the House, “Honourable Prime Minister”, to whom are you mentioning it to?

HON. LT. COL. P. TIKODUADUA.- It is the Honourable Ratu Josaia Voreqe Bainimarama.

HON. A.A. MAHARAJ.- I believe this question was asked previously, but I would like to get clarification on my sake. When you said that the Honourable Prime Minister should be the last person talking about violence against women in this House, what was the intention behind that particular sentence?

HON. LT. COL. P. TIKODUADUA.- It is exactly as I said, he should be the last person making that statement.

HON. A.A. MAHARAJ.- And for the reason that you are not willing to tell the Committee at this point in time?

HON. LT. COL. P. TIKODUADUA.- Honourable Bilitavu asked me if he was a violent man, I refrained from answering that question. I meant exactly what I said.

HON. A.A. MAHARAJ.- Was there any intention to insult or condemn the Honourable Prime Minister with regards to that particular sentence?

HON. LT. COL. P. TIKODUADUA.- No.

HON. A.A. MAHARAJ.- When we say, “your house or your own house”, if you are referring to Honourable Speaker and we say, “your house”, how many house would the Honourable Prime Minister think about when you say that word to the Honourable Speaker?

HON. LT. COL. P. TIKODUADUA.- You have to ask him that question because he would have to think that. I cannot think for the Honourable Prime Minister, how many houses he would be thinking.

HON. A.A. MAHARAJ.- Not Prime Minister, Speaker.

HON. LT. COL. P. TIKODUADUA.- I would not know too, you have to ask him that as well because I only know what I said and what I meant.

HON. A.A. MAHARAJ.- When you are referring to the Honourable Prime Minister with regards to his house, would you answer the same as with regards to the Speaker?

HON. LT. COL. P. TIKODUADUA.- That is hypothetical. I think it is an unfair one because I am only being here on the question that I am answering to the Prime Minister.

HON. A.A. MAHARAJ.- When you are saying and if you can identify the difference between the two sentences that I am going to read out to you. It says, “You should know what is happening on your side of the House”, what would that mean?

HON. LT. COL. P. TIKODUADUA.- You should know what is happening on the side on Government.

HON. A.A. MAHARAJ.- What would it actually mean when you say, “You should know what is happening in your own House”.

HON. LT. COL. P. TIKODUADUA.- I meant the Government side of the House.

HON. A.A. MAHARAJ.- How can you say, “in your own House” and “on your side of the House” mean the same thing?

HON. LT. COL. P. TIKODUADUA.- That is what I meant. I meant the Government side of the House when I said, “in your own House.”

HON. A. A. MAHARAJ.- What was the intention of leaving Parliament on that particular morning on 9th August?

HON. LT. COL. P. TIKODUADUA.- I said I was going to Lami

HON. A.A. MAHARAJ.- I believe we actually saw in the footage that you had something in your hand, which you cannot identify at this point in time what it was?

HON. LT. COL. P. TIKODUADUA.- No, I cannot recall.

HON. A.A. MAHARAJ.- What are the chances of it being your sunglass?

HON. LT. COL. P. TIKODUADUA.- There is no chance, I know it was in my pocket.

HON. A.A. MAHARAJ.- So, when that incident did actually take place, were you in a state of shock?

HON. LT. COL. P. TIKODUADUA.- Defending, Prime Minister, that tone, I have heard a million times, he has called me a million times. Shock? No. I was not shocked, he called me, “*Pio, oe, lako mai ke.*” I came back.

HON. A.A. MAHARAJ.- In that state, if you were not able to actually recall what was in your hand, how confident are you that your sunglass was in your pocket?

HON. LT. COL. P. TIKODUADUA.- Yes, I am absolutely sure.

HON. A.A. MAHARAJ.- But still you are not sure what was in your hand?

HON. LT. COL. P. TIKODUADUA.- I am absolutely sure it was in my pocket. I do not recall anything in my hand.

HON. A.A. MAHARAJ.- Even though, the footage is showing that something was in your hand?

HON. LT. COL. P. TIKODUADUA.- Well, that is what you are saying, I do not recall if there was something I was holding in my hand. It was not my glasses.

HON. A.A. MAHARAJ.- Alright.

HON. LT. COL. P. TIKODUADUA.- Honourable Chairperson, when I table the evidence, you can see the video. It is not in my hand, and it is not that one, it is the one that is going on *Facebook*.

HON. A.A. MAHARAJ.- Did the Honourable Speaker ask you to meet the Honourable Prime Minister and himself?

HON. LT. COL. P. TIKODUADUA.- No. Unless if you want to know what he told me at Intercontinental, I can share that with you.

HON. A.A. MAHARAJ.- That is fine.

HON. A.A. MAHARAJ.- You said you were going out to Lami and then it was seen you were actually going out even after that incident. What brought you back in?

HON. LT. COL. P. TIKODUADUA.- I was going to report to Parliament that I had just been assaulted outside. That is what brought me back.

HON. A.A. MAHARAJ.- Thank you.

HON. CHAIRPERSON.- Honourable Bultavu.

HON. M.D. BULITAVU.- Just my few last questions. In the video that we have seen, Honourable Lt. Col. Tikoduadua, what did the Honourable Prime Minister say to you at the steps before you re-entered the House?

HON. LT. COL. P. TIKODUADUA.- Yes, that one. Well, he started swearing at me again. When that incident happened outside, and he finished, he took the lead. So I was preparing to go to Lami, but then decided to come back and report to the House.

So I came in through that path and then he was there before. I was standing there at the step when he was standing by the vehicle. Then it was not physical but it was just a whole lot of other swear words.

HON. M.D. BULITAVU.- After the incident, Honourable Lt. Col. Tikoduadua, on 9th August....

HON. LT. COL. P. TIKODUADUA.- Which in particular because you were referring to the steps.

HON. M.D. BULITAVU.- (Inaudible)

HON. LT. COL. P. TIKODUADUA.- Are you referring to the one on the steps? After that one, yes.

HON. M.D. BULITAVU.- The Honourable Prime Minister just repeated what he said on the road when you were at the...?

HON. LT. COL. P. TIKODUADUA.- Yes, they were pretty much the same level of curses on my mother, my father.

HON. M.D. BULITAVU.- After the incident on 9th August, do you view the Honourable Prime Minister as a violent man?

HON. LT. COL. P. TIKODUADUA.- If what he did to me is being described as an act of violence because I had alleged that he had assaulted me, then that particular action was a violent action by him to me. I remember very well that incident. Be that in seeking the definition for people to paint the Honourable Prime Minister is a matter that people form opinions about? What happened to me was definitely violent with the ensuing outcomes, as I said I broke my glass, shoved me up, I moved back, and that would be a violent action by him.

HON. M.D. BULITAVU.- Do you still feel threatened today?

HON. LT. COL. P. TIKODUADUA.- Personally, no. I do not feel threatened. I mean, I got advice not to drive my own car, to get a driver, not to drive at night, but I am doing exactly the opposite. I drove alone at night and I drove my own car.

HON. M.D. BULITAVU.- After 9th August, did you meet the Honourable Prime Minister again?

HON. LT. COL. P. TIKODUADUA.- No.

HON. M.D. BULITAVU.- You have heard that the Honourable Prime Minister has apologised to the Honourable Speaker. Do you believe that it is genuine?

HON. LT. COL. P. TIKODUADUA.- I do not know, that has been a reported thing and you are the third person telling me that. If the Honourable Lt. Col. Seruiratu was there with him, he would have a better account of that.

HON. M.D. BULITAVU.- Yes, that was a question that came to you earlier and that is why I had asked you, do you think the apology given by the Honourable Prime Minister to the Honourable Speaker is genuine, given that you have known him for many years?

HON. LT. COL. P. TIKODUADUA.- It is a very difficult question to ask because he did not come to me and I did not hear it, nor was I present to witness it and then make that opinion. It has been reported to me that way and, therefore, I cannot draw any conclusion about the genuinity of that apology, except what the Honourable Speaker said that he had wanted to apologise to me.

HON. M.D. BULITAVU.- Would you accept any apology from the Honourable Prime Minister?

HON. LT. COL. P. TIKODUADUA.- Say that again.

HON. M.D. BULITAVU.- Would you accept any apology from the Honourable Prime Minister?

HON. LT. COL. P. TIKODUADUA.- I think that question was asked already and I said, that is a matter about forgiveness which is something I would have to ponder about.

HON. M.D. BULITAVU.- I have no further questions, Honourable Chairperson.

HON. A.A. MAHARAJ.- Just one more from my side, Honourable Chairperson. I think Honourable Bulitavu did actually ask this question about you apologising to the Honourable Prime Minister and you asked, on what accord?

Keeping into consideration that what was actually uttered in Parliament and what the verbatim is saying and then we have different interpretation, having you said something else and being interpreted in a different way would have been a reason for all that actually eventuated on that particular day, are you actually willing to apologise on that basis that you uttered something and it was interpreted in a different way by all others?

HON. LT. COL. P. TIKODUADUA.- An apology would have to be given by someone who has wronged someone. Hypothetically if I had harmed you, I would come to you and say, “Alvick, I am sorry.” And it is up to you whether you accept my apology or not.

But on a hypothetical matter here as you are alluding to, I am saying and I have said this a couple times here, I know what I said, it is recorded on verbatim. I know what I meant. I never meant the Honourable Prime

Minister's family, if that is what people are implying. I never meant his home, I meant the Government side of the House and I have said that consistently today and that was I meant and that is it. That is what I said.

HON. CHAIRPERSON.- Honourable Members, are there any further questions?

HON. LT. COL. I.B. SERUIRATU.- Perhaps, I just place on record if the Committee wishes to interview the Honourable Member again, we will do so after having heard from the other witnesses as well. Thank you.

HON. CHAIRPERSON.- Thank you. So, if you do not have any other further questions for Honourable Lt. Col. Pio Tikoduadua, We will rest the case here but as Honourable Seruiratu has mentioned, if need be, we will be calling you again.

HON. LT. COL. P. TIKODUADUA.- Yes. Thank you, Honourable Chair. I have to invoke now those provisions that you had alluded to earlier where I can file documents or put things before the Committee. I have a USB which has got those things that I was not able to read but, I had alluded to them earlier on. It includes the video of the assault that has been taken from social media, the video of press conference by the Honourable Attorney-General, the video of debates in the House, the social media troll and fake pages undermining the issue that happened to me, the audio of a meeting between myself and the Honourable Speaker with regards to the assault. It is all in here and I ask the Committee to consider those because I have not been able to present these to you in terms per se, but if you would like me because now that I am tabling it to the Committee to answer questions to it later on, I shall humbly oblige and can I pass this on to the Secretariat?

HON. CHAIRPERSON.- Secretariat, please, thank you. So, there is the USB and a written statement. Thank you for your time once again, Honourable Tikoduadua.

HON. LT. COL. P. TIKODUADUA.- And that is the list. Thank you, Madam Chairperson and I thank the Honourable Members of this Committee. Thank you very much.

HON. CHAIRPERSON.- Thank you.

HON. LT. COL. P. TIKODUADUA.- *Vinaka va'levu.*

HON. CHAIRPERSON.- *Vinaka.*

HON. LT. COL. P. TIKODUADUA.- Thank you, Bro. I hope I do not have to come back. Thank you so much.

HON. CHAIRPERSON.- Honourable Members, would you like to take an adjournment, afterwards, we will call the next witness. Thank you.

Is there anything you want to discuss before taking an adjournment?

HON. DR. M. REDDY.- After this ,we call the Honourable Prasad.

HON. CHAIRPERSON.- Honourable Prime Minister will be coming in tomorrow. So, Honourable Lenora is next or Honourable Prasad?

HON. ADI L. QIONIBARAVI.- Honourable Qereqeretabua.

HON. DR. M. REDDY.- After this is Honourable Prasad.

HON. CHAIRPERSON.- Yes.

The Committee adjourned at 4.47 p.m.

The Committee resumed at 5.12 p.m.

HON. CHAIRPERSON.- Honourable Members, we are going to go through the same process.

HON. CHAIRPERSON.- Honourable Prasad, please, have a seat.

Our next witness, Honourable Members, is Honourable Professor Biman Prasad.

Honourable Prasad, the prerogative is yours, whether you want to give a sworn or affirmed evidence or simply to answer questions? It is your call.

Witness No. 2: HON. PROF. B.C. PRASAD

(Sworn on the Ramayan in English)

HON. CHAIRPERSON.- Thank you, Honourable Professor Biman Prasad. You are basically on the witness stand and you will be examined and cross-examined by the Members of the Privileges Committee.

HON. PROF. B.C. PRASAD.- Yes.

HON. CHAIRPERSON.- So, Honourable Members, you can ask your questions?

HON. DR. M. REDDY.- Madam Chair, I will ask a few questions. Honourable Prasad, did you witness that alleged incident?

HON. PROF. B.C. PRASAD.- I was in Parliament.

HON. DR. M. REDDY.- The question is, did you witness the alleged incidents?

HON. PROF. B.C. PRASAD.- I am telling you, I was in Parliament when the incident happened outside of Parliament.

HON. CHAIRPERSON.- If you can answer in “yes” or “no”.

HON. PROF. B.C. PRASAD.- I am telling you I did not witness the incident because the incident happened outside of Parliament. You know that I was in Parliament.

HON. DR. M. REDDY.- Honourable Prasad, we are asking this question for the record of this Committee. It is not me knowing or not knowing. You have answered the question at the end by saying that you did not witness the incident.

HON. PROF. B.C. PRASAD.- Yes.

HON. DR. M. REDDY.- Honourable Prasad, the House has how many Members of Parliament?

HON. PROF. B.C. PRASAD.- 51.

HON. DR. M. REDDY.- Honourable Prasad, you are the Leader of the Opposition.

HON. PROF. B.C. PRASAD.- I wish I was.

HON. DR. M. REDDY.- My apologies. You are the Leader of National Federation Party in Parliament. If I say to you, “Your House”, do I refer to you “Your Party or do I refer to in Parliament the terminology is ‘House’ as defined by you means 51 Members. So, when I say your ‘House’

HON. PROF. B.C. PRASAD.- Carry on, complete your question.

HON. DR. M. REDDY.- Does that mean the 51 Members in Parliament or that means your House, your home?

HON. PROF. B.C. PRASAD.- Madam Chair, I think the Honourable Member should ask a straight forward question. The House, yes is made up of 51 Members, but it is very normal and I have used “that side of the House”, “this side of the House” and if the Honourable Member’s intention is to establish what Honourable Pio Tikoduadua said in Parliament when I was there, I listened to exactly what he said, and I can assure the Honourable Member

HON. DR. M. REDDY.- Honourable Chairperson, we are not asking about his opinion or about his interpretation, I am asking about

HON. PROF. B.C. PRASAD.- I am answering your question. You should listen, you have asked the question about the definition of the “House”, I am giving you a definition of the “House”.

HON. DR. M. REDDY.- I did not ask you to say what he meant. I did not ask you to say what he meant.

HON. PROF. B.C. PRASAD.- All right, what is your question?

HON. DR. M. REDDY.- The House has 51 Members, which you said “Yes”, you did say that at times we refer “that side of the House”, ‘the other side of the House’, perfectly fine and you said that, but we never say to an individual Member, let us say, “Honourable Sitiveni Rabuka, your House”.

HON. PROF. B.C. PRASAD.- You are assuming that Honourable Pio Tikoduadua said that. What are you saying? I mean I do not understand what you are saying.

HON. DR. M. REDDY.- Honourable Chairperson, let me read it for the Member the Hansard, 9th August, 2019, Page 2836; it says here: “The Honourable Prime Minister should be the last person talking about violence against women in this House, he should be the last. You should know what is happening in your own House.”

So, Honourable Chairperson, I am asking the Honourable Member, here there is a specific reference to a person and individual, the Honourable Prime Minister, Honourable Josaia Voreqe Bainimarama in saying “your House”.

HON. PROF. B.C. PRASAD.- Yes, he is the Leader of your side of the House and Honourable Pio Tikoduadua, I have got the Hansard as well, what you are reading I can read that as well. Honourable Pio Tikoduadua was very clear, when he said “your House” and I remember Honourable Chairperson that Honourable Pio Tikoduadua was pointing to that side. He said “your House”, when he said that, he meant your side of the House. That was very clear.

HON. CHAIRPERSON.- Honourable Prasad, is it not that you are also assuming that he meant your side when he did not say, your side of the House, he said “your own House”.

HON. PROF. B.C. PRASAD.- I am only relating, Honourable Chairperson, what I heard and what I saw in his actions and any Honourable Member, at any time, using the word “House” in Parliament, we all know that, all of you know that as well. It means that side of the House, our side of the House; that is precisely what is recorded in the Hansard. Nowhere in the Hansard the Honourable Member used the word “home” or “family” as has been portrayed by certain elements in the media, that he referred to the Prime Minister’s family.

The Hansard record is absolutely clear, nowhere, the Honourable Member, ever used the word “home” or “family” and then, let me just add to that, Honourable Chairperson, for clarity. After he said that, he actually went further and talked about this side of the House,

HON. CHAIRPERSON.- What did he say, ‘my House’ or ‘this side of the House’.

HON. PROF. B.C. PRASAD.- No, he said, when he talked about the Honourable Prime Minister, he said the Honourable Prime Minister should worry about his House and he pointed that way.

HON. CHAIRPERSON.- “Own House”, “your own House”. Honourable Prasad, you have been in Parliament for a long, long time. With all honesty, whenever we had mentioned “this side of the House”, like you yourself came and said, we do mention “this side of the House”, “that side of the House”. It is very rare or even I have not found in any occasion where someone has just pointed out and said, “your own house”. No one has called Parliament their own house ever before as far as I have been in Parliament.

So basically that is not usual. Do you not think, like you are assuming that he meant the other side of the House. Likewise anyone can assume that when you say, “your own house”, I assume that you have mentioned that it is my house. So do you think there is a confusion there?

HON. PROF. B.C. PRASAD.- I am not assuming, I am saying exactly what Honourable Tikoduadua said and he said.

HON. DR. M. REDDY.- (Inaudible)

HON. PROF. B.C. PRASAD.- He is the leader of your side of the House period. He is the leader of your side of the House.

HON. CHAIRPERSON.- You are missing out a point, Honourable Prasad.

HON. PROF. B.C. PRASAD.- No, I am not missing out a point.

HON. CHAIRPERSON.- In the verbatim it does not say, “your house”, it says your own house.

HON. PROF. B.C. PRASAD.- Exactly, your own house means your side of the House. He is the leader of the party.

HON. CHAIRPERSON.- Thank you. Honourable Dr. Reddy.

HON. DR. M. REDDY.- Honourable Chairperson, I just wanted to point out, Honourable Member is using that term, “your side of the house”, am I right?

HON. PROF. B.C. PRASAD.- No, no, all I am saying

HON. DR. M. REDDY.- You have said that repeatedly.

HON. PROF. B.C. PRASAD.- No, I explained to you of what we would normally mean when we say. And when Honourable Pio Tikoduadua pointed that side and said you should look at your own House. If we understand English and sometimes we say, “look at what is happening in your own backyard.”

HON. CHAIRPERSON.- Can you recall any incident where it was said?

HON. PROF. B.C. PRASAD.- Look at what is happening in your own house. That is a normal English language. In this context, it was very clear that he meant, “look at your own House, look at your side of the House.”

HON. CHAIRPERSON.- Thank you Honourable Prasad. Honourable Prasad, do you recall any other incident where someone has pointed someone and said that, “look at your own house”, do you mention the Parliament as your own House? Do you recall any incident?

HON. PROF. B.C. PRASAD.- Well the only thing I recall is people saying my Prime Minister, my Government and so when you say my House or your House or someone else’s House, it means those institutions.

HON. DR. M. REDDY.- Honourable Chairperson, for the record Honourable Prasad is saying that party means House.

HON. PROF. B.C. PRASAD.- Honourable Member, you do not say what you want to record in the verbatim.

HON. DR. M. REDDY.- No, no, you just said

HON. PROF. B.C. PRASAD.- I am saying that the Honourable Pio Tikoduadua, Honourable Chairperson ...

HON. DR. M. REDDY.- No, you cannot interpret what he said.

HON. PROF. B.C. PRASAD.-... said, you can record whatever you are interpreting, that is not my problem. What I am telling you is what I interpreted and what in my view Honourable Pio Tikoduadua said in the House, that is what I am telling you. If you want to record what you want to say

HON. DR. M. REDDY.- So in your view Honourable Pio Tikoduadua said when he said that your own house, you are saying that meant your own party. So House means Party?

HON. PROF. B.C. PRASAD.- Exactly, your side of the House because your Party is sitting on the other side of the House.

HON. DR. M. REDDY.- No, we have got a member sitting on the other side.

HON. PROF. B.C. PRASAD.- Well Prime Minister is on record saying, “this side of the House and one sitting there.”

HON. DR. M. REDDY.- No, no, but, Honourable Pio Tikoduadua did not say, “your side of the House plus one member there.” No, he did not say that.

HON. PROF. B.C. PRASAD.- No, no, no, When he said, “your side of the House or your House”, he meant FijiFirst Members of Parliament. I mean how simple can that be in terms of the English language.

HON. CHAIRPERSON.- Thank you Professor Prasad. You are a Professor and all of us know you do English very well. Do you think that this could have been like when someone stands up and points out and says, “Honourable Prime Minister, you should at your own house”, what do you mean, can that be misunderstood otherwise, because you could means anything.

HON. PROF. B.C. PRASAD.- In Parliament, Honourable Chairperson, you are talking about a Parliamentary debate, you are talking about the language used in a Parliament and there is absolutely no way that anyone, if anyone is interpreting that the use of House in any other way, that would be the most ridiculous thing that one can do, because you are talking in Parliament about this side of the House, that side of the House, my House and your House. It is about different parties and Members of Parliament.

HON. CHAIRPERSON.- How many times have you said my house?

HON. PROF. B.C. PRASAD.- I mean not in Parliament, but

HON. CHAIRPERSON.- Yes, in the Parliament itself.

HON. PROF. B.C. PRASAD.- Not in Parliament.

HON. CHAIRPERSON.- How many times you have said that?

HON. PROF. B.C. PRASAD.- But, I have said many times

HON. CHAIRPERSON.- How many times?

HON. PROF. B.C. PRASAD.- But I have said many times, “your side of the House.”

HON. CHAIRPERSON.- Yes, Honourable Prasad. I agree with you. We all have said, “that side, this side” but how many times I want to ask, you have said my house. This question is based on when the Honourable Prime Minister was told that, “you should know what is happening in your own house.” Did you ever mention your side of the house as my own house at any point in time?

HON. PROF. B.C. PRASAD.- It is not about me, Honourable Chairperson. The question is, what I think Honourable Pio Tikoduadua meant and I have said that very clearly, I do not know how many times I should read that.

HON. CHAIRPERSON.- No thank you. You are entitled...

HON. PROF. B.C. PRASAD.- I have said it very very clearly that he meant the FijiFirst Party and their members.

HON. DR. M. REDDY.- My last question.

HON. CHAIRPERSON.- How do you know what he meant?

HON. PROF. B.C. PRASAD.- That is my interpretation, like you people are interpreting.

HON. DR. M. REDDY.- My last question. Honourable Prasad, when Honourable Tikoduadua was invited by the Speaker to come and talk to him about apology and reconciliation. He said that he will only come with your good self. He did not turn up.

HON. PROF. B.C. PRASAD.- That is not correct.

HON. DR. M. REDDY.- Let me finish. You can respond, you will get a time to respond.

HON. PROF. B.C. PRASAD.- Yes.

HON. DR. M. REDDY.- My question is then did you stop reconciliation?

HON. PROF. B.C. PRASAD.- Madam Chairperson, that is again a ridiculous question in the sense that Honourable Pio Tikoduadua told me that the Speaker had invited him to meet him and it was a call from the Secretary-General and the Secretary-General is here. She can give her version of that. But that is what Honourable Pio Tikoduadua told me that the Speaker had invited him and he was going to meet the Speaker. But, then he told me that again the call was made to him, this is my recollection of what he told me, that the Speaker was not available or that the meeting would be held another time. But that was the conversation that Honourable Pio had with the Secretary-General.

As far as I am concerned, he did not tell me anything about what the meeting was going to be, whether it was going to be about reconciliation, whether it was going to be about apology. I had no idea about that.

HON. DR. M. REDDY.- My second last question. You continued to make comments on the content of this in the media. You are a learned person, leader of a political party, you are trying to have a trial by media.

HON. PROF. B.C. PRASAD.- Absolutely not. Whatever we said in the media, whatever Honourable Pio Tikoduadua said in the media was obviously the version ...

HON. DR. M. REDDY.- No, you.

HON. PROF. B.C. PRASAD.- ... that was seen in the video that was released in the social media. As far as I am concerned, what I said outside of the press conference after the incident was that, "I do not think that Honourable Pio Tikoduadua referred to the Prime Minister's family." That is what I said in my comment immediately after the incident.

HON. DR. M. REDDY.- Last one. So, what do you think about the Honourable Prime Minister as a person? You came to Parliament and said he assaulted, this allegation of assault, et cetera.

HON. PROF. B.C. PRASAD.- No, I did not come to Parliament. I was in Parliament when Honourable Pio Tikoduadua came and raised a Point of Order and when the Speaker made a Ruling, I, as the Leader of a Party felt that I needed to raise the matter again and I raised it. The Speaker again said that he made a Ruling and that is where I left the matter. As for my views about the Prime Minister, yes I have my own views but that obviously remains with me at this point in time.

HON. ADI L. QIONIBARAVI.- Honourable Prasad, were you satisfied with the Speaker's response to your intervention on 9th August in regards to the matter about the Prime Minister and Honourable Tikoduadua?

HON. PROF. B.C. PRASAD.- His response immediately?

HON. ADI L. QIONIBARAVI.- To your intervention. You had made an intervention or an objection or statement?

HON. PROF. B.C. PRASAD.- Immediately after the incident or?

HON. ADI L. QIONIBARAVI.- Yes.

HON. PROF. B.C. PRASAD.- His response immediately?

HON. ADI L. QIONIBARAVI.- To your intervention. You had made an intervention or an objection or statement?

HON. PROF. B.C. PRASAD.- Immediately after the incident or?

HON. ADI L. QIONIBARAVI.- Yes.

HON. PROF. B.C. PRASAD.- In response to the Point of Order raised by Honourable Pio Tikoduadua and myself actually referred to the point that Honourable Member has the right to go and report the matter to relevant authorities. And that was said by the Honourable Speaker, and subsequent to that, I think as reported in the media, the Parliament said that they will let the due process take its course. That was the response from the Honourable Speaker or the Parliament.

HON. ADI L. QIONIBARAVI.- Thank you Honourable Prasad. My second question is, what other actions have you taken since 9th August to-date to support the Honourable Tikoduadua?

HON. PROF. B.C. PRASAD.- Well, obviously it was a very traumatic experience for him and for his family. As a party, we have given him all the support as much as we can. Obviously Honourable Tikoduadua related to me an incident where his vehicle was supposedly tampered with and he could have had a terrible accident. He obviously does not put any interpretation of that except that it was also adding to his trauma and anxiety about what happened to him. So yes, we are providing all the support that we can to Honourable Pio Tikoduadua, or we did immediately after the incident.

HON. ADI L. QIONIBARAVI.- Thank you.

HON. CHAIRPERSON.- Honourable Prasad, just listening to you, you said that he was so traumatised and your party gave him support. Did your party also arrange a counsellor for him because he was very traumatised?

HON. PROF. B.C. PRASAD.- We asked him to see a medical doctor immediately to ensure that the anxiety and the trauma that he went through immediately had not caused any medical issues for him, and I think Honourable Pio Tikoduadua has provided that medical report to the Police as well.

HON. CHAIRPERSON.- I am asking about the trauma because he also mentioned that medically, physically he was not injured in anyway. We already had an interview with him, but you are talking about how traumatised he was and your party was so supportive. Your party did not think of suggesting counselling for him in that situation?

HON. PROF. B.C. PRASAD.- As I had told you he has been seeing a medical doctor and we had advised him to keep in regular contact if he needs any medical or other assistance.

HON. CHAIRPERSON.- Is he on medication or anything?

HON. PROF. B.C. PRASAD.- Look, Madam Chairperson, I know Honourable Tikoduadua has medical issues and I am sure he is on a number of medication but I do not think it is appropriate for me to discuss his medication and the details of what he is going through.

HON. CHAIRPERSON.- Thank you.

HON. LT. COL. I.B. SERUIRATU.- I have a few question Honourable Dr. Prasad. You talked about trauma and difficulties that the Honourable Member faced after the incident. The *Fiji Times* of Monday, 26th August quotes the Honourable Tikoduadua as having no hard feelings towards the Prime Minister and in the article it specifically mentions that, “I sleep very well at night, but those who are constantly manipulating all our systems and processes to keep everyone else suppressed and on their knees have a huge weight on their shoulders to deal with.” I seek your views on that, Honourable Member?

HON. PROF. B.C. PRASAD.- Well as I said, that is his personal recollection after so many days but what I talked earlier was about the anxiety and the trauma that he felt immediately after the incident as I said so.

I have had a lot of discussion with Honourable Lt. Col. Tikoduadua. I think he is right, personally he told me as well that he had no hard feelings for the Honourable Prime Minister but as he has also said in that article, that it is not a personal matter on what happened in terms of the incident. So I think what he said, he meant it, and I have no doubt that he meant exactly what he said.

HON. LT. COL. I.B. SERUIRATU.- Thank you. Let me refer you to the initial questions by the Honourable Dr. Reddy and I refer specially to the words that you used. You are making your statement based on what you hear and what you saw and on your interpretation as well.

Am I correct to say that in your interpretation on the statement made by the Honourable Lt. Col. Tikoduadua that when he refers to the Honourable Prime Minister to know what is happening in your own house, your interpretation is, he is referring to the other side of the House, meaning within Parliament and not his own. That is your interpretation.

HON. PROF. B.C. PRASAD.- Thank you, Honourable Minister. You are right, my interpretation, without doubt, is exactly what I said earlier that he meant the FijiFirst Party and his Members as the Leader of his House, his Party.

But let me also add through you, Madam Chairperson, that, that interpretation which Honourable Dr. Reddy wanted to point out, Let us say for argument sake, that it is true that he meant his family. I still, if for argument sake, that was true, that is the interpretation that people make which unfortunately has been made by some media organisations in this country.

What are we trying to look at? We are not trying to look at the words spoken in Parliament, we are trying to look at the action that happened after the words were spoken in the precincts of Parliament.

(Honourable A.A. Maharaj interjected)

HON. PROF. B.C. PRASAD.- Well, if Honourable Alvick Maharaj provokes you, then you go and punch him or her?

HON. A.A. MAHARAJ.- Mostly, no punching in this incident.

HON. PROF. B.C. PRASAD.- Well, I am just asking you.

HON. A.A. MAHARAJ.- No, no there is no punching.

HON. PROF. B.C. PRASAD.- I am just asking you, if that is the argument that you are trying to make.

HON. A.A. MAHARAJ.- It is not about punching anyone.

HON. PROF. B.C. PRASAD.- No, but that is the argument you are making.

HON. A.A. MAHARAJ.- No, no, as like interpreted by you that...

HON. PROF. B.C. PRASAD.- You were saying that if someone provokes you, you go and push and shove and punch?

HON. A.A. MAHARAJ.- Punching is something different.

HON. PROF. B.C. PRASAD.- No, no, but that is what you are trying to imply.

HON. A.A. MAHARAJ.- No, that is not what I am....

HON. PROF. B.C. PRASAD.- I am sorry, but that is what you are trying to imply.

HON. CHAIRPERSON.- Yes, Honourable Professor Prasad, you are right. If someone talked about your wife, your children, your home, your backyard, what would you do, will you smile at them? What would you do?

HON. PROF. B.C. PRASAD.- Honourable Chairperson, I can tell you there are a lot of things said about me and my family on social media, and I know some people who would do that. I do not go around pushing, shoving and assaulting them.

HON. CHAIRPERSON.- Do you know who they are?

HON. PROF. B.C. PRASAD.- I mean, this is the kind of logic that I am actually quite surprised that ...

HON. CHAIRPERSON.- I am also surprised.

HON. PROF. B.C. PRASAD.- ... you are putting forward to me.

HON. CHAIRPERSON.- Yes, Honourable Professor Prasad, because social media is something....

HON. PROF. B.C. PRASAD.- I actually find that quite embarrassing, Honourable Chairperson, coming from you.

HON. CHAIRPERSON.- No, Honourable Professor Prasad, in social media, they talk about everyone.

HON. PROF. B.C. PRASAD.- No, but, Honourable Chairperson, you are asking me...

HON. CHAIRPERSON.- Yes.

HON. PROF. B.C. PRASAD.- ...if someone says that to my wife ...

HON. CHAIRPERSON.- Yes, would you be happy about it?

HON. PROF. B.C. PRASAD.- ...that is quite embarrassing to me. I think it is an irrelevant question that you are asking in the context.

HON. CHAIRPERSON.- Honourable Lt. Col. Seruiratu.

HON. LT. COL. I.B. SERUIRATU.- Sorry, Honourable Chairperson, can I finish my questions and then you will continue.

I think the point that I want to make is, this is a very important statement in the context in which the statement was made, which leads to the events that unfolded later on and it is subject to interpretation and we are interpreting things differently here that lead to the actions. That is the whole reason why I asked whether his interpretation or his own house was the other side, I mean, Prime Minister's own side of the House, and you have answered to that.

HON. PROF. B.C. PRASAD.- Thank you, Honourable Minister. I think that is a very logical and fair comment to make, and I respect what you have said.

HON. LT. COL. I.B. SERUIRATU.- My other question, Madam Chairperson to the Honourable Member, through you, you have talked about what you hear and what you saw. The Honourable Lt. Col. Tikoduadua raised a point of order and shall I read it out to you, Honourable Member?

HON. PROF. B.C. PRASAD.- Yes.

HON. LT. COL. I.B. SERUIRATU.- It reads on Page 2842 of the *Daily Hansard* on 9th August, 2019, and I quote:

“A Point of Order. Honourable Speaker, I just want to bring to the attention of the House that I have just been physically assaulted in the Parliament premises by the Honourable Prime Minister.”

So, the allegation was on the assault and the verbal abuse and other things. And then later on, you, during the Parliament session, when it was not addressed by the Honourable Speaker immediately, again, if I may read:

“Honourable Speaker, I still beg your indulgence; I think that we have just heard from Honourable Tikoduadua, I think this Parliament needs to be aware. We need to listen to Honourable Tikoduadua.

He has been assaulted by the Honourable Prime Minister of this country. We have certain...”

So you made allegations that the Honourable Prime Minister has assaulted the Honourable Lt. Col. Tikoduadua. My question is, did you see the assault taking place? Were you there physically?

HON. PROF. B.C. PRASAD.- Well, my intervention, Honourable Minister, was purely based on the point of order raised by the Honourable Lt. Col. Pio Tikoduadua and I still have no reason to believe that he would lie and he said very clearly, “I have just been physically assaulted in the Parliament premises by the Honourable Prime Minister.

When I raised a point of order, Honourable Minister, I basically repeated what Honourable Lt. Col. Pio Tikoduadua said earlier.

HON. LT. COL. I.B. SERUIRATU.- Thank you, Honourable Member. Would I be correct to say that you made this statement based on hearsay?

HON. PROF. B.C. PRASAD.- Absolutely not! The statement was based exactly on what Honourable Lt. Col. Pio Tikoduadua said in his point of order. If you read what he said again, he said, “I just want to bring to the attention of the House that I have just been physically assaulted in the Parliament premises by the Honourable Prime Minister.” So, if you look at what I said, I said and I quote:

“I still beg your indulgence; I think that we have just heard from Honourable Tikoduadua, I think this Parliament needs to be aware. We need to listen to Honourable Tikoduadua.

He has been assaulted by the Honourable Prime Minister of this country. We have certain...”

That is what I said, so it is a continuation of what Honourable Lt. Col. Pio Tikoduadua said and I basically repeated that this is what he said, and the Honourable Speaker ought to listen to him in detail and deal with the matter straightway.

HON. LT. COL. I.B. SERUIRATU.- Thank you. Again, my question is, you were not there when the alleged assault took place?

HON. PROF. B.C. PRASAD.- Absolutely, I was not there. You are absolutely correct.

As I said to you, when I raised the point of order, it was purely and absolutely based on what Honourable Lt. Col. Pio Tikoduadua said in Parliament and I have no reason until now to believe that Honourable Lt. Col. Pio Tikoduadua would lie about that. Absolutely not!

HON. LT. COL. I.B. SERUIRATU.- I have no further questions.

HON. DR. M. REDDY.- Madam Chairperson, I have got a few questions.

HON. CHAIRPERSON.- Yes, Honourable Dr. Reddy.

HON. DR. M. REDDY.- I note from the letter that you had written to the Honourable Speaker that you have casted aspersions against the Solicitor-General saying that the Solicitor-General’s opinion should not be taken. You know very well that the Office of the Solicitor-General is an independent office. Why did you make that allegation, despite that?

HON. PROF. B.C. PRASAD.- Madam Chairperson, I beg to differ with the Honourable Member. I am on record, our Party is on record in Parliament. Like Parliaments everywhere else, this Parliament ought to have an independent legal parliamentary counsel.

And let me add as to why we said that in that letter, and I want to put it on record, that the Speaker must always, apart from the Solicitor-General, have an independent legal counsel for Parliament. I will tell you why?

Even this Committee, I mean, if you look at this Committee, it makes up of the majority of the Members of the ruling party with only two Members from the Opposition. In addition, this is a Committee where the

Members are going to be the judges. And if you interpret it that way, legally you could say that this Committee is a Committee which has Members which will be judging their own course. And again, when this Committee takes the report to Parliament, then Parliament obviously has a majority of the Members which come from the FijiFirst.

HON. DR. M. REDDY.- Madam Chairperson, I questioned him only on his response to the Solicitor-General Office, not about this Committee.

HON. PROF. B.C. PRASAD.- Let me finish.

HON. DR. M. REDDY.- No, no.

HON. PROF. B.C. PRASAD.- You have asked the question, I am answering, Honourable Chairperson. I think the Honourable Member should have the decency to let me complete what I was saying.

HON. DR. M. REDDY.- No, the question was his response to why SG's Office is not independent. He has said that. He has written time again that Parliament

HON. PROF. B.C. PRASAD.- We have continuously said that Parliament ought to have its own independent legal counsel and we believe that by having an independent legal counsel, Parliament can and should and will always be perceived as making decisions which come from independent legal advisor, and that is what we are saying.

HON. DR. M. REDDY.- So, are you saying that the SG's Office is not an independent office?

HON. PROF. B.C. PRASAD.- Well, if you are interpreting that, I will leave it to you but all we are saying is that, that is the practice in most Parliaments. Parliaments have independent legal counsel and, in fact, this Committee, Madam Chairperson, should have an independent Parliamentary Counsel.

HON. DR. M. REDDY.- Alright, my next question is, are you getting legal advice from outside? You also have lawyers in your party, but are you getting legal advice from outside?

HON. PROF. B.C. PRASAD.- That is not something that I want to reveal to this Committee. Of course, we have the right to take legal advice.

HON. DR. M. REDDY.- Who are they?

HON. PROF. B.C. PRASAD.- I cannot answer that, Madam Chairperson.

HON. DR. M. REDDY.- You boycotted Parliament on Friday, 9th August, after raising your Point of Order. And then you also said in the media that you are boycotting this week, despite the Honourable Speaker ruling that the matter has been referred to the Privileges Committee which you are participating and Opposition is participating. Let me finish.

HON. PROF. B.C. PRASAD.- Let me answer that question.

HON. DR. M. REDDY.- So, that is the total contempt of Parliament, a disrespect to the Speaker.

HON. PROF. B.C. PRASAD.- Again, a misinterpretation of what we have said.

Boycotting Parliament is our right, as Members of Parliament and as Members of a political Party in Parliament. We have expressed very clearly our reservation with respect to the use of Standing Orders 134.

We have said very clearly that Standing Orders 134 requires a Member of Parliament to raise a matter of privilege and when that Member raises that matter of privilege, that Member has an opportunity to raise the facts and argue the rationale whether there is breach of privileges or not. Then the Honourable Speaker has three choices (a), (b) and (c), and I will quote from the Standing Orders 134:

- “(a) there has been a *prima facie* breach of privilege, in which case the matter must be referred to the Privileges Committee for consideration;
- (b) there is a breach of privilege, in which case the member who raised the matter or any other member, may move a motion...; or
- (c) there has been no breach of privilege...”

We are saying that the process was flawed. We have written to the Honourable Speaker, we have got the response from the Honourable Speaker and we have also responded to the Honourable Speaker.

This participation in this Committee, Honourable Member, you need to understand, this is probably your first Standing Committee I am not sure because you have been a Minister, the Committee has the powers to summon witnesses. You have the powers of the High Court. So when we were summoned by the Secretary-General on behalf of the Madam Chairperson, we are required by law to appear before the Committee.

HON. DR. M. REDDY.- My last question. While this incident was reported in Parliament on Friday of the last sitting, you have been giving running commentaries in the media, as well as the Honourable Tikoduadua, who gave interview to the overseas media, did you sanction him to give interview to overseas media?

HON. PROF. B.C. PRASAD.- You are assuming that as Members of Parliament, as a political party, we should not be talking about an incident which involves the Prime Minister of this country, which involve the Parliament, which involve the President of our Party and many of you in the FijiFirst Party, when we had issues with the Honourable Bulitavu, there was a running commentary about what he said, what he did not say, their interpretations. So when the Prime Minister of the country or a Member of Parliament or if I was involved in pushing or shoving or punching anyone, of course, you will be of media interest and our party had to respond to media queries as to where the issue was. And all we had done is to respond to media inquiries, and I do not see anything wrong with that, as did the Attorney General himself and as did FijiFirst official post, the *Facebook* and *Twitter* accounts, so and it is pretty normal for political parties to do that.

HON. CHAIRPERSON.- Thank you, Honourable Prasad. A question, did at any point in time, your goodself informed the Honourable Speaker of the House of your intentions to bring the matter to the Privileges Committee?

HON. PROF. B.C. PRASAD.- Well, the letter that we wrote immediately after the incident because we wanted the CCTV footage to be secured because we had suspicion about the video footage not being preserved and we wrote to the Speaker quite rightly to say that the CCTV footage should be secured in case there is an issue of Privilege.

HON. CHAIRPERSON.- My question Honourable Prasad was, at any point in time, did you inform the Speaker that your intentions were to bring this matter to the Privilege Committee?

HON. PROF. B.C. PRASAD.- Honourable Chairperson, you interpreted me. I was answering exactly that question that the letter that we wrote to the Honourable Speaker was very clear. We said that the CCTV footage should be secured in case there is a privilege matter raised in Parliament. That is all we said to the Speaker.

HON. CHAIRPERSON.- So what do I take, you never had any intentions of

HON. PROF. B.C. PRASAD.- It is entirely up to you what you make of that letter. It is entirely up to you.

HON. CHAIRPERSON.- If you can recall what exactly did you write in the letter - only the footage?

HON. PROF. B.C. PRASAD.- Well, if you want, we can make that letter available and you can have the full details. I do not have the letter with me here.

HON. CHAIRPERSON.- All right, thank you. Honourable Bulitavu?

HON. M.D. BULITAVU.- Yes, thank you. Honourable Chairperson, thank you, Honourable Professor, my question is, you were present in the House on the 9th of August.

HON. PROF. B.C. PRASAD.- Yes, I was present.

HON. M.D. BULITAVU.- You were present when the Honourable Pio Tikoduadua was giving his right of reply.

HON. PROF. B.C. PRASAD.- I was there all throughout.

HON. M.D. BULITAVU.- You were listening to his right of reply.

HON. PROF. B.C. PRASAD.- I did.

HON. M.D. BULITAVU.- Did you hear this line “the Honourable Prime Minister should be the last person talking about violence against women in this House. He should be the last”, did you hear that line?

HON. PROF. B.C. PRASAD.- Yes, I did.

HON. M.D. BULITAVU.- As a learned Member of Parliament, you do not view that as a personal attack?

HON. PROF. B.C. PRASAD.- No, absolutely not. I mean, there have been a lot of exchanges in Parliament. Once I remember the Honourable Attorney General used the word “Behmaan”. I did not take it personally. I know people write that, which means “fraud” or whatever in Hindi, but there are a lot of things said in Parliament and what Honourable Pio Tikoduadua said, I did not see that as a personal attack at all, absolutely not.

HON. M.D. BULITAVU.- You stand by your previous answers that you should know what is happening in your own House. It meant to you; your own Party or that side of the House?

HON. PROF. B.C. PRASAD.- He meant his Party which meant that side of the House. And in fact if I would urge the Committee through you, Honourable Chairperson, in response to Honourable Bulitavu’s question, in fact the Committee should watch the Parliament footage that day when he was saying that.

If I recollect properly, he was actually pointing to that side of the House, when he said that. I would urge the Committee to do that and I would also urge the Committee through you, Honourable Chairperson, to bring an independent legal counsel who can look at the evidence before the Committee, look at all the exhibits that are here before the Committee formulates the Report.

HON. M.D. BULITAVU.- Honourable Professor Prasad.

HON. DR. M. REDDY.- Answer the question, do not give advice to the Committee

HON. PROF. B.C. PRASAD.- I am answering the question in relation to that.

HON. DR. M. REDDY.- Witnesses are not here to give advice to the Judge or to the Magistrate.

HON. M.D. BULITAVU.- Honourable Professor Prasad, when Honourable Pio Tikoduadua raised a Point of Order, that was the first time, you knew about the incident that happened outside?

HON. PROF. B.C. PRASAD.- That was the first time.

HON. M.D. BULITAVU.- So you heard from him and followed up with a Point of Order.

HON. PROF. B.C. PRASAD.- Exactly.

HON. M.D. BULITAVU.- When the video footage was released on social media, that was the first time you had seen what had transpired?

HON. PROF. B.C. PRASAD.- Yes, in terms of what was there. But, before that, the description that Honourable Pio Tikoduadua gave immediately after the incident on the same day at a press conference outside of this Parliament, when I watched the video, there was basically no difference in terms of how he explained and what we saw in the video footage that was circulated in the social media.

HON. M.D. BULITAVU.- On Saturday August 24th at the NFP AGM, you made a speech?

HON. PROF. B.C. PRASAD.- Yes, I did.

HON. M.D. BULITAVU.- In that speech, did you mention about the video footage?

HON. PROF. B.C. PRASAD.- Yes, I made reference to the video footage. The reference was also made by the President in his speech.

HON. M.D. BULITAVU.- You had said earlier that you had written to the Honourable Speaker to request for the footage?

HON. PROF. B.C. PRASAD.- No, no, what we wrote to the Honourable Speaker immediately after the incident was for the Speaker to secure the footage.

HON. M.D. BULITAVU.- What was the reason for that securing of the footage?

HON. PROF. B.C. PRASAD.- Because we felt that that would be the evidence that would show what happened within the precincts of Parliament. And we wanted to make sure that that video footage is secured by the Parliament.

HON. M.D. BULITAVU.- Did you write on the same day on the 9th of August?

HON. PROF. B.C. PRASAD.- I can check the actual letter. I do not know whether the Committee has a copy of that letter, but we can make that letter available. I cannot recollect whether it was the same day or the next day.

HON. M.D. BULITAVU.- Did Honourable Pio Tikoduadua register a complaint at Totogo Police Station?

HON. PROF. B.C. PRASAD.- The complaint was lodged on the same day.

HON. M.D. BULITAVU.- Did you accompany him?

HON. PROF. B.C. PRASAD.- Yes, I accompanied him. I drove him to the Police Station and left him and the witnesses at the Police Station.

HON. M.D. BULITAVU.- Did the police investigating the case request for evidence from you or him?

HON. PROF. B.C. PRASAD.- Not from me, because I do not have any evidence in terms of the actual footage or whatever. And basically the statements were given by the witnesses to the police and I think the Parliament also made this statement that they will let the law take its course and we assume from that, that the police will be talking to the Parliament and securing all the evidence that they should gather for the case that they were investigating.

HON. M.D. BULITAVU.- So your letter to the Honourable Speaker was not for the request of the footage to be given to the police?

HON. PROF. B.C. PRASAD.- No, we did not say that, that footage should be given to the police, if I recollect the letter, as I said, we can make that letter available to you. All I remember is that we wrote to the Honourable Speaker to secure the footage and we said that that might be used for the purposes of privilege, that is what I recollect. That was the main intention of the letter, but I do not have the details of ...

HON. M.D. BULITAVU.- You had said in one of the news articles you had blamed the Honourable Attorney-General for twisting the word, "House", referring to the family. Did you say that?

HON. PROF. B.C. PRASAD.- He did because ...

HON. M.D. BULITAVU.- Did you say that to the media?

HON. PROF. B.C. PRASAD.- ... in his press conference he attacked me personally and said that

HON. M.D. BULITAVU.- But did you say that to the media?

HON. DR. M. REDDY.- You are not answering the question.

HON. PROF. B.C. PRASAD.- I am answering his question. I am saying that he made a reference to what I said and I maintained that. What I said immediately after the press conference by Honourable Pio Tikoduadua was that, "I do not think that Honourable Pio Tikoduadua meant the Prime Minister's family".

HON. M.D. BULITAVU.- The *Fiji Times* records, I think on Tuesday, September 3rd, you are quoted the Honourable Professor, you had said by an article by one Arieta Vakasukawaqa, “He is the one who accused him of the attack or attacking the Prime Minister’s family”. Did you say that?

HON. PROF. B.C. PRASAD.- Sorry, read that again.

HON. M.D. BULITAVU.- This is recorded in the *Fiji Times*, it is said to be said by you, “He is the one who accused him of attacking the Honourable Prime Minister’s family, referring to the Attorney-General”, did you say that?

HON. PROF. B.C. PRASAD.- Yes, that is right. He, in the press conference, made that argument that Honourable Pio Tikoduadua attacked the Prime Minister’s family.

HON. M.D. BULITAVU.- Did you actually say that to the Reporter in *The Fiji Times*, to one Arieta Vakasukawaqa?

HON. PROF. B.C. PRASAD.- Yes, I issued a press statement.

HON. M.D. BULITAVU.- No further questions.

HON. LT. COL. I.B. SERUIRATU.- Can I just ask a few questions: Just on the Parliament boycott by the NFP, I respect the decision taken by the Party but I just wanted to ascertain whether it is because of Parliament procedures in handling the case or whether it is because of the police investigations or whether it is just a protest against the alleged assault? I wanted to be clear on this Honourable Prasad, please.

HON. PROF. B.C. PRASAD.- A good question, Honourable Member. I cannot give you all the reasons that we have, but we have said very clearly publicly that we are boycotting this session of Parliament as a protest. We have said that clearly, protest against the incident that happened in Parliament with respect to Honourable Pio Tikoduadua.

HON. LT. COL. I.B. SERUIRATU.- Do you have confidence in our processes and systems and laws in Fiji?

HON. PROF. B.C. PRASAD.- Well, to be very honest, I do not have confidence in everything that happens in this country and in some of the institutions in this country.

HON. LT. COL. I.B. SERUIRATU.- Let me go back to the *Fiji Times* article on “no hard feelings toward the Prime Minister”. That was the statement by the President of your Party. I am interested in what the Leader of the Party’s views on this.

HON. PROF. B.C. PRASAD.- Well, you want my views on that statement from Honourable Pio Tikoduadua or what?

HON. LT. COL. I.B. SERUIRATU.- Yes.

HON. PROF. B.C. PRASAD.- As I said very clearly, I have no doubt that Honourable Pio Tikoduadua knowing him, means exactly what he said, that he has no hard feelings against the Prime Minister as an individual.

HON. LT. COL. I.B. SERUIRATU.- Sorry, say that again.

HON. PROF. B.C. PRASAD.- I have no doubt that what Honourable Pio Tikoduadua has said, he actually means it. He said that he has no hard feelings against the Prime Minister as an individual.

HON. LT. COL. I.B. SERUIRATU.- What is your position on this and, of course, your Party as well?

HON. PROF. B.C. PRASAD.- Well, if you want to know my personal view, I have no hard feelings against anyone, including all of you, Honourable Members. My view is, in Parliament we have a debate, we do not have hard feelings if you say something to me in Parliament. So, personally, I do not have any hard feelings against anybody, including the Prime Minister nor does our Party. I have said that in Parliament. Whatever we say with respect to institutions, with respect to issues, it is not about personal animosity or grudges against individuals. It is always about processes, it is always about law, it is always about decorum, it is always about operating within the law, following the law, being subjected to law and be held accountable to the law. That is exactly what he said.

HON. LT. COL. I.B. SERUIRATU.- The reason Honourable Dr. Prasad is, because I think the Honourable Speaker made this known in his ruling as well that immediately after the incident, the Honourable Prime Minister did apologise to the Honourable Speaker because of the decorum and the incident happening within the Parliament complex. I have asked those questions as well to the Honourable Tikoduadua about an apology from the Honourable Prime Minister to him and of course, in this case, I will ask you on an apology to the party as well. What are your thoughts on this?

HON. PROF. B.C. PRASAD.- I think that is something that I have not spoken to Honourable Pio Tikoduadua, but I am sure both him and I would have to consider it and think about it. But as I said, I was pleasantly surprised to hear that from the Honourable Speaker, but I thought that the Honourable Prime Minister and Honourable Pio Tikoduadua go a long way. They have known each other very closely, they might have fallen apart but the Honourable Prime Minister could have just called him. I do not know, I am just assuming, what I heard from the Honourable Speaker was little bit of a surprise, but as I said, I have not spoken to Honourable Tikoduadua, but that is something that can and should always be considered.

HON. LT. COL. I.B. SERUIRATU.- Lastly, I just want to place on record that I know that you had raised your concerns about the membership of this Committee, but I am just here to assure, I wish to place on record that the responsibility of this Committee is to ascertain the facts. I think it will be brought back onto the floor and then it will be debated and then it will be the decision of Parliament. This Committee is not the judge. We are here to ascertain the facts.

HON. PROF. B.C. PRASAD.- If I can just respond to the Honourable Minister. I think the point you made is quite a valid one and one that I think is a very serious one. As I said this Committee for all intention and purposes is a Committee which has a majority of the members from the ruling Party. When the report goes to Parliament, it will also again have the majority of the members from the ruling Party and this is why your statement is such an important statement Honourable Minister that this Committee, in my view has to ascertain all the facts, the evidence and if this Committee, which has the powers of the High Court, you are calling witnesses like us, then you should, because not everyone has, including myself, legal knowledge of a lot of things. An independent Parliamentary Counsel to help this Committee go through the facts and the evidence before a report is prepared would be very very helpful.

HON. CHAIRPERSON.- Thank you Honourable Dr. Prasad. Honourable Maharaj, your question?

HON. A.A. MAHARAJ.- Thank you, Madam Chairperson. I think this has been actually asked by Honourable Inia Seruiratu, but I will just like to put on record. Do you believe in reconciliation?

HON. PROF. B.C. PRASAD.- As I said Honourable Member, I will have to talk to the person who is involved in the incident, who allegedly was assaulted by the Honourable Prime Minister and as I said that is the matter for consideration after discussion with him.

HON. A.A. MAHARAJ.- Okay. Also you actually mentioned that Honourable Pio Tikoduadua was suffering from trauma and anxiety. Just trying to find out, whether it was during that incident that he was traumatised or after?

HON. PROF. B.C. PRASAD.- Look, I am not the medical doctor neither am I a psychologist or a trauma specialist, but as I said to you, after the incident he went to the medical doctor. The report was prepared by the doctor and given to the Police. All I can tell you that when he came back to the office he told me that his pressure was extremely high. So that is all I can say.

HON. A.A. MAHARAJ.- Do you actually think when he came back to Parliament and raised the Point of Order, was he actually in a state of traumatic shock and anxiety?

HON. PROF. B.C. PRASAD.- I think that is a good question, Honourable Member. When he spoke, I actually could see because I was actually shocked myself because he told me that he was going to town and then he comes back and then he quickly stands up and moves a Point of Order without me knowing anything about the incident. So he was actually quite shocked. When he sat down I could see his facial impression was very shocking.

HON. A.A. MAHARAJ.- Well, interesting according to Honourable Pio he was not shocked.

HON. PROF. B.C. PRASAD.- That is how I saw him.

HON. A.A. MAHARAJ.- But according to Honourable Pio he was not shocked during that incident.

HON. PROF. B.C. PRASAD.- Maybe that is his, but that is my interpretation when I saw him.

HON. A.A. MAHARAJ.- And did he interpret according to you, during this traumatic stage and anxiety, he might have actually exaggerated the whole incident?

HON. PROF. B.C. PRASAD.- Well, I do not think so. I think he was very clear about what he said and he has maintained that throughout his interviews, his statements and obviously I am sure he is giving the same statement to you people in this Committee under oath. So I do not have any reason to believe that he was not giving the fact but the fact and there was no exaggeration in what he said.

HON. A.A. MAHARAJ.- Okay, if it was not then according to what was actually published in the papers where he says that he holds nothing against the Prime Minister, did NFP at any point in time after that take any step to do a reconciliation between Honourable Prime Minister and Honourable Pio Tikoduadua? Was any step taken?

HON. PROF. B.C. PRASAD.- No.

HON. A.A. MAHARAJ.- That is all. Thank you.

HON. CHAIRPERSON.- Honourable Professor Prasad, I do not know if you can answer this question. Is Honourable Pio Tikoduadua a known case of high blood pressure patient?

HON. PROF. B.C. PRASAD.- Honourable Chairperson, I think it would be appropriate for the Committee itself to seek a Medical Report about Honourable Tikoduadua because I do not feel comfortable talking about his medical issues here. I am sorry.

HON. CHAIRPERSON.- Thank you, that is okay. Are there any further questions?

Thank you Honourable Professor Prasad and thank you Honourable Members. There being no further questions, thank you for your presence and indulgence.

HON. PROF. B.C. PRASAD.- Thank you Honourable Chairperson. I appreciate all the questions.

HON. CHAIRPERSON.- Thank you.

HON. CHAIRPERSON.- Honourable Members, are you ready for the next witness? Thank you. Please call Honourable Qereqeretabua.

Witness No. 3: HON. L.S. QEREQERETABUA

(Sworn on Holy Bible in English)

HON. CHAIRPERSON.- Thank you, Honourable Members. Good afternoon, Honourable Qereqeretabua. Honourable Member, now that you have taken the witness stand, it is your choice if you want give us sworn or affirmed evidence or simply answer questions. The prerogative is yours.

HON. L.S. QEREQERETABUA.- I am sorry, Madam Chair. What did you say?

HON. CHAIRPERSON.- Do you want to give a sworn or affirmed evidence or simply answer the questions?

HON. L.S. QEREQERETABUA.- I will give a sworn

HON. CHAIRPERSON.- Thank you.

HON. L.S. QEREQERETABUA.- Thank you. *Vinaka*.

I, Lenora Qereqeretabua, swear by Almighty God that the evidence which I shall give, shall be the truth, the whole truth and nothing but the truth.

HON. CHAIRPERSON.- *Vinaka*. Thank you. Now that you are on the witness stand, the Committee Members are free to ask questions. Honourable Bulitavu.

HON. M.D. BULITAVU.- Thank you. Honourable Qereqeretabua, where were you on the 9th August?

HON. L.S. QEREQERETABUA.- I was in Parliament, Sir.

HON. M.D. BULITAVU.- Did you come out of Parliament at any time on that day?

HON. L.S. QEREQERETABUA.- I absolutely did. I came out of Parliament at around 11.38 a.m. and the reason was that after Honourable Pio Tikoduadua's motion had been voted on and had been defeated, he sat down and then he turned to me and he said, "*Naita*, I need to go somewhere. Please take my laptop up, if you

break for lunch and I am not back.” And so, I said, “yes, sure, go ahead” and he left. At that moment, after the heated debate that had happened preceding that, I looked across at the Honourable Prime Minister and what I saw him doing made me think that I should keep an eye out because what I saw the Honourable Prime Minister doing was, he was leaning over to his left side (like this) and typing furiously on his phone. From where I was sitting, I could see that he was very very angry and I looked across the Government side to see who else might be distracted. I noticed Honourable Koroilavesau and so I kept an eye on these two gentlemen and all of a sudden, the Honourable Prime Minister stood up, very abruptly, not like we would normally do when leaving the House to go to the gents or the ladies room.

HON. M.D. BULITAVU.- Did the Honourable Prime Minister bow to the Speaker?

HON. L.S. QEREQERETABUA.- I do not recall. I do not recall. He left very abruptly and I saw the Honourable AG look across to his right at Honourable Koroilavesau, at which time, Honourable Koroilavesau stood up almost immediately and left through the swinging doors behind his seat. I figured, I needed to be with them in case something went down.

HON. M.D. BULITAVU.- So, when you left your seat, where did you go to?

HON. L.S. QEREQERETABUA.- I walked out the swinging doors behind my own seat, turned right to go out onto the foyer. When I got out onto, before reaching the main foyer, there is that little passage where you have got the pamphlets and the booklets on either side and there is a little, tiny ramp. Over there, I came across the Prime Minister with his back towards me. He was facing out towards Albert Park and he was speaking to Honourable Koroilavesau. Honourable Koroilavesau saw me and he put his head down and he moved over to his right. If you look at the CCTV footage from all of those cameras, they will confirm what I am saying. So, he saw me, looked down quickly and stepped over to his right. Honourable Prime Minister did not see me coming up behind him and as I walked right past him, he said, “*A lako i vei o koya?*” which means in English, where has he gone?

What was happening there was, the Honourable Prime Minister was facing Albert Park; Honourable Koroilavesau was facing towards the Chamber and behind Honourable Koroilavesau were police officers from Mobile.

So, I assumed that what he meant was, where is my Party President, Honourable Pio Tikoduadua. So, I went upstairs to the Opposition Chamber and because to me, it just looked like something was going to happen. It just looked like almost like something was being planned.

HON. M.D. BULITAVU.- Why did you go upstairs?

HON. L.S. QEREQERETABUA.- I am sorry, Sir.

HON. M.D. BULITAVU.- Why did you go upstairs?

HON. L.S. QEREQERETABUA.- Because I thought I needed to warn Honourable Lt. Col. Tikoduadua that the Honourable Prime Minister was looking for him. So, I walked upstairs and I asked the lady at reception, is Honourable Lt. Col. Tikoduadua still here? She said, “Yes.” So, I walked in to the NFP Office and in the NFP Office who are only Honourable Tikoduadua, Dylan Kava and Apenisa Vatuniveivuke.

HON. M.D. BULITAVU.- What did you tell Honourable Lt. Col. Tikoduadua?

HON. L.S. QEREQERETABUA.- I am sorry, Sir.

HON. M.D. BULITAVU.- What did you tell Lt. Col. Honourable Tikoduadua?

HON. L.S. QEREQERETABUA.- I said to him, “President, I have just walked past Prime Minister and Honourable Koroilavesau and Honourable Prime Minister is looking for you.” I just came to let you know. So all the three of us asked him, “What are you going to do now?” We knew he was going to come downstairs to get into his car.

HON. M.D. BULITAVU.- Did you know where Honourable Lt. Col. Tikoduadua was going on that day?

HON. L.S. QEREQERETABUA.- He told me that he was going to do something in Lami.

I asked, “What are you going to do, President?” He said, “Nothing, I am just going to go ahead with my day as normal.” So, I said to the two guys - Mr. Kava and Mr. Vatuniveivuke, “Guys, we need to go down with Honourable Lt. Col. Tikoduadua because we need to witness in case something happens”, because I just had this really bad feeling in my heart that something was going to happen.

HON. M.D. BULITAVU.- You came down the stairs with Honourable Lt. Col. Pio Tikoduadua?

HON. L.S. QEREQERETABUA.- Yes, Honourable Bulitavu. We came downstairs.

As we came downstairs, there were FBC reporters who had been trying to get a comment out of Honourable Lt. Col. Tikoduadua. There was a female reporter and a male cameraman. So, what had happened was, Honourable Lt. Col. Tikoduadua and the two boys, as well as the FBC cameraman and reporter were in the lead, I was a few steps behind them, going down the steps from the Opposition front door.

HON. M.D. BULITAVU.- Where were you heading to?

HON. L.S. QEREQERETABUA.- We were going to escort Honourable Lt. Col. Tikoduadua to his vehicle. As we came down, Honourable Lt. Col. Tikoduadua had reached with the reporters in pursuit just asking him, “Can we get a comment from you?” And he told them, “No. I do not have any comments to make to you at the moment.

Because I knew what I had seen with the Honourable Prime Minister and Honourable Koroilavesau, I looked back as I was coming down the steps, in just in time to see the Honourable Prime Minister coming out again of what I assume was, he had come out of the Chambers. So, I am assuming that after he had seen spoken to Honourable Koroilavesau he had gone back into the Chambers and then came out again.

So, as we went down the steps with Honourable Lt. Col. Tikoduadua and the two boys a few metres in front of me, myself a few metres behind, when we got to about parallel to the end of the Prime Minister’s car parking space.....

HON. M.D. BULITAVU.- By that time, where was Honourable Lt. Col. Tikoduadua?

HON. L.S. QEREQERETABUA.- He was in front of me with the two boys.

HON. M.D. BULITAVU.- The Honourable Prime Minister?

HON. L.S. QEREQERETABUA.- So, as I am coming down, I looked back towards the Chamber door to see the Honourable Prime Minister walking out of that little passage again, where I had seen him standing and speaking to Honourable Koroilavesau earlier.

So, I just said to Honourable Lt. Col. Tikoduadua, “The Prime Minister is coming up now.” So we kept on walking towards where his car was parked. As I said, when we reached near where the Prime Minister’s car is normally parked, I heard the Honourable Prime Minister yelled, “*Pio, o iko, lako mai ke.*”

I was very close to the wall here, Honourable Lt. Col. Tikoduadua turned around with his hands by his side. The Honourable Prime Minister walked straight up to Honourable Lt. Col. Tikoduadua, just walked up to him and grabbed him like this (indicating to the Members) and started saying, “*Na cava iko tukuna kina...*” and started the swearing and if you would not mind, can I please repeat the swears that I heard. Would you allow that?

HON. M.D. BULITAVU.- No need to. From where you stood?

HON. L.S. QEREQERETABUA.- I was standing as far as Honourable Adi Qionibaravi is from me, or even closer than that. So, I heard the sunglasses cracked...

HON. M.D. BULITAVU.- How many metres from the two gentlemen?

HON. L.S. QEREQERETABUA.- I would say, about as far as I am, this is probably less than five metres.

HON. M.D. BULITAVU.- Were you behind the Honourable Prime Minister?

HON. L.S. QEREQERETABUA.- No, I was not behind the Honourable Prime Minister, I would have been at his five o’clock, as he was facing Mr. Tikoduadua. So as he strode up, he just started swearing, he started saying, “*magaijinamu, caiji tamamu*”, excuse my language, “*sona levu*” and all these language that was just so shocking.

He is shorter than Honourable Lt. Col. Tikoduadua, so his face was inches away from Honourable Lt. Col. Tikoduadua’s face. He said, “*Na cava o kauta mai kina eke na noqu matavuvale?*” Why did you have to bring my family into this?

As he did that, he let go off Honourable Lt. Col. Tikoduadua’s lapel and I heard the sunglasses fall, Mr. Tikoduadua.....

HON. M.D. BULITAVU.- When the Honourable Prime Minister said, as you alleged to say, “*Na cava o kauta mai kina eke na noqu matavuvale?*” what did Honourable Lt. Col. Pio Tikoduadua replied?

HON. L.S. QEREQERETABUA.- He said this, “Prime Minister” and he paused, leaned over, picked up his sunglasses from the ground which had fallen near his right foot and he continued, “*Au sega ni tukuna na nomu matavuvale.* “I said the House, your House”. So that was it and the swearing continued.

By this time, the Prime Minister’s bodyguards had surrounded him from behind and I noticed that the two boys had now disappeared and I understand later that they had been chased to the Constitutional Avenue footpath.

HON. M.D. BULITAVU.- Did one of the bodyguards speak to you?

HON. L.S. QEREQERETABUA.- Yes, actually. I am standing here with my back to the portico, the porch, and this bodyguard comes around the side and points at me and he says, “Put your phone down!” with his

right hand. "Put your phone down!". I was enraged because here I am watching this happening in front of us and this guy has the audacity to come and tell me to put my phone down.

HON. M.D. BULITAVU.- What were you doing with your phone?

HON. L.S. QEREQERETABUA.- I was thinking that I was recording, that was our plan, because we just did not know what was going to happen. We just have this feeling, but I was not recording. I should have been checking my phone, so I had my phone in my right hand.

HON. M.D. BULITAVU.- So you wanted to record?

HON. L.S. QEREQERETABUA.- Of course, because I had a really bad feeling.

HON. M.D. BULITAVU.- You had planned to record while you were upstairs?

HON. L.S. QEREQERETABUA.- I had said to the boys, just in case, bring your phones with you.

So when I am standing there holding my phone in my right hand, this man comes around the side and points at me and says, "Put your phone down!". That was the time that I got angry. Before then, I was just bewildered at this kind of behaviour, so I replied to him. I put my other hand on my hip and I said, "Excuse me!" He did not reply, he put his head down and just went back to where he had been standing before.

HON. M.D. BULITAVU.- So you did not record any video?

HON. L.S. QEREQERETABUA.- No, I did not.

HON. M.D. BULITAVU.- I have no further questions.

HON. CHAIRPERSON.- Thank you, Honourable Member. Honourable Members, any further questions?

HON. DR. M. REDDY.- Honourable Qereqeretabua, in your opening statement, you said that you saw the Honourable Prime Minister in Parliament and he was (as you said) "very, very, very angry". Tell us, why do you think he was very very very angry?

HON. L.S. QEREQERETABUA.- Well, this is after he had stood up on a point of order, before that, I think it is on page 27 of the *Hansard* of that day.

HON. DR. M. REDDY.- Why was he that angry?

HON. L.S. QEREQERETABUA.- I think if you look at people's faces, it is pretty clear. Some people can be read very easily.

HON. DR. M. REDDY.- No, no, but why was he angry? Why was I not angry? He was not angry. Why was he very, very angry?

HON. L.S. QEREQERETABUA.- I believe because of what he believed Honourable Lt. Col. Tikoduadua meant by his words.

HON. DR. M. REDDY.- What?

HON. L.S. QEREQERETABUA.- That is for the Honourable Prime Minister, obviously, to answer.

HON. DR. M. REDDY.- But, he was very, very, very angry.

HON. L.S. QEREQERETABUA.- It was obvious.

HON. A.A. MAHARAJ.- Madam Chairperson, through you, would you be able to actually interpret these two sentences to me? I will read it out to you and you just interpret what it means.

The sentences say, “You should know what is happening in your House.” How different this particular sentence is when you actually say, “You should know what is happening on your side of the House.”

HON. L.S. QEREQERETABUA.- Could you repeat that please, Honourable Maharaj?

(Hon. A.A. Maharaj repeated the question)

HON. L.S. QEREQERETABUA.- To answer that question, I think we need to have a look at the video as well because in the video, the Honourable Lt. Col. Tikoduadua, I believe, was gesturing to the side of the House that he meant. So, if you take it along with the video, it would be very clear what House he meant.

HON. A.A. MAHARAJ.- No, this is not about what Honourable Lt. Col. Tikoduadua interpreted or said, I am just actually asking about the two sentences on how different they are when compared to each other

HON. L.S. QEREQERETABUA.- I think it means, you have to take into consideration where you said that sentence because as you know, we have always referred to the Chamber as this august House, this honourable House, where there are Members of the House of Representatives. So in the context, we are in the House. The context, Honourable Maharaj, is very important. You cannot take it without the context in which the word was spoken.

HON. A.A. MAHARAJ.- If you are actually referring to the Honourable Prime Minister, would you, in Parliament, actually say your own house or you would say your government, your Cabinet, your Party? How often do you see Members of Parliament actually referring to a Party on the basis of your own House?

HON. L.S. QEREQERETABUA.- Honourable Maharaj, you are speaking about 51 different people in the House and how they would say a sentence that will probably mean the same thing, would be said in probably 51 different ways. So I cannot answer that question to your satisfaction.

HON. A.A. MAHARAJ.- So when you are actually saying that Honourable Prime Minister got very, very angry and you were actually keeping a very close tab on the Prime Minister, when these words were uttered by the Honourable Lt. Col. Tikoduadua, was that the time the Honourable Prime Minister started getting angry?

HON. L.S. QEREQERETABUA.- I think we just need to refer back to the verbatim, Honourable Maharaj. Everything is very clear about when it was that the Honourable Prime Minister stood up on his Point of Order. I think what he said was that he was asking Honourable Lt. Col. Tikoduadua, “Why you are making it personal”, to which Honourable Lt. Col. Tikoduadua said, “I am not”. And then the Honourable Attorney-General said; “Yes, you are.”

HON. A.A. MAHARAJ.- No, but what you said was that he was getting very, very angry and you were actually keeping a very close tab, and I am going through the verbatim itself. This is on the first paragraph, so I am just trying to figure out if you were so attentive on that particular day as to what the Honourable Prime

Minister was doing. I am just trying to ascertain where the Honourable Prime Minister started to get angry and that level of anger actually came.

HON. L.S. QEREQERETABUA.- I believe it would have been perhaps, after the vote was taken because I believe after that, the Honourable Rasova stood up to ask a question of the Honourable Usamate. That was happening when the Honourable Prime Minister left.

HON. A.A. MAHARAJ.- So you mean to say that that question raised by Honourable Rasova was the triggering factor for his anger.

HON. L.S. QEREQERETABUA.- No, I am telling you about what was happening.

HON. A.A. MAHARAJ.- So coming back, do you actually think that what was uttered by Honourable Lt. Col. Tikoduadua, was the cause of the Honourable Prime Minister's anger?

HON. L.S. QEREQERETABUA.- Yes, yes.

HON. A.A. MAHARAJ.- It was?

HON. L.S. QEREQERETABUA.- It is how you interpret it.

HON. A.A. MAHARAJ.- So do you think this actually led to the Honourable Prime Minister getting agitated, angry and then going out, and Honourable Koroilavesau came and talked to him?

HON. L.S. QEREQERETABUA.- Honourable Maharaj, if you are trying to make me say that one action caused the other, I think we should just concentrate on the fact that an assault happened in front me and that is why I am here.

HON. A.A. MAHARAJ.- I am not saying that, I am just trying to ascertain ...

HON. L.S. QEREQERETABUA.- I think you are.

HON. A.A. MAHARAJ.- I am just trying to ascertain what actually happened and that is the mandate of this particular Committee to come out with the facts and figures.

HON. L.S. QEREQERETABUA.- And speaking of mandate, Madam Chairperson, may I ask, usually, I think, in the Parliament Privileges Act, in the letter that was sent to me, I am supposed to be given information on the matter that I am being summoned to give evidence on. This is Section 11 Subsection (1) of the Parliamentary Privileges Act, and my letter did not say and because I understand that we are here on two matters of privilege, I would just like clarification on exactly what matter I have been called up here for, please?

HON. A.A. MAHARAJ.- Both.

HON. CHAIRPERSON.- Both matters in fact.

HON. L.S. QEREQERETABUA.- Thank you, Honourable Chairperson.

HON. CHAIRPERSON.- Any other questions? Honourable Members.

HON. ADI L. QIONIBARAVI.- Honourable Qereqeretabua, were you in Parliament when the Honourable Prime Minister raised the objection on part of the statement made by Honourable Tikoduadua? The

main one you have been asked on today, “you should know what is happening in your own house”. He had raised an objection.

HON. L.S. QEREQERETABUA.- Yes, I was there, Madam.

HON. ADI L. QIONIBARAVI.- What are your thoughts or how did you feel about the Honourable Speaker’s reaction?

HON. L.S. QEREQERETABUA.- Madam, I understand that when the Honourable Prime Minister stood up on a Point of Order, the Honourable Speaker asked the Honourable Pio Tikoduadua to continue that he had the floor.

HON. ADI L. QIONIBARAVI.- Yes, my question is what are you thinking, your thoughts about the Honourable Speaker’s response to that Point of Order? Do you not think that what made the Honourable Prime Minister angry? The Honourable Speaker, as I am reading the *Daily Hansard*, did not take any action on the Honourable Prime Minister’s objection.

HON. L.S. QEREQERETABUA.- I am assuming that the Honourable Speaker as did the *Daily Hansard* know what Honourable Tikoduadua was referring to. Because in the *Daily Hansard* Report, the word “House” has capital “H”. So, I am assuming, maybe I have to ask the Honourable Speaker, that Honourable Speaker thought the same thing, that it was capital “H” - “House”.

HON. ADI L. QIONIBARAVI.- Looking at this *Daily Hansard* Report, after the Honourable Prime Minister made that objection, there were some interjections from some Members and the next statement was from the Speaker, it says “Order! Order!”, and “You have the floor and your point” to Honourable Tikoduadua. So, he did not respond directly to the point of objection raised by the Prime Minister. My question is what was your thought? Would this have contributed to the Honourable Prime Minister’s anger?

HON. L.S. QEREQERETABUA.- I do not know the Honourable Prime Minister at all.

HON. ADI L. QIONIBARAVI.- Because it was probably after this when you walked out. I do not know.

HON. L.S. QEREQERETABUA.- When who walked out, sorry, Madam.

HON. ADI L. QIONIBARAVI.- The Prime Minister himself

HON. L.S. QEREQERETABUA.- Well, no, it was after that, Honourable Tikoduadua delivered his right of reply and then it went to the vote, the vote was defeated. After the vote was defeated when I think the Honourable Rasova stood up was when Honourable Tikoduadua excused himself to leave.

HON. ADI L. QIONIBARAVI.- Thank you. Thank you, Madam Chairperson.

HON. LT. COL. I.B. SERUIRATU.- Thank you, Madam Chairperson, I have a few questions for the Honourable Qereqeretabua. Of course, you have answered the question of where he was going. He was going to Lami. Did he specify the reason why he went to Lami?

HON. L.S. QEREQERETABUA.- No, Sir.

HON. LT. COL. I.B. SERUIRATU.- Not at all?

HON. L.S. QEREQERETABUA.- No.

HON. LT. COL. I.B. SERUIRATU.- The reason is because you did mention that after the heated argument and then he left and also you were observing on the Prime Minister and I was interested to know the reasons why he chose to go to Lami at that stage of the sitting of Parliament. The Honourable Prime Minister being very angry as you did mention. Again, I think the Honourable Adi Litia Qionibaravi has asked on your thoughts on what agitated the Honourable Prime Minister. Would you be able to say anything on that?

HON. L.S. QEREQERETABUA.- You are meeting the Honourable Prime Minister tomorrow, I think you should ask him. I am here to answer about what I saw and I have not finished my statement, Madam Chairperson.

HON. CHAIRPERSON.- Any other questions?

HON. LT. COL. I.B. SERUIRATU.- I still have a few questions. The Honourable Tikoduadua did mention in the House that he had been assaulted by the Honourable Prime Minister and you have indicated that the Honourable Prime Minister held him by the lapel of his blazer. Did you see anything else apart from the Honourable Prime Minister hanging onto the lapel of Honourable Tikoduadua's blazer?

HON. L.S. QEREQERETABUA.- Yes, Honourable Seruiratu, so after that happened as I have already said, I heard the glasses break inside his left shirt pocket. The glasses dropped to the ground by his right foot as he was replying to the Honourable Prime Minister, Honourable Tikoduadua paused and picked up his glasses and I know that you will see in the evidence that has already been tabled by the Honourable Tikoduadua from the video that has gone on social media, that what I am saying is exactly how it turned out.

After that, the Honourable Prime Minister said to Honourable Tikoduadua, "*Qarauni iko tiko*," which means "You watch out", and he turned around and walked back to the portico where his Prime Ministerial car was already waiting with the passenger side back-door open.

We, the four of us, Honourable Tikoduadua, the two boys crossed back over and I decided, what are we going to do? We decided, we will come back to the Opposition Chambers, which we then did. But as to come up the steps, we had to come pretty close to the Honourable Prime Minister's car and he was still standing outside the open door of his car. So as we walked passed again, with Honourable Tikoduadua and the two boys in the lead and me, a few steps behind, I would really ask you all to, please, view the footage from when the two gentlemen left and everything that happened as I said.

As we climbed up the green steps of the street, the Honourable Prime Minister started verbally abusing the Honourable Tikoduadua again, swearing at him and again finished off with "*Qarauni iko tiko*", got into his vehicle, slammed the door shut and the car drive off, after which time, we came back up to the Opposition Office to regroup, to figure out what we were going to do. We figured the best thing to do was to raise a point of order which Honourable Tikoduadua did after we returned into the Chamber.

As you know what happened, the Honourable Speaker told him that his point of order had nothing to do with what we were discussing and told him to sit down. The Honourable Prof. Biman Prasad begged the Honourable Speaker to, please, intervene, to, please, say something. The Honourable Speaker did not, so the three of us decided to walk out and to come and regroup upstairs.

As we were regrouping upstairs at around just before 12.30, we got a phone call that Special Branch was already downstairs at the Media Centre, and they were having a look at the CCTV footage at which time, I said to Dylan, "Dylan they will recognise our faces on the TV footage, they will know who I am, let us go down and meet them."

So we went down there and went around the corner after we went and asked the IT boys, “Where is the CCTV footage at”, they said, “It is around the corner, Madam, it is in another office.” So Dylan and I went around the corner and there were two men standing out there, clearly armed forces, so I just walked out to them and I said, “*Ni yadra.*” Then they said, “*Ni bula vinaka, Madam.*” And so I just said, no point beating around the bush, they know why we were there, we know why they were there already, so I just said, “Are you two from the Special Branch?” And they said, “Yes, Madam.” I said, “All right, what are you going to do with the footage?” And they said, “Madam we are just here to review it.” I said, “Just review it?” And they said, “Yes Madam.” Then I said, “All right, just so you know that we know you are here.” They said, “*Vinaka Madam*”, so we left.

We came back in here then we typed out our statement and we had the press conference and after that we went down to Totogo Police Station to give our statements. We were also joined by the *Turaga na Tui Namosi*, Ratu Suliano Matanitobua, who I hope is going to be summoned to appear in front of this Committee, I hope Honourable Koroilavesau as well.

HON. LT.COL. I.B. SERUIRATU.- My next question is, you did not mention about his glasses. Were you sure of where his glasses were before it fell?

HON. L.S. QEREQERETABUA.- We spent a lot of time in each other’s company - all the Parties and the Caucus, yes, he always puts it inside his pocket.

HON. LT. COL. I.B. SERUIRATU.- Did you see the glasses in his pocket?

HON. L.S. QEREQERETABUA.- No, I do not have x-ray vision, Sir.

HON. LT. COL. I.B. SERUIRATU.- On that day and when the incident occurred?

HON. L.S. QEREQERETABUA.- No, Sir, I cannot see through his jacket but I know what I heard and I know what I saw falling down.

HON. LT. COL. I.B. SERUIRATU.- Were there any punches thrown?

HON. L.S. QEREQERETABUA.- No, punches thrown in the term of a punch but the forcefulness of the grabbing because the Prime Minister was still travelling and so the force of his grabbing pushed Honourable Tikoduadua backward, as you will see in the footage that we have submitted.

HON. LT. COL. I.B. SERUIRATU.- Have you seen the CCTV footage?

HON. L.S. QEREQERETABUA.- No, Sir, I have not.

HON. LT. COL. I.B. SERUIRATU.- Can we show her the footage?

HON. CHAIRPERSON.- Yes.

HON. LT. COL. I.B. SERUIRATU.- This is the footage that we have and this is the one that we are working on.

(Viewing of the CCTV Footage)

You were behind, not coming with him but behind him?

HON. L.S. QEREQERETABUA.- That is correct, just as I said.

HON. LT. COL. I.B. SERUIRATU.- That is the Honourable Prime Minister. He was going to use his vehicle and then he saw Honourable Tikoduadua and then he went across.

HON. L.S. QEREQERETABUA.- Yes.

HON. LT. COL. I.B. SERUIRATU.- Where is Honourable Ratu Matanitobua?

HON. L.S. QEREQERETABUA.- He is upstairs, immediately above us.

HON. LT. COL. I.B. SERUIRATU.- Sorry, upstairs, where?

HON. L.S. QEREQERETABUA.- Immediately above where I am standing, he is in the men's toilet in the Opposition's Chambers.

HON. LT. COL. I.B. SERUIRATU.- Men's toilet?

HON. L.S. QEREQERETABUA.- Where there is a window.

HON. LT. COL. I.B. SERUIRATU.- Who is that guy in that purple shirt? Is that Dylan, the one you have mentioned?

HON. L.S. QEREQERETABUA.- In the *sulu vakataga*, Sir?

HON. LT. COL. I.B. SERUIRATU.- Yes.

HON. L.S. QEREQERETABUA.- That is Apenisa Vatuniveivuke.

HON. LT. COL. I.B. SERUIRATU.- So, Honourable Pio is coming there to go back into Parliament, Prime Minister is there. That is the footage that we have, Honourable Member.

HON. L.S. QEREQERETABUA.- Sure.

HON. DR. M. REDDY.- You mentioned that he banged his door, no he did not close his door, the security closed his door.

HON. L.S. QEREQERETABUA.- When you see from here, you cannot see his arm.

HON. DR. M. REDDY.- No, no you can see clearly that the security is closing the door.

HON. L.S. QEREQERETABUA.- All right, Honourable Dr. Reddy, are we here to talk about the closing of the door or are we here to discuss an assault?

HON. DR. M. REDDY.- The credibility of your statement is now questionable.

HON. L.S. QEREQERETABUA.- I am sorry. If you look at the

HON. DR. M. REDDY.- Look, look

HON. L.S. QEREQERETABUA.- Honourable Reddy, Honourable Reddy, let me finish.

HON. DR. M. REDDY.- You are not here to tell us. You are not here to question us. We are questioning you.

HON. L.S. QEREQERETABUA.- I am asking you.

HON. DR. M. REDDY.- The credibility of your testimony is now questionable.

HON. L.S. QEREQERETABUA.- If you look at the angle, Honourable Reddy, you will not see the Prime Minister when he gets into his vehicle. I know what I saw. I am standing there right in front of him.

HON. DR. M. REDDY.- Alright, I made my comment.

HON. L.S. QEREQERETABUA.- And I have too.

HON. DR. M. REDDY.- And I am saying that the credibility of your testimony is now questionable.

HON. L.S. QEREQERETABUA.- I do not agree.

HON. A.A. MAHARAJ.- When the incident happened and you are saying you were just three or four metres away as seen over there, did you notice Honourable Pio Tikoduadua in a state of shock at that point in time when the incident took place?

HON. L.S. QEREQERETABUA.- I think he was quite surprised. I think he would have been surprised because I had warned him, I think. He was not as surprised as he could have been but

HON. A.A. MAHARAJ.- So, he was surprised, he was not shocked.

HON. L.S. QEREQERETABUA.- I do not know where your line of questioning is going. I think we are here to talk about an assault.

HON. A.A. MAHARAJ.- Please just answer rather than actually questioning our question.

HON. L.S. QEREQERETABUA.- Have you asked him? Because I did not go and ask him, Mr. Tikoduadua, were you shocked?

HON. A.A. MAHARAJ.- Madam Chair, I think we need to have some decorum here because we are not the ones who are supposed to be questioned by the witness. We are supposed to question the witness and

HON. CHAIRPERSON.- Please, Honourable Qereqeretabua, if you can answer the questions. What is your question, Honourable Member?

HON. A.A. MAHARAJ.- My question is quite simple. Was he shocked or was he surprised?

HON. L.S. QEREQERETABUA.- I cannot tell.

HON. CHAIRPERSON.- Thank you. Can you just play that again? You are talking about the force and all. I want to see how far does he go back. It does not look very clear whether it was so forceful.

HON. L.S. QEREQERETABUA.- I think if you look at the Prime Minister's feet.

HON. DR. M. REDDY.- One step too.

HON. L.S. QEREQERETABUA.- No, Honourable Dr. Reddy. The video is not lying but as you understand too that there is another video from a much better angle because you cannot see the movement because we are, the Prime Minister's back is directly in front of this angle. But the other video comes from a different angle and I think that would give you a better view of what happened.

HON. DR. M. REDDY.- (Inaudible) No one is supposed to get access to other videos except this Committee and this is the only video, CCTV footage that we have. How did you get access to the other CCTV footage?

HON. L.S. QEREQERETABUA.- I first saw the video, Honourable Dr. Reddy, two Fridays ago when it was shared on social media.

HON. DR. M. REDDY.- No, we are not taking into account any social media posting. It can be cropped. All we are saying, this is the credible footage that we have directly from the Parliament Office. This is what we are using.

HON. L.S. QEREQERETABUA.- So, you asked the question. How did I, you started your sentence with a question.

HON. DR. M. REDDY.- You said that there is another CCTV footage which is taken from another angle.

HON. L.S. QEREQERETABUA.- No, not CCTV footage. Video footage.

HON. DR. M. REDDY.- Video footage. The Committee has decided that we will not accept any other recording because we do not have control over its production.

HON. CHAIRPERSON.- As you ...

HON. DR. M. REDDY.- who produced it? How it was produced? We do not know.

HON. CHAIRPERSON.- As you had already mentioned that you had planned to do a recording. It is very clear that the recording was planned. You had mentioned previously that you had this inclination of like something, so you had planned to record this. So there were more than one, you said, "I told the boys to get their cameras ready." So, basically this was a planned recording.

HON. L.S. QEREQERETABUA.- No, Madam Chair, this was me talking to Dylan and to Apenisa because they were the only two other people besides Honourable Tikoduadua and myself in the Opposition office.

HON. DR. M. REDDY.- Madam Speaker, I have heard the Member saying from the beginning how she went up, told them that we need to get ready, we need to get our phones, we need to do the recording, I want to ask you was it a set up.

HON. L.S. QEREQERETABUA.- No, you should be ashamed to ask that question.

HON. DR. M. REDDY.- I am not ashamed. I am saying, look the way you said it that you went up to the office, you told them that there is danger, we need to record it, we need to go down, I want both of you to come down. I am asking again, I am not ashamed, was it a set up?

HON. L.S. QEREQERETABUA.- No.

HON. A.A. MAHARAJ.- Madam Chair, through you, when the incident happened and after that, you actually went up to Opposition caucus to have a discussion. Can you let me know the emotional status of Honourable Pio Tikoduadua at that point in time, since during the incident he was only surprised. So what was his mental status at that point in time when you were actually having discussions in the Opposition Chamber.

HON. L.S. QEREQERETABUA.- Honourable Maharaj, as I said to your previous question about his state of mind then, I did say that you know you have already asked him I could not guess what his state of mind was from where I was standing but to answer your question, when we went up, we were all shaken. All of us were shaken. The two boys and I and Honourable Tikoduadua, we were shaken.

HON. A.A. MAHARAJ.- Not shocked but shaken.

HON. L.S. QEREQERETABUA.- Shaken, shocked, potato, pateta

HON. A.A. MAHARAJ.- Alright. So, what was his state actually when he went down to the Parliament Chamber.

HON. L.S. QEREQERETABUA.- I think as an officer and a gentleman he was

HON. A.A. MAHARAJ.- So, he was normal.

HON. L.S. QEREQERETABUA.- Calm, calm.

HON. A.A. MAHARAJ.- No stress, no trauma nothing at that point in time.

HON. L.S. QEREQERETABUA.- We do not have a blood pressure machine in the Opposition premises.

HON. A.A. MAHARAJ.- Trauma and anxiety is not measured by a blood pressure machine, please.

HON. L.S. QEREQERETABUA.- And certain people can hold there stress very well.

HON. A.A. MAHARAJ.- So at that point in time you actually felt that he was not traumatised when he actually went down to the Parliament Chambers.

HON. L.S. QEREQERETABUA.- I was not asking people how traumatised they were, all of us were very shocked at what we saw and witnessed.

HON. A.A. MAHARAJ.- So, there may be a chance that when he actually went down and raised that Point of Order to the Honourable Speaker, he might not have been in his normal 100 percent status.

HON. L.S. QEREQERETABUA.- I do not know, but we raised a Point of Order based on what had occurred outside.

HON. A.A. MAHARAJ.- Thank you.

HON. CHAIRPERSON.- Thank you, Honourable Member and thank you Honourable Qereqeretabua. Honourable Bilitavu, your question.

HON. M.D. BULITAVU.- My question Honourable Qequeretabua, you have seen the video played just a while ago. You have seen the boy or the man in the purple shirt pulling Honourable Pio Tikoduadua back to the entrance of Parliament. What was the intention of getting back into Parliament? You know you watch some boxing matches when certain heavy weight boxers do not know their corner and they are dragged back to their corner. He was going to Lami. Someone, a junior staff in your office grabbed him and turned him back to Parliament to come back. That is the question. Was he alright?

HON. L.S. QEREQERETABUA.- Yes, I can remember. Thank you, Honourable Seruiratu. Again, I cannot guess what he was going through but for us at that moment we had to come back together as a team. For us, it was making sure that one of our team members was alright and we had to come back to where we were familiar with which is not standing in the middle of the road but back into our office to then regroup and discuss what we were going to do, whether we are going straight to the police or what we are going to do because we were all just bewildered.

HON. M.D. BULITAVU.- Honourable Tikoduadua, did not go back straight into the House. They went upstairs again.

HON. L.S. QEREQERETABUA.- No.

HON. CHAIRPERSON.- Taking that point when Honourable Tikoduadua was just moving casually away. Something happened and he is moving away casually, going back to his vehicle or whatever to go to wherever and then he was actually pushed and brought back. So you said that your intentions were to get him back and console him or whatever, but if he was so shocked, why did he casually walk away and he wanted to go and do his business or whatever assuming because all this while, a lot of people have been assuming.

HON. L.S. QEREQERETABUA.- Thank you Honourable Chairperson. I think, you need to understand that Honourable Tikoduadua is a different kind of human being from most of us. Many of us react to stressful situations in different ways and some of us will react as you saw and some people will handle these kinds of situations better. I think it is a credit to him for handling such a stressful situation with so much calm.

HON. CHAIRPERSON.- Thank you. If he could handle that situation with so much of calm and coolness, he went on doing his own chores and duties but he was pulled back to come back here and then decide what we want to go whether to take further actions or not.

HON. L.S. QEREQERETABUA.- Yes, because in our eyes, Honourable Chairperson, it was an assault on an Honourable Member of Parliament by the Honourable Prime Minister and that is what we, I believe, I have been called to speak about today. For us, it is the assault by a Prime Minister on an Honourable Member of Parliament.

HON. CHAIRPERSON.- That will be decided by the Committee, Honourable Qereqeretabua, but thank you for delivering what you saw and what you thought.

HON. L.S. QEREQERETABUA.- Thank you very much, Honourable Chairperson.

HON. CHAIRPERSON.- Thank you for your time.

HON. L.S. QEREQERETABUA.- Thank you.

(Hon. Qereqeretabua steps down)

HON. CHAIRPERSON.- (Inaudible) video again. I really want to know how far Honourable Tikoduadua was thrown when the Prime Minister held him, because it is like, be honest about it, he really felt that he was pushed so hard that he went a few metres back, because I can only see one step going and one step back. That is a valid point to be noted; the force or the impact because sometimes people in anger do (Inaudible).

So, Honourable Members, what do we do from here?

HON. DR. M.REDDY.- (Inaudible) Honourable Prime Minister for the interview and after that, we deliberate whether we need any other witness, and if there need be, then we will have to do that, and then the writing of the report. We will meet again in the afternoon to check the report, edit the report and then once we agree on it, then we submit it.

HON. CHAIRPERSON.- Honourable Members agree to that? So tomorrow after the Parliament, we will call on the Prime Minister.

HON. DR. M.REDDY.- We can have lunch here, while we do the interview, then we can have lunch and during lunch, we can deliberate.

HON. ADI L. QIONIBARAVI.- (Inaudible)

HON. CHAIRPERSON.- Yes, we will have to cross-check with the videos, the verbatim, so it should be all available. Will it be? Is it possible to get the verbatim ready by midday tomorrow of the deliberations today?

HON. DR. M.REDDY.- Yes, please, please!

HON. CHAIRPERSON.- Thank you. I think we will need it tomorrow for our reference.

HON. LT. COL. I.B. SERUIRATU.- I have one question, because in the interview that we had today, whether it is worth considering, I asked the views of the other Members of the Committee, one, that they said that they went to the hospital or whatever and there was an assessment made on him and maybe question his medical record as well.

HON. CHAIRPERSON.- Yes.

HON. LT. COL. I.B. SERUIRATU.- Because that was mentioned during the interviews here, if the Committee feels that we need to have a look at that.

HON. CHAIRPERSON.- Yes, I think we will need to call or I do not know. If after the deliberations, if we need to call Honourable Tikoduadua again for some other questions or his medical report, his prior conditions, any medical to ascertain.

HON. LT. COL. I.B. SERUIRATU.- I am just asking the Committee, if they feel that that is something that we will need.

HON. CHAIRPERSON.- Tomorrow after we have questioned the Prime Minister...

HON. LT. COL. I.B. SERUIRATU.- Sorry, Honourable Chairperson, because I did ask whether there was any injuries or whatever to him and whether there was a medical report on him. And I think he did, maybe we will see the record tomorrow and then we will decide.

HON. CHAIRPERSON.- And maybe you can ask him to present his medical report. Thank you Honourable Members.

SECRETARY-GENERAL.- We just seek clarification, so straight after the sitting you will come here and have lunch here.

HON. CHAIRPERSON.- Yes.

SECRETARY-GENERAL.- And then we will start with interviewing the PM?

HON. CHAIRPERSON.- I think we will first interview the Prime Minister and then have lunch, right?

HON. COMMITTEE MEMBERS.- Yes.

HON. CHAIRPERSON.- We will not want to

HON. LT. COL. I.B. SERUIRATU.- Go straight into interviewing him and then the lunch can be just set aside for the

HON. CHAIRPERSON.- And then we have lunch and after we will deliberate.

HON. ADI L. QIONIBARAVI.- Honourable Chairperson, can I also ask that we have of the definitions of assault, battering, et cetera available for us?

HON. CHAIRPERSON.- Yes, definitely.

HON. ADI L. QIONIBARAVI.- To help us in our deliberation. *Vinaka*.

HON. M.D. BULITAVU.- Probably I think we need to recall Honourable Pio Tikoduadua, given that he said that he came outside straight back to the House to raise his Point of Order. And Honourable Lenora Qereqeretabua said that they went up again...

HON. CHAIRPERSON.- Up again and had a meeting.

HON. M.D. BULITAVU.- That needs to be cleared.

HON. CHAIRPERSON.- We will refer to the verbatim; take note of that.

HON. A.A. MAHARAJ.- And there was a very clear recording showing that the door was closing, his hand was not on the door.

What Honourable Qereqeretabua had said that he smashed his door and then they left. Because from the way that camera is situated, you can see till the door closed, his hand was not on the handle of the door to close the door.

HON. M.D. BULITAVU.- The bodyguard closed it.

HON. A.A. MAHARAJ.- Yes, the bodyguard closed the door. It is quite clear in that picture.

HON. CHAIRPERSON.- Well the Committee will deliberate and we will come to a consensus together after we interview the Prime Minister and then we will decide, whether we need some other people to come on board or that will be enough, let us decide tomorrow.

Thank you Honourable Members for your indulgence and time. I think dinner is ready, so you are all invited to dinner. *Vinaka*.

The Committee adjourned at 7.13 p.m.

PRIVILEGES COMMITTEE MEETING

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[Verbatim Report of Meeting]

HELD IN THE

COMMITTEE ROOM (EAST WING)

ON

WEDNESDAY, 4TH SEPTEMBER, 2019

**VERBATIM REPORT OF THE MEETING OF THE PRIVILEGES COMMITTEE
HELD IN THE COMMITTEE ROOM (EAST WING), PARLIAMENT PRECINCTS,
GOVERNMENT BUILDINGS ON WEDNESDAY, 4TH SEPTEMBER, 2019 AT 1.00 P.M.**

Present:

1. Deputy Speaker : Hon. Veena K. Bhatnagar (Chairperson)
2. Minister for Agriculture, Rural and : Hon. Dr. Mahendra Reddy
Maritime Development, Waterways and
Environment
3. Minister for Defence, National Security and : Hon. Lt. Col. Inia B. Seruiratu
Foreign Affairs
4. Assistant Minister for Employment, : Honourable Alvick A. Maharaj
Productivity, Industrial Relations
& Youth and Sports
5. Hon. Adi L. Qionibaravi : Member of Parliament
6. Hon. M.D Bultavu : Member of Parliament

Also Present (Secretariat):

1. Secretary-General to Parliament : Ms. V. Namosimalua
2. Deputy Secretary-General to Parliament : Ms. J. Emberson
3. Director, Legislative Processes : Ms. Kalo T. Galuvakadua
4. Manager, Tables Office : Mr. S. Rakai
5. Hansard Sub-Editor : Ms. L. Ma'afu

HON. CHAIRPERSON.- Good afternoon, and I welcome all Honourable Members to this third Meeting of the Privileges Committee. Are there any apologies?

There being no apologies, let us move on to Item No. 3 on the Agenda - Confirmation and Adoption of Minutes. Are there any amendments to the Minutes for Wednesday, 3rd September, 2019?

Honourable Members, please, note that as with the case yesterday, the Minutes are very brief but the Verbatim Notes are also attached for the Honourable Members' reference. I propose that we look at the Minutes for confirmation, and for any changes to the Verbatim Notes, Members can liaise with the Secretariat.

Any changes or amendments for Page 1, Page 2? Now, can I request the Member to move that this is the true record of the Minutes, the mover.

HON. A.A. MAHARAJ.- Honourable Chair, I move that this is the true record.

HON. CHAIRPERSON.- Thank you, Honourable Maharaj.

Item No. 4 - Matters Arising. We will now move onto the next Item. Let us go through the pages once again. Page 1, Page 2?

There being no matters arising, we will now call our witness.

Honourable Members, as we agreed to during our meeting yesterday, we would be hearing from our fourth witness, the Honourable Prime Minister today because he had prior commitments in the West yesterday and was unable to appear before the Privileges Committee.

Can the Secretariat go out and call the Honourable Prime Minister to come to the meeting, please?

HON. ADIL QIONIBARAVI.- While we are waiting for the Honourable Prime Minister, can I just confirm that the information that I had requested yesterday is being prepared, that is the definition of “assault”, “battering” from the Crimes Act 2009. In addition, the penalties for “assault and battering” and may I also ask for the decisions of the Privileges Committee in the last five years from 2014 till today for the various cases, what were the decisions of the Committee and the decision of the House, please?

HON. DR. M. REDDY.- Madam Chairperson, I just want to make one point of clarification. We have not, as a Committee, determined whether there was an assault or not. So, we should not use the terminology “assault” as yet.

HON. ADIL QIONIBARAVI.- Honourable Chair, yes, it is just to assist me personally first as we complete our task, as we discuss, that will help me to contribute, *vinaka*.

HON. CHAIRPERSON.- So you have already received those information on “assault and battering” and all those, have you?

HON. ADIL QIONIBARAVI.- No, I suppose it will come, I just wanted to give them time to have that prepared.

HON. CHAIRPERSON.- So, the secretariat will make those available too. I think for every Member, not only you, so that they also have information at hand, thank you. And any other decisions taken will be a collective decision so basically, after the submission or after the Prime Minister, when the Committee deliberates, then we can move forward.

Honourable Members, we have the Honourable Prime Minister with us.

Honourable Prime Minister, Sir, firstly, let me thank you for availing yourself to give evidence to the Privileges Committee today. We were still organising ourselves yesterday when you arrived to give evidence.

I kindly welcome you to the Privileges Committee and I kindly inform you that you have the option to give sworn evidence or make an affirmation.

Yes, there is an option, Honourable Prime Minister, if you want to give sworn evidence or make an affirmation?

I thank you once again, Honourable Prime Minister, and I open the floor to the Committee Members for their questions.

WITNESS NO. 4: HON. JOSAI VOREQE BAINIMARAMA

(Sworn on Holy Bible in English)

HON. CHAIRPERSON.- Thank you, Honourable Prime Minister. Now, the floor is open for the Committee Members to ask questions.

Examination-in-chief of Witness No. 4 by Committee Members

HON. DR. M. REDDY.- Honourable Prime Minister, on the said day of the incident; 9th of August, you left the Parliamentary proceedings, where were you going, why did you leave the House?

HON. J.V. BAINIMARAMA.- I was leaving Parliamentary Complex to go home.

HON. DR. M. REDDY.- So we saw the footage as you were coming out, the vehicle came to pick you up, so you were going home?

HON. J.V. BAINIMARAMA.- Yes.

HON. DR. M. REDDY.- As you arrived closer to the vehicle, then you looked on your right, then you decided to turn right. What was the reason?

HON. J.V. BAINIMARAMA.- Sorry?

HON. DR. M. REDDY.- What was the reason?

HON. J.V. BAINIMARAMA.- Well, I saw Honourable Pio Tikoduadua and so I thought I would walk up to him and find out why he said what he said in Parliament, about me.

HON. DR. M. REDDY.- What did he say about you?

HON. J.V. BAINIMARAMA.- Well, it has been a while since I have seen the recording, but if you see the recording again you will notice that he had talked about “you should see yourself first in your House”. And to me, that meant that he was targeting me.

HON. DR. M. REDDY.- How long have you known him for?

HON. J.V. BAINIMARAMA.- Honourable Pio was with me since 2000 as my Staff Officer. And then I brought him as my Permanent Secretary during my Military Government. And then, of course, he joined the FijiFirst Party and then, of course, he came into the Government as Minister for Infrastructure.

HON. DR. M. REDDY.- He knew your family?

HON. J.V. BAINIMARAMA.- We had practically been together for the last 15 years or so.

HON. DR. M. REDDY.- You said that he was your PSO, what does PSO mean?

HON. J.V. BAINIMARAMA.- He was my Personal Staff Officer.

HON. DR. M. REDDY.- What is it?

HON. J.V. BAINIMARAMA.- He was like more like a jack-of-all-trades in my Office. He was my Assistant, my Secretary. He organises things for me, especially my timetables and everything to do with my programme is done by the Staff Officer.

HON. DR. M. REDDY.- He knew your family?

HON. J.V. BAINIMARAMA.- Of course, he knew my family. He had been with me, as I said, from 15 years, so he would know my family.

HON. DR. M. REDDY.- Came to your house?

HON. J.V. BAINIMARAMA.- I believe he has been to my home.

HON. DR. M. REDDY.- Knows your family closely?

HON. J.V. BAINIMARAMA.- He would have, yes.

HON. DR. M. REDDY.- You said that you wanted to ask him something in Parliament that he questioned about you personally, were you hurt about it, were you affected or what was it?

HON. J.V. BAINIMARAMA.- Well it distressed me. Firstly, I was concentrating on an Oral Question that I was supposed to answer. I was concentrating on that when I overheard him talk about a Military Strategy and I was quite insulted when he turned around and said that I and the Minister of Defence did not know anything about the Military Strategy, as if he is the only one that has been to the Staff College.

He went to Staff College, I went to join Services Staff College which is way above Staff College, and that is why I was a bit insulted. And then he started to raved on, and I think it was more of a disappointment that the motion that they came up with, with regards to drugs was going to lose out. And I think he was very frustrated with that, then he started diverting from that question on the motion.

I think he was answering that he had the right to answer and I think he was disappointment with that, he was depressed with that and then he started to waiver off. That is when I heard him talk about the Military Strategy on the Manoeuvre Warfare, that is a little part of Military Strategy that we learned in the Staff College.

Anyway he raved on and then he started to talk about, I started to hear him saying, “You should get off your high horse” and then from there he said, “You, Prime Minister, you should get off your high horse”, and then “You should see what is happening in your House first”, and that is what got to me. Nothing of that sort should be spoken in Parliament. That is the reason why when I was going back home, I did not want to be in Parliament because I was very depressed. That was the reason why on my way home, I saw him, I wanted to ask him why did he come up with that because I do not know.

A lot of the Military Officers will know that Honourable Lt. Col. P. Tikoduadua has been with me as a Staff Officer.

I have sacked him twice as my Permanent Secretary. I have sacked him twice for being disloyal to me and I felt sorry for him and I brought him back. In fact, I felt sorry for him the second time when he started to get sick. After I sacked him then I remembered that he was sick so I brought him back. And then I remember when he became the Minister for Infrastructure. I started to get feedback from the public that he was going around running me down but everyone in the Military knows Honourable Lt. Col. P. Tikoduadua.

Honourable Lt. Col. P. Tikoduadua is a very ambitious man. He wants to be on top of everything. He wants to be the No. 1, so I understood. I remember we were going to sit in a Business Committee Meeting, he came and saw me and he said that he wanted to be excused since he was sick and I told him, "Look, if you stop spreading all the things about everyone, running everyone down, something definitely is going to happen to you, the price is going to come on you" and that is when he said, "Can I move out" and I said, "Please, do".

So, I have known Honourable Lt. Col. P. Tikoduadua for a while. I have known him because I have sacked him twice, I brought him back and the fact that he went around behind my back running me down. I have known him to be a very disloyal man. Even though I had no choice but to keep him, because he was sick when he was a Staff Officer. So, I was very disappointed when he said what he said about me in Parliament. In fact I was very depressed with that and I was on my way home when I saw him.

I thought that I would go and ask him about the comments that he made about me. All the allegations that I hit him, I did not hit him or the allegations that I pulled his collar, did I break a button, did I tear any part of his shirt? No, in fact, I wanted to get his attention when I walked up to him.

He was talking about me breaking his glasses. I do not think I broke his glasses. In fact, I have seen the footage, I never touched him. I never touched his glasses. As far as I know, he was holding on to his glasses. So, I was very depressed that day.

HON. CHAIRPERSON.- Thank you, Honourable Prime Minister.

Honourable Members, Honourable Maharaj.

HON. A.A. MAHARAJ.- Thank you, Madam Chairperson. Honourable Prime Minister, I will just read out a couple of statements from the Verbatim Report and if you can just interpret it for me. It was actually uttered by Honourable Lt. Col. P. Tikoduadua that stated here, "The Honourable Prime Minister should be the last person talking about the violence against women in this House". When he actually referred the word "Honourable Prime Minister" to your understanding, he was actually referring to you or to the Government?

HON. J.V. BAINIMARAMA.- He was referring to me and that was the reason why I raised the Point of Order.

HON. CHAIRPERSON.- Thank you, Honourable Prime Minister. Honourable Members, Honourable Maharaj.

HON. A.A. MAHARAJ.- Thank you, Madam Chairperson. Honourable Prime Minister, I will just read out a couple of statements from the Verbatim Report and if you can just interpret it for me. It was actually uttered by Honourable Lt. Col. P. Tikoduadua that stated here, “The Honourable Prime Minister should be the last person talking about violence against women in this House”. When he actually referred the word “Honourable Prime Minister” to your understanding, he was actually referring to you or to the Government?

HON. J.V. BAINIMARAMA.- He was referring to me and that was the reason why I raised the Point of Order.

HON. A.A. MAHARAJ.- The other thing that we have actually been asking all the witnesses who have been before the Committee has been to interpret these two particular sentences: The first one was actually uttered by the Honourable Pio Tikoduadua on the 9th of August, “You should know what is happening in your own House,” compared to, “You should know what is happening on your side of the House.” When someone is actually referring to “your side of the House”, would it mean that he is actually referring to your side of the Members sitting in Parliament?

HON. J.V. BAINIMARAMA.- No, I saw it that it meant me. He was referring to me.

HON. A.A. MAHARAJ.- So when he actually said that, “You should know what is happening in your House,” it actually meant in the Honourable Prime Minister’s House?

HON. J.V. BAINIMARAMA.- In my home, yes.

HON. A.A. MAHARAJ.- And if he was actually referring to this sentence, “You should know what is happening on your side of the House,” then he would be actually referring to the Government side?

HON. J.V. BAINIMARAMA.- Yes, Government side.

HON. A.A. MAHARAJ.- Thank you, Sir.

HON. CHAIRPERSON.- Honourable Qionibaravi.

HON. ADI L. QIONIBARAVI.- Thank you, Madam Chairperson. Honourable Prime Minister, you mentioned that you had raised a Point of Order in the House on the 9th August. Can you advise the Committee what was the Point of Order that you raised?

HON. J.V. BAINIMARAMA.- Well, I wanted to find out why he voiced all those words against me, why did he attack me personally, because that is not supposed to happen in Parliament.

HON. ADI L. QIONIBARAVI.- Thank you, Honourable Prime Minister. You have been a Member of Parliament now for almost five years. When a Point of Order is raised in the House, the normal procedure is that the Honourable Speaker would make a ruling. The question is: Did the Honourable Speaker make a ruling on your Point of Order?

HON. J.V. BAINIMARAMA.- As far as I know he did. May be he did not, but as far as I know he did.

HON. ADI L. QIONIBARAVI.- How did you feel when that did not happen?

HON. J.V. BAINIMARAMA.- What did not happen?

HON. ADI L. QIONIBARAVI.- The fact that the Honourable Speaker did not make a ruling on your Point of Order?

HON. J.V. BAINIMARAMA.- If he did not make a ruling what is the relevance here of what transpired?

HON. ADI L. QIONIBARAVI.- No, I am just asking, what was your feeling, how did you feel? Did you start to get distressed at that point or what?

HON. J.V. BAINIMARAMA.- I do not remember much except that I was distraught with what transpired.

HON. ADI L. QIONIBARAVI.- If the Honourable Speaker had made a ruling on your point of order, would you had been satisfied on the statement that was made against you by Honourable Tikoduadua?

HON. J.V. BAINIMARAMA.- I asked Honourable Tikoduadua a question, which he did not reply to.

HON. ADI L. QIONIBARAVI.- My question is: If the Honourable Speaker, had made a ruling, would you have been satisfied?

HON. J.V. BAINIMARAMA.- Yes.

HON. ADI L. QIONIBARAVI.- Thank you, Madam Chair.

HON. CHAIRPERSON.- Any other Members? Honourable Seruiratu, your question.

HON. LT. COL. I.B. SERUIRATU.- Thank you. Honourable Prime Minister, Sir, I have a few questions as well.

Going back to your relationship with Honourable Tikoduadua, you did say that you sacked him twice, but again on those occasions, you felt sorry for him and brought him back.

Let me refer to 9th August, immediately that afternoon, I think it was around after 3.00 p.m. according to the ruling of the Honourable Speaker on Monday, 2nd September, he did mention that, if I may read it out, Sir:

“Honourable Members, in the afternoon of the same day, the Honourable Prime Minister visited me in my Chambers and gave his apology to Parliament and to me as Speaker of Parliament. He offered to have a meeting with the Honourable Tikoduadua in my presence to offer Honourable Tikoduadua an apology.”

I just wanted to confirm, Sir, if that did happen?

HON. J.V. BAINIMARAMA.- Yes.

HON. LT. COL. I.B. SERUIRATU.- And you wanted to offer an apology to Honourable Tikoduadua?

HON. J.V. BAINIMARAMA.- Yes.

HON. LT. COL. I.B. SERUIRATU.- But the Honourable Tikoduadua did not turn up?

HON. J.V. BAINIMARAMA.- My understanding was that he could not make it. My understanding was that, initially, he said he was still distressed on what had transpired on the Friday, we were supposed to meet on Saturday.

My understanding from the Honourable Speaker when I asked him the second time, which was the week after was that he wanted to bring his Leader in, the Honourable Professor Biman Prasad and Honourable Speaker said, “I am not having Honourable Professor Biman Prasad in my Office, I just wanted him and you”, so he probably came with the condition which the Honourable Speaker did not want.

HON. LT. COL. I.B. SERUIRATU.- I wish to confirm, Sir, that you made another attempt through the Honourable Speaker to offer an apology to Honourable Lt. Col. Tikoduadua?

HON. J.V. BAINIMARAMA.- Yes, it was a week after.

HON. LT. COL. I.B. SERUIRATU.- But he gave his conditions?

HON. J.V. BAINIMARAMA.- No, the Honourable Speaker, then said that because he came up with conditions, he was not going to have any of that.

HON. LT. COL. I.B. SERUIRATU.- Thank you, Sir. Would you still be willing to offer an apology to Honourable Lt. Col. Tikoduadua even before this Committee?

HON. J.V. BAINIMARAMA.- Yes, I said that to the Honourable Speaker.

HON. LT. COL. I.B. SERUIRATU.- If he agrees to?

HON. J.V. BAINIMARAMA.- Yes, I said that to the Honourable Speaker and that still holds.

HON. LT. COL. I.B. SERUIRATU.- Subject to him not willing to come to this Committee, would you be still willing to offer an apology in Parliament through the Honourable Speaker?

HON. J.V. BAINIMARAMA.- Yes.

HON. LT. COL. I.B. SERUIRATU.- Thank you, Sir.

HON. CHAIRPERSON.- Honourable Mosese Bilitavu, your question, please.

HON. M.D. BULITAVU.- Thank you, Madam Chairperson. Good afternoon, Honourable Prime Minister. You had said that Honourable Lt. Col. Tikoduadua was sacked twice as your PS?

HON. J.V. BAINIMARAMA.- Yes.

HON. M.D. BULITAVU.- And you saw the opportunity he took that day as a payback when he said those words to you?

HON. J.V. BAINIMARAMA.- Sorry, I did not hear that.

HON. M.D. BULITAVU.- The words that he said on that day in the debate in his right of reply, you took it as if he was doing a payback to you on the things that probably were done to him?

HON. J.V. BAINIMARAMA.- Well, no, I brought him back, it is not as if I kicked him out totally. I sacked him twice as the Permanent Secretary for disloyalty but I felt sorry for him and I brought him back. That is probably what distressed me that after all I have done for this man, even in his condition when he was sick, I brought him back and then he did this to me. That is probably what distressed me.

HON. M.D. BULITAVU.- So you got angry, Sir, of what he said after all you have done for him?

HON. J.V. BAINIMARAMA.- Yes.

HON. M.D. BULITAVU.- What time, Sir, did you leave the Parliamentary Complex on the 9th August, 2019?

HON. J.V. BAINIMARAMA.- I do not remember.

HON. M.D. BULITAVU.- Did you return on the afternoon of the 9th of August, 2019?

HON. J.V. BAINIMARAMA.- No, I went home.

HON. M.D. BULITAVU.- Did you have a meeting on the 9th August, 2019 after 3.00 p.m. with the Honourable Speaker?

HON. J.V. BAINIMARAMA.- Sorry, yes, I came back to the Honourable Speaker, that is when I came and offered my apology.

HON. M.D. BULITAVU.- So the purpose of your visit was to offer an apology?

HON. J.V. BAINIMARAMA.- Yes, but I do not know what time that was.

HON. M.D. BULITAVU.- What did you actually say, Sir, to the Honourable Speaker? Or what did you brought to his attention?

HON. J.V. BAINIMARAMA.- I came and I gave my apology to the Honourable Speaker and I said “I apologise for what had transpired in Parliament, outside Parliament” and that I was willing to offer my apology to Honourable Lt. Col. Tikoduadua.

HON. M.D. BULITAVU.- Thank you, Sir. So you were remorseful of your actions?

HON. J.V. BAINIMARAMA.- Yes.

HON. M.D. BULITAVU.- Did you ask the Honourable Speaker to facilitate with Honourable Lt. Col. Tikoduadua for a reconciliation.

HON. J.V. BAINIMARAMA.- I did.

HON. M.D. BULITAVU.- Does your Party have a *Facebook* page which has your photos and profile photo?

HON. J.V. BAINIMARAMA.- My Party has a *Facebook* page. Yes, I have.

HON. M.D. BULITAVU.- Can be the Honourable Prime Minister be shown Exhibit 3?

(Exhibit 3 shown to Witness)

HON. CHAIRPERSON.- Can the Secretariat hand a copy to the Honourable Prime Minister, please?

HON. J.V. BAINIMARAMA.- What page?

HON. CHAIRPERSON.- Date is 2.9.2019, 2.52 p.m. There is no page number.

HON. M.D. BULITAVU.- Sir, are you familiar with that *Facebook* account?

HON. J.V. BAINIMARAMA.- FijiFirst, yes. Well, I have seen it.

HON. M.D. BULITAVU.- Do you agree that your photo is the profile photo of that account?

HON. J.V. BAINIMARAMA.- Yes.

HON. M.D. BULITAVU.- Do you recognise that *Facebook* post, Sir?

HON. J.V. BAINIMARAMA.- My photo?

HON. M.D. BULITAVU.- The *Facebook* post, the red one.

HON. J.V. BAINIMARAMA.- Yes.

HON. M.D. BULITAVU.- “Blatant lie by Pio Tikoduadua that PM assaulted him”, does he have the guts to make allegation outside Parliament? Do you remember that post?

HON. J.V. BAINIMARAMA.- No, no, that is not my post. I know that it is somebody doing a FijiFirst post but it is not my post. I have my own *Facebook* page.

HON. M.D. BULITAVU.- Thank you, Sir. So, you do not know who administers that particular page.

HON. J.V. BAINIMARAMA.- No. Certainly not.

HON. M.D. BULITAVU.- So, those were not your words.

HON. J.V. BAINIMARAMA.- No.

HON. M.D. BULITAVU.- It was an act by somebody else.

HON. J.V. BAINIMARAMA.- Definitely.

HON. M.D. BULITAVU.- So, as the Leader of the FijiFirst Party, you did not authorise this post, Sir.

HON. DR. M. REDDY.- I thought he has said that he has not seen that.

HON. J.V. BAINIMARAMA.- No, it is not ours. That is not ours.

HON. M.D. BULITAVU.- Thank you. Just to confirm.

HON. J.V. BAINIMARAMA.- That is somebody ...

HON. M.D. BULITAVU.- Somebody else.

HON. J.V. BAINIMARAMA.- ... using my photo.

HON. M.D. BULITAVU.- Did you speak to Fijivillage.com or Communications Fiji Ltd on the 10th of August, 2019 about the incident that happened on the 9th of August, 2019?

HON. J.V. BAINIMARAMA.- Did I talk to ...

HON. M.D. BULITAVU.- Did you talk to Fijivillage.com reporter, Vijay Narayan?

HON. J.V. BAINIMARAMA.- About what?

HON. M.D. BULITAVU.- About the incident that happened in Parliament on the 9th of August.

HON. J.V. BAINIMARAMA.- I do not remember.

HON. M.D. BULITAVU.- Madam, can the Honourable Prime Minister be shown this?

(Shown to Witness)

Sir, the news article, "Tikoduadua lodges complaint with Police that PM allegedly threatened and assaulted him." By: Vijay Narayan and Silina Baro.

HON. J.V. BAINIMARAMA.- Yes, yes, I remember this.

HON. M.D. BULITAVU.- Saturday, 10th of August, 2019.

HON. J.V. BAINIMARAMA.- I remember this.

HON. M.D. BULITAVU.- And on the highlighted (portion) there, Sir, your response?

HON. J.V. BAINIMARAMA.- Yes.

HON. M.D. BULITAVU.- That you had spoken sternly.

HON. J.V. BAINIMARAMA.- Yes.

HON. M.D. BULITAVU.- For personally attacking you, Sir.

HON. J.V. BAINIMARAMA.- Yes.

HON. M.D. BULITAVU.- And Honourable Pio Tikoduadua had allegedly squeezed and broke his own spectacles.

HON. J.V. BAINIMARAMA.- Yes.

HON. M.D. BULITAVU.- Those were your words, Sir.

HON. J.V. BAINIMARAMA.- Yes.

HON. M.D. BULITAVU.- You said that you went to apologise to the Honourable Speaker.

HON. J.V. BAINIMARAMA.- Yes.

HON. M.D. BULITAVU.- And wanted to apologise to Pio Tikoduadua.

HON. J.V. BAINIMARAMA.- Yes.

HON. M.D. BULITAVU.- What did you do wrong, Sir? What wrong did you do?

HON. J.V. BAINIMARAMA.- Who me?

HON. M.D. BULITAVU.- Yes, Sir.

HON. J.V. BAINIMARAMA.- Well, apparently there was some allegations of my assault on him. He said that I broke his glasses which I did not. As far as I know, he was not wearing his glasses. He was holding on to his glasses.

HON. M.D. BULITAVU.- Did you say any words to Pio Tikoduadua on that day?

HON. J.V. BAINIMARAMA.- Well, yes, I did.

HON. M.D. BULITAVU.- Can you recall what words did you say?

HON. J.V. BAINIMARAMA.- Well, I abused him.

HON. M.D. BULITAVU.- Can you recall what act did you do to Honourable Pio Tikoduadua on that day?

HON. J.V. BAINIMARAMA.- I pulled his collar to attract his attention about what he said about me.

HON. M.D. BULITAVU.- Sir, evidence collected so far by the Committee reveals that you and Honourable Koroilavesau were talking at the foyer while the meeting was still going on in the House. Do you agree or disagree?

HON. J.V. BAINIMARAMA.- I was talking with Honourable Koroilavesau in the foyer, I may have, he was around there.

HON. M.D. BULITAVU.- Sir, the CCTV footage also identifies Honourable Koroilavesau coming out of Parliament entrance before you followed to board your vehicle. Do you agree, Sir.

HON. J.V. BAINIMARAMA.- He may have been seen there, yes.

HON. M.D. BULITAVU.- The CCTV footage, Sir, shows that you are going to enter your vehicles and your body guards alerted you that Honourable Pio was on his way to the car park.

HON. J.V. BAINIMARAMA.- No, no.

HON. DR. M. REDDY.- The CCTV does not show that the bodyguards alerted him.

HON. J.V. BAINIMARAMA.- No, the bodyguards did not alert me. I saw Honourable Tikoduadua.

HON. M.D. BULITAVU.- Can we have the replay of the CCTV footage.

(Viewing of the CCTV Footage)

HON. M.D. BULITAVU.- Can we go back? There is a bodyguard with the blue book, can you see the bodyguard with the blue book?

HON. J.V. BAINIMARAMA.- Where is the bodyguard with the blue book? Can you stand up and show please? I do not know. What did he do?

HON. M.D. BULITAVU.- Did he alert you or not?

HON. J.V. BAINIMARAMA.- No.

HON. M.D. BULITAVU.- So, Sir, you yourself saw Honourable Pio walking to the car park? Not the bodyguards. The bodyguards did not alert you.

HON. J.V. BAINIMARAMA.- No.

HON. M.D. BULITAVU.- You have already said that you had pushed the Honourable Pio Tikoduadua, which part of body did come into contact with Honourable Pio Tikoduadua.

HON. DR. M. REDDY.- He did not say he pushed, he said he grabbed his attention. He never used the word “pushed”, I do not think.

HON. M.D. BULITAVU.- Can we get the CCTV footage again in that picture.

HON. CHAIRPERSON.- He mentioned that he “touched”

HON. M.D. BULITAVU.- Yes, the word ‘touched’. All right, let me rephrase that. You had touched his collar to grab his attention.

HON. J.V. BAINIMARAMA.- To attract his attention really so that he can tell me why he said what he said in Parliament about me.

HON. M.D. BULITAVU.- So, Sir, you did not push him?

HON. J.V. BAINIMARAMA.- No, I did not.

HON. M.D. BULITAVU.- You did not see whether his glasses fell, Sir?

HON. J.V. BAINIMARAMA.- I do not remember him wearing glasses.

HON. M.D. BULITAVU.- But you saw him picked up the glasses when it fell on the ground.

HON. J.V. BAINIMARAMA.- ... tried and picked up the glasses. He may have been holding it on to his hand.

HON. M.D. BULITAVU.- Sir, you were really angry that day when you went to Honourable Pio Tikoduadua when you saw him outside the entrance?

HON. J.V. BAINIMARAMA.- Well, I was distraught, yes, I was depressed.

HON. M.D. BULITAVU.- Of what he said inside the House?

HON. J.V. BAINIMARAMA.- Yes, not only that, the fact that, as I said, he has been with me for the last 15 years and I know him to be a very disloyal man, but I brought him back twice. I brought him back to stand for our Party for the Election and through all that, he still did what he did on that particular day and I was depressed with that.

HON. M.D. BULITAVU.- So, when you had called him and Honourable Pio turned back, did you call him in English?

HON. J.V. BAINIMARAMA.- When I called him?

HON. M.D. BULITAVU.- When you saw him, you called him, then he turned back. Did you call him in English or in the iTaukei language, Sir?

HON. J.V. BAINIMARAMA.- I do not remember. What I remember is I called him.

HON. M.D. BULITAVU.- You cannot recalled what you told him.

HON. J.V. BAINIMARAMA.- No.

HON. M.D. BULITAVU.- You have already said, Sir, that you want to apologise to Honourable Pio Tikoduadua?

HON. J.V. BAINIMARAMA.- I have already made that statement to His Excellency the Speaker.

HON. M.D. BULITAVU.- Because, Sir, you were remorseful of your actions?

HON. J.V. BAINIMARAMA.- Well, I also said to the Honourable Speaker that day that he should also apologise to me for what transpired.

HON. M.D. BULITAVU.- Sir, you do regret what you had done, the words spoken or the act you did on that day?

HON. J.V. BAINIMARAMA.- Well, if I wanted to apologise, I must have regretted that action, but he should have also apologised to me for what he said in Parliament.

HON. M.D. BULITAVU.- Do you agree, Sir, that a Member of Parliament should not do that to another Member of Parliament, Sir?

HON. J.V. BAINIMARAMA.- He should not have started that abuse process to me in the first place.

HON. M.D. BULITAVU.- Is that the way a fellow MP should behave in the precinct of Parliament?

HON. J.V. BAINIMARAMA.- Well, he should not have done that to me.

HON. M.D. BULITAVU.- And do you agree that his actions and your actions amount to a breach of privilege, Sir?

HON. J.V. BAINIMARAMA.- That is for the Committee.

HON. DR. M.REDDY.- That is for the Committee to decide.

HON. M.D. BULITAVU.- Let me withdraw.

HON. DR. M.REDDY.- You ask questions, he will respond, not on the outcome of this.

HON. M.D. BULITAVU.- Let me withdraw then.

Sir, you only agree that you spoke sternly to Honourable Pio Tikoduadua and that you had touched his coat?

HON. J.V. BAINIMARAMA.- Yes, I did.

HON. M.D. BULITAVU.- And you did not recall the words that you said?

HON. J.V. BAINIMARAMA.- No.

HON. M.D. BULITAVU.- Sir, and you are willing to go for reconciliation?

HON. J.V. BAINIMARAMA.- Define “reconciliation”.

HON. M.D. BULITAVU.- To reconcile, to accept an apology from Honourable Pio Tikoduadua and also for Honourable Pio to apologise.

HON. J.V. BAINIMARAMA.- Yes, of course.

HON. M.D. BULITAVU.- And you see that as the way forward, Sir?

HON. J.V. BAINIMARAMA.- Yes.

HON. M.D. BULITAVU.- I have no further questions.

HON. J.V. BAINIMARAMA.- I thought you were talking about holding a ‘kamunaga’ .

HON. CHAIRPERSON.- Thank you, Honourable Members, Honourable Qionibaravi.

HON. ADI L. QIONIBARAVI.- Just one last question, Honourable Chairperson. Honourable Prime Minister, when Honourable Tikoduadua was told last night that you had visited the Speaker to apologise to the Speaker. What came out from him, when we asked him further questions, he advised us, “Why didn’t he come to my home, in my village?” and he said that you know the way to his village. My question is, would you have gone to his village, or perhaps why was the apology offered to the Speaker rather than to him?

HON. J.V. BAINIMARAMA.- No, I offered my apologies to the Speaker for what transpired in Parliament, but I also asked the Speaker that day that I wanted to apologise to Honourable Pio Tikoduadua but he should also apologise to me for what he said, and that was the understanding that we had on that afternoon with Honourable Speaker.

If you said he wanted me to go and apologise to him in his village, but he knew where my house is, why did he not come and apologise to me in my house? To tell you the truth, I do not know where his village is, seriously. You probably know, you got all your votes from there.

HON. ADI L. QIONIBARAVI.- You know my village, you know his village too. Honourable Prime Minister, what you said was that you knew his village, but the question that I would like to ask now is, do I assume that you will be willing to offer your apology to him?

HON. J.V. BAINIMARAMA.- Yes.

HON. ADI L. QIONIBARAVI.- Only in the precincts of Parliament or can it be done elsewhere like in his village?

HON. J.V. BAINIMARAMA.- There is no need to go to his village, why should I go to his village, we can do it here. Does Honourable Pio Tikoduadua want to do it in my village?

HON. ADI L. QIONIBARAVI.- Well, I cannot answer that, I mean that is what he said last night: “He knows my village, why did he not come to my village”, words to that effect.

HON. J.V. BAINIMARAMA.- That is *Piolo* ..., sorry.

HON. ADI L. QIONIBARAVI.- *Vinaka*. Thank you, Honourable Chairperson.

HON. CHAIRPERSON.- Thank you, Honourable Members. Honourable Prime Minister, I also have a few questions.

Honourable Tikoduadua mentioned that he had known you for almost 31 years?

HON. J.V. BAINIMARAMA.- Sorry, Honourable Chairperson.

HON. CHAIRPERSON.- Honourable Pio Tikoduadua mentioned that he has known you for 31 years, because maybe even before 2000 when you mentioned that he was your PSO you said, in the army or whatever, is it correct that you have known him for so long?

HON. J.V. BAINIMARAMA.- He probably have known me for 31 years, but he was my Staff Officer after 2000.

HON. CHAIRPERSON.- Thank you. How will you describe your relationship with Honourable Tikoduadua?

HON. J.V. BAINIMARAMA.- It was good.

HON. CHAIRPERSON.- Good.

HON. J.V. BAINIMARAMA.- Yes. But, remember, I said that I sacked him twice for being very disloyal.

HON. CHAIRPERSON.- Being duty-bound, you had to take that action?

HON. J.V. BAINIMARAMA.- I had to remove him, but I brought him back because the second time around for sure was because he was sick. I felt sorry for him.

HON. CHAIRPERSON.- How would you describe yourself, you are kind-hearted, you were generous, that is why you thought that?

HON. J.V. BAINIMARAMA.- I just brought him back because I felt sorry for him.

HON. CHAIRPERSON.- Felt sorry for him. My question to you, Sir, is when you saw Honourable Pio Tikoduadua going that way outside the Parliament, and down the steps, was it on impulse that you turned around and called him or you planned to call him and talk to him?

HON. J.V. BAINIMARAMA.- I was going home when I saw him, so I thought I would call him and ask him why he said what he said in Parliament that afternoon.

HON. CHAIRPERSON.- Do you feel that you were provoked and you were compelled to do what you did?

HON. J.V. BAINIMARAMA.- Well I would not say that I was provoked to do what I did, but I was certainly provoked to ask him about why he said those things to me.

HON. CHAIRPERSON.- Since you have known him for a long time, Honourable Prime Minister, were you comfortable to approach Honourable Tikoduadua in the way you did? Because you have had years of acquaintance and you thought you will just walk up to him and, 'Hey, Pio.'

HON. J.V. BAINIMARAMA.- Yes, I was comfortable with that. I definitely will not do that to anyone else, I was comfortable to go up and ask him that.

HON. CHAIRPERSON.- Thank you, Honourable Prime Minister.

Any other questions, Honourable Members? So there being no other questions, I thank you once again Honourable Prime Minister for availing yourself for the Privilege's Committee. Thank you very much.

HON. J.V. BAINIMARAMA.- Thank you.

HON. CHAIRPERSON.- Honourable Members, I now invite discussion on item in the agenda, that is consideration of Severity of Breach, if any?

The question of breach and severity in the even that we find that there has been a breach. I will call upon the Honourable Members to take turns to make contributions to these discussions.

HON. LT. COL. I.B. SERUIRATU.- Honourable Chairperson, I do not know because what we had decided yesterday was to first hear the four key witnesses which we have done. And then we decide later whether we still need to call on others to come before the Committee and that is something that we need to discuss now.

HON. CHAIRPERSON.- So, please, the floor is yours. If you want to recall any Member or call any other Members you want to call as witnesses, please, you are at liberty to do so.

HON. DR. M. REDDY.- Honourable Chairperson, the last witness, the Honourable Prime Minister has said that he is willing to apologise to Honourable Pio Tikoduadua and expect the same from him. Why do we not call Honourable Pio and ask him if he is willing to be here while Honourable Prime Minister will apologise to him?

And if he is willing to do that, and the second part is, if he is willing to apologise. Assume he says, 'yes', to the first one; 'no', to the second one, we can have that done. Assume he says 'yes' to both, we can have that done. And the third, if he says, 'no' to both, then we will go to the next step of inviting any other witness and then deliberating on whether there is a breach or invite any other witnesses.

HON. CHAIRPERSON.- So this is the Committee's collective decision to call Honourable Pio Tikoduadua again, Honourable Members, I am asking you people something, if this is a collective decision.

HON. DR. M. REDDY.- Well, I want to talk to Honourable Pio Tikoduadua.

HON. CHAIRPERSON.- Yes, thank you. So the Secretariat, please, can you summon Honourable Tikoduadua, but find out where he is at the moment and if he is somewhere far, we can take an adjournment. Thank you.

The Committee adjourned at 2.02 p.m.

The Committee resumed at 2.30 p.m.

HON. CHAIRPERSON.- Honourable Members, once again the meeting is called to order.

[Witness No. 1 (HON. LT. COL. P. TIKODUADUA) Recalled]

Honourable Tikoduadua, thank you for availing yourself once again.

HON. LT. COL. P. TIKODUADUA.- Thank you.

HON. CHAIRPERSON.- *Vinaka*. I will now allow the Members to raise their issues with Honourable Pio Tikoduadua, if they have any.

HON. DR. M.REDDY.- Honourable Tikoduadua, I thank you for availing yourself.

HON. LT. COL. P. TIKODUADUA.- Sir, do I need to take the oath again?

(Witness No. 1 Resworn on Holy Bible in English)

HON. CHAIRPERSON.- Honourable Pio Tikoduadua, now Honourable Members, you can ask questions.

HON. DR. M.REDDY.- Honourable Tikoduadua, thank you very much for coming at such a short notice.

Honourable Tikoduadua, we had just now completed the interview of the Honourable Prime Minister. One of the questions that we had asked him was, if he was willing to apologise to you in front of the Committee and he said, 'yes.' He has also asked that if you could apologise to him for your comments.

We thought we will ask you, whether you are willing to apologise to him and whether you would want to take his apology, should you agree, we will invite him over to do that before we proceed with the deliberations.

HON. LT. COL. P. TIKODUADUA.- Thank you, Honourable Member, and I thank you, Honourable Chairperson for re-inviting me to come and for the question given by the Honourable Minister, Honourable Mahendra Reddy.

Yesterday, I think I alluded to this in terms of the answers that I gave with regards to apology and my answer to the first part of the question in terms of me apologising to the Prime Minister. Sorry, you raised the issue that the Prime Minister has agreed, sorry, is that correct that he would like to apologise to me?

My answer was the same answer that I gave yesterday. It is something, I remember I said, to me, that would be a matter relating to forgiveness for apology and I will need to think about that, because also yesterday, I noted to the Committee and I think the Minutes would also record this that I said that I found it a bit awkward that if he wanted to apologise to me, why did he not come to me if he wanted to apologise, because he went to the Speaker.

And then later I think it was in the news, the Honourable Leader of the Opposition wanted to facilitate something similar, but the short to that is that I would like to think about it if the Committee would like to consider that, that could be something that I have to decide.

Now, on the matter of me apologising, the matter of the *prima facie* is before the Committee, whether I actually did something wrong. The Committee would have to draw that conclusion first because I gave my statement here yesterday, given what I said and what was recorded on the Verbatim Report and of the Minutes on that day. So, I said I did not offend him, I did not attack him personally and later when the discussion about me making references to his family, in the Committee Meeting, I said yesterday I have always maintained what I said, and for what I said that is recorded as *verbatim* is something I know what I meant, and I said yesterday also that I know what I meant in what I said and I will not apologise for that, because I know what I said and what I meant. I did not mean it personally on the Prime Minister, I meant the Members of the Government within the House.

HON. DR. M. REDDY.- So, I get it from you that on the first part whether you accept an apology from the Honourable Prime, you need time to think. On the second part you are saying that you will not apologise.

HON. LT. COL. P. TIKODUADUA.- No, for the reasons that I have given.

HON. DR. M. REDDY.- We are happy to give you some time to go back and come ...

HON. LT. COL. P. TIKODUADUA.- Yes, I will have to ponder over this. The Committee, I believe, given what is before it now that you have heard me, on the basis of what I have raised here in support of my evidence and in all that I have said.

HON. DR. M. REDDY.- No, that the Committee will do.

HON. LT. COL. P. TIKODUADUA.- All right.

HON. DR. M. REDDY.- The Committee knows what the Committee has to do. The Honourable Prime Minister had offered, we thought we will raise it with you. So, I am asking you again the second part, you have said, "No", that you will not apologise.

HON. LT. COL. P. TIKODUADUA.- Yes.

HON. DR. M. REDDY.- On the first part, you had that you wanted time to think. Do you want to take time to think and come back to us? We need to make a report today and table to Parliament tomorrow. Or you just want to say "No"?

HON. LT. COL. P. TIKODUADUA.- No, my answer remains that I would like to think about it. That is a matter for me, when I am ready on him apologising to me because to me that is a personal matter. It is a personal matter. What he did to me he did to no one else. The apology that he would like to do, I assume is based on the fact of the allegation that I made against him on what he did to me, that he did to me. I would have to consider that.

HON. DR. M. REDDY.- Again, you are not closing that option, so we want to know, how much time do you need?

HON. LT. COL. P. TIKODUADUA.- I need as much time as I need

HON. DR. M. REDDY.- What is that “as much time” - one hour?

HON. LT. COL. P. TIKODUADUA.- I cannot give that to you right now and it is unfair for the Committee to impose on something that has dawned on me ...

HON. DR. M. REDDY.- No, we are not imposing that on you. All you have to say ...

HON. LT. COL. P. TIKODUADUA.- I need time.

HON. DR. M. REDDY.- All right. We are deliberating, we are going ahead with the deliberation. We do not know your time, should you change your mind in five minutes or one hour, you are welcome to come back and tell us, but we are going ahead with the deliberation.

HON. LT. COL. P. TIKODUADUA.- Thank you very much.

HON. DR. M. REDDY.- Thank you.

HON. CHAIRPERSON.- Honourable Member.

HON. LT. COL. I.B. SERUIRATU.- Thank you based on the statement that the Honourable Lt. Col. P. Tikoduadua has stated, maybe I will just need to dig further and clarify on what he meant. Honourable Member, if I may refer you again to your statement. If I may read it:

“Honourable Speaker, let me talk about yesterday, Honourable Professor Prasad gave the position on NFP on this matter and what my Honourable *tauvu* did is deplorable, despicable. I was raised by a single mother, he should not have said that to every woman but, Honourable Speaker, I tell the Government “Get off your high horses, you are the last people to talk on this.

The Honourable Prime Minister should be the last person talking about violence against women in this House. He should be the last. You know what is happening in your own house, you should know.”

That was your statement, Honourable Member, because in the guidance, this is the reason why I am asking this question and we have to ascertain because you did indicate that you know what you said and you know what you meant. So, please, tell us more about, “what is happening in your own House,” by what you meant?

HON. LT. COL. P. TIKODUADUA.- When I said, “In your own your House,” I meant the Prime Minister should know what is happening with regards to violence against women within FijiFirst. If you have more information on that, please, let us know.

HON. LT. COL. P. TIKODUADUA.- Madam Chairperson, that is the statement that I made to the House.

HON. LT. COL. I.B. SERUIRATU.- Because this is where again if I referred you the Honourable Speaker’s ruling, and that is for the Committee to decide, let me just go again to what Honourable Speaker has indicated:

“*Prima facie* breach of Parliamentary Privilege by Honourable Pio Tikoduadua, President of National Federation Party and the Prime Minister, Honourable Voreqe Bainimarama for words allegedly spoken and acts allegedly done within the parliamentary precincts on Friday 9th August.”

This is the approach I am taking because in the Honourable Speaker’s ruling, he has also indicated that the Honourable Tikoduadua for words allegedly spoken, again because you were referring to?

HON. LT. COL. P. TIKODUADUA.- The Members of the FijiFirst.

HON. LT. COL. I.B. SERUIRATU.- Members of the FijiFirst?

HON. LT. COL. P. TIKODUADUA.- Yes.

HON. LT. COL. I.B. SERUIRATU.- Because the issue here is on violence against women.

HON. LT. COL. P. TIKODUADUA.- Yes, all right.

HON. LT. COL. I.B. SERUIRATU.- So, can you give us more information about what you meant?

HON. LT. COL. P. TIKODUADUA.- All right, what I meant was, I know that within FijiFirst, I know a Member who has been violent in my view, against the woman that has been subdued. Now this is personally had been related to me by the victim, because the victim has asked and it is a Member of staff of Parliament, that I do not raise this at all because the Member of Parliament is a Minister, who, in my view was being violent in the way that he had related to a member of the staff of Parliament when we were in the Warwick Hotel on our first time.

If you want I can name the member and I will name him and also if the Committee insists, I will name the lady that came to see us and Honourable Qereqeretabua, about what the Honourable Minister had done to her, or had said to her, of which she was really really sad.

On her request, I went to see her and then the Parliament staff said, “Please, I do not want to lose my job so, please, do not

HON. A.A. MAHARAJ.- Honourable Chairperson, I believe we need to cut this short because, I, as Whip was also involved in that particular incident

HON. LT. COL. P. TIKODUADUA.- Honourable Chairperson, the Honourable Member had asked me, I am now going into that.

HON. A.A. MAHARAJ.- ... and that statement does not actually match with what is being alluded to before the Committee at this point in time.

HON. CHAIRPERSON.- Actually, Honourable Lt. Col. Tikoduadua whatever you are saying are all hearsay, you have not improved any credibility to what anyone can come up and tell you anything so basically I do not think I am going to entertain that part.

HON. LT. COL. P. TIKODUADUA.- Honourable Chairperson, the Honourable Minister has asked me “what did I allude to by the statement when I meant the Members of FijiFirst in the

House” because I am not saying his family, I am saying “... in your House” because I know the lady came to me and the Honourable Lenora Qereqeretabua will also come here if you would like to summon the lady she can come and tell you because I did not want to reveal this yesterday, I have been asked to, and I have not revealed the name of the Minister. If you really insist that I do not

HON. DR. M. REDDY.- Madam Chairperson, I want to say that the Honourable Member is trying to cover up what he said yesterday. I recall very clearly and it will be in the Verbatim. He said that he knows the Honourable Prime Minister for a long period of time, he knows a lot, he does not want to spill the beans, so it is better to keep his mouth quiet on that. All he said is that, the Honourable Prime Minister should be the last person to talk about violence. Now, he is coming, changed his story and saying he was referring to another Honourable Minister for that, that will not be acceptable.

HON. LT. COL. P. TIKODUADUA.- Honourable Chairperson, I agreed exactly with what the Honourable Dr. Mahendra Reddy is saying. I know exactly what I said yesterday but I know what I meant. I meant “your side of the House” and that is when I pointed to the FijiFirst side of the House that he should know what is happening in his House, that is what I meant.

HON. CHAIRPERSON.- How would one possibly know what you meant, what you thought, what you were thinking when making that kind of statement? Because anyone could perceive anything if you had said “on that side of the House”. During your term in Parliament, how many times did you ever say “my House”. Did you recall ever saying “my House or “my side of the House”. There is a difference between those two Honourable Lt. Col. Tikoduadua. So, practically, in my term I have never heard anyone saying “my House or your House”, so basically that could be taken otherwise because no one knows what you are thinking but you said everyone heard.

HON. LT. COL. P. TIKODUADUA.- Can I answer that Honourable Chairperson?

HON. CHAIRPERSON.- Yes.

HON. LT. COL. P. TIKODUADUA.- I have said to the Committee what I said which is recorded in the verbatim. Because I said it, I know what I meant. Now what the Committee concludes or anyone else concludes about what they think I said, that is the conclusion of whoever gets to hear it. I do not expect you, Madam,

HON. CHAIRPERSON.- Just a question, Honourable Lt. Col. Tikoduadua, do you think from your statement whatever you made, anyone could perceive anything because they did not know what you are thinking, is it possible?

HON. LT. COL. P. TIKODUADUA.- People perceive everyone is different, Madam.

HON. CHAIRPERSON.- No, is it possible that what you meant was what you say, you thought you meant something else but someone actually calculated it in a different manner. So is it possible that it will happen?

HON. LT. COL. P. TIKODUADUA.- People say differently, I said what I said and judging by what the Honourable Prime Minister is saying that he took it in a different manner. So that is what the Honourable Prime Minister thinks but I insist that is what I said.

HON. CHAIRPERSON.- All right, thank you. Can we proceed, Honourable Lt. Col. Seruiratu?

HON. LT. COL. I.B. SERUIRATU.- I am still after this question that I initially raised. So it is that one incident that you were referring to?

HON. LT. COL. P. TIKODUADUA.- Yes, that is correct.

HON. LT. COL. I.B. SERUIRATU.- Was it words or did it involve violence because here we are talking about violence.

HON. LT. COL. P. TIKODUADUA.- It involves words, yes.

HON. LT. COL. I.B. SERUIRATU.- Words?

HON. LT. COL. P. TIKODUADUA.- Yes.

HON. LT. COL. I.B. SERUIRATU.- Not violence?

HON. LT. COL. P. TIKODUADUA.- The way that the lady came to me, the issue meant you know, physical, like that, no, that was not what she said happened. It was the manner that the person came across to her.

HON. A.A. MAHARAJ.- Honourable Chair, I would actually again request or ask Honourable Pio Tikoduadua, was he part of that particular group when this incident took place because we are actually hearing something that he heard from somebody else and cannot be presented to the Committee in that form?

HON. LT. COL. P. TIKODUADUA.- Honourable Chair, the matter was reported to me. Then I asked because the lady wanted to see me. So, I spoke with her and she told me.

HON. CHAIRPERSON.- Was that matter reported to the police, if you know?

HON. LT. COL. P. TIKODUADUA.- No. She asked that it be not referred to anyone.

HON. CHAIRPERSON.- So why are you referring to it if she personally asked you not to?

HON. LT. COL. P. TIKODUADUA.- Because I had been asked what was I alluding to and I was alluding to that incident.

HON. CHAIRPERSON.- But she had specifically asked you not to allude to that incident.

HON. LT. COL. P. TIKODUADUA.- No, she had asked me not to report it. But I have been asked about it and I have not mentioned her name yet.

HON. CHAIRPERSON.- But, do you think you breached her confidence by raising it in the Parliament that

HON. LT. COL. P. TIKODUADUA.- I have been asked what I alluded to so I have done. That is something for her to decide if I have breached that. If she has then she has to take that against me.

HON. LT. COL. I.B. SERUIRATU.- But, I think, Chair, this is totally irrelevant because it was something that was just between them and then for the Honourable Member to come and use it against the Party, whatever, because they have come to an agreement with whoever the complainant was, and I think it is totally irrelevant on how it is used in this instance. That is what I wanted to point out.

HON. LT. COL. P. TIKODUADUA.- Madam Chair, I was asked and that is the incident that I meant.

HON. CHAIRPERSON.- Yes, Honourable Member.

HON. ADI L. QIONIBARAVI.- Madam Chair, I would like to table part of the Hansard Report on the 9th (August, 2019), and just refresh Honourable Tikoduadua's memory on this.

HON. CHAIRPERSON.- Please, continue.

HON. ADI L. QIONIBARAVI.- Thank you, Madam Chair. Honourable Tikoduadua, you have in front of you a copy of the Hansard Report, dated 9th August, 2019, the date on which things had happened inside and outside the House, which is the subject of this matter that we are discussing this afternoon. You will note that the Honourable Prime Minister had raised a Point of Order at the top there of Page 2837. I have actually bracketed it, if you can just read and then I will pose my question. The last sentence is, "HONOURABLE SPEAKER.- Honourable Member, you are on your Right of Reply to this motion today."

HON. LT. COL. P. TIKODUADUA.- Do you want me to read all that bit?

HON. ADI L. QIONIBARAVI.- No, no. Just

HON. LT. COL. P. TIKODUADUA.- Only the highlighted bit.

HON. ADI L. QIONIBARAVI.- No, just read so that you understand when I ask you the question.

HON. LT. COL. P. TIKODUADUA.- Sorry, which, I am unsure here which question I should read. The very top.

HON. ADI L. QIONIBARAVI.- Yes.

HON. LT. COL. P. TIKODUADUA.- All that up to here.

HON. ADI L. QIONIBARAVI.- Yes, that is right. You just read it to yourself then I will ask you the question.

HON. LT. COL. P. TIKODUADUA.- All right. Yes, I have read it. Thank you.

HON. ADI L. QIONIBARAVI.- Thank you. My question is regarding the Point of Order that was raised by the Honourable Prime Minister and the ensuing discussion. The middle of the fourth paragraph from the top.

Can you read out what you said?

HON. LT. COL. P. TIKODUADUA.- I am sorry, can you get me because

HON. ADI L. QIONIBARAVI.- No, your words, “HON. LT. COL. P. TIKODUADUA.-
....”

HON. LT. COL. P. TIKODUADUA.- On the very first one?

HON. ADI L. QIONIBARAVI.- No, the first one was spoken by Honourable Prime Minister, 2837 is the Page No.

HON. LT. COL. P. TIKODUADUA.- Yes, that is correct. I am looking at it. I am just wondering which of those lines do you want me to read.

HON. ADI L. QIONIBARAVI.- All right, I will just read it to you. What you had stated was, I quote:

“Honourable Speaker, I was not being personal on the Honourable Prime Minister.”

HON. LT. COL. P. TIKODUADUA.- Oh, that one! All right, I am looking at it.

HON. ADI L. QIONIBARAVI.- Do you confirm that those were your words?

HON. LT. COL. P. TIKODUADUA.- It is recorded in the verbatim Daily Hansard so I think it is mine, yes.

HON. ADI L. QIONIBARAVI.- The conversation continued and there was no particular ruling from the Honourable Speaker. Do you remember that?

HON. LT. COL. P. TIKODUADUA.- What it says here, Honourable Member, you are on your Right of your Reply, that is the only other thing that came.

HON. ADI L. QIONIBARAVI.- You are given the Right of Reply but the Point of Order by the Honourable Prime Minister, what he said was:

“HON. J.V. BAINIMARAMA.- Honourable Speaker, a Point of Order. I do not know why he is doing a personal attack on me. If he talked about what is happening, I made a statement here yesterday condemning what Honourable Bulitavu said. You did not say anything, but why the personal attack on me? That is what I want to know?”

HON. LT. COL. P. TIKODUADUA.- As far as my recollection, you know, as far as the best of my recollection, there was no ruling on that Point of Order by the Honourable Speaker, so I continued and, of course, later on, we have the Right of Reply.

HON. ADI L. QIONIBARAVI.- So, towards the end:

“HON. SPEAKER.- Honourable Member, you are on your Right of Reply to this motion today. “

And you said:

“HON. LT. COL. P. TIKODUADUA.-Yes, of course, Honourable Speaker. The debate in the House yesterday because the reason why I am asked, that they should get off their high horse.”

My question is, if the Honourable Speaker had given a ruling to the Honourable Prime Minister’s objection or Point of Order, would you have been satisfied that that matter would have been satisfactorily dealt with in the House?

HON. LT. COL. P. TIKODUADUA.- I will stick with the facts here. I am not going to cast any opinion because that is the matter of the Honourable Speaker to rule, but when the Honourable Prime Minister raised that Point of Order against me, the Honourable Speaker did not make a ruling so I continued because he did not ask me to do anything at all, except to say that I had my Right of Reply. So, as far as I am concerned, the Speaker did not rule in favour of that because of what the Honourable Prime Minister said.

HON. ADI. L. QIONIBARAVI.- My question is, if he had ruled, would you have been satisfied whatever that you would rule. I mean, “Withdraw your statement” or something like that.

HON. LT. COL. P. TIKODUADUA.- I did not know because it is a hypothetical situation because he did not make a ruling at all. The fact is, he did not object to me at all. He did not make a ruling to tell me that would give merit to what the Honourable Prime Minister had just said. Normally, I mean as we would know under the Procedure, if someone makes a Point of Order, the Speaker would make a ruling. He did not make a ruling, so I take it that when he said that I have the Right of Reply so I am going on and I took it that the Honourable Speaker did not have any objection at all to what I said and that would have been proper.

HON. ADI. L. QIONIBARAVI.- *Vinaka.*

HON. CHAIRPERSON.- Yes, Honourable Bulitavu.

HON. M.D. BULITAVU.- Just to follow up on that, in your view, the Honourable Speaker did not see that as a personal attack and that is why he had asked you to continue with your Right of Reply.

HON. LT. COL. P. TIKODUADUA.- I did not know what the Honourable Speaker saw but I make assumption in terms of what he did not say suggested to me that I did not do anything wrong.

HON. M.D. BULITAVU.- Very well.

HON. CHAIRPERSON.- Thank you, Honourable Members, any other questions? Yes, Honourable Bulitavu.

HON. M.D. BULITAVU.- Just a few things to clarify, I think there have been witnesses who have already taken the stand until today. Just something to clarify with the facts that we have already gathered on one thing.

HON. LT. COL. P. TIKODUADUA.- Sir, is this to me?

HON. M.D. BULITAVU.- Yes. Honourable Tikoduadua, did the Honourable Prime Minister ask you to touch the lapel of your coat? Did you give consent?

HON. LT. COL. P. TIKODUADUA.- No.

HON. M.D. BULITAVU.- Honourable Tikoduadua, what the Prime Minister did and said on that day instilled fear of immediate violence in your mind?

HON. LT. COL. P. TIKODUADUA.- He threatened me, he threatened me.

HON. M.D. BULITAVU.- Did he instil fear in your mind immediately?

HON. LT. COL. P. TIKODUADUA.- Honestly, do I have reason to be worried? Yes. Did I fear him? I feared him, like he was being violent right there and then, like there was this thing about courage that came over me that I tried to get over but I did not want. You know, Honourable Member, on that day, I said here yesterday, very quickly when he called out to me in that manner, in the manner or the way that I said it yesterday - How I recalled it, very quickly, it was going through my mind what he intended to do with me, because I took it from the tone of his voice that he was enraged and later, when I saw him very close, I mean it showed in his eyes.

I tried very much to anticipate, but I did not anticipate the fact that he would touch me, but I quickly said, “No, I will keep my cool, I would keep my cool, I would not try to do anything because then, I tried to tell myself - you do not fear him, you are not afraid of him” through that time, but later, I think when everything settled after the adrenalin left, then I started to think about it, I said, “Well, it could really have gone bad and that made me afraid, because later when I became afraid because I was telling myself “My God, imagine if I got angry too, imagine if you got angry and you retaliated”, which I decided I would not to defend myself. What would you have done knowing exactly that is my line of work, my profession is around that. I first put those boys there to protect him. I was the one that got them and, of course, the people later took that job.

But would I have imagined if I did something, what would it have been? And I was very glad that day that I made the right decision not to defend myself but right there the adrenalin, the soldier faced against someone who is opposing you - stay cool. The situation did not warrant retaliation to defend me and I am glad I did it, because I was afraid later thinking, if I did something, I am sure we would not be here today. I am absolutely sure, so to answer your question, that day I was bold. Later, of course, I became afraid. I was really really afraid wondering if I did not do that, that I am glad I did not do anything.

HON. LT. COL. I.B. SERUIRATU.- Maybe I just go back to that incident again, when he did wanted to draw your attention initially calling you, did he use your first name?

HON. LT. COL. P. TIKODUADUA.- “Pio”.

HON. LT. COL. I.B. SERUIRATU.- He used “Pio”?

HON. LT. COL. P. TIKODUADUA.- He used “Pio”, *io*.

HON. LT. COL. I.B. SERUIRATU.- Would I be correct to say that, that is because of the familiarity between you and him?

HON. LT. COL. P. TIKODUADUA.- He has always called me that from the beginning in the Military.

HON. LT. COL. I.B. SERUIRATU.- And the long relationship that you have had?

HON. LT. COL. P. TIKODUADUA.- Yes, let me just say, he has never called me “Colonel”, he has never called me “PS” and he has never called me “Captain”.

He has never called me “Captain” ever, but he has called me “Pio” when I was PSO. When I was PS, he calls me “Pio” and when I was PS, I was Colonel he has never called me Colonel. I think he hated to call me “Colonel”, it was always “Pio” meaning that that has always been the way he called me - angry or laughter. It came with “Pio” all the time. I just had to take it at that time and know how his mood was, and that day that was a different “Pio” when he came.

And, of course, familiarity, if you are asking me whether it is familiar, I mean, Honourable Member, you know that exactly 31 years yesterday from the day I first know him. He would be familiar with me that way.

HON. LT. COL. I.B. SERUIRATU.- No, because the use of the first name is usually because of familiarity.

HON. LT. COL. P. TIKODUADUA.- Yes, exactly. Well like I said it applies in every situation when the moon is up and when the moon is down, and I just have to tell whether he is calling me in a good way or a bad way.

HON. LT. COL. I.B. SERUIRATU.- The way he confronted you, was it because of that familiarity between you and him as well?

HON. LT. COL. P. TIKODUADUA.- Oh, no, he has never touched me before that.

HON. LT. COL. I.B. SERUIRATU.- What made you say that?

HON. LT. COL. P. TIKODUADUA.- I do not trust my wife because I am familiar with my wife, that to me is not a good argument.

He called my name because that is the way he has always called me from day one, “Pio”. The only way that he would address me in a different manner is in the House, which we refer to people as “Honourable Member”, that would be the only time.

HON. LT. COL. I.B. SERUIRATU.- You were leaving for Lami, for what reason?

HON. LT. COL. P. TIKODUADUA.- Say again?

HON. LT. COL. I.B. SERUIRATU.- You were leaving for Lami?

HON. LT. COL. P. TIKODUADUA.- No, I was just going to Lami to see a friend. I had planned to see that particular friend of mine, I was going to see Greg. I wanted to see him at 1.00 p.m. and I was running out of time. I had finished my business in the House.

HON. LT. COL. I.B. SERUIRATU.- But, what made you leave there and then?

HON. LT. COL. P. TIKODUADUA.- I had to leave because there is nothing holding me to stay.

HON. LT. COL. I.B. SERUIRATU.- Because that was 11.00 a.m., but, you wanted to see him at 1.00 p.m.?

HON. LT. COL. P. TIKODUADUA.- Yes, that is correct. I came up for a cup of tea, I mean there is absolutely nothing, if I want to go and see him at 1.00, I was going to see him at 1.00 p.m., I had spent sometime up here because I did not leave to go to Lami till I think round about half past 12.00 (12.30) pm.

HON. LT. COL. I.B. SERUIRATU.- I am interested in why did you choose to leave the Parliament immediately after you made your statement, given what transpired in Parliament?

HON. LT. COL. P. TIKODUADUA.- No, no, I told Honourable Lenora Qereqeretabua that “I am going to Lami”, because I wanted to go there.

There was nothing else, I mean it was not until Honourable Lenora Qereqeretabua came up and said, “Hey, something is rumbling in the House. I said, “Why do you say that?”. The Prime Minister is frantically on the phone, Honourable Semi Koroilavesau stood up, came outside, and she told me that she went passed them and I am sure she would have told you guys while on the corridor and she heard them and said that something is cooking. I said, “Yeah, all right, well, let’s go to Lami.” And they said, “Oh, let’s accompany you, just in case something happened.”

I was already in the car park and I was going away. The video that we viewed yesterday shows that the Honourable Prime Minister was going to his car, then he left his door then he came rushing after me. I was not aware he left the House. I mean, I asked the Honourable Koroilavesau, I said, why did you leave the House? And he said, well I have to go and

But, Honourable Member I left because I wanted to go Lami. I had a cup of tea and that was it. I heard his objection and I have said what I said in the House but I never expected that to happen. Seriously, I never but then it happened and it did happen.

HON. LT. COL. I.B. SERUIRATU.- Would I be correct to say that what you said in Parliament provoked him?

HON. LT. COL. P. TIKODUADUA.- No, that is something he has to answer to because that is the feeling that came to him but I said “No”. Because I meant what I said. He took it in the manner that he took it.

HON. LT. COL. I.B. SERUIRATU.- I have no further questions.

HON. CHAIRPERSON.- Just alluding to what the Honourable Minister has said, you have said what you said, how you have said it, do you recall?

HON. LT. COL. P. TIKODUADUA.- Sorry

HON. CHAIRPERSON.- How you said those statements when you made them, do you recall your actions?

HON. LT. COL. P. TIKODUADUA.- In Parliament?

HON. CHAIRPERSON.- Yes.

HON. LT. COL. P. TIKODUADUA.- Madam Chairperson, can I ask because it is difficult to explain it. Can the footage be showed so we can all see how I asked it because that is the best way to see it.

HON. CHAIRPERSON.- Later on, the Committee will go through it.

HON. LT. COL. P. TIKODUADUA.- Yes, I think it is the best thing because the evidence is available before the Committee.

HON. CHAIRPERSON.- And I have got another question, you already had a lot of assumptions in your mind when you came out

HON. LT. COL. P. TIKODUADUA.- When I came out of the House?

HON. CHAIRPERSON.- Yes, because you have just admitted that when Honourable Lenora Qereqeretabua came and told you, “There is something is cooking”

HON. LT. COL. P. TIKODUADUA.- Up here?

HON. CHAIRPERSON.- Yes, “... something is cooking ...”

HON. LT. COL. P. TIKODUADUA.- Yes.

HON. CHAIRPERSON.- But that was all your assumptions, that something was cooking or not but it was all assuming that something was cooking. Right?

HON. LT. COL. P. TIKODUADUA.- Honourable Chairperson, if there is heavy wind and there is a heavy black cloud, you say it is going to rain, it does not mean that it is going to rain

HON. CHAIRPERSON.- Same as you assume.

HON. LT. COL. P. TIKODUADUA.- Of course, it is assumption. I do not know that it would happen, it happened. I have an assumption, whatever happens, something is going to happen, I did not know what it was.

HON. CHAIRPERSON.- I have got a reason to ask that question, Honourable Tikoduadua because you had already like pre-planned assumptions there, that something is going to happen.

HON. LT. COL. P. TIKODUADUA.- I am a soldier, Honourable Chairperson. When my situation and I feel that my personal life is at risk

HON. CHAIRPERSON.- You were alert.

HON. LT. COL. P. TIKODUADUA.- Of course, I have to, because it is my personal protection. The Prime Minister is guarded with people.

HON. CHAIRPERSON.- Thank you. So, the Prime Minister, did he already know that you will be coming at that moment in time or did he

HON. LT. COL. P. TIKODUADUA.- Oh my God, can you ask him, please?

HON. CHAIRPERSON.- Yes, so basically he did not. We have already asked him. So, all that happened was, you came out and when he came out, when he saw you going the other way, he called you because that was all at that moment and time. Because when he saw you, he thought "I better go and ask him".

HON. LT. COL. P. TIKODUADUA.- Are you thinking for the Prime Minister?

HON. CHAIRPERSON.- No, I am not thinking, we have already interviewed him

HON. LT. COL. P. TIKODUADUA.- All right.

HON. CHAIRPERSON.- So, that was not like anything pre-planned or something that - All right, I will wait for the Honourable Tikoduadua, when he goes out, I am going to hang him or whatever, nothing as such, nothing was planned. It all happened in the spur of the moment but you had already assumed that, all right, something is cooking.

HON. LT. COL. P. TIKODUADUA.- Honourable Chairperson, if I were to pre-planned with the Prime Minister that I am going to say this, you are going to get angry. You are going to come down and I will be walking away. Would you, please, rush at me, hang me by the collar, it would be captured on the CCTV and become a privilege matter, that is ridiculous Honourable Chairperson.

I would have to have him in my plan for him to do that to me. I am anticipating the worst possible thing that could happen to me knowing that he is guarded by people. What could happen to me? What does it mean that he rushed out? Why did Honourable Koroilavesau go out of the House? Why did Honourable Lenora hear that? I have to prepare myself eventually.

HON. CHAIRPERSON.- Thank you.

HON. DR. M. REDDY.- Taking lead from what he said, then I want to ask this question. If that is the case and Honourable Lenora said to you, "Honourable Prime Minister is down there," why did you not just wait for some time? Why did you leave immediately?

HON. LT. COL. P. TIKODUADUA.- Why should I? I am going to Lami. Because the Prime Minister is angry? Why should I react to that, Honourable Member?

HON. DR. M. REDDY.- All right, I rest my case, all I said was, you said you knew Semi was down there, you knew he was down there, Honourable Lenora Qereqeretabua came and told you that he is very angry and you decided to, “No, I will go down” then Honourable Qereqeretabua then said, “All right, we will come with you.” I am saying that you could have avoided this, not saying that

HON. LT. COL. P. TIKODUADUA.- Avoid what? Avoid what, Honourable Member?

HON. DR. M. REDDY.- You just said that you knew that

HON. LT. COL. P. TIKODUADUA.- No, I did not know, I was anticipating what could happen. Why I decided? I decided that I am going to go to Lami still. You are telling me because the Honourable Prime Minister is angry and could do something, I should be afraid.

HON. DR. M. REDDY.- No, no. I am not saying

HON. LT. COL. P. TIKODUADUA.- Then what should I would have done? What would you expect me to do? Stay up there until he is cooled off? I did not know. I did not watch the video, I assumed things from what Honourable Qereqeretabua is telling me that something could be cooking. Whatever it is, I do not know. But I know, that day he rushed at me, he swore at my mother, he swore at my father, he hanged me by the collar and broke my glasses. I did not. If you are saying that that is because it was instigated by me, I said “No”.

HON. DR. M. REDDY.- No, do not go there. I never said that.

HON. LT. COL. P. TIKODUADUA.- Well, you are implying that

HON. DR. M. REDDY.- Because I should have stayed back so that this thing would not have happened. Why should it restrict me going to Lami? If someone is going to shoot me then, I say, “Shoot me, I am going to go anyway”, that is the decision that I made. I made that decision.

HON. DR. M. REDDY.- Parliamentary proceedings, Honourable Member, finishes at 12.30 p.m. on Friday.

HON. LT. COL. P. TIKODUADUA.- Yes..

HON. DR. M. REDDY.- You decided to leave early.

HON. LT. COL. P. TIKODUADUA.- Yes, what is wrong with that? Everyone leaves early. The Prime Minister leaves early, everyone gets excused from the House. If I lose my seat, I am not there for two or three consecutive Sittings, that would be my main concern. I am a free person, I go wherever I want to go. There is no law prohibiting me leaving Parliament or the House, there is no law prohibiting me, despite what I have heard to leave my office to go to Lami, because I want to go to Lami. I am drawing my own conclusions, I am saying, I am a free person. The Standing Orders does not allow me to stay there till 12.30 p.m.. I can leave my Office to go to Lami whenever I want.

HON. CHAIRPERSON.- Thank you, Honourable Member. You keep on repeating that he hung you. I just want to ask, if he had really hung you, would you have just moved one step or you could have been thrown over, if he had really hung you?

HON. LT. COL. P. TIKODUADUA.- Madam Chairperson, I would right now insist because of that question. Can we watch my evidence that I had put here so that you can see what happened?

HON. CHAIRPERSON.- Honourable Tikoduadua, we have already watched this video, it is very clear there.

HON. LT. COL. P. TIKODUADUA.- Can I ask then to you, Madam Chairperson, draw your conclusions according to what you see. I know what I felt, I know what was done to me. Be that, you believe that it happened to me, is exactly is the opinion that you form. I cannot form that for you. I am telling you what happened to me.

HON. CHAIRPERSON.- No, we are not assuming anything here, Honourable Member, it is just on the evidence we have got. When we look at it from here, even you can watch it, so when he touched you, your one leg went at the back and the Honourable Prime Minister's leg came in the front. That is all we noticed, but my question is, if he had really hung you, would you have been thrown off balance or something?

HON. LT. COL. P. TIKODUADUA.- What do you mean "if he had really hung up", he hung me, Madam Chairperson.

HON. CHAIRPERSON.- How?

HON. LT. COL. P. TIKODUADUA.- Like that (indicating).

HON. CHAIRPERSON.- He lifted you up?

HON. LT. COL. P. TIKODUADUA.- Yes.

HON. CHAIRPERSON.- He lifted you up off the ground?

HON. LT. COL. P. TIKODUADUA.- Yes, he pushed me back, I went back like that.

HON. CHAIRPERSON.- How far would you go back? I mean ...

HON. LT. COL. P. TIKODUADUA.- Oh, my God, I went back. I do not know how far I went back but I went back.

HON. CHAIRPERSON.- All right, thank you, that is on record. Thank you.

HON. ADIL QIONIBARAVI.- Just my final question, Madam Chairperson. Honourable Lt. Col. P. Tikoduadua, if the Honourable Prime Minister had assumed or perceived that you personally attacked him in your speech. He should have raised the matter with the Honourable Speaker and not come out to ask you in the manner that he did. What is the right procedure in your view?

HON. LT. COL. P. TIKODUADUA.- The right procedure in my understanding of the Standing Orders, the Honourable Prime Minister had raised and an objection - a Point of Order. The Honourable Speaker should have ruled. If mine was improper and that he would have asked me to withdraw it or something, he did not do that. He asked me to continue with my intervention.

So as far I am concerned, there was nothing on the day that the Honourable Speaker saw that it was improper in my view because he allowed me. He did not rule anything.

HON. ADI L. QIONIBARAVI.- *Vinaka*. Thank you.

HON. CHAIRPERSON.- Alluding to what Honourable Adi Litia Qionibaravi has said, do you think the Honourable Prime Minister chose to talk to you because of your long ...

HON. LT. COL. P. TIKODUADUA.- Sorry, did I think what?

HON. CHAIRPERSON.- Do you feel or do you believe that he chose to speak to you personally because of the long acquaintance you have had and he felt very comfortable coming to you saying, "Hey, Pio, why did you do this" Do you feel it happened because he was comfortable with you because of your long acquaintance?

HON. LT. COL. P. TIKODUADUA.- Honourable Chairperson, let me repeat again how I said it yesterday. "*Oe, Pio, lako mai ke*", that was the tone he used then he walked to me. As far as I am concerned, that was not a friendly tone and I saw his eyes were not friendly.

HON. CHAIRPERSON.- No, what I asked was, when he came to you, what you saw is, you are relating "Thank you" for that, what you saw and how you felt?

HON. LT. COL. P. TIKODUADUA.- Yes.

HON. CHAIRPERSON.- But what I am asking is, I mean, would you believe that he thought that because of your long standing acquaintance of 31 years, he felt that "All right, I will just walk up to"

HON. LT. COL. P. TIKODUADUA.- You would have to ask that to the Honourable Prime Minister. I do not know what was running in his mind but I know what happened to me. You would have to ask the Honourable Prime Minister that. I am not going to think for him, I know what he did to me.

HON. CHAIRPERSON.- Thank you. That was the follow-up on what Honourable Adi Litia Qionibaravi said of why he chose to come to you, that is why I brought this up. There could be reasons because he thinks, "I know this Honourable Member for so many years or he has worked with me, there were a lot of give and take in between so I can walk up to him and say, 'All right, sort it out, why did you do that to me.'"

HON. LT. COL. P. TIKODUADUA.- And do that to me in the process? Is that acceptable? You know someone for that long, you can do that to him? Is that an acceptable thing though?

HON. CHAIRPERSON.- If you are not asking the Deputy Speaker or the Chairperson, personally sometimes between friendships, acquaintances it happens but that is my personal view, not in the capacity of the Chairperson or the Deputy Speaker.

HON. LT. COL. P. TIKODUADUA.- Honourable Chairperson, I was meant to table this yesterday. These are just records to help the Committee. I had filed a report with the Police, just a documentary evidence, that is all, to support it.

HON. CHAIRPERSON.- You also have your medical report, Honourable Member?

HON. LT. COL. P. TIKODUADUA.- Yes, I got this from the Police, so I am just going to table that here.

HON. CHAIRPERSON.- Thank you.

HON. LT. COL. P. TIKODUADUA.- They were being referred to, it is now in black and white because I was supposed to bring this yesterday but I did not, just to help the Committee.

HON. CHAIRPERSON.- That is all right, hand it over to the Committee.

HON. LT. COL. P. TIKODUADUA.- And you can do with it as you please.

HON. CHAIRPERSON.- Thank you. Honourable Members, any other questions before we release Honourable Lt. Col. Tikoduadua?

Thank you. Honourable Member, just before you go one last time. Looking at your long standing acquaintance with the Honourable Prime Minister, looking at all your give and take, you have assisted him at times. He may have come to you in rescuing times, that is between you two, but taking that into consideration one last time I am asking you as the Chairperson of this Privileges Committee that if he offers you the olive branch here in the presence of this Committee, will you accept it?

HON. LT. COL. P. TIKODUADUA.- As you have said it in the presence of this Committee, I would have to consider it, I would have to think about it.

HON. CHAIRPERSON.- So we will await your decision.

HON. LT. COL. P. TIKODUADUA.- That is correct, for as long as I am going to think about it. I do not wish to be given a timework but, of course, the Committee has got a time to submit the Report. But I want to think about it because to me, it was a personal matter because it affected me. I need to think of my options.

HON. CHAIRPERSON.- Thank you, Honourable Member, you know the timeframe of the Committee so we will wait for that. Thank you.

HON. LT. COL. P. TIKODUADUA.- Honourable Chairperson and Honourable Members, I thank you. Thank you very much for your work in terms of what you are doing. If I raised my voice and you think that I am, no, it is not, I am here on a matter that I have to defend myself. I intend no ill-will to anyone, whatever decision the Committee will report before the House, that is what I take. Thank you, *vinaka vakalevu*.

HON. CHAIRPERSON.- Sure, Honourable Members, if you need to take a break, please, do that.

HON. CHAIRPERSON.- Thank you, Honourable Members, before we proceed with our next witness, I would like to ask the Committee if you need more time to deliberate because if, as a Committee, we do need more time to deliberate, then we will have to notify the Speaker and get his permission to continue with the deliberation. What do you feel, Honourable Members?

HON. DR. M. REDDY.- What I said, Madam Chair, was, we can start the deliberations now. We need to do that interview. I wanted to interview one of the bodyguards of the Honourable Prime Minister. After that, we should utilise the time to deliberate because we really do not have much time, but there is a view by Honourable Seruiratu and Honourable Qionibaravi that we may want to wait until tomorrow, in case Honourable Tikoduadua comes back and says that he wants to apologise and accept the apology.

HON. CHAIRPERSON.- To allow him the time, do you think we should write to the Speaker asking for the tabling of the Report on Friday, instead of Thursday.

HON. DR. M. REDDY.- Just a clarification, is it mandatory in the Standing Order that you must go after three days?

HON. CHAIRPERSON.- Actually, that was Honourable Speaker's order. But if the Committee feels that they need more time, we can always write back to the Speaker asking for more time.

HON. A.A. MAHARAJ.- Madam Chair, I believe, yes, we need to actually write to the Speaker asking for more time so that the Report can be tabled on Friday because with the experience, with the reporting itself of the Committees, if from now, we are actually going to do an interview and after that we are actually starting to deliberate and then we need to come up with recommendations and coming into consensus. If that is done today then definitely tomorrow would be day when Secretariat would be actually doing the Report, so we cannot have it tabled tomorrow because then after the Report is done, all of us need to come back and endorse that Report before it is actually being tabled.

HON. CHAIRPERSON.- So, it takes time.

HON. A.A. MAHARAJ.- Yes, with the procedure itself.

HON. CHAIRPERSON.- So, I believe, we, as a Committee, should start doing the draft today to get other things done tomorrow.

HON. DR. M. REDDY.- ... we should get legal assistance in the drafting process.

HON. CHAIRPERSON.- Let us write to the Honourable Speaker first and if he allows us the time then we will, because like he said, Honourable Maharaj mentioned that there are certain procedures to be followed while writing the Report and then maybe I will seek legal advice on that as well, and it will also take time.

HON. A.A. MAHARAJ.- Madam Chair, just on Honourable Reddy's request, I would actually request if he can have independent legal advices with us when we actually start deliberating so that they know actually what is going on during the deliberation stage so that they are able to help us in the drafting.

HON. CHAIRPERSON.- Secretary-General, is that a possibility.

SECRETARY-GENERAL.- Honourable Deputy Speaker, the independent legal advice that we get is from the Office of the Solicitor-General and that is who we seek advice from. No one else should sit here. He is standing by to get our queries on this.

HON. CHAIRPERSON.- During our deliberation, Honourable Members, if you feel that we need legal advice, they are on standby and they can always come in and let us know. But, as a Committee, we cannot allow any other foreign body to come and actually interfere with our deliberation because this is totally the Privileges Committee.

HON. DR. M. REDDY.- Madam Chair, I am of the view that we should deliberate now and sort out the Report today because I do not think, really I mean, I do understand the sentiments of Honourable Qionibaravi and Honourable Seruiratu as well, looking at his demeanour, I really do not think he will change. We have given him time, I asked him, “Tell me how much time you need” he does not want to say about the time too. I just do not know, I do not feel comfortable but I would go along with the two colleagues but I just do not feel comfortable, that I think we will be just dragging ourselves.

HON. CHAIRPERSON.- If we leave that argument aside, what about the deliberation itself, the drafting itself, taking legal advice itself, so all in all, there is quite a bit to be dealt with.

HON. DR. M. REDDY.- Agree.

HON. CHAIRPERSON.- So, do you think we will be able to do it?

HON. DR. M. REDDY.- Well, let us start the business.

HON. CHAIRPERSON.- We will definitely start the business.

HON. DR. M. REDDY.- Start the last interview then we start the deliberations while you seek time.

HON. LT. COL. I.B. SERUIRATU.- Madam Chair, I just wish to clarify that we are not requesting for extension simply just to wait on Honourable Tikoduadua.

HON. CHAIRPERSON.- Yes.

HON. LT. COL. I.B. SERUIRATU.- But we hope that during that extension period, he will change his mind and come forward because it is after 4.00 p.m. now, because tomorrow's Order Paper needs to be done and we need to give the Honourable Speaker and the Secretariat time and, of course, to come up with the quality Report as well.

HON. CHAIRPERSON.- I agree.

HON. LT. COL. I.B. SERUIRATU.- It is not waiting on Honourable Tikoduadua, it is about the time and the proceedings of Parliament for tomorrow and, of course, to give the Committee as well enough time and we can start with the deliberations after interview and things whatever.

HON. CHAIRPERSON.- Definitely.

HON. LT. COL. I.B. SERUIRATU.- And then continues tomorrow so that we can come up with something. I think what is critical after today is if we can sort of start setting ourselves timelines to help us with our progress.

HON. CHAIRPERSON.- You are very correct, Honourable Member, I agree with you totally. We do sit in Committees and we know how much time it consumes to actually get the draft done and then legal advice and everything. So, I believe like in my opinion and according to other Members, I think we should seek time extension from the Honourable Speaker as of now so that tomorrow's Order Paper will need to be changed accordingly. So, we will do as much as we can today. Assuming that we do not want to leave anything for tomorrow. But in case, we need extra time we have got that already. All right, thank you, Friday morning. So the Committee feels that they need more time to table the Report.

Thank you Honourable Members, now the next witness is Mr. Samisoni Tagivetaua. Shall we call him?

(Committee awaits the arrival of Witness No. 5)

HON. LT. COL. I.B. SERUIRATU.- May I suggest that we see the footage for the 9th August, particularly the Right of Reply by the Honourable Pio Tikoduadua?

HON. CHAIRPERSON.- Thank you, can we have the footage please?

(Viewing of CCTV footage)

Witness No. 5 **Mr. Samisoni Tagivetaua**
Prime Minister's Bodyguard

(Sworn on Holy Bible in English)

HON. CHAIRPERSON.- Honourable Members, we have with us Mr. Samisoni Tagivetaua our next witness.

Mr. Tagivetaua, firstly let me thank you for availing yourself to give evidence to the Privileges Committee today. I kindly welcome you to the Privileges Committee and I kindly inform you that you have the option to give sworn evidence or make affirmation.

MR. S. TAGIVETAUA.- *Oath taken:* I, Samisoni Tagivetaua swear by the Almighty God, that the evidence which I shall give, shall be the truth, the whole truth and nothing but the truth.

HON. CHAIRPERSON.- Thank you Mr. Tagivetaua. Honourable Member, you have the floor. Honourable Dr. Reddy, your question, please.

HON. DR. M. REDDY.- Mr. Tagivetaua, thank you for coming.

MR. S. TAGIVETAUA.- Thank you, Sir.

HON. DR. M. REDDY.- Mr. Tagivetaua, for the record, are you Honourable Prime Minister's bodyguard?

MR. S. TAGIVETAUA.- Yes, Sir.

HON. DR. M. REDDY.- For how long have you been his bodyguard?

MR. S. TAGIVETAUA.- 18 years.

HON. DR. M. REDDY.- Do you know the past relationship between Honourable Prime Minister and Honourable Tikoduadua?

MR. S. TAGIVETAUA.- Yes, Sir.

HON. DR. M. REDDY.- How close have they been?

MR. S. TAGIVETAUA.- They have been like a family because we were working together with Honourable Pio Tikoduadua. He was our PSO and PS for so many years, Sir.

HON. DR. M. REDDY.- Honourable Pio knows Honourable Prime Minister's family well?

MR. S. TAGIVETAUA.- Yes, Sir.

HON. DR. M. REDDY.- In and out?

MR. S. TAGIVETAUA.- Sir.

HON. DR. M. REDDY.- The Honourable Prime Minister treated him like his own family member?

MR. S. TAGIVETAUA.- Yes, Sir.

HON. DR. M. REDDY.- On that day the incident happened outside the Parliamentary precinct, were you there?

MR. S. TAGIVETAUA.- Sir.

HON. DR. M. REDDY.- Did the Honourable Prime Minister physically assault him or punch him or...

MR. S. TAGIVETAUA.- For that part, Sir, I did not see that because I was in front of them.

HON. DR. M. REDDY.- Did any other bodyguard see that?

MR. S. TAGIVETAUA.- No, I do not know that, Sir.

HON. DR. M. REDDY.- Did they say anything?

MR. S. TAGIVETAUA.- No, Sir.

HON. DR. M. REDDY.- Was the Honourable Prime Minister angry?

MR. S. TAGIVETAUA.- Off course Sir, maybe he was upset

HON. DR. M. REDDY.- Was he upset about anything?

MR. S. TAGIVETAUA.- For the thing that happened inside the Parliament.

HON. DR. M. REDDY.- What did you know that happened in Parliament that you think made him upset?

MR. S. TAGIVETAUA.- Because of his family, his home. Honourable Pio talked about his home, that means part of his family.

HON. DR. M. REDDY.- What did Honourable Pio say?

MR. S. TAGIVETAUA.- During that conversation Sir, I was in the TV room upstairs.

HON. DR. M. REDDY.- So, you saw the TV?

MR. S. TAGIVETAUA.- I did not see the TV but I watched from outside. I just hear the
....

HON. DR. M. REDDY.- You heard exactly what was said? So, who told you that he said something about his family?

MR. S. TAGIVETAUA.- That is what I heard from upstairs.

HON. DR. M. REDDY.- You heard from the intercom.

MR. S. TAGIVETAUA.- Intercom, Sir.

HON. DR. M. REDDY.- I leave it there.

HON. CHAIRPERSON.- Thank you Honourable Dr. Reddy. Thank you Sir for your answers. Any other questions from the Committee members?

HON. M.D. BULITAVU.- Thank you Honourable Deputy Speaker, thank you Mr. Tagivetaua for coming this afternoon.

MR. S. TAGIVETAUA.- *Vinaka*, Sir

HON. M.D. BULITAVU.- You had said that you heard something from inside Parliament from the intercom?

MR. S. TAGIVETAUA.- Yes.

HON. M.D. BULITAVU.- What did you hear?

MR. S. TAGIVETAUA.- I heard that Honourable Pio was delivering his speech, talking straight to the Prime Minister. What I heard, the last thing was his home and that was the time I was coming down. We were calling to wait for our vehicle so that we can go straight home during that time.

HON. M.D. BULITAVU.- As a result of what you heard, you draw your conclusion, as a result of that, that happened. What happened after that?

MR. S. TAGIVETAUA.- I think that speech by Honourable Pio made PM upset during that time.

HON. M.D. BULITAVU.- When he was upset, what did he do?

MR. S. TAGIVETAUA.- That part I did not see anything from that.

HON. M.D. BULITAVU.- But you can confirm that he was upset because of what he heard?

MR. S. TAGIVETAUA.- Yes, Sir.

HON. M.D. BULITAVU.- Knowing him that you have been with in the last 18 years.

MR. S. TAGIVETAUA.- Yes.

HON. M.D. BULITAVU.- No further questions.

HON. CHAIRPERSON.- Being the bodyguard to the Honourable Prime Minister, what kind of a human being is he?

MR. S. TAGIVETAUA.- He is a very nice person, very kind.

HON. CHAIRPERSON.- Does he help people?

MR. S. TAGIVETAUA.- Yes, Madam.

HON. CHAIRPERSON.- Thank you. Is he forgiving?

MR. S. TAGIVETAUA.- Of course, yes.

HON. CHAIRPERSON.- Thank you. Honourable Members? Honourable Seruiratu you have got any questions?

Thank you, Mr. Samisoni Tagivetaua. Thank you for your time, have a blessed afternoon.
Vinaka.

(Witness No. 5 leaves the room)

Honourable Members, do you feel that you need to call any other witness? From the video or the CCTV footage, there were people around, that is if you feel that you need to.

HON. M.D. BULITAVU.- Honourable Deputy Chairperson, are there other witnesses around? Already here? Parliamentary staff? No?

HON. CHAIRPERSON.- Who do you mean?

HON. DR. M. REDDY.- Let us not witch hunt. You know a particular staff and you want to invite for a particular reason, that is okay. But if you say, “are there any other staff?” What are

you hunting for? If you know a particular thing, for example, I said I want to interview this person, he was there and I invited him. So, whom you want to invite because we are running short of time.

HON. M.D. BULITAVU.- Honourable Chairperson, if there is nothing else then we proceed with the other things that we need to do.

HON. CHAIRPERSON.- Thank you Honourable Bulitavu. So, taking into consideration that there are no other witnesses to be called in, we will move onto the next item on the Agenda but before that, I believe all the Honourable Members would like to watch the video from inside Parliament. Please replay the whole thing. Thank you.

(Viewing of video - Parliament sitting on Friday, 9th August, 2019)

HON. LT. COL. I.B. SERUIRATU.- When was this footage given to them?

SECRETARIAT.- To who, Sir?

HON. LT. COL. I.B. SERUIRATU.- When was this given to the NFP?

SECRETARIAT.- No. This is broadcasted live on television and also on *Facebook*. But with this footage, we just cut it from our system.

HON. LT. COL. I.B. SERUIRATU.- The only reason why I asked it is because of the fact that there were statements made after that. From the Government side, the understanding is when he is referring to “your own house” and it is referring to the Honourable Prime Minister and that is why if you see, by the Honourable Attorney-General and in the *Hansard* Report, after the Point of Order by the Honourable Bainimarama, Honourable Attorney-General said, “Yes, you were.” I was not being personal on the Honourable Prime Minister according to

The only reason why I stated that is because to me, as I see it, he was gesturing, you know, in his presentation and at the same time, but he had the opportunity (this is my reading of it), to link that up with his statement because he was generally just pointing to that and not directly. There were times that he pointed directly at the Prime Minister’s way and then there are times where he is just generalising so that is the normal gesturing that one does whenever he or she speaks.

HON. DR. M. REDDY.- You do it a lot.

HON. LT. COL. I.B. SERUIRATU.- Pardon?

HON. DR. M. REDDY.- You do it a lot.

HON. LT. COL. I.B. SERUIRATU.- Yes, I do it a lot and that is how I see it. If you want to see it again, I

HON. CHAIRPERSON.- Honourable Members, what I believe is, if you all agree, it all started in the House. The allegations, what you did, you look into your own house, the Prime Minister should do it, so there were times when it was saying “the Government” and there were times when it was personalised. So we have to, as a Committee to ascertain whether that statement by Honourable Tikoduadua was provocative. We will have to ascertain whether what do you feel as a Member of the Committee, what did he mean when he said, “you should look into your own

house” because looking at the deliberations, questions and answers and the normal practice of an individual Member of Parliament, how many times did you say “my house” or “your house”.

The normal practice is this side of the House, that side of the House, our side of the House, your side of the House but how many times an individual Member has stood up and said, “My house, your house.” But in this instance, it is very clear that whatever was spoken (it is all in the *Hansard*) that he should know what is happening in your own house. So, we have to, as a Committee, come up collectively with a decision whether this particular statement was the root cause of everything.

HON. DR. M. REDDY.- Madam Chair, two wrongs do not make a right. I think both were wrong. In the first case, I want to prove that Honourable Pio Tikoduadua did make a personal attack on the Honourable Prime Minister. I want to take you to the verbatim, page 22 of yesterday and I read. I go back to the last question on page 21 and I quote:

“HON. DR. M. REDDY.- Now, I will read this statement that you gave in Parliament on that day, the day this alleged event took place. I will read the entire paragraph from Page 2836 of the *Daily Hansard* on 9th August, 2019, and I quote:

“Honourable Speaker, let me talk about yesterday. Honourable Professor Prasad gave the position of NFP on this matter and what my Honourable *tauvu* did is deplorable, despicable. I was raised by a single mother, he should not have said that to every woman.

But, Honourable Speaker, I tell the Government - get off your high horse, you are the last people to talk on this. The Honourable Prime Minister should be the last person talking about violence against women in this House.”

I then said, and I quote:

“Why did you say that the Honourable Prime Minister should be the last person talking about violence against women in this House?”

HON. LT. COL. P. TIKODUADUA.- Thank you, Honourable Chairperson. I know the Honourable Prime Minister as Commander very well and for the dignity of the Honourable Prime Minister, I would ask the Committee and discretion to tread very well unless they want it on public record. But if you want me to answer this, then I am going to answer this.”

So, he is saying, that he knows the Commander very well and for the dignity of the Honourable Prime Minister, let him not tell what he knows about him. That was a personal attack. So, I am saying, that was wrong for him to do.

Then I want to go further on the incident that happened outside the Parliament car park. The Honourable Prime Minister walked and grabbed the lapel of his shirt and he asked him. Whatever he asked, we do not have evidence on the footage. It does not look good and his is wrong. Two wrongs do not make a right. I suggest both of them to stand up in Parliament where they belong and apologise to the House and of course they will be also indirectly sending their apologies to the nation for doing that. It is an honourable thing to do. Thank you.

HON. ADI L. QIONIBARAVI.- Madam Chair.

HON. CHAIRPERSON.- Yes, Honourable Member.

HON. ADI L. QIONIBARAVI.- We have seen the footage how many times. We have questioned the lady and the gentleman that have come in before us. I just wanted to know the truth. My line of questions was trying to establish the truth. I agree with Honourable Dr. Reddy, they are both wrong but if you go back to the House, the Honourable Prime Minister had raised an objection, a Point of Order. I asked that question yesterday and I ask it again today. He was obviously angry. He was provoked by that statement and his Point of Order was not addressed. I am sorry, to me that is the beginning of the problem. If it was addressed, it could have been solved. I am sitting here, that is how exactly I see it now. If he was asked to withdraw the statement, nothing could have happened.

HON. DR. M. REDDY.- Madam Chair, I agree with the Honourable Member but going forward, I mean that is done unfortunately. Like in previous cases, the Honourable Speaker intervened and said, "Honourable Member, you withdraw that statement now." It is done. He did not do that. We cannot go and undo that now. So, I am saying going forward, what do we do?

I am saying that both of them were wrong. The Honourable Prime Minister has said that he is willing to apologise. Honourable Tikoduadua does not admit that he has done anything wrong when here he has admitted attacking the Honourable Prime Minister. Then he went ahead and attacked his family. He said that. I mean, you do not say to the Honourable Prime Minister, "your house" because "house" in Parliament, if you are referring to "Parliament", when I stand up and give a Ministerial Statement, I would say that I want to give this statement for the information of this House, I am referring to 51 Members. If I want to say, "for the Opposition", then I would say it.

I think the Opposition Members need to be enlightened or the Members from the other side except that one Member needs to be enlightened. But when I was say "house", then I mean the entire House, but in this case Honourable Pio Tikoduadua cannot say that he meant for the entire House, and he cannot say (which he is saying) that he meant party - no. You cannot refer the party because the House will mean either the entire House of 51 Members which he says, "no, I did not mean the entire Members." He says, he means the Honourable Prime Minister's party - no. He is intelligent, he meant because the preceding, the previous sentence, he has admitted saying, "let me not open my mouth now, I know the Commander very well" and again let me read and I quote:

"HON. LT. COL. P. TIKODUADUA.- Thank you, Honourable Chairperson. I know the Honourable Prime Minister as Commander very well and for the dignity of the Honourable Prime Minister, I would ask the Committee and discretion to tread very well unless they want it on public record. But if you want me to answer this, then I am going to answer this."

HON. CHAIRPERSON.- So that confirms?

HON. DR. M. REDDY.- That confirms that he meant personal attack on him and then when we went further, said that "you should look at your own house". I am saying that he followed on, on the personal attack to attack his family.

HON. CHAIRPERSON.- Honourable Qionibaravi also admitted now that he was provoked and when the Prime Minister stood up on a Point of Order, you agree that he was hurt, he was provoked, that is why he stood up.

HON. DR. M. REDDY.- I am not linking saying that he was provoked and did that – no. It should not happen. Both should not have happened. I have said it in Parliament before, that we are bestowed with the title called “Honourable”. We are role models, we have just seen the footage, just behind Honourable Pio Tikoduadua, students were sitting there. Of course, we are supposed to be a role model for the entire nation, children in particular. So both should not have happened, both should come to Parliament and apologise for their behaviour.

HON. CHAIRPERSON.- Thank you Honourable Dr. Reddy. As a Committee, we have to come to a decision because when we are compiling our report and our recommendations, when we say that he did a personal attack, Honourable Tikoduadua continuously says that he did not. So, we have to prove that point, like you have done and I think Honourable Adi Qionibaravi has also confirmed that, that personal attack did happen.

HON. ADI L. QIONIBARAVI.- Madam Chairperson, can I say that what I really meant is, the Prime Minister was not happy. He was provoked with that statement.

HON. CHAIRPERSON.-Yes.

HON. ADIL. QIONIBARAVI.- That is why he made that Point of Order. I mean he would not stand up for nothing, there is a reason to stand up and make the Point of Order. He was not happy with the statement.

HON. CHAIRPERSON.- I believe basically a number of Members on both sides of the House definitely perceived that it was a personal attack because if I am not here as a Deputy Speaker or the Chair of this Committee, we will obviously be taking both sides of the comments and the recommendations before we compile a report, but at that moment in time, what we felt as individuals.

I was doing something, when I heard this I said, “Oh my god, what is he saying?” Individually I also felt that it was a personal attack. Like you said he stood up for nothing, he did not stand up for nothing because he was provoked. So basically that confirmed that the statement made by Honourable Tikoduadua was a personal attack.

HON. ADI L. QIONIBARAVI.- It appears to have that effect on the Prime Minister. We can see that he was visually angry in the video.

HON. LT. COL. I. B. SERUIRATU.- Just to support what the Honourable Adi Litia Qionibaravi has stated is, it is consistent in the verbatim of our interviews yesterday. Again one, it is in the Point of Order about the personal attack and again we also see that, that when the Honourable Pio Tikoduadua was confronted by the Honourable Prime Minister saying, “*Na cava o kauta tiko mai kina na noqu matavuvale ena lomani Vale ni Bose?*” (Why did you bring my family into the House?)

That very statement by the Honourable Tikoduadua provoked and unfortunately the Honourable Speaker did not address the Point of Order raised by the Honourable Prime Minister, but, that is the actual starting point of all this.

But then let me ask this question, Honourable Chairperson, for the deliberation and the discussion of the Committee, the guidance that was given to us by the Honourable Speaker was the

prima facie breach of Parliamentary privilege by both the Honourable Tikoduadua and Honourable Prime Minister for the words spoken. So we are concluding that those words spoken is sufficient enough to....

HON. CHAIRPERSON.- Ascertain that there was a breach.

HON. LT. COL. I.B. SERUIRATU.- Yes.

HON. CHAIRPERSON.- Because the first question actually is, was there a breach - yes or no? So, if, yes, then how severe is the breach? This is the second question. This will also be a long discussion as all of us can understand. Now the second question is, how severe is that? The first question is answered, Honourable Members, agreed by everyone that there was a breach?

HON. ADI L. QIONIBARAVI.- Can we just have a time to discuss?

HON. CHAIRPERSON.- Yes, please, you have the time to discuss.

HON. LT. COL. I.B. SERUIRATU.- The verbatim report - 2nd of September.

HON. CHAIRPERSON.- That was the ruling by the Honourable Speaker. So the Committee has deliberated and come to a decision as to whether there was a breach or not. What does the Committee feel?

HON. ADI L. QIONIBARAVI.- Honourable Chairperson, my point is that, whatever that was said by Honourable Tikoduadua made the Honourable Prime Minister angry. It was the Honourable Prime Minister's interpretation of what he said.

I do not have a view on whether what he said was a personal attack on him, my issue is that he was angry, he stood up, he made a Point of Order and that Point of Order was not addressed.

HON. CHAIRPERSON.- Honourable Tikoduadua's comment led to the event. Whatever eventuated later on, that is what you are saying.

HON. ADI L. QIONIBARAVI.- No matter how it was interpreted.

HON. DR. M. REDDY.- No, no, no. I want to ask the Honourable Member. I just proved to that

HON. ADI L. QIONIBARAVI.- What page?

HON. DR. M. REDDY.- Page 22.

HON. CHAIRPERSON.- Of the verbatim.

HON. DR. M. REDDY.- Honourable Tikoduadua said it here and I quote:

“HON. LT. COL. P. TIKODUADUA.- Thank you, Honourable Chairperson. I know the Honourable Prime Minister as Commander very well and for the dignity of the Honourable Prime Minister, I would ask the Committee and discretion to tread very well

unless they want it on public record. But if you want me to answer this, then I am going to answer this.”

I asked him and I quote:

“Why did you say that the Honourable Prime Minister should be the last person talking about violence against women in this House? He said, “The Honourable Prime Minister should be the last person talking about violence against women in this House.”

So I said, “Why did you say that?” He said, “I know the Commander very well.” He made a personal attack so I am asking you, he has admitted here despite the admission you are saying that no. Honourable Member, you are a lawyer by qualification.

HON. ADI L. QIONIBARAVI.- No, no I am trying to follow you, Honourable Reddy. So, I am on page 22.

HON. DR. M. REDDY.- Page 22 - Second paragraph.

HON. ADI L. QIONIBARAVI.- Thank you Honourable Chairperson – that one?

HON. DR. M. REDDY.- Yes. When I asked him and I quote, “Why did you say that the Honourable Prime Minister should be the last person talking about violence against women in this House? He said and I quote, “Thank you, Honourable Chairperson. I know the Honourable Prime Minister as Commander very well and for the dignity of the Honourable Prime Minister, I would ask the Committee and discretion to tread very well unless they want it on public record. But if you want me to answer this, then I am going to answer this.

He has admitted it there.

HON. ADI L. QIONIBARAVI.- Yes I know it is there, I understand that. But then on the other page he is saying something else - page 23.

HON. DR. M. REDDY.- So this will disregard the integrity of the entire version. You know in law, there is another lawyer there, if a moment you find that a witness says something else here and something else there, then the entire evidence is disregarded.

HON. CHAIRPERSON.- The credibility is questionable.

HON. DR. M. REDDY.- You do not trust that witness. Honourable Bulitavu, you are very quiet. Speak up.

HON. A.A. MAHARAJ.- Honourable Chairperson, I would like to echo the same sentiments as Honourable Dr. Reddy as well with regards to the personal attack on the Prime Minister because as alluded to earlier by the Honourable Reddy (whatever was read from the verbatim) and from Honourable Pio’s response was today with regards to another Minister and secretariat staff, et cetera.

It more so looked like a covering-up story, because yesterday he was adamant that had actually said it and he does not want to indulge in that so that it does not become publicly, et cetera. He was talking about the privacy of the Prime Minister and being honourable and today he again

sat in front of the Committee and gave information which was supposed to be confidential in nature. So, he actually did breach the confidence that someone had in him not to speak it out in public.

HON. CHAIRPERSON.- He did breach the confidence.

HON. A.A. MAHARAJ.- Now it does not match what he actually was trying to say yesterday and what he is trying to cover up today. And then another very important thing to note is, and this is simple English, I have been asking the definition with all the witnesses who were present here. What does “in your house” mean and “on your side of the house” mean?

Those two sentences have totally different meanings. It seems like all the witnesses from NFP were trying to portray that both of those sentences have the same meaning when it does not. The intention is quite clear that it was a personal attack and now they are trying to cover up with stories that are actually coming up slowly so that they can have a clear cut on this.

On the first instance it was a personal attack on the Prime Minister which should not have been. As an Honourable Member, we should not target each other and also not target the family. That was the first incident. Second incident that transpired outside Parliament should not have taken place as we are all Honourable Members. My suggestion would be, for both incidents, both Honourable Members need to come into Parliament and apologise to each other.

HON. CHAIRPERSON.- That is sort of a concluding thing. But to come to that conclusion, as a Committee we are deliberating and we have to come up with justifications as to how we can reach that conclusion. That is what we want to put on record, what we felt while deliberating on our findings and our recommendations. So, basically when we conclude that, yes, both the parties are at fault, that is where we have to prove it that both of them are at fault and what justifications the Committee is giving is for them to apologise to each other. Honourable Members, that is what we need to do, we need to justify our decision.

Honourable Members, we had a few names on our list yesterday. Do we want to call any other witness or release them?

HON. DR. M. REDDY.- (Inaudible)

HON. CHAIRPERSON.- Come again Honourable Dr. Reddy?

HON. DR. M. REDDY.- No.

HON. CHAIRPERSON.- So we release them, Honourable Members? Thank you.

HON. DR. M. REDDY.- I do not know about the other Members.

HON. CHAIRPERSON.- Honourable Seruiratu?

HON. LT. COL. I.B. SERUIRATU.- (Inaudible)

HON. M.D. BULITAVU.- Who are they?

HON. CHAIRPERSON.- NFP Caucus and all those people who we got their names from the video. They were told to just be on standby in case the Committee needs to invite them. If you

do not need them then we have to release them. Does the Committee feel we have sufficient information to deliberate, come to a consensus and present our findings and recommendations to the Parliament?

HON. M.D. BULITAVU.- I think, Madam Chairperson, Honourable Dr. Reddy has said that both were wrong.

HON. CHAIRPERSON.- Thank you.

HON. M.D. BULITAVU.- So what I get is that both were wrong.

HON. CHAIRPERSON.- Sorry, first things first, Honourable Bulitavu. Shall we release the people?

HON. M.D. BULITAVU.- No, no, no, I am coming to that. So what happened there is wrong, what happened outside is wrong. So if we need to get witnesses who were outside, I think there is already agreement that what happened was wrong outside, so we do not need them probably. What else for them to

HON. DR. M. REDDY.- Honourable Chair, the question is, what additional information are we needing? I am saying we do not need any additional information. The question is, if any other Member feels that they need some additional information and that will be provided by this particular witness, go for it. I am saying, I do not need any more additional information.

HON. CHAIRPERSON.- Thank you. Secretariat, please release them. We do not need any more witnesses, thank you. If in case throughout our deliberation, if the need arises then we will. Thank you Honourable Members.

HON. ADI L. QIONIBARAVI.- Madam Chairperson, can I just ask, can we just number the pages in the Speaker's Ruling so that we can make reference easily?

HON. DR. M. REDDY.- Where are you reading from?

HON. CHAIRPERSON.- The verbatim?

HON. ADI L. QIONIBARAVI.- Yes, on the Speaker's Ruling.

HON. CHAIRPERSON.- Of that one?

HON. ADI L. QIONIBARAVI.- Yes. Page 3, second paragraph, line 4. Sorry, the whole second paragraph.

HON. CHAIRPERSON.- Page 3?

HON. ADI L. QIONIBARAVI.- Page 3, second paragraph.

HON. CHAIRPERSON.- Okay.

HON. ADI L. QIONIBARAVI.- Let me read and I quote, “Having considered the complaints raised firstly by the Honourable Prime Minister...” - what was that complaint? Is it the Point of Order that he made in the House? Is that it?

HON. DR. M. REDDY.- He said that the Honourable Prime Minister accused Honourable Tikoduadua of making personal attacks against him.

HON. ADI L. QIONIBARAVI.- Yes. When it says that, does it refer to the Point of Order that he did in the House?

HON. DR. M. REDDY.- Yes.

HON. CHAIRPERSON.- Hang on.

HON. ADI L. QIONIBARAVI.- What is it?

HON. CHAIRPERSON.- I will get the Secretary-General to clarify that.

HON. DR. M. REDDY.- Yes, that is what he is referring to.

HON. LT. COL. I.B. SERUIRATU.- If you look at the context in which the Honourable Speaker is saying this then it is in the House, first by Honourable Prime Minister because he raised the Point of Order and then that was the personal attack on him and then Honourable Tikoduadua when he came in saying that he has been assaulted and then by Honourable Professor Biman Prasad.

HON. CHAIRPERSON.- Those two matters.

HON. DR. M. REDDY.- Here it is clearly stated on Page 1 which states and I quote: “Honourable Lt. Col. Pio Tikoduadua made certain accusations against the Honourable Prime Minister which resulted in a Point of Order.” So it clearly says that.

HON. ADI L. QIONIBARAVI.-What paragraph, Honourable Minister?

HON. DR. M. REDDY.- First paragraph (in the middle), it says, ““Honourable Lt. Col. Pio Tikoduadua made certain accusations against the Honourable Prime Minister which resulted in a Point of Order from the Honourable Prime Minister. The Honourable Prime Minister accused Honourable Lt. Col. Tikoduadua of making personal attacks on him.” So that is his complaint regarding that in particular. And Honourable Pio Tikoduadua’s complaint is what happened at the car park.

HON. CHAIRPERSON.- Looking at the first question which I ask Honourable Members, was there a breach? We say as a Committee, “yes, there was”. So we have to justify that, that there was a breach for both parts of the Honourable Members. So what led to that, how it happened and how did the Committee come to a conclusion?

Although the Honourable Speaker had already mentioned that there is a breach *prima facie* it is because we are deliberating as a Committee, the mandate was given to the Privileges Committee. So our deliberations led to these conclusions that there was a breach and then after that, we have to answer those questions; why did we come to this decision so that justification

needs to be done as our findings. As Honourable Dr. Reddy read from Honourable Tikoduadua's interview where he himself admitted. So those kinds of things needs to go in the report to justify our conclusion.

HON. ADI L. QIONIBARAVI.- Madam Chair ...

HON. M.D. BULITAVU.- To be able to ascertain that, if you go to where the Honourable Dr. Reddy was referring to ...

HON. CHAIRPERSON.- Yes.

HON. M.D. BULITAVU.- ... on his question on the verbatim – to establish whether this was a personal attack on the Prime Minister and the line of question that was coming from the Honourable Dr. Reddy. Why did you say that the Honourable Prime Minister should be the last person talking about violence against women in this House – page 32 of the verbatim. The response there, the Honourable Tikoduadua says that he knows the Prime Minister personally. Honourable Tikoduadua says and I quote, “But you want me to answer this and I am going to answer this.”

After that he jumps into and I quote, “Now, if you are implying anything because you have been asking me about Meli Bainimarama, I have never referred to him in name.”

Then the Honourable Dr. Reddy goes onto say and I quote:

“HON. DR. M. REDDY.- Honourable Chairperson, again, I have now asked him the question on this. I did not ask on Meli Bainimarama. That, I asked you earlier on and you said that you did not know about him.

HON. LT. COL. P. TIKODUADUA.- Alright, I did not know about him, yes, of course.”

HON. DR. M. REDDY.- What he is saying there

HON. M.D. BULITAVU.- I think probably Honourable Dr. Reddy, the question probably if it be linked Meli to that statement – violence against women. Probably the answer we were looking for would have come out.

HON. DR. M. REDDY.- No, no.

HON. CHAIRPERSON.- But, look at the following sentence and I quote:

“HON. DR. M. REDDY.- So, your response now says that you know something about Honourable Prime Minister in person with regard to violence against women.

HON. LT. COL. P. TIKODUADUA.- Yes.”

HON. M.D. BULITAVU.- We need to analyse that. We need that and if that falls into a personal attack then probably the answers could be around those questions and answers.

HON. DR. M. REDDY.- I do not think we should now ask him to tell us about the personal life of Honourable Prime Minister. I do not think we should get there.

HON. CHAIRPERSON.- No, no, we are not.

HON. DR. M. REDDY.- He has admitted, I think we should leave it there. He has admitted and therefore the link is very clear. He is saying that he should not talk about non-violence against women. He should be the last person because he knows something about him. He then says that if you are implying about asking me about Meli Bainimarama, I never referred to him that name. I said, "No, because I have already asked you. You said, you did not know. Do not muddy the water." That is what he is saying. I said, "Are you implying Meli?" I said, "I did not ask you about Meli now. I asked you about Meli before." You said, "No." You do not know anything else about Meli. So, I said, "leave it there."

HON. M.D. BULITAVU.- What is funny about this is the answer by the Honourable Pio Tikoduadua himself and I quote:

"Now, if you are implying anything because you have been asking me about Meli Bainimarama, I have never referred to him in name."

There is a slight element of guilt there about the way he was trying to answer the question that it is Meli but you did not ask the name "Meli."

HON. DR. M. REDDY.- No. To answer that I take you back. Somewhere I asked him about Meli.

HON. LT. COL. I.B. SERUIRATU.- Page 20 and I quote:

"HON. DR. M. REDDY.- So, you knew his family well.

HON. LT. COL. P. TIKODUADUA.- I know the family in terms of, I know Mary his wife and I know the girls and Meli.

HON. DR. M. REDDY.- And you knew Meli well?

HON. LT. COL. P. TIKODUADUA.- No, I did not."

HON. DR. M. REDDY.- He said, I did not. Assume if there was any issue of domestic violence with Meli, he has now ruled that out. Therefore, he is now saying, "I know about you Honourable Prime Minister, let me now not open my mouth." He is coming back to say that I have never referred that, so keep Meli out, I said to the Honourable Prime Minister, "... you should be the last person to talk about domestic violence."

HON. M.D. BULITAVU.- Again, that is well established. Everyone attacks everyone in the House but on this occasion there was something more to the attack. It was something targeted at something that only Honourable Pio Tikoduadua and the Honourable Prime Minister knew. That is a very important thing that we need to establish. And what both knew could not come out in our investigation. They only knew and even the Committee did not go far as into digging those bones. We gave them their rights not to talk about it here. That is fine with us. I am of the opinion too, given what the Honourable Pio Tikoduadua said, that was a little bit below the belt. It probably triggered something that the Honourable Prime Minister knew.

HON. A.A. MAHARAJ.- On the contrary Honourable Moses Bulitavu and that is where I was coming from yesterday. Honourable Pio Tikoduadua was very much determined to say that he knows something, that is why he uttered those words in Parliament. But today when we asked him, he had a complete different story which had nothing to do with the Honourable Prime Minister. On one side he said that the intention was exactly to say what he knows about the Honourable Prime Minister but when he actually comes here to tell the story, Prime Minister had nothing to do with that particular story. And then he actually targets Honourable Ministers and other Members within the Government Caucus.

HON. DR. M. REDDY.- I think what may have happened when he went back last night and probably discussed with his party, he must have realised that he had made a mistake and he now wants to cover up. So, he used this opportunity that we wanted to ask him just on the apology, he used that opportunity to take us down that line and say about the other Minister saying that I was referring to cover up the house thing saying, "I said "your house" meaning your Party Minister, et cetera."

HON. CHAIRPERSON.- In the verbatim, if you read through, there were many times, even he was tired that you are asking me with the same questions over and over again. Agree? That he said that, I have just answered, you are asking the question again. Every individual asking him in a different way the same question, he said, "I have answered that." Not once did he mention about any Honourable Member, any relationships - the story today. Upon like a 10, 15 or 20 times of our questioning him, if he remembered today's story he would have related it yesterday but he did not and that is the point made by Honourable Maharaj. So, that is the point to be noted. Suddenly he comes up with a new story to justify his actions.

Honourable Members, do you want to know that story which he was relating to today, the cause of that story, if it will help in any way with our deliberation, then.

(Inaudible)

HON. CHAIRPERSON.- I think, basically, if he had nothing to do with what we are deliberating, then why does he bring it up today? What was his intention to bring it up today?

HON. DR. M. REDDY.- As I said, that was his best attempt to cover up the mangle up that he did yesterday; he let it out.

HON. M.D. BULITAVU.- I think we need to refer to page 30 of the Verbatim, just to tie up with what the Honourable Reddy had, it states and I quote:

"HON. M.D. BULITAVU.- In your 31 years as a member of the military and also knowing him very close from 1999 to 2001, did you see the Honourable Prime Minister as a violent person, given what you said that he should be the last person to say this.

HON. LT. COL. P. TIKODUADUA.- A bit of a loaded question that one. Madam Chair, may I have the right not to answer that question if you do not mind? I will give you the reason why. There are things, irrespective of what this Committee is going to say, about the Honourable Prime Minister I am not going to share in this Committee wherever it takes me. And that I will keep. I have already said this to the Honourable Speaker, that I will keep. And that question, I will not answer, I will not answer that question."

That ties it up.

HON. ADI L. QIONIBARAVI.- Madam Chair, can I just ask the Honourable Dr. M. Reddy, what question did you ask him today that he gave that answer to? What was your question?

HON. LT. COL. I.B. SERUIRATU.- No, I asked that question.

HON. DR. M. REDDY.- You asked?

HON. LT. COL. I.B. SERUIRATU.- He was not referring to the Prime Minister's family. He was not personally attacking the family, so I asked the question, "If you are not directing it to the Honourable Prime Minister, what do you mean by 'your own House'?"

And that is when he went into that incident about a Minister and a Parliament staff, maybe the verbatim will have that account. How soon can we have today's verbatim record of meeting?

DEPUTY SECRETARY-GENERAL.- Sir, the one for yesterday was ready by 5.30 this morning and they were working all night. It might be around the same time as well because we started at 1p.m.

HON. LT. COL. I.B. SERUIRATU.- Okay, I would suggest as soon as it is ready, if

DEPUTY SECRETARY-GENERAL.- We will email it to you.

HON. LT. COL. I.B. SERUIRATU.- We pick it first thing tomorrow morning or even if it is emailed, so that we can read over it. It will help us a lot in our deliberations, I think we are just trying to look at the framework of the reporting, et cetera, but then, we will need to go into the details.

HON. CHAIRPERSON.- But what about today? We do need to put in as much as we can today, otherwise tomorrow, it will be pretty late.

HON. DR. M. REDDY.- May be just to clarify.

HON. CHAIRPERSON.- We continue with our justifications.

HON. M.D. BULITAVU.- I think there are two from Honourable Dr. M. Reddy's question and answer by Honourable Pio Tikoduadua and my question and answer establishes that.

HON. CHAIRPERSON.- I do not know as we do it in committee settings, we keep doing our findings and recommendations on the board, so you keep writing, if it will help the Members.

HON. DR. M. REDDY.- Just going back to what Honourable Bulitavu has said, the question of whether Honourable Tikoduadua made a personal attack is settled now that, yes, he did. Based on the response that Honourable Pio Tikoduadua gave to my question on Page 22 and based on the response Honourable Tikoduadua gave to Honourable Bulitavu's question on Page 30.

Everyone agrees to that?

HON. CHAIRPERSON.- Secretariat, that to be noted. Thank you, that agreed to. Moving forward.

You mean to say that establishes the argument whether it was a personal attack or not. Okay, the Committee has come to a conclusion.

HON. ADI L. QIONIBARAVI.- That has resulted in the Prime Minister raising a Point of Order?

HON. CHAIRPERSON.- Honourable Member can you put your mic on?

HON. ADI L. QIONIBARAVI.- Madam Chair, my question is, are we going to continue and say that because of those words, the Honourable Prime Minister raised - which is on Page 1?

HON. M.D. BULITAVU.- We will come to that.

HON. DR. M. REDDY.- Yes, obviously. That was clear from his side, but, we have clearly established whether Honourable Tikoduadua made a personal attack on him; that is what we have done. That issue is already settled. Why would the Prime Minister stand up at that particular point in time, so that is established. We were trying to establish whether there was a personal attack on the Honourable Prime Minister and his family, which we have done.

HON. LT. COL. I.B. SERUIRATU.- I just have a question for the Committee as well. I am still of the view that the use of the words “own house”, in the interpretation of the Committee is a personal attack on the Honourable Prime Minister as we see it. We have heard all the witnesses, but, as Parliamentarians we have come to know what are the standard languages that we use when we are referring to things – “your Party” or “the other side of the House”. The use of the word, “own house” has a totally different meaning at all to all Parliamentarians except for him perhaps because he knows what he meant and he knows what he says. So I just wanted to put that to the Committee because we are so used to the normal Parliamentary languages, just by the gesture and whatever.

There are other words that would have added clarity to what he was saying apart from his gesture. If he would have stated “your side of the House” or “Prime Minister’s side of the House” or “your own Party”, but, the use of the words, “own house” rings a totally different meaning and that is seen by us as a personal attack on the Honourable Prime Minister and that is why he stood up to raise his objection in the Point of Order.

And that again is seen when he confronted the Honourable Member about bringing his family into the House. That is how it is taken by the Honourable Prime Minister that led to the, and of course, I think that is the general perception of almost every other Member of Parliament except the three NFP Members.

HON. CHAIRPERSON.- You were right. Honourable Member, like I previously mentioned that when you look at his statement and the verbatim, “...Honourable Speaker I tell the Government, get off your high horse ...” whenever he meant the Government he mentioned it - specifically Government. Then he goes onto say, “... get off your high horse, you are the last people to talk on this”, that was the Government. Then he goes personal “The Honourable Prime Minister should be the last person...” and then he said, “...he should be the last, you should know what is happening in your own house.” So, all that was very personalised like Honourable Seruiratu said,

we can kick off writing with this statement and to affirm this further, we can add those statements on page 22 and page 30.

HON. LT. COL. I.B. SERUIRATU.- That is how I see it and I want to hear what the other Members think.

HON. CHAIRPERSON.- Honourable Qionibaravi, when we write the report, we kick off with this particular statement, our argument and to further confirm that, you can add from the verbatim page number 30 and page number 22 to further confirm this statement.

HON. M.D. BULITAVU.- What came out from the verbatim as a result of our questions with Honourable Reddy is evidence. That is evidence - what is sworn. That is the Committee's evidence.

HON. CHAIRPERSON.- Yes

HON. DR. M. REDDY.- Just to answer or respond to the point made by the Honourable Seruiratu about House - reference to the House. I had said that earlier on very clearly that when we refer to "House" we refer to the 51 Members. You cannot say to an individual member or the head of a particular political party, let us say, to Honourable Rabuka, "your house" and meaning that I am referring to his party. That does not make sense or logic. Whenever we do that, I say, "Look at your own party, there are small divisions" to maybe Honourable Bulitavu or someone in the past. I said, "Look at your own party, there are so many smaller divisions." I did not say, "Look at your own house." So, in this case, he had meant his home - his family.

HON. CHAIRPERSON.- Secretariat you have taken note of that particular argument and plus the evidence on those two pages. So, that is how we are going to do findings number one and then we move forward from here. Once we have done the draft then we can go ahead and fine tune it.

HON. DR. M. REDDY.- (Inaudible)

HON. CHAIRPERSON.- No he has consented.

HON. M.D. BULITAVU.- Probably at page 22 too, Honourable Dr. Reddy's question. From the top at the second place where the Honourable Dr. Reddy's name appears and I quote:

"HON. DR. M. REDDY.- So, your response now says that you know something about Honourable Prime Minister in person with regard to violence against women.

HON. LT. COL. P. TIKODUADUA.- Yes."

HON. DR. M. REDDY.- It is here.

HON. CHAIRPERSON.- I think we will have to move forward.

HON. DR. M. REDDY.- Again, I quote:

"HON. DR. M. REDDY.- So, your response now says that you know something about Honourable Prime Minister in person with regard to violence against women.

HON. LT. COL. P. TIKODUADUA.- Yes.”

(Inaudible)

HON. A.A. MAHARAJ.- ... by defining the meaning of “own house” and “on your side of the house” and from there we can link that with all these findings that we have.

HON. CHAIRPERSON.- Kicking off from there because that is where all it started.

HON. A.A. MAHARAJ.- Okay. Because when people read, they should be able to decide on their own what is the meaning of when you say, “your own house.”

HON. CHAIRPERSON.- So that is the first thing. What other evidences are there if the Committee feels that we need to back it up with other evidence. Please, let us get through the current verbatim and see what other evidence can we find to back up this particular statement. If not, then we move on to other findings and supporting evidences, because when the draft is done then we can always go and fine tune it. The Secretariat does the draft, then we go and fine tune our wordings and everything in there. If we had come to a conclusion that both parties are sort of somehow. If we had come to a conclusion that both parties are sort of somehow, we have to see the finding of one party and have how he has breached and the other party and how he has breached. So we need to do that. Our evidence will be our interviews and all those.

The Committee adjourned at 5.34 p.m.

The Committee resumed at 5.56 p.m.

HON. CHAIRPERSON.- Honourable Members, good evening and there is a lot to be done. Let us resume our meeting, hope you had a good break. I have received a response from the Honourable Speaker. I will read it out to you.

“Privileges Committee request for extension of time for tabling of Committee’s Report

I humbly refer to the above matter.

As you are all aware a privileges matter was referred to the Privileges Committee by the Honourable Speaker on Monday, 2nd September, 2019...” so whatever we wrote to him, he has approved.

Thank you and thanks to the Honourable Speaker, he has given us time but believe me we need that time. So we deliberating as much as possible today, because we have time, if you feel that, “okay we will come and do it tomorrow”, the Secretariat also needs time to compile, draft and take legal advice and after that, it will come back to the Committee for us to scrutinise and continue. So it is time consuming. Thank you Honourable Members, let us move on.

We have established a few reasons, if there are any more reasons to confirm that establishment for the justification to carry on but there are two parties concerned - Honourable Tikoduadua and Honourable Prime Minister. So we have to look at both since the Committee has concluded that both are in breach some way or the other, we have to justify who is in breach of what and then we will make a recommendation on what is to be done.

HON. DR. M. REDDY.- Madam Chairperson, I had said that two wrongs do not make a right. I had said that both parties were wrong and then provided evidence of where Honourable Tikoduadua was wrong and now I would say where Honourable Prime Minister was wrong.

Honourable Prime Minister went in a public space, according to him and according to the footage, held his shirt and in the process he felt and obviously he would have felt the force. In this words he felt threatened or he was feared.

HON. CHAIRPERSON.- I believe at that point in time, he did not say he feared the Prime Minister. He said later on, when he came up.

HON. DR. M. REDDY.- Yes, something he said.

HON. CHAIRPERSON.- We will back it up with the verbatim.

HON. DR. M. REDDY.- It was not proper for the Honourable Prime Minister to do that in that place and in that manner to anyone, let alone a colleague or a Member of Parliament, that is not acceptable.

HON. CHAIRPERSON.- You mean to say, it was unparliamentary.

HON. DR. M. REDDY.- That is not acceptable and therefore there is a breach. I do not need to establish that because the Honourable Prime Minister has admitted that he is remorseful. He was remorseful immediately after the incident. To me, normally, people later when they get

into trouble then they say “I am sorry” in mitigation. But immediately within three and a half hours’ time, at 11.30 a.m. this happened, just after 3.00 p.m., he came and approached the Speaker.

So, immediately, as Honourable Tikoduadua has said, he said that his nature was when his temper came down, he realised that “I should not have behaved that way, I should not have acted that way.” He came and apologised, he knew that a wrong has happened.

At this stage, I do not want to compare which is a bigger wrong. I am happy to do that if the need arises. What I am saying that a wrong has happened, he has admitted. There is nothing to establish here. Both are breaches that we need to deal with and I had suggested the manner in which we need to deal with in order to send a message to other Members of the Parliament that this should not happen.

Secondly, to the public that we are human, we made a mistake and we will not be doing this.

HON. CHAIRPERSON.- Thank you, Honourable Member. Honourable Members, the floor is open. Contribute to the motion on the floor about the

HON. DR. M. REDDY.- I wish to add while other Members are thinking that the Honourable Prime Minister realised that he did wrong, he was remorseful. He offered to apologise then, he had already apologised to the Speaker. He offered to apologise to Honourable Tikoduadua. Honourable Tikoduadua did not avail himself. Honourable Prime Minister today, this afternoon when we interviewed him said he is still willing to apologise to Honourable Pio Tikoduadua, there is no doubt about it. But in the contrary, Honourable Tikoduadua, while admitting that he did make a personal attack, did not want to apologise.

Even today, when we asked him two things, whether he would want to apologise and whether he wanted to take an apology from the Honourable Prime Minister, he clearly ruled out himself apologising and he said, he needed time to think whether he would accept Honourable Prime Minister’s apology. I tried my best to ask him if he could give, how much time he needs. He did not say exactly how much time he needed, he did not say that. It is rather unfortunate but we all understand what he went through and he should not have gone through that. No one should go through what he has been through, I agree.

HON. CHAIRPERSON.- But taking into consideration what led to this incident, I believe all of you will

HON. DR. M. REDDY.- I suggest we do not go to there, saying why did that happen, that should not happen.

HON. CHAIRPERSON.- Sorry, we do not want to indulge in the reaction of the action.

HON. MEMBER.- (Inaudible)

HON. CHAIRPERSON.- Yes, separately. I wonder how many of you will agree to it, but most times, when people make mistakes, we do not want to come up and apologise. We do not want to admit that we have made a mistake for as long as possible, we do not want to but it takes a lot of courage and honesty to really admit that, “All right, I have made a mistake”, and I think that was very gallant of the Honourable Prime Minister do admit that he had made a mistake and, “Yes,

here I am to apologise”, for the Honourable Member to realise that and do that in all honesty, not many people will come up and say, “Yes, I have made a mistake.” So, I feel that was great of him to have done that.

So, we have got our Verbatim Reports to support whatever Honourable Reddy has said, the Honourable Prime Minister’s interviews and all that. So, we can pick it out from there.

HON. M.D. BULITAVU.- Verbatim will be ready, and as alluded to by the Honourable Dr. Reddy and I also agree that we do not need to establish anything. The Honourable Prime Minister himself has admitted to what had happened. And also he is remorseful, he has also confirmed that he has apologised to the Honourable Speaker and he still wanted to apologise to the Honourable Pio Tikoduadua..

HON. CHAIRPERSON.- He has made two attempts already.

HON. M.D. BULITAVU.- Two attempts, and on the Honourable Prime Minister himself and what he did, I think that has been established.

HON. CHAIRPERSON.- Do we want to say anything about the other Members who may interviewed in any context? As a Committee, we had interviewed other Members as well so basically, do we want to say anything about those interviews? We have interviewed Honourable Prasad and Honourable Qereqeretabua.

HON. DR. M. REDDY.- Let me start: We do not need the interview of Honourable Qereqeretabua because we are going by the footage and we are going by the *Daily Hansard* and the verbatim of Honourable Tikoduadua. Honourable Prime Minister is very clear. It is in the footage as well as on the *Hansard*, his own interview which he has admitted but I also find a contradiction in Honourable Qereqeretabua’s response.

The moment the the testimony of a witness contradicts then it is thrown out but we do not have to go there because we really do not need that. For example, she said that the Honourable Prime Minister got into the vehicle, he banged his door, but that was true. We clearly see that the security’s hand was on the door, closing it. Now that is the case that even from the other side of the Honourable Prime Minister would have pulled it, it will be difficult because his security guard is controlling the closing of the door. But since we are not using that, we do not worry about it, the Honourable Professor Prasad’s testimony, not using anything at this pointing time, had there been a dispute, et cetera, we would have dug into it.

The only thing we want in the testimony of the bodyguard, if we want to use is, how close the two were. But that is not disputable. Honourable Pio Tikoduadua also said that as a PSO with 31 years of relationship where he brought up how he came up then became Permanent Secretary, then became Minister, and Honourable Prime Minister also alluded to that, so

HON. CHAIRPERSON.- The third party is irrelevant.

HON. DR. M.REDDY.- At the moment.

HON. ADI L. QIONIBARAVI.- Madam Chair.

HON. CHAIRPERSON.- Yes, Honourable Member.

HON. ADI L. QIONIBARAVI.- My view is that because we had called the two; Honourable Professor B. Prasad and Honourable Lenora Qereqeretabua, you might just want to add the care, you know they looked after Honourable Pio Tikoduadua.

HON. CHAIRPERSON.- What do you mean by "...looked after Pio ..."?

HON. ADI L. QIONIBARAVI.- Well, according to Honourable Lenora Qereqeretabua, she came out of Parliament and went down there. She knew after it happened, they went up and they have been looking after him. I suppose what I am trying to say is that, he was affected.

He was affected - Honourable Pio Tikoduadua.

HON. CHAIRPERSON.- After he came out of the Parliament, Honourable Lenora Qereqeretabua came out, so how was he affected in the Parliament?

HON. ADI L. QIONIBARAVI.- No, afterwards, after that.

HON. A.A. MAHARAJ.- Madam Chair, I would actually agree that Honourable Pio Tikoduadua was taken care of by the Honourable Lenora Qereqeretabua after the incident. But what did not match was Honourable Pio said that after the incident, he went back to the Chambers to raise a Point of Order. According to Honourable Lenora Qereqeretabua, they went up to console him and then bring him down. So that is a contradicting information by two witnesses.

HON. DR. M.REDDY.- I think he said the same thing, I think Honourable Pio Tikoduadua said that he went up and then came down.

HON. CHAIRPERSON.- The second time when questioned, he did mention that but initially, he did not. Initially, I remember he did not, but the second time, he said "Yes, I went up", so basically he did not, but how do we tie in that they had looked after him, we have to justify that.

HON. ADI L. QIONIBARAVI.- Only that day, Madam Chair, I think they have been looking after him closely since that day.

HON. CHAIRPERSON.- Actually, what Honourable Lenora Qereqeretabua said was, before the incident happened, she followed Honourable Pio Tikoduadua out for some reasons and even before the incident happened, if you remember.

HON. ADI L. QIONIBARAVI.- Yes, she was watching.

HON. CHAIRPERSON.- Then they went up into their Caucus Room or Party Caucus Room and then they warmed each other. Once we get the verbatim, you can see where she admits that "I told the boys to get ready with their phones, if anything happens, keep your cameras on" and all that. Like it was just like a pre-planning that if something happens, then we all are going to be there, all ready like with armed forces, so basically what led to that kind of action or thought?

HON. ADI L. QIONIBARAVI.- My view Madam Chair, I think I shared it yesterday, it is our natural instinct - women. Once we see, we feel that something is going to happen, we try and make sure that the safety of the family, and for her, she was watching.

HON. CHAIRPERSON.- So it was good on her part that she tried to take precautionary measures for whatever reasons.

HON. ADI L. QIONIBARAVI.- Yes.

HON. CHAIRPERSON.- It is a good thing, but that does not conclude anything.

HON. ADI L. QIONIBARAVI.- No, it does not, it is just the care of the Party.

HON. A.A. MAHARAJ.- Can instinct be taken as proof, as evidence?

HON. ADI L. QIONIBARAVI.- Evidence for what?

HON. A.A. MAHARAJ.- Any kind of like instincts, just a general question.

HON. ADI L. QIONIBARAVI.- We can say that we noted the

HON. M.D. BULITAVU.- Yes, we are on Honourable Lenora Qereqeretabua's statement.

HON. CHAIRPERSON.- Yes.

HON. M.D. BULITAVU.- One thing that came out clearly from the questioning and also confirmed by Honourable Pio Tikoduadua and also the Honourable Prime Minister this morning admitted the words that the Honourable Prime Minister uttered.

Both of them said that there were swears. The Honourable Prime Minister said that he had said something.

HON. DR. M. REDDY.- No.

HON. CHAIRPERSON.- He actually mentioned the word, 'abuse.'

HON. M.D. BULITAVU.- Yes, I told him something.

HON. DR. M. REDDY.- Yes, but he did not say: No. 1, what; and No. 2, the footage is the ultimate, unbiased evidence.

And we are taking the footage and the footage does not allow us to hear, it is not audible. We cannot take Honourable Qereqeretabua's statement because she is not our unbiased witness. If the Honourable Prime Minister would have said, "I recall what I said" then that would have been done and dusted. He did not say that.

No. 2, if the footage would have captured that, then there would have been no question beyond doubt, so we cannot say what he said.

HON. M.D. BULITAVU.- If we await for the verbatim tomorrow, we can look into the Honourable Prime Minister's statement to confirm.

HON. DR. M. REDDY.- Sure.

HON. CHAIRPERSON.- Actually what Honourable Dr. Reddy is saying is, ‘Honourable Prime Minister never told exactly what were the words spoken out.

HON. DR. M. REDDY.- He said, “I can’t recall.”

HON. CHAIRPERSON.- He admitted that, all right, he had a heated argument and he must have abused, but he did not say, “I said this particular word”.

HON. M.D. BULITAVU.- Yes, I know.

HON. CHAIRPERSON.- And so as far as verbal abuse is concerned, I mean I feel that it was difficult for the Committee to ascertain what exactly was spoken on, because as per evidence provided to us in the form of video and recordings of the CCTV footage, the Committee could not make out what exactly was said.

All we know is that, we have got the hearsay evidence and what is the credibility of that particular evidence? I mean I am there to chaperon you or to support you, so how much of it do we believe that was said that that is questionable, what I feel as a Committee Member that it is questionable because what was said the people there heard, Honourable Qereqeretabua heard.

But, to work towards on how we reascertain that word to word that was exactly what was said. So that was difficult for the Committee to ascertain because the evidence which we had on hand in the form of video footage was not clear.

HON. M.D. BULITAVU.- Right, the Honourable Prime Minister knew that the footage had no audio.

HON. CHAIRPERSON.- All right.

HON. M.D. BULITAVU.- And we all know that no sound came out of there and so we cannot hear what both of them were saying.

HON. DR. M. REDDY.- How did the Honourable Prime Minister know that the footage has no audio?

HON. M.D. BULITAVU.- He has already said this morning that he has already watched. If you heard him, he even went on to say, “If you watched the video “

That he had told us this morning, “If you had watched the video” even before the footage was done.

HON. DR. M. REDDY.- No, I think, he maybe referring to the one that is

HON. A.A. MAHARAJ.- The other one inside the Parliament.

HON. DR. M. REDDY.- Unless the Secretariat provided to the Honourable Prime Minister this footage. No, so he has not watched this footage, he must have watched what is circulating in the social media.

HON. CHAIRPERSON.- On the social media.

HON. DR. M. REDDY.- We are not using that.

HON. M.D. BULITAVU.- Yes, we are not using that. But, again

HON. CHAIRPERSON.- We are talking about our findings in reference to this particular video ...

HON. M.D. BULITAVU.- Yes, right.

HON. CHAIRPERSON.- ... where it was in fact difficult for us to get anything from there. So how do we say that, certainty is not there, with conviction and confidence, we cannot say what was said because we cannot get it from the video.

HON. M.D. BULITAVU.- Nor has the Honourable Prime Minister said that he did not swear at Honourable Pio Tikoduadua.

HON. CHAIRPERSON.- No, he did not say, but he said he

HON. DR. M. REDDY.- Did you ask him? You did not ask.

HON. M.D. BULITAVU.- Probably, what we are going to call - "The Honourable Prime Minister did not say that", but probably from the circumstances that happen, and we all know that he had said that, he was angry.

HON. CHAIRPERSON.- No, actually, just today when you asked him, what did you say? He did mention that, he did admit because the Verbatim Report will prove it that, yes, he was angry and he did say some abusive words but exactly what, that we do not know. It was just that in anger, people do say things.

HON. DR. M. REDDY.- Just for the record, he did not say that he used some abusive words, he did not say that. What he said was, he cautioned Honourable Lt. Col. Pio Tikoduadua, "Why did you make a personal attack? Why did you attack my family?" He said that.

HON. M.D. BULITAVU.- If that is the case, we are disagreeing. Probably we have wait for the Verbatim Report, that is the safest way.

HON. CHAIRPERSON.- Yes, definitely. We will refer to the Verbatim Report in whatever circumstances that led to this abuse, whether it happened

HON. M.D. BULITAVU.- If that then, probably we need to call the two NFP workers that were there to be brought ...

HON. DR. M. REDDY.- To rely on NFP workers, you are a lawyer. What would NFP workers come and say?

HON. CHAIRPERSON.- The credibility

HON. M.D. BULITAVU.- Because they were the persons that were seen in the footage.

HON. DR. M. REDDY.- I would not rely on them. I am saying I need an unbiased person, independent person. Our footage is the one, we have admitted that. I am going to go by the footage.

I am not going to go by Honourable Lenora Qereqeretabua or Honourable Professor Biman Prasad said or what the two NFP workers would say.

HON. CHAIRPERSON.- Because they are very closely related to NFP so the credibility is in question. You would agree as lawyer. The credibility, but Honourable Reddy is right, if they can get someone independent because we can always call the Prime Minister's bodyguard who were standing with him too and to ask, "Did you hear what he said?" So, there could be contradictory statements coming out. Someone can say, "Yes, I did" and someone can say "I didn't", so what is the credibility?

HON. M.D. BULITAVU.- It could be the same thing.

HON. CHAIRPERSON.- Yes, definitely, that is questionable.

HON. M.D. BULITAVU.- That would be unbiased too.

HON. CHAIRPERSON.- That is what I am saying, it is questionable. That is why we did not, we know that it can be questionable.

HON. ADI L. QIONIBARAVI.- Madam Chairperson, can I suggest that we call the Tui Namosi.

HON. CHAIRPERSON.- Who is Tui Namosi?

HON. ADI L. QIONIBARAVI.- Honourable Ratu Suliano

HON. DR. M. REDDY.- No, I think

HON. CHAIRPERSON.- He was in the washroom as far as I know.

HON. ADI L. QIONIBARAVI.- He may have heard if it was that loud. It is no worries
....

HON. DR. M. REDDY.- I will not accept his evidence. He is a SODELPA Member, a Opposition Member.

HON. M.D. BULITAVU.- I do not think that the evidence given by the Honourable Lenora Qereqeretabua should be fully inadmissible. There are parts of that evidence taken as sworn evidence which can be collaborated.

HON. DR. M. REDDY.- Madam Chairperson, Honourable Bulitavu is a qualified lawyer, admitted to the bar. He knows very well the moment a witness on stand is found to give contradicting evidence, the entire testimony is thrown out of the window, no parts of it is taken. You know very well.

HON. M.D. BULITAVU.- That is for us to decide.

HON. DR. M. REDDY.- No, the moment a person's evidence or testimony is found contrary then you cannot trust that person's evidence.

HON. CHAIRPERSON.- I am wondering what we are arguing over because the Honourable Prime Minister has admitted that he had made a mistake and he has offered an apology.

HON. M.D. BULITAVU.- Let us wait for the Verbatim.

HON. CHAIRPERSON.- So, basically, yes. It is like establishment

HON. DR. M. REDDY.- What Honourable Mosese Bilitavu is saying that he is going one step ahead. He is saying, "What did he say?" I think you are saying that he swore or something, I do not know. What we are saying is that, we do not know. What he has admitted to which is not in the footage.

HON. CHAIRPERSON.- As per our evidence

HON. DR. M. REDDY.- Which is not in the footage. He has admitted that he asked him.

HON. CHAIRPERSON.- Source of evidence

HON. DR. M. REDDY.- He has admitted that he asked him, "Why did you make a personal attack on me? Why did you attack my family?" He said that.

HON. M.D. BULITAVU.- He has admitted too that he had touched Honourable Lt. Col. Pio Tikoduadua.

HON. CHAIRPERSON.- Yes, he touched and he said there, "It was a touch". To ascertain that touch whether it was a push or a shove or whatever, that is for the Committee to decide. Because with a friendly gesture, if people touch you, a long-time acquaintance, 31 years of relationship, I can walk up to you very comfortably and say, "Hey, Bilitavu, what did you do; why did you accuse my family?" How do we take that? If we want to dramatise it, we can dramatise it, "Oh my God, I was thrown away at three metres ..."

HON. DR. M. REDDY.- Madam Chairperson, I want to ask the Honourable Bilitavu. Myself and you, even though we are in different Parties, different sides, are we having a reasonably good relationship? Are there times where I just say, "Hey, Buli" when I meet you in the washroom. Why do I do that? Why do I do it to Honourable Qionibaravi here? We joke, because I know her from a long time. We worked together at FNU. I have established a relationship with him and know him well, I am able to do that. But I will not be able to do to other Members of SODELPA or NFP because I do not know them closely. I will never go at the personal level but I go to him and talk to him at a personal level, I do that to him, because I know that we have that relationship. I had the relationship with him for a long time.

HON. CHAIRPERSON.- That is what I am trying to get at. Because of their long acquaintance, a relationship which they shared, they must have given good days, bad days et cetera, because 31 years is a long time. I questioned the Honourable Prime Minister and I felt comfortable going up, he did feel comfortable because like he never called Honourable Pio any other name, he always used to address him by the first name. Basically, when I meet Honourable Matanitobua, "Oi, Tau," I cannot do that with Honourable Jale or someone else because I do not know them. I cannot do that, that is actually what we are trying to drive at, that he was comfortable to go and ask his long lost acquaintance, "Hey, why did you do it?" and in that process, he did go like that but how do you classify that?

HON. M.D. BULITAVU.- The Honourable Prime Minister this morning said that he was angry.

HON. CHAIRPERSON.- Yes.

HON. M.D. BULITAVU.- So he touched with anger, so probably he was angry when he touched him and probably we need to look at the Verbatim to establish on

HON. CHAIRPERSON.- Yes, you look at the Verbatim, we can re-look at the video footage if you want to get it practical. If you are not ready for that kind of push, you can fall, you can stumble. You will not just go one step back like that.

HON. M.D. BULITAVU.- Was that a friendly touch or ...?

HON. CHAIRPERSON.- May be it was an anger touch or something, obviously if he was angry, it would be an anger touch, but the impact of the touch, you can classify it as very violent, violent, mild violent or whatever etcetera. You could just classify that what we gather from the evidence provided to us that there was an angry touch but with moderate impact, we need to do that. I will leave it to the Committee.

HON. A.A. MAHARAJ.- Madam Chairperson, I am trying to actually figure out, what are we trying to achieve by this discussion at this point in time? We have come to conclusion that yes, a wrong took place outside the Parliament as well, Honourable Prime Minister has admitted

HON. DR. M. REDDY.- We are trying to see the level of wrong.

HON. M.D. BULITAVU.- After we establish with breach then we have to go and see the seriousness of that breach, then we normally come to a sentence. That is what we are talking about.

HON. A.A. MAHARAJ.- And how we are actually proposing to capture that seriousness of this particular incident when we do not have any audio evidence before us? Whatever we have is the video evidence and whatever we have is what actually Honourable Prime Minister

HON. M.D. BULITAVU.- Our case is premised that what happened in there and the result of what happened in there, that is what we saw in the footage. So our case is premised on that.

HON. DR. M. REDDY.- I beg to differ. I do not think we should link that because by doing so, we are saying that happened, this should happen. No, what I am saying is that, there are two separate complaints: the complaint of what happened in Parliament, we investigated, we have established that there was a breach of Parliamentary Privilege. We are now investigating this and we are saying, there is a breach of Parliamentary Privilege.

HON. CHAIRPERSON.- ... we might say "yes", I believe exactly but the matter is about the recommendations, the findings.

HON. DR. M. REDDY.- Let me repeat.

HON. CHAIRPERSON.- Yes, Honourable Member.

HON. DR. M. REDDY.- There are two complaints, make no mistake.

HON. CHAIRPERSON.- Yes.

HON. DR. M. REDDY.- We are supposed to look at the two complaints: the complaint A in Parliament was Honourable Prime Minister personally attacked? We have established that. The Second complaint is outside in the car park within the Parliament precinct that the Honourable Prime Minister breached the Parliamentary Privilege in terms of how he approached Honourable Lt. Col. Tikoduadua.

HON. CHAIRPERSON.- Yes.

HON. DR. M. REDDY.- We are saying that the manner in which the Honourable Prime Minister approached him was unparliamentarily. So to break it down, he went in a public place, held his shirt to catch his attention according to his own word and in his own words, he asked him “Why did you attack me, why did you attack my family?” We are saying that that is not an acceptable behaviour.

Honourable Mosese Bulitavu is escalating to a different level for which we do not have evidence. He is trying very smartly to get evidence which I am not accepting which cannot be accepted by any court because the person is linked to Honourable Lt. Col. Tikoduadua. I cannot have my wife giving witness about a case for me because the witness is not independent, not unbiased. The evidence that is accepted by us is a footage, unfortunately given the distance, the camera is not able to pick up what was uttered by the Honourable Prime Minister.

HON. CHAIRPERSON.- That is exactly to take up Honourable Lt. Col. Tikoduadua’s case, Honourable Dr. Mahendra Reddy and Honourable Alvick Maharaj, you asked where this conversation is leading to? Why? Because we need to prove that whatever transpired outside was a lead up to the incident which happened inside that eventuated in certain actions by the Honourable Prime Minister outside the Parliament but within the Parliament premises. But for the Committee to accept the evidence from Honourable Lenora Qereqeretabua will be difficult because of these particular reasons. Though she gave this but for these particular reasons, her credibility is in question, that is why the Committee is not in a position to accept that because her arguments are in question because she is a close Member of the Party and her presumptions right from inside the Parliament when she walked out behind Honourable Tikoduadua thinking that he could be in trouble, then going and getting all the people ready, “Get out your mobiles” and all those were through her own record in the Verbatim. That means it was all like, what is the credibility? That is why it is questionable because they had already assumed a lot of things before the actual incident happened. You know where I am coming from.

A lot of things were assumed before the actual incident happened because remember she said, she followed Honourable Tikoduadua, took him up then they had a meeting, then told the boys to “get ready when he goes out, we follow him, we support him, get your mobiles ready”. It was all assumed so that is why I mean, the credibility of her submission could be questionable because it was like a lot of presumptions was there.

HON. ADI L. QIONIBARAVI.- Madam Chair, I am hearing everything that is been said. For me, we have been tasked with this difficult task.

HON. CHAIRPERSON.- Yes, very difficult.

HON. ADI L. QIONIBARAVI.- And I think the expectation is that we should exhaust all possible witnesses. I am wondering why we did not ask that bodyguard that came. Was he there?

HON. CHAIRPERSON.- Why did you not ask anything?

HON. ADI L. QIONIBARAVI.- No, no, I am wondering why we did not ask him. We did?

HON. DR. M. REDDY.- I asked the bodyguard, “What did the Honourable Prime Minister say, something to that effect I asked. He said he could not hear because he was in front.

HON. CHAIRPERSON.- Yes, he was in front.

HON. ADI L. QIONIBARAVI.- Yes, I think that we should be given another day. There must be other people who were there. We must be seen to do it, to find people who were there.

HON. M.D. BULITAVU.- What Honourable Dr. Reddy’s argument is, we will get people but independent people. Like suppose, I am your friend, I am standing here beside you and you want me to come and give evidence then I will obviously be leading more towards you, right. And I could be like talking just like a parrot, pre-planned. This is what you go in there and talk. Then again, the credibility of the submission is questionable. That is why he is saying that if you can find something who is an independent person there, who can give some information, it is good to talk to such people. Do you agree, Honourable Bulitavu?

HON. M.D. BULITAVU.- I think we need to call the guy with the camera. Parliamentary staff.

HON. DR. M. REDDY.- ... to identify whom you would want to invite ...

HON. M.D. BULITAVU.- Process, Honourable Dr. Stay in the process.

HON. DR. M. REDDY.- *Wawa*. You were given the opportunity, you did not. I took an initiative to invite, I gave one name. You did not.

HON. MEMBER.- You do not know, you were not here on Day 1.

HON. DR. M. REDDY.- I was not there on Day 1 too.

HON. CHAIRPERSON.- I asked all the Committee Members before I ask, “Do we release them or not”? Until 6.00 p.m. they were here.

HON. M.D. BULITAVU.- ... to release them and we can call them any time. That is what we agreed.

HON. DR. M. REDDY.- If you continue to call witnesses, we will be here forever.

HON. ADI L. QIONIBARAVI.- Im just going back to the task that we are given. We have to do what we should do, and I think what we agreed to yesterday, we just call the first four, if we need others, we will call them.

HON. CHAIRPERSON.- I am listening.

HON. DR. M. REDDY.- That is true. After we have called the four witnesses, if we need others then we will. So, after the four witnesses, we said, now tell us, “Do we need anyone else”, and I said, “Here, I need this person.” I told her and I told the Secretariat to call him now. I gave the name. You said this is the only one. You did not say that you want anyone else.

HON. CHAIRPERSON.- The Honourable Bulitavu said, “No need to”

HON. DR. M. REDDY.- Yes, you said that no need to.

HON. M.D. BULITAVU.- I do not think but you can release them but if you need them, we can call them back. So, what have we established after that long conversation.

HON. CHAIRPERSON.- I am listening, please, talk.

HON. DR. M. REDDY.- What we have established is that, the two complaints are valid. The two complaints against the two persons are valid and there is a breach and therefore we will now decide what actions should be taken on them.

HON. CHAIRPERSON.- So, if you say that both of them are in breach of *prima facie*, we have to establish how they went wrong, in what aspects and what respects.

HON. M.D. BULITAVU.- That has already been established.

HON. CHAIRPERSON.- So, basically that is established. So, now the Committee will decide what you want to do further.

HON. ADI L. QIONIBARAVI.- We should seek legal advice.

HON. M.D. BULITAVU.- Probably, Madam Chair, you should go to the next term of reference that you probably have, which is to decide the seriousness of the breach.

HON. CHAIRPERSON.- That I already told you, Honourable Members, that was in No. 2, the severity of the breach.

HON. M.D. BULITAVU.- Let us go for No. 2. How serious was the comment or the personal attack that we have already established?

HON. CHAIRPERSON.- My question is how severe is the breach?

HON. M.D. BULITAVU.- We take Honourable Pio Tikoduadua first.

HON. CHAIRPERSON.- Yes.

HON. M.D. BULITAVU.- How serious?

HON. DR. M. REDDY.- Very serious, and let me outline.

i) He attacked the Honourable Prime Minister;

- ii) He attacked a Member of Parliament;
- iii) He attacked in front of a live camera that is broadcasted to the entire country;
- iv) He attacked the Honourable Prime Minister's family;

Very serious, establishes we do not talk about that either now.

HON. CHAIRPERSON.- Alright, you want that on record?

HON. DR. M. REDDY.- It is on record.

HON. CHAIRPERSON.- Yes, please keep. Taking down now.

HON. ADI L. QIONIBARAVI.- I agree but I will take another step. The Honourable Prime Minister had raised an objection, A Point of Order, and it was not actioned.

HON. CHAIRPERSON.- What are you trying to say here?

HON. DR. M. REDDY.- We had discussed that matter with the Honourable Member and I said that "Look, that's a separate matter, we have passed that stage." You could have at the point in time stood up on A Point of Order, and I said, "Honourable Speaker, Sir, no, this is a serious matter, you did not do that." So, I am saying, we cannot go back and revisit that part yet. That is a separate matter against the Honourable Speaker in a way.

HON. ADI L. QIONIBARAVI.- I am not saying it is against the Honourable Speaker.

HON. CHAIRPERSON.- I mean, as I see it, you are questioning the Honourable Speaker's action.

HON. DR. M. REDDY.- No, he is the referee in the House. If there is anything, the players go and complain to the referee. So, if the referee is at fault, you take it to that body.

HON. ADI L. QIONIBARAVI.- Which body?

HON. DR. M. REDDY.- Like the Fiji Football Association, FIFA or whatever.

HON. ADI L. QIONIBARAVI.- In this case?

HON. A.A. MAHARAJ.- In this case, the thing is that, had the Honourable Speaker made a ruling, we could not have actually questioned his ruling in Parliament but because he did not actually make a ruling anyone could have actually stood up at that point in time to actually raise a Point of Order asking him to give a decision but no one did that at that point in time. So, we have crossed that bridge and we cannot go back and now questioned whether the Speaker giving a ruling at that point in time was right or wrong, we cannot question that.

HON. CHAIRPERSON.- Actually, what Honourable Adi Litia Qionibaravi is saying is actually questioning the actions of the Speaker which is not within our jurisdiction. We cannot answer that.

HON. DR. M. REDDY.- Yes, we just end that matter by saying that what Honourable Adi Litia Qionibaravi is saying is right, if the Speaker would have stood up and said, "Wait a minute,

Honourable Tikoduadua, you should not have made that statement, withdraw now.” If he would have withdrawn, the matter would have ended there. That has happened in the past.

HON. M.D. BULITAVU.- That was confirmed by the Honourable Prime Minister this morning. He said they would have been satisfied if that would have been done, we said “yes”

HON. CHAIRPERSON.- I think as a Committee, we cannot, so moving forward.

HON. M.D. BULITAVU.- The seriousness of the Honourable Pio Tikoduadua, we have already identified a few areas which the Honourable Dr. Mahendra Reddy says are very serious.

HON. DR. M.REDDY.- Very, very, serious. Do not doctor my Verbatim!

HON. DR. M.REDDY.- And I said, and let me repeat, on camera, attacking the Prime Minister, the fact of the matter, there is Prime Minister there, attacking is a fellow Member of Parliament, attacking his family on national TV, on camera. Everyone knows that the camera is on and he is going to be televised again in the night, you know it is a recorded programme.

HON. DR. M.REDDY.- ... now compare with what happened outside.

HON. ADI L. QIONIBARAVI.- From what we saw from the video, we can tell that the Prime Minister was angry; the way he walked up, he was angry, the glasses fell, we do not know how it fell, Honourable Pio Tikoduadua picked it up, walked back. Then another conversation there we did not hear in front of Parliament, and according to the Honourable P. Tikoduadua, he did not use the word “frightened”, he was what when that happened. He was looking at every bodyguard’s right-hand in case someone shoot him because they were protectors of the Prime Minister, that is what he said yesterday, so he was apprehended.

HON. DR. M. REDDY.- He did not use the words “shoot him” but he said that he was looking at their right-hands.

So, he was affected just as the Honourable Prime Minister was affected too. One of them used the word ‘depressed’. Was it the Honourable P. Tikoduadua? Only the Verbatim will tell us. Although Honourable P. Tikoduadua, I think, acting as a soldier, I think today he said or was it yesterday, it afterwards when it happened he felt that he had to protect his family and all that.

HON. A.A. MAHARAJ.- Yes, because that time he was not shown. And according to Honourable Lenora Qereqeretabua, he was surprised while that incident was taking place because I clearly remember asking him, if he was actually shocked by those actions, he said, “No”.

HON. CHAIRPERSON.- I remember that.

HON. ADI L. QIONIBARAVI.- is it the glasses?

HON. A.A. MAHARAJ.- No.

HON. CHAIRPERSON.- There is one question here from the Verbatim Report, Page 39:

“HON. LT. COL. I.B. SERUIRATU.- Were you emotionally stable when he confronted you?.

HON. LT. COL. P. TIKODUADUA.- Meaning what? Yes, like if he says I was cool, yes, I was cool. My hands were down, I absolutely had no intention of reprisal. He was coming at me angrily, I did not defend myself. He shoved me I moved back.”

And so can I see that video again.

(Viewing of CCTV Footage)

HON. LT. COL. I.B. SERUIRATU.- Honourable Chairperson, can I say a few things here, but again subject to the Verbatim Report, I did recall that the Honourable Prime Minister said that he touched his collar to draw his attention.

HON. CHAIRPERSON.- Yes, he did.

HON. LT. COL. I.B. SERUIRATU.- So in that case there was no intention to harm. One of the questions that I raised with the Honourable Tikoduadua yesterday was whether he was injured? And I think I asked the Honourable Qereqeretabua whether there was any punches thrown? Which he replied, “No”, and “Was there injury” and I further asked about whether there was an injury report? But, he did say that of course and maybe we will have to see that.

HON. ADI L. QIONIBARAVI.- He had tendered the medical report.

HON. DR. M. REDDY.- No, he did not. He said that there was

HON. LT. COL. I.B. SERUIRATU.- Because when we were trying to ascertain the seriousness of the action taken by the Honourable Prime Minister, I said the context is he was saying that he wanted to draw Honourable Tikoduadua 's attention, that was why he touched his collar.

And then no injuries or whatever sustained, but, again going back to the previous questions about how Honourable Tikoduadua reacted because it happened so quickly, because in any event for all of us, first, you will react and then when you have time then you will try to adjust and cope, that is the normal reaction. It is about the chemistry of the body.

It is either we easily say the term, ‘when you stand and fight or you flee.’ That will always be the initial reaction and then afterwards, then you will then adjust and try to cope, so that was why I had some leading questions on whether you were mentality stable? And, of course, Sir, yes, because he stood and whatever, so that is what I wanted to say.

HON. ADI L. QIONIBARAVI.- Honourable Chairperson, I think what we are discussing now can only be confirmed by an independent legal person.

The gravity or whatever of what had happened on whether it is an assault, obviously it is not assault causing grievous bodily harm, because there was no injury, what else was it and so the person needs to assess our findings and watch that video. I do not think we can do it ourselves.

HON. LT. COL. I.B. SERUIRATU.- Well, Honourable Chairperson, I just want to also state in here particularly when we are dealing with offences, one is the committal of the act, the other thing that is always considered is the intent behind the committal and that is why I was saying that his intent was to draw his attention. So,

HON. ADI L. QIONIBARAVI.- ... for injury, that is why I asked whether someone has called for this pair of glasses. If it fell from there to the ground and got broken, there must have been some force somehow, because it is broken, where is it? Where is the glasses?

HON. LT. COL. I.B. SERUIRATU.- We have contradicting evidence

HON. CHAIRPERSON.- I have checked the Verbatim Report. He said the round thing came off, he did not say it was broken. Can we ask the Secretariat to check the *Verbatim* where he was talking about his glasses? Because sometimes my glasses come off too, and we put it back.

HON. ADI L. QIONIBARAVI.- Yes.

HON. DR. M. REDDY.- Madam Chairperson, I want to make a distinctions between the two events. The first one, it was a premeditated, pre-planned work of Honourable Lt. Col. Pio Tikoduadua. He wrote his speech and he came to say all those things.

The second one, we know very clearly Honourable Prime Minister was going home. We can see it from the footage, he came down, probably the second last step where he looked twice I think and then only he was sure it was Honourable Lt. Col. Pio Tikoduadua there. So, he called and asked him.

Assume for a second, Honourable Lt. Col. Pio Tikoduadua was not there. He would have got on his vehicle, gone home. Now, you would very well recall what Honourable Lenora Qereqeretabua said that they went up, she was worried where Honourable Lt. Col. Pio Tikoduadua was. She could not see anyone except one person, she asked that person, "Where is Honourable Lt. Col. Pio Tikoduadua?" He said, "Inside." She went inside and told him.

I do understand that he was not the cause of that in that instant but he could have avoided it. He decided, "No, I will go down, I have to go to Lami", so what? Instead of Honourable Lenora Qereqeretabua and them stopping him insisting, they said to the other two, "Let us pick our phone, we will record" and I asked her, was this a setup? She was angry, she said to me, "Shame on you for asking that." I said "No, I will ask you again, was it a set up" then she said., "No".

So, what I am saying is that, it was premeditated and planned while the other was not, it was spontaneous. He was going home, unfortunately Honourable Lt. Col. Pio Tikoduadua was there. He spotted him. He was not very sure, he would look twice or thrice and then knew yes, he was, so he decided to go and ask him, "Why are you doing that?" And indirectly, he has said it today that "I have done so much for you, I have done so much for you" but despite that, you tried to publicly discredit me in front of a running camera."

That is what the Honourable Prime Minister said today that he clearly said that. Not in this language but he said that "I have done so much for this person", "Yes, I agree" but despite that "Why did you ..." and that was his burning question inside, that he went and approached and asked him.

HON. CHAIRPERSON.- That statements says a lot, Honourable Members will agree that on one hand Honourable Lenora Qereqeretabua and her team, Honourable Pio Tikoduadua, they knew that upon Honourable Lenora's comment that, "I heard the Honourable Prime Minister saying, where is he," and after that whatever they did, all was assumed. He could have asked, "Where is he," so he can be anyone. But they assume that they were looking for Honourable

Tikoduadua. All the while they knew, they planned, they went up, they sat down, they planned and they talked about it. But the Honourable Prime Minister just walked down and he wanted to go into his vehicle to his home, like he said. But that was like he said, “nothing pre-planned.” It was just spontaneous on impulse when he saw, might as well go and talk to him. So that is what happened.

HON. M.D. BULITAVU.- Sorry, that is why I had asked, “Did one of your bodyguards alerted you?”

HON. CHAIRPERSON.- And you can see he is overlooking, I also actually asked:

“HON. CHAIRPERSON.- ... something in your hand (just go a little bit back), I do not know whether you can you pose to the right, it is very fast because you swing your arms and there is something in your hands like you are holding your glasses like that.

HON. LT. COL. I.B. SERUIRATU.- It is not folded but

HON. CHAIRPERSON.- Yes, it is open.

HON. LT. COL. P. TIKODUADUA.- But it is definitely not my glasses.”

It is saying “there is something in your hands”, he does not deny that there is nothing in his hand, all he says is:

“HON. LT. COL. P. TIKODUADUA.- But it is definitely not my glasses, Honourable Chairperson. My glasses was in my left pocket because the only time that I realised it was broken was when I put the bit that I picked up, (you know the part that fell on the floor) on the tarmac.”

That is what he said, something about “the glasses fell”. So he said: My glasses was in my left pocket because the only time that I realised it was broken was when I put the bit that I picked up, (you know the part that fell on the floor) on the tarmac.”

So whatever part that fell, we did not ask for the glasses, right, that is one other evidence, I do not know whether the Police has taken or he has it, I do not know, but he did not deny that there was not anything in his hands. He said, “but it was not my glasses”, but there is something like a handle of the glasses, and look at it, the way it fell, if it is here, it falls and you pick it up. Look at that moment, if you can really find or you want an expert to come and look at it and actually ascertain that.

HON. M.D. BULITAVU.- Madam Chair, tomorrow, for the writing of our Report, we are getting someone from the Solicitor-General’s Office?

HON. CHAIRPERSON.- First of all, let us do the draft and then they can come and assist us.

I am looking at both their legs. He only moved his left foot backward, that is it. Not like he was pushed, if he had pushed with gravity, look at the feet

HON. M.D. BULITAVU.- How many steps did the Prime Minister take?

HON. CHAIRPERSON.- One step forward, one step backward.

HON. A.A. MAHARAJ.- One and a half.

HON. CHAIRPERSON.- But he was walking towards him.

HON. LT. COL. I.B. SERUIRATU.- If you look at it, Honourable Lt. Col. Tikoduadua is stationary and Honourable Prime Minister is moving.

HON. CHAIRPERSON.- Yes.

HON. LT. COL. I.B. SERUIRATU.- And it is because of that momentum that resulted in the Honourable Lt. Col. Tikoduadua stepping back.

HON. CHAIRPERSON.- One step?

HON. LT. COL. I.B. SERUIRATU.- Yes, it is not by the impact. If you look at it, it just one continuous motion.

HON. CHAIRPERSON.- Yes.

HON. LT. COL. I.B. SERUIRATU.- See, two and then stop.

HON. CHAIRPERSON.- The Honourable Prime Minister's left hand moved there when
....

HON. LT. COL. I.B. SERUIRATU.- Right and left, stop.

HON. CHAIRPERSON.- Only his right leg moving back.

HON. LT. COL. I.B. SERUIRATU.- Because one is stationary, one is moving.

HON. CHAIRPERSON.- I mean talking about the impact, I mean if I really shocked you "Boom" because it was like uncalled for and suddenly if I come in with force, no use your balance, but no one lost the balance there.

HON. LT. COL. I.B. SERUIRATU.- When I look at it, maybe relating to Honourable Lt. Col. Tikoduadua's statement, he had no feelings to *retaliate* or whatever, he was just simply absorbing the momentum of the Honourable Prime Minister and he is moving back. That is how I interpret it from the video because there was a stop and then he was pushed back again then it was the result from that impact, but if you look at it, it is just because he is moving forward, touched the collar, right step, left step and in that step as well, the right step, that is when Honourable Lt. Col. Tikoduadua stepped back as well, after that, they both just stood still and then the conversation occurred.

HON. CHAIRPERSON.- In fact, caught you off-guard because, "Hey, Pio, come here". When he was coming, you mean now that the Honourable Prime Minister actually will not do

anything, so if he was really taken off-guard he would have lost his balance, but which did not happen.

HON. DR. M. REDDY.- Madam Chairperson, I was observing that and I honestly think that if there was force, he would have fallen because he was ...

HON. CHAIRPERSON.- Off-guard?

HON. DR. M. REDDY.- No, no, not off-guard, he was standing straight.

HON. LT. COL. I.B. SERUIRATU.- On his two feet.

HON. DR. M. REDDY.- On his two feet whereas the Honourable Prime Minister was moving to that side. So if there was force, he would have fallen.

HON. CHAIRPERSON.- For lost balance?

HON. DR. M. REDDY.- Yes. So, really in No. 2, it is very clear that the Honourable Prime Minister had no interest and no intention in using force.

HON. CHAIRPERSON.- That establishes the intention ,...

HON. DR. M. REDDY.- Because anyway it was not planned. It happened that he was there at the point in time, he spotted him then he turned and went there to question him.

HON. CHAIRPERSON.- So that means it was an impulsive move.

HON. A.A. MAHARAJ.- Honourable Chair, it does seem like it was planned from the other side according to the witness because they had this instinct that something is going to happen downstairs. They waited until actually Honourable Prime Minister came down. They pre-empted that something was going to happen, people were told to hold onto their phones, people were told that "We need to record" and all these things whether we can say was pre-planned or not, is not totally clearly, but the way one of the witnesses was actually informing us, it did seem like, to put Honourable Lt. Col. Tikoduadua in a situation in front of the Honourable Prime Minister and they knew that something can happen.

HON. CHAIRPERSON.- So their actions ascertains

HON. M.D. BULITAVU.- That is what I am saying. The point that the Honourable Maharaj is now raising and confirmed by Honourable Chair, if that was a pre-plan or something that was staged, we are again validating and putting credit on Honourable Qereqeretabua's statement. We are now going into trying to say that she is credible.

HON. A.A. MAHARAJ.- No, no, no. I am taken wrongly here. I am not saying

HON. M.D. BULITAVU.- Then which witness are you talking about?

HON. A.A. MAHARAJ.- No, no. I am not saying it is credible. It is my opinion as to how I actually look at things. It is just my opinion.

HON. M.D. BULITAVU.- Which witness, Madam, are you referring to that gave evidence that talked about the camera and their planning upstairs – which witness?

HON. CHAIRPERSON.- That is a problem. I agree with what you are saying. If we have to believe everything she says and then base anything on her, that means she is

HON. M.D. BULITAVU.- My point is this. Probably, I will need to seek clarification from the Secretary-General or the Deputy Secretary-General. Our discussion now, probably we have answered the question of facts. What happened there, what happened here, there was contact. What we are now moving to is what we call the question of law? Whether it amounts to what, what other elements that need to be established in terms of it becoming an act and whether it amounts to this offence and that can only be done if we are guided by an independent. Probably someone will come to assist us. I think we need to call it a day and probably the independent legal advisor comes then he will take us through on that. The question of fact probably we have already arrived at.

HON. LT. COL. I.B. SERUIRATU.- Just to start off tomorrow, I think because we will have the verbatim from today as well. Like I said, let us try and allocate some timelines to ourselves. Maybe spend an hour looking at the verbatim reports and discuss issues out of those reports that may add to what we have established thus far and then if we can list out what can also be the next step from there so that it gives us some definite guidelines.

HON. CHAIRPERSON.- Thank you, Honourable Members. If you feel that we have exhausted all our

HON. LT. COL. I.B. SERUIRATU.- Can I ask one quick question?

HON. CHAIRPERSON.- Yes.

HON. LT. COL. I.B. SERUIRATU.- For planning purposes, how much time would the Secretariat need to draft the report because we will have to see the report again and then endorse the report. So what sort of

HON. CHAIRPERSON.- Before I answer that, I would like to know from the Secretariat, whatever we deliberated today, up till now, you could have a draft, have it black and white so that we can go through it and link it to or link up to it. But after we have deliberated, and a full draft copy has been done then an independent legal advice as the Honourable Member said.

Tomorrow we might need an independent or even Deputy Secretary-General or the Solicitor-General to guide us. Basically we might need to do that. After all that is done, we might deliberate until afternoon, maybe five or six, I do not know. One hour we will take to deliberate amongst ourselves, read through our verbatim reports and then come up with questions or some supporting evidence which is what we need to support what we want to conclude. If we have come to a certain conclusion, to support that conclusion, we need to provide supporting evidence.

So, how we are going to do it tomorrow, what time or how much time do you think we will need after that because the Secretariat will then be compiling the whole Report. How much time do you need to do that? One hour, two hours or three hours?

DEPUTY SECRETARY-GENERAL .- Three hours.

HON. CHAIRPERSON.- So, we need to give them three hours and we cannot say 10.00 p.m. we will finish, you go and work till 3.00 a.m. because the next morning is a Parliament sitting. We will need to really work seriously for at least, we give ourselves till what - 3.00 p.m or 4.00 p.m. I know by 3.00 p.m. we will not finish. We will have our lunch and by the time we start it will be 2.00 p.m., 3.00 p.m., 4.00 p.m., at least we will need or at least along with an independent legal advisor. If we start at 1.00 p.m. to 4.00 p.m. maybe it will take three hours. Then we will get a final draft and then the legal advisor and then after that we finalise and then give them to type.

HON. ADI L. QIONIBARAVI.- I thought that the Secretariat will work on a draft that we will see first thing when we come tomorrow, then we will compare the draft together with the *Hansard* and then continue to revise and if we have to look at interviewing another person that can be identified to

HON. CHAIRPERSON.- Inclusive of all that, Honourable Seruiratu needs a timeframe.

HON. ADI L. QIONIBARAVI.- Yes.

HON .CHAIRPERSON.- How much time will they need. Approximately if we give them three hours to compile and come back because once they finish their work, they will have to come back to the Committee for our final endorsement. So, basically we will need to be here after their three hours.

HON. DR. M. REDDY.- Can we meet at 8.00 o'clock?

HON .CHAIRPERSON.- In the morning, Honourable Reddy?

HON. DR. M. REDDY.- Yes with what they have. I know they will be advising the Honourable Speaker, maybe just one or two staff just to

HON. ADI L. QIONIBARAVI.- Will they have a draft by 8.00 a.m.?

HON. CHAIRPERSON.- I think we meet at 1.00 p.m. Because all these staff are really busy with the Honourable Speaker in the morning session, I know. Basically I do not think we want to disturb them in their normal duties. But if you finish early, we have half an hour lunch then we start working.

DEPUTY SECRETARY-GENERAL.- If you want a raw draft by 8.00 a.m then we will provide it.

HON. CHAIRPERSON.- Maybe, Honourable Dr. Reddy I can suggest something if the verbatim reports are ready.

HON. M.D. BULITAVU.- You will need to be with the Speaker. You can give us a raw draft, then you can go and deal with the Speaker.

HON. CHAIRPERSON.- Individually you go through your reports and come prepared at 1.00 p.m.

HON. LT.COL. I.B. SERUIRATU.- I am fine with that, at least we have some information.

HON. M.D. BULITAVU.- Yes, at least we are forming our

HON. CHAIRPERSON.- So it does not mean that we will be sitting at 8.00 a.m. but the draft will be given together with the verbatim reports and you go through it at your leisure, whatever time whether you want to do it at 8.00 a.m. or 9.00 a.m or whatever and when we come back then you have something on hand.

HON. M.D. BULITAVU.- Yes, probably it could be sent to us by email by 8.00 a.m.

HON. ADI L. QIONIBARAVI.- 8.30 a.m.

HON. CHAIRPERSON.- No, we are not actually meeting.

HON. ADI L. QIONIBARAVI.- No.

HON. CHAIRPERSON.- It is just sent to you.

HON. M.D. BULITAVU.- Through email.

HON. CHAIRPERSON.- And that is confidential.

HON. M.D. BULITAVU.-We do it in Committees, we getting the draft by email.

HON. ADI L. QIONIBARAVI.- Yes.

HON. CHAIRPERSON.- So, Honourable Members, decide we meet at 1.00 p.m. tomorrow or 12.30 p.m.?

HON. M.D. BULITAVU.- Probably immediately after the House adjourns.

HON. CHAIRPERSON.- Probably we will have lunch here. Thank you, Honourable Members you're your indulgence, for your time and for your patience. Have a great night sleep and tomorrow morning we will meet at Parliament.

We have some documents at hand submitted by Honourable Tikoduadua if you want to go through it, please you can. If you want a copy, there are copies available. Thank you Honourable Members

The Committee adjourned at 7.20 p.m.

PARLIAMENTARY PRIVILEGES

COMMITTEE

.....

[Verbatim Report of Meeting]

HELD IN THE

COMMITTEE ROOM (EAST WING)

ON

THURSDAY, 5TH SEPTEMBER, 2019

VERBATIM REPORT OF THE MEETING OF THE PRIVILEGES COMMITTEE HELD IN THE COMMITTEE ROOM (EAST WING), PARLIAMENT PRECINCTS, GOVERNMENT BUILDINGS ON THURSDAY, 5TH SEPTEMBER, 2019 AT 1.05 P.M.

Present:

1. Deputy Speaker : Hon. Veena K. Bhatnagar (Chairperson)
2. Minister for Agriculture, Rural and Maritime Development, Waterways and Environment : Hon. Dr. Mahendra Reddy
3. Minister for Defence, National Security and Foreign Affairs : Hon. Lt. Col. Inia B. Seruiratu
4. Assistant Minister for Employment, Productivity and Industrial Relations : Honourable Alvick A. Maharaj
5. Member of Parliament : Hon. Major-General (Ret'd) S.L. Rabuka,
6. Member of Parliament : Hon. M.D Bultavu

Also Present (Secretariat):

1. Secretary-General to Parliament : Mrs. V. Namosimalua
2. Deputy Secretary-General to Parliament : Mrs. J. Emberson
3. Director, Legislative Processes : Mrs. Kalo T. Galuvakadua
4. Manager, Tables Office : Mr. S. Rakai
5. Hansard Reporter : Mrs. W. Kaunibaravi Sovea

HON. CHAIRPERSON.- Good afternoon and Ni Bula, Honourable Members. I welcome you all to the 4th and hopefully our final meeting of the Privileges Committee.

Are there any apologies?

No apologies.

Confirmation and Adoption of Minutes:

HON. CHAIRPERSON.- Are there any amendments to the Minutes for Wednesday, 4th September, 2019?

You have got the Minutes in your files, Honourable Members.

Honourable Members, please, note that with the case yesterday, the Minutes are very brief but the Verbatim Notes are also attached for Members' reference, so I propose that we look at the Minutes for the confirmation and for any changes to the Verbatim, Members can liaise with the Secretariat. So, any amendments?

Page 1, Page 2, Page 3.

May be on Page 1 of the Minutes, I think someone seconded the motion yesterday. Honourable Seruiratu, I think you seconded the motion yesterday, is that right? Yes, there was a mover and a seconder. Honourable Seruiratu seconded it yesterday, did you not? On Page 1, there is the confirmation of Minutes, Honourable Alvick Maharaj moved that the Minutes of the Meeting held on 3rd September, 2019 was the true record of proceedings,

and no Member seconded the motion, but as I looked at Honourable Seruiratu, he shook his head and I took it that he seconded it.

Honourable Seruiratu, can you confirm whether you seconded the motion on the Minutes yesterday.

HON. LT. COL. I.B. SERUIRATU.- Yes, Sir.

HON. CHAIRPERSON.- Yes, so we will just make a slight change in there.

Can I have a mover today?

HON. DR. M. REDDY.- I move that that is the true record of the meeting.

HON. CHAIRPERSON.- Thank you, Hon. Dr. Reddy.

HON. DR. M. REDDY.- Any seconder?

HON. M.D. BULITAVU.- I second the motion, Madam Chair.

Motion agreed to.

Matters Arising:

HON. CHAIRPERSON. SPEAKER.-

Any matters arising?

HON. ADI L. QIONIBARAVI.- This is Matters Arising from our Meeting on the 3rd September, 2019. I spent time to read the Verbatim Reports again. I noted page 22 and 23, our decision that is noted here on 6.1, Page 22 and 23 of the Verbatim on the 3rd September; on the Minutes of the meeting on Page 2, 6.11.

Yesterday we had taken that decision after considering Page 22, can I just read what he said:

“I know the Honourable Prime Minister as Commander very well and for the dignity of the Honourable Prime Minister, I would ask the Committee and discretion to tread very well, unless they want it on public record, but if you want me to answer this, then I am going to answer this.”

We had had based our decision on the personal attack and we had mixed that, together with the second question which is on Page 22:

“you should know what is happening in your own House.”

We focused on what is said on Page 22 to come to 6.11, so when I got to Page 23 last night, I noted what he said when Honourable Dr. Reddy again questioned him, Honourable Dr. Reddy said at the top of Page 23 from Line 3, “In the earlier sentence you said, “in this House”, meaning Page 22, “in this House” meaning that the Prime Minister should not talk about violence against women in this House, in Parliament. Then Honourable Dr. Reddy said on Page 23:

“You should know what is happening in your own House.”

That is from the Honourable Prime Minister. So there is distinction, “Your own House”, and how we base our decision, we base our decision on the question that was put to Honourable Pio Tikoduadua on violence against women in this House, and Honourable Tikoduadua was reluctant to elaborate. That is what we gathered that he knows something about the Prime Minister on women or whatever. We did not press, we did not want to know, but that is what he had said.

I am just trying to say that he was still clear when I read from Page 23 that what he meant was this side of the House which is supposed to be the focus of this matter that Honourable Lt. Col. Tikoduadua attacked him, it was looked at as an attack on his family.

HON. CHAIRPERSON.- Yes, what do you think?

HON. ADI L. QIONIBARAVI.- Yes, all I am trying to say is that, we had based our decision yesterday from Page 22. We looked at the violence against women.

HON. CHAIRPERSON.- Yes.

HON. ADI L. QIONIBARAVI.- And the fact that he was not able to elaborate, but when I was considering it last night, it appeared as it was said by Honourable Pio Tikoduadua that he knew something about the Prime Minister or whatever on women and he was reluctant to say it.

HON. CHAIRPERSON.- Yes, so that confirms.

HON. ADI L. QIONIBARAVI.- That confirms that particular question which is violence against women in this House. Honourable Pio Tikoduadua’s answer answers that one - that particular sentence.

HON. CHAIRPERSON.- The answer confirms.

HON. DR. M. REDDY.- But, I take this 6.11 as both, it was a personal attack on him and we have proved that there.

And also that he attacked his family in the second line of his response in Parliament, because it does not match the House. As I demonstrated that you cannot say your House, because the House comprises all 51 Members. I am saying that he is now changing his story by saying, “No, I did not mean your home, your house, I meant this House.” I am saying he is not credible and he is changing his story. So he did attack his family in that second line.

HON. CHAIRPERSON.- Right now, the question here, Honourable Members, 60 : Consideration of the Severity of the Breach. So the Chairperson invited the Members to discuss the question of breach and the severity. After deliberating on the issue, the Members agreed that there were breaches from both parties.

HON. DR. M. REDDY.- Yes, but, there should be two things written in that, 6.11(a) and 6.11(b).

HON. CHAIRPERSON.- All right, so the secretariat to take note of that and on Point (a), what do you want to be written?

HON. DR. M. REDDY.- What is written there and (b) that there was a personal attack by Honourable Pio Tikoduadua against the Honourable Prime Minister’s family.

HON. ADI L. QIONIBARAVI.- I just wanted to be noted that after reading Honourable Tikoduadua’s response again last night, this man is adamant that he did not mean the Honourable Prime Minister’s family. He

keeps saying “that side of the House”, “your own House” which is the FijiFirst. I would like that to be noted, please.

HON. CHAIRPERSON.- Honourable Member, just before this particular statement you are making now, you made another statement that, yes, he keeps saying that he did not mean his house but what

HON. DR. M. REDDY.- No, Madam Chairperson, what she is saying is that, she does not agree with us on this, and she wants to be noted there. She agrees with the first one, there is a consensus to the first one, but she kind of believes Honourable Lt. Col. Pio Tikoduadua on the second one that, yes “his own house”, well, that is all right.

HON. CHAIRPERSON.- No, but what I am trying to get is just before that statement you said that after his words in the next statement, that he knew something personal about Honourable Prime Minister. So, that confirms.

HON. ADI L. QIONIBARAVI.- That is what I agree.

HON. M.D. BULITAVU.- See we are agreeing on the violence against women, that it is a personal attack or some information he knows about that, that - we are agreeing. That is agreed facts. What we do not agree with is the interpretation of the “House”. So, we need to have those facts.

HON. CHAIRPERSON.- All right.

HON. A.A. MAHARAJ.- Honourable Chairperson, just for clarification what if about this “own house”, “your house” or “his house”, et cetera, to the story that was told by Honourable Lt. Col. Pio Tikoduadua yesterday that why he was referring to a Minister, this and that, he made reference to one of the staff. What if that is a lie? What if that particular person did not even communicate.

HON. MEMBER.- Proof, proof that...

HON. CHAIRPERSON.- At this juncture I feel that we are still in deliberation, right, and we should not conclude anything as yet.

HON. M.D. BULITAVU.- Honourable Chairperson, what we wanted to raise in the Minutes, even probably the Secretariat can note that we agree with the facts that he had personally attacked the Honourable Prime Minister on the issue of violence against women.

On the second part, on the next sentence on the House we do not agree with the facts that it meant the family.

HON. CHAIRPERSON.- Which second sentence are you referring to?

HON. M.D. BULITAVU.- The *Daily Hansard*.

HON. CHAIRPERSON.- Which page?

HON. ADI L. QIONIBARAVI.- Page 23

HON. CHAIRPERSON.- Right, after

HON. ADI L. QIONIBARAVI.- Fourth line at the top.

HON. CHAIRPERSON.- This one? Can you read it?

HON. ADI L. QIONIBARAVI.- "... you should know what is happening in your own House" - your own House.

HON. CHAIRPERSON.- So, it is there, you do not agree that he meant his personal house but he meant the Government House.

HON. ADI L. QIONIBARAVI.- He meant your side, FijiFirst.

HON. CHAIRPERSON.- How do you come to a conclusion on that?

HON. ADI L. QIONIBARAVI.- That is our stand.

HON. M.D. BULITAVU.- That is our stand, we agree with the other parts of the facts that led to our conclusion that it was a breach due to personal attack and the first sentence before that. For that we just want the Committee to note.

HON. CHAIRPERSON.- Just another question, we are still deliberating and if anything comes up subject to more information or anything. Do you think your stance there or you can change, due to further deliberation and more information available of?

HON. A.A. MAHARAJ.- Madam Chairperson, according to what Honourable Mosese and Honourable Qionibaravi are saying, I would like to bring the attention of the Committee to Page 25 of yesterday's Verbatim where Honourable Lt. Col. Pio Tikoduadua was relating the way the lady came to him:

"HON. LT. COL. P. TIKODUADUA.- The way that the lady came to me, the issue meant you know, physical, like that, no, that was not what she said happened. It was the manner that the person came across to her.

HON. A.A. MAHARAJ.- Honourable Chair, I would actually again request or ask Honourable Pio Tikoduadua, was he part of that particular group when this incident took place because we are actually hearing something that he heard from somebody else and cannot be presented to the Committee in that form?

HON. LT. COL. P. TIKODUADUA.- Honourable Chair, the matter was reported to me. Then I asked because the lady wanted to see me. So, I spoke with her and she told me."

This is the basis that Honourable Lt. Col. Pio Tikoduadua is using to say that he was not actually referring to Honourable Prime Minister's own House but on the other side of the House of what transpired at the Warwick Hotel. If that is ascertained before the Committee that this particular sentence was a lie from Honourable Lt. Col. Pio Tikoduadua and the lady did not even report the matter to Honourable Lt. Col. Pio Tikoduadua then what will the stance be?

HON. CHAIRPERSON.- That, we will have to see.

HON. M.D. BULITAVU.- Then we will have to call the lady

HON. CHAIRPERSON.- Yes, obviously.

HON. A.A. MAHARAJ.- Because the whole basis of him saying it was not Honourable Prime Minister's House, their House, it is on the other side of the House, it is based on this story.

HON. CHAIRPERSON.- So, Honourable Maharaj, that is why I asked them, subject to more information and further deliberations, your stance could change. Currently, as it is, in this Minutes you feel that.

HON. M.D. BULITAVU.- We agree with the fact the he did a personal attack.

HON. CHAIRPERSON.- Yes.

HON. M.D. BULITAVU.- Right. The Committee has been deliberating on two possible personal attacks that occurred. One was on the violence of women, the information he knew about the Honourable Prime Minister. The second was on "Your own House." In those two attacks, the Government side has agreed that both were personal. On our take this side, we agree that the first one was a personal attack, the second one could be subject to more interpretation.

HON. CHAIRPERSON.- What is that statement which he made to the Honourable Prime Minister which says, "This is a violence against women and this is a personal attack," because the basis is on "You go and look into your own House." That is what may be we are referring to as personal attack on you that, "You go and look into your own House first. You are the last person to make any statement on violence against women." So, now I get the point that any initially "the violence against women that you are the last person to make that statement or talk about violence against women", so you say, that was wrong on Honourable Tikoduadua's part?

HON. DR. M. REDDY.- Can I suggest that 6.1.1 be amended slightly:

- that there was a personal attack by Honourable Pio Tikoduadua against the Honourable Prime Minister and his family inside Parliament Chambers, that is it.

HON. ADI L. QIONIBARAVI.- I think if we can just go to that line by Honourable Tikoduadua: "Violence against women in the House" and "What is happening in your own House." They are two separate things or issues there.

HON. DR. M. REDDY.- No, in the first one, he says that, "I know about you", and when I asked, "So your response now says that you know something about Honourable Prime Minister in person with regards to violence against women?" He says, "Yes." So, what I am saying that includes personal and family.

HON. CHAIRPERSON.- That was a legal sentence.

HON. DR. M. REDDY.- If you do not agree, that is fine.

HON. ADI L. QIONIBARAVI.- I think, Madam Chairperson, if it just to be noted, just take note of the differences between the two sentences and we are agreeing to the "Violence against women in this House, that the Prime Minister should be the last person", we agree to that but

HON. DR. M. REDDY.- Where did he say, "Violence against women in this House?"

HON. ADI L. QIONIBARAVI.- Here, it is on Page 22, it was your question.

HON. CHAIRPERSON.- All right, let me read that part.

HON. ADI L. QIONIBARAVI.- At the top.

HON. DR. M. REDDY.- Which one?

HON. ADI L. QIONIBARAVI.- 22.

HON. CHAIRPERSON.- Can I read the Verbatim, please?

HON. ADI L. QIONIBARAVI.- Your question was, “Why did you say that Honourable Prime Minister should be the last person talking about violence against women in this House?” - that was your question.

HON. DR. M. REDDY.- Right. What I am saying is that, in this House in Parliament, he is saying, “Honourable Prime Minister should be the last person to talk about violence against women in this House.” So I am saying, he is saying, “You” then I asked, “Do you know something about him and violence against women, women at his home, et cetera?” He said, “Yes.” So I am saying, that is a personal attack on him and also his family because “he is violent against women.”

HON. ADI L. QIONIBARAVI.- I do not know whether he said the “family”.

HON. M.D. BULITAVU.- He knows about something about the Prime Minister on violence against women.

HON. DR. M. REDDY.- Yes.

HON. M.D. BULITAVU.- Yes, we agree with those facts. That is the personal attack.

HON. DR. M. REDDY.- Right.

HON. M.D. BULITAVU.- But on trying to move that definition of “House” to family, we have reservations.

HON. CHAIRPERSON.- Honourable Mosese Bulitavu, if I may interrupt here, if you read the Verbatim because the words spoken, the sentences, the statements were just leading up to that. When he said “The Honourable Prime Minister should be the last person talking about violence against women in this House. He should be the last, you should know what is happening in your own House.” That sentence is not somewhere else, it is made straight away after he told him that he should be the last person to talk about violence against women, and then he said he should be the last, you should know what is happening in your own House.

So, basically those two sentences were not like said in one hour or the differences of five minutes after each other, it was just simultaneous, it was just leading up the question. So that is the reason maybe it came to a conclusion that yesterday they were spoken together, that “you should be the last one and you should look into your own House”. If that own House was spoken somewhere else in another statement or in another context then you can say “All right, there are two separate pieces but they are altogether in the Verbatim.”

HON. M.D. BULITAVU.- No, we just wanted to

HON. CHAIRPERSON.- So that is where we are deliberating on now. We have to get a good clarification on that as well, because I do not agree, I have to justify why I do not agree here.

HON. M.D. BULITAVU.- Ours, Madam Chairperson, is very easy. We agree with the Government side on the first attack, that is the agreed facts. On the second one, we differ because of our interpretation of the “House”. So not in any way takes anything away from what we have already found about Honourable Pio

Tikoduadua, that he breached. We agreed with the first part of the facts but we disagree with the second part but not in any way that will affect what we have concluded yesterday that he breached.

HON. CHAIRPERSON.- What is your justification for not agreeing.?

HON. M.D. BULITAVU.- Our interpretation from the evidence so far gathered that the Honourable Pio Tikoduadua has already said what he meant in the House and the Honourable Prime Minister has said what he had thought about the same thing. So one; one. There was no other witness that was called to collaborate that too.

One said what he meant and one said what he thought was the meaning of what the other said.

HON. CHAIRPERSON.- As an individual Member of Parliament when these words were uttered, you were all sitting there like Honourable Seruiratu and the others say it was not a practice whereby we are deliberating as a Committee now just echoing what Honourable Seruiratu said the other day that normally in the House, how many times you have said that “My House”. Did you ever said “My House” or said “the other side of the House”? The argument we discussed at length the other day that, yes, Honourable Seruiratu.

HON. LT. COL. I.B. SERUIRATU.- Madam Chairperson, I am of the view that if we have agreed to personal attack on the issue of violence against women then that is agreeing to the fact that that was the personal attack on the Honourable Prime Minister. I am of opinion if that is the case then our interpretation of the “own House” is irrelevant in this case, because we have agreed already that the issue was the violence against women. He has agreed that there are violence against women committed by the Honourable Prime Minister which he is aware of. In that case, the interpretation of the “own House” is irrelevant.

HON. CHAIRPERSON.- And you do not need to put it in the Minutes, even indulge in their own House, if it is irrelevant then you just said that we have all agreed because of this particular point?

HON. DR. M. REDDY.- No, no, I do not agree. I am of the firm belief that Honourable Pio Tikoduadua at that point in time, when he uttered the word “House” referred to the Honourable Prime Minister’s house, and I stand by it. But, the other side, does not agree and they were entitled to it, and we should note that and we move forward.

HON. M.D. BULITAVU.- The problem too, Honourable Deputy Chair, that the Honourable Dr. Reddy did not put to Honourable Tikoduadua, you were referring to “this House”, to his family, you were referring to that incident.

HON. DR. M. REDDY.- No, I did.

HON. M.D. BULITAVU.- That was not put out clear and that did not come out as evidence properly ...

HON. DR. M. REDDY.- No, I did. But he continued ...

HON. M.D. BULITAVU.- ... for us to make a decision.

HON. DR. M. REDDY.- ... to say that his use of the word “House” meant, this House. But, I clearly told him, “Here is the answer on Page 23”. But he is saying, he is giving this explanation that “No, he meant “House” means his party, right. I do not take it because how can you say house means “this House”. We have never ever heard in Parliament, you refer to a head of a political party, Honourable Rabuka or Honourable Biman Prasad saying, “Look at your own House”. We said - look at your own Party, there are small divisions. But I think we need to move on, we note it. They do not agree, note it. It should be noted.

HON. ADI L. QIONIBARAVI.- How is it going to be revised. Are there two separate issues? Can we just hear from Honourable Seruiratu again, please, on your interpretation?

HON. LT. COL. I.B. SERUIRATU.- No, because I remembered that in our previous sitting, I did say that “own House” is subject to interpretation because the Honourable Tikoduadua said that he knew what he said and what he meant. But the interpretation from the Government side, including the Honourable Prime Minister is that it was a personal attack. So, it is something that is very hard right now, given the witnesses we have to be cleared beyond reasonable doubt. So, it is subject to interpretation.

HON. CHAIRPERSON.- My stand is that

HON. DR. M. REDDY.- He came back and explained yesterday by saying that “House”, I meant another Minister. We want to prove that he lied yesterday on oath. I want to prove that he lied on oath. We will call an evidence.

HON. A.A. MAHARAJ.- And that is where I am coming from as well. When I actually said that his whole statement is wrong. We need to bring in a witness, who can actually clarify whatever Honourable Pio said.

HON. CHAIRPERSON.- AIL right, Honourable Members, this depends on the next witness so we move on with the Minutes and then once we have interviewed the next witness, you can then think about amending that or not. Is that all right? Agreed by Honourable Members. We will talk once we have spoken to the next witness then they will confirm whether they want to amend that or not - 6.1.1.

HON. ADI L. QIONIBARAVI.- Madam Chair, who is the next witness.

HON. CHAIRPERSON.- All right. Are the pages of the Minutes all right, except for that? Thank you, Honourable Members. Thank you.

Honourable Members, as all Members would have known that Honourable Pio Tikoduadua in his statement to the Committee yesterday, Wednesday, 4th September, 2019 advised that his reference in Parliament was for the Honourable Prime Minister to look at his own House, was in fact a reference to the FijiFirst Party. He mentioned an event that involved a Minister who was being violent to a staff of Parliament at a workshop in the Warwick Resort. In his statement, he advised that at the request of the staff of Parliament, that she went to meet him and she does not want to lose her job and for them not to take it further. For the purpose of clarity, I have been legally advised that we should call on the lady that was referred in the discussions by the Honourable Pio Tikoduadua yesterday to establish a few facts before we proceed.

So, can the Secretariat call the Parliament staff in question, Ms. Komal Khushboo, to be summoned in, please.

WITNESS NO. 6 : MS. KOMAL KHUSHBOO

(Sworn on Holy Bible in English)

HON. CHAIRPERSON.- Ms. Komal Khushboo, thank you for availing yourself. I kindly welcome you to the Privileges Committee and I wish to inform you that you have the option to give sworn evidence or make an affirmation.

I thank you, Ms. Khushboo, and I open the floor to the Committee Members for their questions.

HON. A.A. MAHARAJ.- Ms. Komal, there has been an allegation by one of our witnesses who has confirmed something on the Verbatim, so we would just like to get the confirmation from you whether this particular incident as was said by one of the witnesses actually transpired or not?

Honourable Chair, can I read through the Verbatim?

HON. CHAIRPERSON.- Yes, please.

HON. A.A. MAHARAJ.- This is on Page 25.

HON. CHAIRPERSON.- Of yesterday's Verbatim?

HON. A.A. MAHARAJ.- Yes:

“HON. LT. COL. P. TIKODUADUA.- The way that the lady came to me (and in this case, the lady is referred to you), the issue meant you know, physical, like that, no, that was not what she said happened. It was the manner that the person came across to her.

HON. A.A. MAHARAJ.- Honourable Chair, I would actually again request or ask Honourable Pio Tikoduadua, was he part of that particular group when this incident took place because we are actually hearing something that he heard from somebody else and cannot be presented to the Committee in that form?

This is the scenario that we are talking about with regards to our Warwick Retreat. Honourable Tikoduadua went on to say:

“HON. LT. COL. P. TIKODUADUA.- Honourable Chair, the matter was reported to me. Then I asked because the lady wanted to see me. So, I spoke with her and she told me.”

Was there any intention of you to speak to Honourable Pio Tikoduadua with regards to that particular scenario?

MS. K. KHUSHBOO.- Thank you so much for that question. So to put context into that, the day after the incident, I was approached by many MPs and so I was approached by a staff member who advised me that the Honourable Pio wanted to see me. So I went to Honourable Pio and if you would like to know about the conversation that ensued I am happy to do so.

HON. A.A. MAHARAJ.- Just coming back, Honourable Pio Tikoduadua said, then I asked, because that lady wanted to see me. Did you had any intention before you were told?

MS. K. KHUSHBOO.- No. I did not have any intention.

HON. A.A. MAHARAJ.- And so I spoke with her and she told me. Would you be able to tell us?

MS. K. KHUSHBOO.- About the conversation that transpired?

HON. A.A. MAHARAJ.- Yes.

MS. K. KHUSHBOO.- If you would like to know?

MS. K. KHUSHBOO.- If you would like to know, sure, so what had happened is, I was approached by a Caucus staff and they told me that Honourable Pio Tikoduadua would like to see me.

HON. CHAIRPERSON.- I am sorry to interrupt, Honourable Member. First, I would like to know how did you end up with Honourable Pio Tikoduadua.

MS. K. KHUSHBOO.- Madam, the day after the incident happened, a lot of Members of Parliament had approached me regarding the issue. Well, some were concerned, someone asked what I wanted to do and so I believe Honourable Pio was just one of those Members of Parliament who did so.

HON. CHAIRPERSON.- So, he called you?

MS. K. KHUSHBOO.- Yes, he called for me.

HON. CHAIRPERSON.- All right.

MS. K. KHUSHBOO.- So, the conversation that transpired was that he introduced himself as the President of NFP and told me that he had heard about the incident that had taken place. He offered his condolence (you could say that) and said that I did not have anything to worry about and if I wanted to take the matter further I had his and his party support. I thanked him for his concern but I told him at the same time that I had no such intention of taking this matter further and I wanted it to go away. He said, "All right", and he said that if I did want to pursue it, he would give me some time to think about it and I had that opportunity to go back to him. I declined the offer. That was the conversation.

HON. A.A. MAHARAJ.- So, there we are, Madam Speaker. As alluded by Honourable Pio Tikoduadua that Ms. Komal approached him with regards to that particular scenario and what is written in Verbatim, they do not match.

According to Honourable Pio Tikoduadua, Komal approached Honourable Pio Tikoduadua but the witness over here is confirming that she was actually approached by NFP Caucus staff.

MS. K. KHUSHBOO.- Are there any questions?

HON. SPEAKER.- Yes, Honourable Bilitavu.

HON. M.D. BULITAVU.- Thank you, Honourable Deputy Chair. The incident that took place, can you tell us a little bit on what happened?

MS. K. KHUSHBOO.- Sure, so on the night of the dinner of the Retreat, just at the cocktail hour, that was when the first incident ensued. We were all gathered around and I believe Honourable Sudhakar was may be probably slightly tipsy, I am not sure. But he asked me to get him a bottle of beer. I went and got him a bottle of bear, he drank it. After a while, he asked me for another bottle of beer and said that since I am not doing anything, I can get him that. I went and got him another bottle of beer, however, I was a bit uncomfortable by the situation, therefore I left the area.

So, moving on to the dinner, I was seated at one of the tables when Honourable Lenora Qereqeretaua and a few other guests approached and asked if they could sit at my table. I said, "Yes". And we all were having a conversation when Honourable Sudhakar came and sat at the table. So, I believe at this point may be he was drinking I am not too sure but amidst the conversation, Honourable Sudhakar was talking about something with some other girl, and then he asked me if I was single, and I did not respond to that. He then went on to say that "All right, I forgot that you're interested in girls, and not man. Then he took my friend's name and said that he

saw us kissing or something by the Constitution Avenue. That was my cue to get up and leave the building. So, I left and I went to sleep and then the next morning I woke up and there were people sharing screenshots and posts of Honourable Lenora to me regarding this post and I understand she was concerned.

However, that day, the day after the incident, I was approached by many Members. I was approached by the media and many other people who wanted to get my story or what happened. My standard response to each and everyone of them as it was to Honourable Pio Tikoduadua was that, thank you for your concern, however, I do not wish to pursue this matter further and I would like to leave it at that.

HON. LT. COL. I.B. SERUIRATU.- Two questions: was it merely a conversation between you and the Honourable Sudhakar on that night?

MS. K. KHUSHBOO.- Thank you for your question, Sir, as unimpressive that question was, it was just something he said while he was drunk and I did tell him that I did not appreciate that later on when he came to apologise to me. What I had said to my heads was that I did not want to pursue this matter further but as an Honourable Member who was sitting at the same table as an Opposition Member, he should have been more careful with the words he chose.

HON. LT. COL. I.B. SERUIRATU.- Was any violence, assault involved?

MS. K. KHUSHBOO.- No.

HON. CHAIRPERSON.- Thank you, Honourable Member. From what I read, I want to read from the verbatim what Honourable P. Tikoduadua said:

“All right, what I meant was, I know that within FijiFirst, I know a Member who has been violent in my view against a women that has been subdued. So the question by Honourable Lt. Col. I. Seruiratu that is if he was violent, you said “No”.

MS. K. KHUSHBOO.- Yes, thank you, that is his views.

HON. CHAIRPERSON.- Again he says: “Now this personally had been related to me by the victim.”

Personally related to him by you, which you have said.

MS. K. KHUSHBOO.- Yes.

HON. CHAIRPERSON.- He called you to interrogate

MS. K. KHUSHBOO.- And so did many other Members, that is true.

HON. CHAIRPERSON.- “Because the victim has asked and it is a member of staff of Parliament, that I do not raise this at all because the Member of Parliament is a Minister, who in my view, was being violent in the way that he had related to a member of staff of Parliament when we were in Warwick Hotel on our first time. If you want, I can name the member and I will name him and also if the Committee insists, I will name the lady that came to see us and Honourable Qereqeretabua. That lady who came to see us about what the Honourable Minister had done to her or had said to her, of which she was really really sad”.

That is what Honourable Lt. Col. P. Tikoduadua said though you said that you wanted to leave the matter at that, you did not want to take it any further. He was ready to name you.

MS. K. KHUSHBOO.- Thank you, Madam. I believe that I think most if not all Members know about the issue that happened, it sort of just went viral. As far as the Honourable Sudhakar incident, I feel that that was rude, disrespectful, what he said to me, however, as I had stated many times, I did not want to pursue it further.

HON. CHAIRPERSON.- You said he apologized to you?

MS. K. KHUSHBOO.- Yes, he did. He said that he did not know that it would offend me and it did offend me.

HON. CHAIRPERSON.- Did you accept his apology?

MS. K. KHUSHBOO.- Yes, I told him that I will leave it at that.

HON. CHAIRPERSON.- Thank you, any other questions, Honourable Members?

HON. ADI L. QIONIBARAVI.- Just one question, how did you feel after the conversation?

MS. K. KHUSHBOO.- With Honourable Sudhakar?

HON. ADI L. QIONIBARAVI.- Yes.

MS. K. KHUSHBOO.- Well, I was hurt and I did end up crying, but that would be more to me being an emotional person, but it was very embarrassing because it was a table full of people and there was just awkward silence right after that, so at that very time, it was really hurtful. That is true, it did hurt.

HON. ADI L. QIONIBARAVI.- So, at which point did he apologize to you? The next day?

MS. K. KHUSHBOO.- The next day, he came up to me and he said that it was a joke. The thing is, if I have to be completely fair, he has never spoken to me in that manner ever before, nor has he ever made me uncomfortable in his presence before, so it was a bit of a shock to me for that very reason, otherwise I have never heard him talked to me in that manner ever. He has always been respectful before that, but

HON. CHAIRPERSON.- So you are giving him the benefit of the doubt of being like as you said, tipsy or a little bit drunk.

MS. K. KHUSHBOO.- Yes, and it was a good lesson learnt and I would rather stay away from situations such as that. Thank you.

HON. CHAIRPERSON.- No, but actually, right now, your case is totally a different case and you are at privilege to take this matter to whichever direction you want to sort this out, but right now, what we are dealing with is to ascertain whether you went to him on your own or he called you?

MS. K. KHUSHBOO.- Well, technicality, I did go to him, but only after I was approached to go see him.

HON. CHAIRPERSON.- Thank you.

HON. A.A. MAHARAJ.- Another thing, Honourable Chairperson, just from the Verbatim Report, Honourable Tikoduadua goes ahead and says “On her request I went to see her and then the Parliament staff said, “Please, I do not want to lose my job, so please do not”, were this your words that you feared your job loss and then you did not pursue anything further?

MS. K. KHUSHBOO.- Now as far as I can remember, I cannot say what I said verbatim, but I do remember that I do not know who I said it to, but I did say that I do not want to be caught in the middle of a political drama or I do not want to be caught in any matter of that sort.

I believe I spoke to you as well with regards to this in the capacity of Government Whip. I think I just had a standard response that I do not want to be caught in the middle of this.

HON. A.A. MAHARAJ.- Thank you.

HON. DR. M. REDDY.- I need a clarification.

MS. K. KHUSHBOO.- Sure.

HON. DR. M. REDDY.- It says here that Honourable Tikoduadua said “All right what I meant was I know that within FijiFirst, I know a member who has been violent in my view against women, was he violent?”

MS. K. KHUSHBOO.- No, he was just rude.

HON. M.D. BULITAVU.- Honourable Chairperson, just the last question. That should not have been done by a Member of Parliament - a male to a female?

MS. K. KHUSHBOO.- Sorry.

HON. M.D. BULITAVU.- What he did should not have been done to you?

MS. K. KHUSHBOO.- That I agree with.

HON. CHAIRPERSON.- Thank you, Ms. Komal Khushboo, thank you for your time.

MS. K. KHUSHBOO.- Thank you so much.

(Honourable Members of the Committee commences deliberation on the Draft Report)

HON. CHAIRPERSON.- *Vinaka*. Honourable Members, we will continue with the deliberation.

HON. DR. M. REDDY.- He lied on oath that he was violent, he was not violent.

HON. CHAIRPERSON.- Yes, Honourable Qionibaravi.

HON. ADI L. QIONIBARAVI.- I just feel sorry for this young lady to be called up and be interviewed like this. The issue for me is that it happened, however we interpret that conversation, it happened, not so much who called her or who told her to go and see Honourable Tikoduadua. The issue is, that conversation happened.

HON. DR. M. REDDY.- I suggest that you take it this way that this Committee is not dealing with whether anything happened to her or not, we need to understand that. This Committee is dealing with whether that witness had told the truth to this Committee.

(Honourable Member interjects)

HON. DR. M. REDDY.- *Wawa, wawa*, wait, wait, let me finish. You need to state that here. We want to determine whether the testimony of Honourable Pio Tikoduadua, on oath to this Committee was nothing but truth.

HON. M.D. BULITAVU.- That was the story.

HON. DR. M. REDDY.- *Wawa, wawa*, wait, wait.

HON. M.D. BULITAVU.- It took place.

HON. DR. M. REDDY.- It was not about taking place.

HON. M.D. BULITAVU.- It took place.

HON. DR. M. REDDY.- No, wait, here it says that that person, the Minister, was violent. I asked her in front of you whether he was violent? She said, no, he was rude, not violent.

HON. DR. M. REDDY.- No, no, you will not interpret and I will not interpret. We asked her whether he was violent she said, 'he was not violent.' Thank you.

HON. M.D. BULITAVU.- It will not be helpful if the discussions

HON. DR. M. REDDY.- No, I am saying - that is all.

HON. M.D. BULITAVU.- Yes, that is all, you have made your point.

HON. DR. M. REDDY.- I have made my point, that is why.

HON. M.D. BULITAVU.- No need for that. That issue is not of what had happened, whether that Member should be tried, it is for a separate Committee.

That is why we had agreed earlier to say "Let us agree with the issue of violence against women that, that ~~was~~ not personal. Do not go into his own house, when we went to his own House, then we went into what Honourable Pio Tikoduadua meant and we went to this case - violence against women, that was not personal. Do not go into "His own House", when we went to his own House then we went into what Honourable Lt. Col. Pio Tikoduadua meant, then we went to this case and it can open up another can of worms here. That is how we digress, if we had agreed with what the Leader of the House said, let us agree on the agreed facts on the first part - violence against women, we would not have reached where we have reached now.

HON. DR. M. REDDY.- No, I am saying if that case interests you, you pursue it but this Committee cannot pursue. This Committee cannot pursue that case

HON. CHAIRPERSON.- No, I also mentioned that that is a separate case

HON. ADI L. QIONIBARAVI.- No

HON. DR. M. REDDY.- It is a separate case. All we are saying that he made the witness referred to this, someone wanted to check that out. We checked it out, that is what I am saying. If it interests you, you pursue it.

HON. CHAIRPERSON.- Moving forward, the matter here is about, we have got justification for violence against women which we have all agreed to. We are left with "Your own House" which as alluded to by

Honourable Lt. Col. I.B. Seruiratu, do we want to leave it and move forward because we have got a full back-up statement for violence against women or evidence that it did happen and this is the reason. So, basically, I want to know whether we want to leave the other part behind or we want to pursue that.

HON. M.D. BULITAVU.- I think it should be relevant now “own House”.

HON. DR. M. REDDY.- I do not agree with the interpretation of Honourable Lt. Col. P. Tikoduadua. They agreed, we note it, we move forward. All I said was I do not agree with that interpretation, we note it. They agree, they accepted the interpretation, that is all right, we move on.

HON. CHAIRPERSON.- So, we are going back to 2.6.11. The government side or everyone agrees to violence against women plus the other side, you said you do not agree to the House. Thank you that is decided, let us move on with our deliberations.

Are there any more Members or any other who you wish to call because looking at the time constraint, remember we do not have much time? So, if we move forward, please, let us move forward.

Well, no more witnesses to be called. I would now invite the Members to consider the Draft Report prepared by the Secretariat and we thank them for working late last night to have this Report prepared for the Committee to consider.

As we have established yesterday that there was a breach from both the Honourable Prime Minister and the Honourable Lt. Col. Pio Tikoduadua. So, let us have the Draft on the screen, please.

HON. ADI L. QIONIBARAVI.- Madam Chairperson, sorry to take us back. I would just like it to be noted that I had requested for other witnesses which was not agreed to yesterday.

HON. CHAIRPERSON.- Name the witness and who?

HON. ADI L. QIONIBARAVI.- Tui Namosi and some other bodyguards of the Prime Minister

HON. CHAIRPERSON.- Do you know their names and everything?

HON. ADI L. QIONIBARAVI.- I do not know this person but this name was given to me, Sergeant Kenawai.

HON. CHAIRPERSON.- Given to you by whom?

HON. ADI L. QIONIBARAVI.- By someone in my Office

HON. CHAIRPERSON.- Because we have not summoned them yet, because we did not know. You should have let us know. You should have given the names so that we could have summoned them because we do not know whether they are around or not.

Honourable Members, let me remind you of the timeframe. Today is the last day. We need to deliberate the recommendations, findings and report.

HON. DR. M. REDDY.- Whilst she is checking on that, can we get the Solicitor-General’s Office to give us some more cases? Can we request?

HON. CHAIRPERSON.- Some more cases in regards to incidents that happened anywhere, similar incidences happening in other parts of the world, if there are and what was the procedure followed and the outcomes. Can we facilitate that Parliament Secretariat, please?

HON. ADI L. QIONIBARAVI.- Madam Chairperson, the information came from that video on 4.5. Sergeant Kenawai, Attorney-General's security who arrived during the assault on the Legal Aid Commission I think that was captured in that other video.

HON. CHAIRPERSON.-was it clear?

HON. ADI L. QIONIBARAVI.- In the other video that went viral, Sergeant Kenawai Attorney-General's security.

HON. LT. COL. I.B. SERUIRATU.- Madam Chairperson, we object to the use of any other source of
....

HON. CHAIRPERSON.- Oh yes, the credibility of the source is already ascertained because any other material could have been tampered with, we do not know. So that is why we are not using that for the best reasons. But if you know the person...

HON. ADI L. QIONIBARAVI.- No, I do not know him.

HON. CHAIRPERSON.- Okay. If you have seen him...

HON. ADI L. QIONIBARAVI.- He was seen on that video.

HON. CHAIRPERSON.- In this video, can you see him?

HON. ADI L. QIONIBARAVI.- No. I am not in acquaintance with the person.

HON. LT. COL. I.B. SERUIRATU.- Like I said, Madam Chairperson, we object to the issue of any other source apart from the Parliament CCTV footage.

HON. CHAIRPERSON.- Thank you.

HON. CHAIRPERSON.- Honourable Members, can I have your attention, please? There is a Zambian case in your file, this might help, can you quickly go for it.

(Viewing of Video Clip on some Parliamentary Proceedings in other Parliaments parts of the world)

HON. CHAIRPERSON.- Honourable Members, welcome back to the meeting and we will proceed from where we left off.

I will allow the Committee to continue with their deliberation and come up with recommendations and findings to support our decisions. If the Committee pleases, we can go through the Draft, whatever has been prepared thus far and then from there we can then continue. Thank you, Secretariat.

(Deliberations on the Draft Report)

Can you just enlarge the font a little bit if possible, so that everyone can have a clear reading of what is written there.

All right, the first one is the Mandate of the Privileges Committee.

HON. DR. M. REDDY.- 2.4 Honourable Dr. Reddy objected.

HON. CHAIRPERSON.- 2.4?

HON. DR. M. REDDY.- Following an objection by Honourable Dr. Reddy, Honourable Sitiveni Rabuka the Leader of the Opposition also recused. So following objection from there, yes...

HON. CHAIRPERSON.- Following on an objection from Honourable Dr. Mahendra Reddy, Honourable Sitiveni Rabuka also recused as Member.

HON. LT. COL. I.B. SERUIRATU.- Honourable Dr. Reddy, is there a need in 2.3?

HON. DR. M. REDDY.- We can, yes.

HON. LT. COL. I.B. SERUIRATU.- To state the reason why?

HON. DR. M. REDDY.- Following an objection by SODELPA and NFP.

HON. LT. COL. I.B. SERUIRATU.- If that can be included in 2.3, the reason why the Honourable Aiyaz-Sayed Khaiyum

HON. DR. M. REDDY.- We go back to 2.3, we can put similarly there, following the objection by SODELPA and NFP both of them objected. So, we can say,

HON. LT. COL. I.B. SERUIRATU.- I think it is only SODELPA because the letter that was written because NFP by then is out of the House. So, it is just the letter from SODELPA.

HON. LT. COL. I.B. SERUIRATU.- No, this is an objection to Honourable Sayed-Khaiyum's participation.

HON. LT. COL. I.B. SERUIRATU.- How do you want it, you prefer the Leader of the Opposition

HON. LT. COL. I.B. SERUIRATU.- ... objection to Honourable Sayed-General's participation in the Committee and then his letter was recusing, so may be rather than "Following an objection by the Leader of the Opposition in a letter to the Honourable Speaker," no, the objection was on his participation in the Committee. The letter was not for him to recuse himself. So following the revelation that he wrote the letter to recuse himself.

HON. CHAIRPERSON.- So we can just leave it that. Following an objection by the Leader of Opposition

HON. LT. COL. I.B. SERUIRATU.- No, you cannot put "recuse" in there, but "his participation." The objection was on his participation. He was not writing to ask the Honourable Speaker because the request came from the Attorney-General, not from the Speaker. That recusing should be deleted and we put participation.

HON. CHAIRPERSON.- That is what I am saying, "Following an objection by the Leader of Opposition, Honourable Aiyaz Sayed-Khaiyum recused his membership of the Committee.

HON. LT. COL. I.B. SERUIRATU.- I think the letter needs to be reflected in the

You have got the “participation,” take out the “recusing”.

HON. LT. COL. I.B. SERUIRATU.- Participation in the Committee.

HON. CHAIRPERSON.- Honourable Aiyaz Sayed-Khaiyum’s participation

HON. CHAIRPERSON.- Do we want to put any dates around, a Point of Order was raised with the Honourable Speaker.

HON. LT. COL. I.B. SERUIRATU.- Well, you can say that during the Sitting of Parliament on 9th August, 2019, a Point of Order was raised.

HON. CHAIRPERSON.- That is for your guidance, the draft.

HON. LT. COL. I.B. SERUIRATU.- Maybe you just put the decisions there.

I would suggest that we take our cue here from the order of the Honourable Speaker, what needs to be highlighted in this? So most of what should be in this text is what came out of the Speaker’s Ruling because that digs into the work of the Committee.

DEPUTY SECRETARY-GENERAL.- Honourable Members, that captures the Ruling of the Speaker the entire two paragraphs

SECRETARY-GENERAL.- That is the Ruling.

HON. DR. M. REDDY.- Agreed. We cannot do much.

HON. LT. COL. I.B. SERUIRATU.- But maybe add more into 3.1 so that it flows into 3.2.

HON. DR. M. REDDY.- The legal team will be vetting this anyway.

SECRETARY-GENERAL.- Yes.

HON. CHAIRPERSON.- Sir, not only apologising to the Honourable Speaker in the House but to Honourable Pio Tikoduadua as well.

HON. M.D. BULITAVU.- Those are texts from Honourable Speaker’s Ruling so that ...

SECRETARY-GENERAL.- We cannot change that.

HON. M.D. BULITAVU.- We cannot change it here or cannot edit.

HON. LT. COL. I.B. SERUIRATU.- That is his Ruling.

HON. DR. M. REDDY.- That is what I am saying, that is something that is given.

HON. CHAIRPERSON.- If this is standard and it is a given thing then, please, continue further.

HON. M.D. BULITAVU.- Thank you, Madam for that.

HON. CHAIRPERSON.- You know that will have to be fine-tuned we read it then sign.

HON. M.D. BULITAVU.- So that is your Foreword?

HON. CHAIRPERSON.- As we deliberate, further things will be added in.

HON. M.D. BULITAVU.- Madam, those for who were present on Monday?

HON. ADI L. QIONIBARAVI.- He said any reason for us not attending?

HON. DR. M. REDDY.- (Inaudible)

HON. M.D. BULITAVU.- ... that came for our non-attendance on Monday, we just prepared the list.

HON. CHAIRPERSON.- Thank you. Secretariat, shall I start reading from 4.13? Have the Members already gone through 4.1.1 and 4.1.2?

“The Committee agreed to issue summons to the Hon. Pio Tikoduadua, the Hon. Prime Minister, the Hon. Lenora Qereqeretabua and the Hon. Prof. Biman Prasad to provide evidence to the Committee the following day. The Committee also agreed for the other Parliament and Caucus staff appearing in the footage could also be called upon if the need arose.”

Everyone agrees to that.

Okay, move onto 4.2. Honourable Bulitavu.

HON. M.D. BULITAVU.- Agree.

HON. CHAIRPERSON.-

“4.2 Second Meeting – Tuesday, 3 September 2019

4.2.1 The Committee convened at 1.00 p.m. and called upon the following witnesses to provide evidence –

- (a) Hon. Pio Tikoduadua;
- (b) Hon. Prof. Biman Prasad; and
- (c) Hon. Lenora Qereqeretabua.

4.2.2 At the conclusion of the examination of the third witness, the Committee unanimously agreed that it was satisfied with the evidence collected so far, for deliberation purposes, and therefore decided not to call the other witnesses until the need arose.

4.2.3 The Secretariat was requested to collate further materials and research on precedents from Fiji and other relevant jurisdictions to assist the Committee in its continuing deliberations.”

Agreed? Yes, Honourable Qionibaravi, you have to say something?

HON. ADI L. QIONIBARAVI.- What about the Honourable Prime Minister?

HON. CHAIRPERSON.- He came the next day. This is the second day we are talking about.

HON. ADI L. QIONIBARAVI.- I know. Yes, 4.2.2.

(Hon. Dr. M. Reddy reads)

HON. DR. M. REDDY.- That will come after Honourable Pio.

HON. CHAIRPERSON.- Secretariat can you adjust that

HON. CHAIRPERSON.- You are right. Because the confusion never happened there. The Prime Minister came on Wednesday, right?

HON. CHAIRPERSON.-

“4.3 Third Meeting – Wednesday, 4 September 2019

4.3.1 The Committee convened at 1.00 p.m. and called upon the following witnesses to provide evidence –

- (a) Hon. Prime Minister;
- (b) Hon. Pio Tikoduadua; and
- (c) Mr. Samisoni Tagivetaua.

4.3.2 At the conclusion of the examination of the third witness, the Committee proceeded to deliberating over the evidences before the Committee.”

HON. ADI L. QIONIBARAVI.- Madam Chair, do we state the occupation of Mr. Tagivetaua?

HON. CHAIRPERSON.- You can write in brackets, the Prime Minister’s bodyguard or something or whatever. Just write the Prime Minister’s bodyguard.

HON. ADI L. QIONIBARAVI.- The Honourable Prime Minister’s bodyguard.

HON. CHAIRPERSON.- They will correct it, no worries, for fine tune.

You can amend that particular sentence from Tuesday to Wednesday.

“4.4 Fourth Meeting - Thursday, 5 September 2019

4.4.1 The Committee finalised the report via email then endorsed the Report individually.”

At this moment in time, we do not need an endorsement. I do not know whether you want to endorse on a daily basis on what transpired and what not. That you can decide later. Let us move forward.

5.0 Establishment of *prima facie* breach of privilege

5.1 Jurisdiction

5.1.1 *Under Standing Order 127(2)(b), the Committee is required to consider any question of privilege referred to it by Parliament or the Hon. Speaker whether under Standing Order 134 or otherwise.*

5.1.2 *The Hon. Speaker on 9 August 2019 decided under Standing Order 134(2)(a) that there was a prima facie breach of privilege by the Hon. Prime Minister and Hon. Pio Tikoduadua, for words allegedly spoken and acts allegedly done within the Parliamentary precincts.*

5.1.3 *The Hon. Speaker referred the privilege matter to the Committee and further directed the Committee to meet to consider all relevant evidence and table its report with recommendations to Parliament.*

5.2 Analysis of Facts

5.2.1 *On Friday, 9 August 2019, during his right of reply to the debate on the motion to appoint a Special Parliamentary Committee under Standing Order 129 to holistically look into the multifaceted risks of the hard drugs situation in Fiji, Hon. Pio Tikoduadua made certain accusations against the Hon. Prime Minister, which resulted in a point of order from the Hon. Prime Minister. The Hon. Prime Minister accused Hon. Tikoduadua of making personal attacks against him. Heated discussion ensued thereafter. Following the conclusion of the debate on the motion, Parliament voted on the motion which was defeated in Parliament.*

HON. DR. M. REDDY.- I do not think “heated discussion ensued thereafter”

HON. DR. M. REDDY.- Honourable Speaker, asked Honourable Tikoduadua to continue his

HON. ADI L. QIONIBARAVI.- Its unwritten in there.

HON. DR. M. REDDY.- I think it is not fair to accuse the Speaker.

HON. ADI L. QIONIBARAVI.- No, No, we know that this thing did not happen.

HON. DR. M. REDDY.- Yes.

HON. ADI L. QIONIBARAVI.- Because on top it says that, he has raised a Point of Order.

HON. DR. M. REDDY.- Honourable Speaker, asked Honourable Tikoduadua to continue his statement.

HON. ADI L. QIONIBARAVI.- Right of Reply.

HON. CHAIRPERSON.- Do you want to say accused, Honourable Prime Minister accused or Honourable Prime raised a Point of Order?

HON. ADI L. QIONIBARAVI.- A Point of Order is the second sentence.

HON. M.D. BULITAVU.- *Sega.*

HON. ADI L. QIONIBARAVI.- Accused? Who?

HON. CHAIRPERSON.- So Honourable Tikoduadua did accuse, that is fine, against Honourable Prime Minister which resulted in a Point of Order from the Honourable Prime Minister.

HON. ADI L. QIONIBARAVI.- Parliament passed the motion instead of all that.

HON. M.D. BULITAVU.- Yes, it needs to be proved, and that is where the work of the Committee

HON. DR. M. REDDY.- Honourable Prime Minister

HON. LT. COL. I.B. SERUIRATU.- Accused or questioned?

HON. M.D. BULITAVU.- Questioned or alerts?

HON. DR. M. REDDY.- But the motion was defeated.

HON. ADI L. QIONIBARAVI.- Yes. It did appear as an accusation.

HON. M.D. BULITAVU.- I think the word “accused” is from Honourable Speaker’s ruling. So we use his own words. Just check your copies – Speaker’s Ruling.

HON. CHAIRPERSON.- Come on lawyers.

HON. A.A. MAHARAJ.- You can a better job than this.

HON. M.D. BULITAVU.- It is already there. I think he used the same word.

DEPUTY SECRETARY-GENERAL.- Honourable Chair, we will take note of the comments. Just to inform the Members that, that is exactly from the ruling of the Honourable Speaker, and the subsequent paragraphs as well.

HON. COL. LT. SERUIRATU.- In his opening paragraph in his ruling and I quote:

“... Honourable Pio Tikoduadua made certain accusations against the Honourable Prime Minister which resulted in a Point of Order from the Honourable Prime Minister. The Honourable Prime Minister accused Honourable Tikoduadua for making a personnel attacks against him.”

HON. CHAIRPERSON.-

“5.2.2 Parliament then proceeded to the next agenda item which was oral questions as set out in the Order Paper for that day. During the fourth oral question on the current state of measles in Fiji, Hon. Pio Tikoduadua raised a point of order to bring to the attention of the House and to inform the Hon. Speaker that he had been physically assaulted by the Hon. Prime Minister. The Hon. Speaker ruled that the point of order raised had nothing to do with what was going on in Parliament at that moment.”

HON. M.D. BULITAVU.- We move to the next one - 5.2.3.

HON. CHAIRPERSON.-

“5.2.3 During the fifth oral question, Hon. Prof. Biman Prasad interrupted the order of business, urging the Hon. Speaker to say something with respect to what Hon. Pio Tikoduadua had raised earlier. He asked Parliament to condemn the action of the Hon. Prime Minister. The Hon. Speaker informed the Honourable Member that he had made a ruling before, and that the Parliament would proceed with the agenda item of oral questions.

5.3 Analysis of Sworn Evidence

5.3.1 In its endeavour to undertake its mandate and as referred by the Hon. Speaker, the Committee had to analyse evidence pertaining to the personal attack and the words allegedly spoken and acts allegedly done.

Personal attack on the Hon. Prime Minister on the floor of the House, by the Hon. Pio Tikoduadua:

5.3.2 The Committee was of the strong view that the use of the words "... own House" was a personal attack which provoked the Hon. Prime Minister to rise on a point of order. The Committee also agreed that the use of the words "your side of the House" would have been more appropriately used when speaking in Parliament. In their continued deliberation, the Committee agreed that a reference to the word "House" could refer to all 51 Members of Parliament."

HON. M.D. BULITAVU.- Madam Chairperson, we are of the view probably that 5.3 because 5.3 was the earlier sentence before the sentence that mentioned "... my own House", 5.3 should come up and 5.32 should come down and for the reason that we have already stated that 5.3.3 now is already agreed facts.

HON. CHAIRPERSON.- That 5.3.3 should go up and 5.3.2 come down. Just swap it. Put it down first and then you can number it later, leave that one there as 5.3.3.

"5.3.3 The Committee noted from the verbatim notes on Tuesday, 3 September 2019 that the Hon. Pio Tikoduadua stated that the Hon. Prime Minister should be the last person talking about violence against women in the House. When asked what made him say that, he replied, "Of things that I know." When asked whether he viewed the Hon. Prime Minister as a violent person, given what he said that he should be the last person to say this, the Hon. Pio Tikoduadua replied that there are things irrespective of what the Committee was going to say, about the Hon. Prime Minister he was not going to share to the Committee wherever it would take him. He further stated that he would keep"

HON. DR. M. REDDY.- We need to add there.

HON. M.D. BULITAVU.- What page are you talking about?

HON. DR. M. REDDY.- Page 22, the one you pointed out. You need to add there, "when he was asked about whether he knew something about the Honourable Prime Minister in person with regards to violence against women" he said yes.

HON. M.D. BULITAVU.- Page 22, that is the second place where the Honourable Dr. Reddy appears.

HON. DR. M. REDDY.- Yes.

HON. M.D. BULITAVU.- Probably, Honourable Dr. Reddy given that the above, the verbatim notes are 30 and 31, probably we can start after that.

HON. DR. M. REDDY.- Okay.

HON. M.D. BULITAVU.- Because the reference is there – the footnote.

HON. DR. M. REDDY.- So where are you going to start?

HON. M.D. BULITAVU.- After the bracket on 31.

"When Honourable Lt. Col. P. Tikoduadua was asked if he knew something about Honourable Prime Minister in person with regards to violence against women, he replied, 'yes'."

HON. M.D. BULITAVU.- We put the reference – verbatim notes.

HON. DR. M. REDDY.- Yes, put the reference.

HON. M.D. BULITAVU.- Verbatim notes - page 22.

HON. DR. M. REDDY.- Page 22. So that verbatim note Page 30,31 will come there or

HON. M.D. BULITAVU.- The above refers to verbatim notes 30, 31 and below refers to

HON. DR. M. REDDY.- Okay.

HON. M.D. BULITAVU.- That is why I left it after 30,31. Its linkages.

HON. CHAIRPERSON.- You are okay with 5.3.2?

HON. DR. M. REDDY.- Well they will clean it up.

HON. CHAIRPERSON.- 533, the Committee was of the strong view that the use of words own House, but, before that Honourable Members is there only one supportive evidence are we are giving or we can always come back and add others to, because I believe he said a few more things there. I think we can always add on.

Before that, Honourable Members, is there only one supportive evidence are we giving or we can always come back and add others too. I believe he said a few more things there but I think we can always add on.

HON. CHAIRPERSON.-

“5.3.3 The Committee was of the strong view that the use of the words “... own House” was a personal attack which provoked the Hon. Prime Minister to rise on a point of order. The Committee also agreed that the use of the words “your side of the House” would have been more appropriately used when speaking in Parliament. In their continued deliberation, the Committee agreed that a reference to the word “House” could refer to all 51 Members of Parliament.”

Was a personal attack on his family just add it there on his family which provoke the Honourable Prime Minister.

HON. M.D. BULITAVU.- How do you put it, if we agree with one and the point that we disagree with, how do you format?

HON. A.A. MAHARAJ.- Vote.

HON. DR. M. REDDY.- *Nahi nahi nahi.*

HON. M.D. BULITAVU.- How do we note it there?

HON. DR. M. REDDY.- We can note it there. While Honourable Bulitavu and Honourable Qionibaravi disagreed

HON. CHAIRPERSON.- The rest of the Committee agreed.

HON. DR. M. REDDY.- Agree, yes, on his family.

HON. M.D. BULITAVU.- (Inaudible)

HON. DR. M. REDDY.- Please clear that.

HON. M.D. BULITAVU.- (Inaudible)

HON. DR. M. REDDY.- See 5.3.3, go on the top. Members on the Government side,...

HON. CHAIRPERSON.- We are of the strong view

HON. DR. M. REDDY.- Then give our three names.

HON. ADI L. QIONIBARAVI.- No, Honourable Chairperson's name first.

HON. DR. M. REDDY.- Whether you want to have Honourable Chairperson's name there?

HON. CHAIRPERSON.- I do not know whether it is appropriate. I am part of the Committee, but, I am the Chair of the Committee, so it depends on

HON. DR. M. REDDY.- It is not needed.

HON. M.D. BULITAVU.- Write only the three.

HON. CHAIRPERSON.- So then those three, just right those three.

HON. CHAIRPERSON.- Remove my name just put Honourable Dr. Reddy and Honourable Seruiratu and

HON. DR. M. REDDY.- Just put in short form now, you clean it up later on.

HON. CHAIRPERSON.- Yes.

HON. DR. M. REDDY.- Honourable Chairperson, Honourable Reddy, Honourable Alvick Maharaj, were of the strong view

HON. ADI L. QIONIBARAVI.- *Sa tikoga na* strong view

HON. DR. M. REDDY.- Delete up till ...were of the, go to the strong view...were of the strong view

HON. CHAIRPERSON.- Delete "was" and put "were" here.

HON. DR. M. REDDY.- "... were of the strong view that the used of the words "... own house" then you have to write in full that sentence.

HON. ADI L. QIONIBARAVI.- Which sentence you are looking for?

HON. DR. M. REDDY.- That sentence about look into your own house

HON. ADI L. QIONIBARAVI.- "...you should know what is happening in your own house ..."

HON. CHAIRPERSON.- Do you want to write from there.

HON. DR. M. REDDY.- Then you put that house in inverted commas, "... you should know what is happening in your own house."

HON. CHAIRPERSON.- Do you want to put that whole sentence Dr. Reddy?

HON. DR. M. REDDY.- I am saying

HON. CHAIRPERSON.- No, no from the Honourable Prime Minister what I am saying

HON. DR. M. REDDY.- No, no, no.

HON. CHAIRPERSON.- You just want to write one sentence?

HON. DR. M. REDDY.- Just type this what I am saying. "... you should know what is happening in your own house." In the response by Honourable Lt. Col. Pio Tikoduadua then inverted commas again the whole thing, okay go down. Then the next sentence was attack on his family. , was no, no, no, please delete that part a little bit. Delete was. Okay type again you. That should be in inverted commas, "so you should know what is happening in your house" put another inverted.

Go down now to end of the house, was an attack on his family. Okay, delete that personal attack.

HON. ADI L. QIONIBARAVI.- Fullstop.

HON. M.D. BULITAVU.- On whose family?

HON. DR. M. REDDY.- On Honourable Prime Minister's family.

HON. DR. M. REDDY.- Yes delete Honourable Prime Minister's family, which is all right. Go back on Honourable Prime Minister's family, was an attack on Honourable Prime Minister's family. Okay go to the family, delete the full stop and then say, "which provoked the Honourable Prime Minister" - delete that. The Honourable Prime Minister to raise a Point of Order - all right. Now, delete go to the end of Point of Order. Now you cannot say the Committee because the Committee did not agree. Keep on deleting, I will tell you. Delete that last sentence.

HON. M.D. BULITAVU.- You need a joining word there called "however".

HON. DR. M. REDDY.- Where?

HON. M.D. BULITAVU.- After the Government Members agree with that, however the Opposition Members of the Committee naming so and so

HON. DR. M. REDDY.- Did not agree.

HON. M.D. BULITAVU.- Yes.

HON. DR. M. REDDY.- Delete that.

(General discussions)

HON. LT. COL. I.B. SERUIRATU.- No, the reason was there was no agreement, so that is how the Opposition preferred it that views of Government be stated first so that both will be tabled before Parliament.

HON. ADI L. QIONIBARAVI.- So this would be different from this one.

HON. DR. M. REDDY.- This one will just capture the difference. We have got a separate paragraph, you have got a separate paragraph.

HON. ADI L. QIONIBARAVI.- Okay, *toso!*

(Inaudible)

HON. M.D. BULITAVU.- I am going to take you to the Verbatim. Page No. 13 right at the top and I quote:

“HON. M.D. BULITAVU.- Can you recall what act did you do to Honourable Pio Tikoduadua on that day?

HON. J.V. BAINIMARAMA.- I pulled his collar to attract his attention about what he said about me.”

That word “pulled” needs to come there because those were the words of the Honourable Prime Minister.

HON. ADI L. QIONIBARAVI.- *I vei?*

HON. M.D. BULITAVU.- “...The Committee established that there was no evidence ...” There was evidence.

HON. DR. M. REDDY.- “The Committee noted from the response by the Honourable Prime Minister that he pulled the collar of Honourable Lt. Col. P. Tikoduadua.”

HON. ADI L. QIONIBARAVI.- The shirt collar?

HON. DR. M. REDDY.- I am just reading from the verbatim.

“... to attract his attention about what he said about him.” You can add the reference, but how do you say which verbatim? You need to say second day or third day verbatim whatever.

(Inaudible)

HON. ADI L. QIONIBARAVI.- What date is that?

HON. DR. M. REDDY.- This is 4th September.

(Inaudible)

HON. ADI L. QIONIBARAVI.- I quote, “I pulled his collar to attract his attention about what he said about me.”

HON. DR. M. REDDY.- That is what I got there.

HON. LT. COL. I.B. SERUIRATU.- Which page is that?

HON. DR. M. REDDY.- Page 13.

HON. M.D. BULITAVU.- That is one, and the second thing that I wanted to point out, I think that we have to also put there - The Committee also noted ...”

HON. ADI L. QIONIBARAVI.- Furthermore, while responding to the Honourable Bulitavu ’s question, “Can you recall what words did you say?” The Honourable Prime Minister responded, “Well, I abused him.” Pages 12 and 13 - Verbatim 4/9/2019.

HON. DR. M. REDDY.- We can go back and say that the Honourable Prime Minister says that he attacked my family, because he can say whatever he wants.

I am saying you cannot add what Honourable Pio Tikoduadua said. I am okay, you got the actual thing from Honourable Prime Minister. Otherwise we can go back and add there, how the Honourable Prime Minister felt. Leave it there, otherwise we are going to disagree with the entire paragraph. Yes, we are going to disagree with you, then only two of you can do that.

HON. M.D. BULITAVU.- (Inaudible)

HON. CHAIRPERSON.- Are we leaving that statement as it is – 5.3.8?

HON. M.D. BULITAVU.- Let me ask Deputy Secretary-General, we wanted to add something there to collaborate what the Honourable

HON. DR. M. REDDY.- We believe it is not a Committee thing.

HON. ADI L. QIONIBARAVI.- (Inaudible)

HON. DR. M. REDDY.- (Inaudible)

HON. CHAIRPERSON.- Honourable Bulitavu, we are making a collective decision here. If everyone agrees then we can go ahead, we need everyone’s agreement.

HON. DR. M. REDDY.- (Inaudible).

HON. CHAIRPERSON.- If everyone agrees then we go ahead. We need everyone’s agreement. If we are writing that Honourable Members, “Can you recall what you said?” Then when I asked the Honourable Prime Minister just for your consideration, that if he felt comfortable? He said and I quote:

“HON. J.V. BAINIMARAMA.- Yes, I was comfortable with that. I definitely will not do that to anyone else, I was comfortable to go up and ask him that.”

Because of the long acquaintance, I questioned him. And he said he was comfortable because he had known him for so long. That is why he did what he did. On page 18 he was...

HON. M.D. BULITAVU.- So, we just do not damage what we are trying to do; collectively agree. Just leave it at that. .

HON. CHAIRPERSON.- Did the PM say, I pulled his collar?

HON. M.D. BULITAVU.- (Inaudible)

HON. CHAIRPERSON.- Which page?

HON. M.D. BULITAVU.- Page 13

HON. CHAIRPERSON.- Okay, if it is from the verbatim. Move forward.

HON. M.D. BULITAVU.- (Inaudible)

HON. DR. M. REDDY.- We go for time - six months.

HON. CHAIRPERSON.- Without pay.

HON. DR. M. REDDY.- I do not know, they will deal with it, suspension or whatever.

HON. M.D. BULITAVU.- Suspension is without pay.

HON. DR. M. REDDY.- Suspension is suspension.

HON. A.A. MAHARAJ.- There are only two sittings in six months.

HON. CHAIRPERSON.- Six months.

HON. DR. M. REDDY.- Yes.

HON. ADI L. QIONIBARAVI.- Can I ask

HON. DR. M. REDDY.- Well the matter is, both are at fault. There was no fist fight and all those.

HON. M.D. BULITAVU.- (Inaudible)

HON. DR. M. REDDY.- I am saying it is not a gravity of the matter and in terms of national impact. If it is a fist fight or if it is on race relations, that is a serious matter or it caused two ethnic groups

HON. M.D. BULITAVU.- Like Tikoca's case.

HON. DR. M. REDDY.- I would say, Draunidalo's case as it was more on race relations. Tikoca's case was what?

HON. A.A. MAHARAJ.- The case with ethnic group.

HON. DR. M. REDDY.- Or a fist fight or something.

HON. CHAIRPERSON.- Are we justifying the severity of the matter there in the report?

HON. ADI L. QIONIBARAVI.- We need to discuss that.

HON. M.D. BULITAVU.- Continue, continue.

HON. DR. M. REDDY.- I am saying, we go for a six month's suspension but even if they come back, they still have to apologise. Even if they come back, you cannot come back even after six month's suspension, they still have to apologise and then enter. But if they do not apologise now, six months they are suspended, they come back, they apologise. If not, they cannot come back.

HON. ADI L. QIONIBARAVI.- Madam Chair, with due respect, the earlier cases, the earlier matters how do we ensure that there is some form of balance, consistency.

HON. DR. M. REDDY.- Let us get a legal opinion? Let us give a draft report to the SG's Office, will get a legal opinion, we meet again tonight at 6.00 p.m.

HON. ADI L. QIONIBARAVI.- See with the Honourable Ratu Naiqama, I understand that he had actually apologised to the Honourable Speaker herself and then he was given two years. What is the explanation on the two years? Why was he given so long - two years suspension from Parliament.

HON. DR. M. REDDY.- Because you were not there

HON. ADI L. QIONIBARAVI.- Come on.

HON. DR. M. REDDY.- (Inaudible)

HON. LT. COL. I.B. SERUIRATU.- The consistency in sentencing is just related to the nature of the offense itself. But I think I did state the other day on the sides when we had conversations, the strong message was about protecting the institute of Parliament. That was the main message because we were just into the elections, straight after the elections, there were still tensions high between and then we wanted to protect the institute of Parliament which was violated and whatever previously. So that was the key message in that. But I think for us in terms of consistency and subject to the guidance of the Solicitor-General, we just look at the nature of the facts. There are offenses that are classified as serious offences and minor offences because when it comes to sentencing, the same law that prosecutes people also needs to protect the people. That is my point on that.

HON. M.D. BULITAVU.- That is one. The other thing is when we are going to set a precedent. The precedent here that the Honourable Prime Minister had pulled someone's collar, so if future another Member of Parliament comes and does that to anyone of us, we say, "oh, the precedent is there, we will just have to go and apologise." And if you do not, then you will get a suspension sentence. So we have to think in this case and also a deterrent, a message to fellow MP's that this should not happen also in the future. Sentencing comes with putting a deterrent.

(Inaudible)

HON. LT. COL. I.B. SERUIRATU.- Sorry, if I can just say that on the issue of deterrent. Again, it goes back to the nature of the offence. This is just touching the collar but it would be different if I ask the question about whether there was any physical or any injuries. These are mitigating factors when we look at each of the cases, there was no injury at all and of course we can interpret, drawing attention, touching the collar, grabbing, shoving or whatever.

It would be different if the Honourable Lt. Col. P. Tikoduadua was injured and of course the medical report. And we have seen what happens in this Parliament sittings, so that is

HON. M.D. BULITAVU.- It is quite difficult because this is a Parliamentary Committee decision on what happened in Parliament. Let me talk about if it was before the Court. If it was before the Court, I will take, say, because Honourable Tikoduadua has committed something inside the House, so probably this is the only body - the Privileges Committee. But for what the Honourable Prime Minister did, that amounts to common assault under Section 274 of the Crimes Act.

And under Common Law, even a touch is common assault and one thing about Section 274 of the Crimes Act, it does not define the intention and there are case laws. I brought a few case laws here with me, just one last

year in the High Court in Lautoka where the Judge has said, “in common assault, you do not need to prove intention, you do not have to prove injury.” The complainant or the victim statement does not need to be collaborated; those are the higher merits that the Courts have gone up to.

Considering that and plus, we all know that the penalty for that is 12 months, but if we deal that in Court, but it is totally different because here, it is just a disciplinary body of Parliament.

HON. LT. COL. I.B. SERUIRATU.- But my understanding in our Court, common assault is something that usually, the police particularly, let me just say, I will not go that way but it is a reconcilable offence usually in most instances. You know, the time of the Court, the time of Police so if the parties are able to reconcile that is it. It is a reconcile offence.

And this where Recommendation A should be reconciled.

HON. M.D. BULITAVU.- One year?

HON. DR. M. REDDY.- Or six sittings?

HON. ADI L. QIONIBARAVI.- Six sittings is one year.

HON. DR. M. REDDY.- Are you sure six sittings is one year?

SECRETARY-GENERAL.- One session has six sittings.

HON. A.A. MAHARAJ.- We are also being realistic over here, sorry it is not biasness on our side as well, that six sittings can be the next six months or next three months or a year.

HON. LT. COL. I.B. SERUIRATU.- Again, I think that because Parliament has its own, we just leave it within Parliament.

HON. ADI L. QIONIBARAVI.- I have always maintained this. I am not against the Honourable Prime Minister in any way, it is just unfortunate that it has happened.

HON. DR. M. REDDY.- (Inaudible) We have said over the course of the last few days, we have done the report well, let us move on.

HON. A.A. MAHARAJ.- Let us pre-empt none that of them are going to apologise. The second part is if they do not then that will actually happen that they will be suspended for six sittings.

HON. M.D. BULITAVU.- The failure to do so.

HON. A.A. MAHARAJ.- Our main focus is the first one that both of them will need to apologise.

HON. ADI L. QIONIBARAVI.- But, are we not forcing them to apologise?

HON. DR. M. REDDY.- Of course, both of them are wrong, so they should apologise.

HON. ADI L. QIONIBARAVI.- I really do not know.

HON. DR. M. REDDY.- If you do not know, follow this.

HON. ADI L. QIONIBARAVI.- No, I need to rationalise my thinking; that is all. So it has nothing to do with precedence.

HON. DR. M. REDDY.- I would say, the legal thing to be put in, the previous cases.

HON. LT. COL. I.B. SERUIRATU.- Can I just use a case involving a Prime Minister, Justin Trudeau the Prime Minister of Canada. He just had a privilege case lately before the Canadian Parliament. He used his elbow against a female Member that hit her breast and then he dragged one of the Opposition's to come into vote.

HON. M.D. BULITAVU.- What was the sentence?

HON. LT. COL. I.B. SERUIRATU.- He was just made to apologise in Parliament

HON. DR. M. REDDY.- Happy?

HON. M.D. BULITAVU.- That authority needs to come, the authority from their Parliament.

HON. DR. M. REDDY.- Yes, it will come, that is what I am saying.

HON. M.D. BULITAVU.- The authority from that Parliament to support

HON. DR. M. REDDY.- That is what I am saying.

HON. LT. COL. I.B. SERUIRATU.- On the other hand I also wish to state that let Parliament deal with Parliament. This is not stopping what is going to happen outside but that will be the decision that will be taken by the relevant authorities later. Parliament is just dealing with this issue.

HON. DR. M. REDDY.- So, I think we have done the deliberation, we have analysed the facts before us and I suggest that this is the best recommendation we could make and I suggest that let the legal team read this and if they think that given the case laws in front of them that we might have to change, then we will do that.

So, I suggest that we go over this.

(General discussions)

6.0 Recommendations:

(a) Having analysed the evidence provided to the Committee, the Committee recommends the following:
Both the Honourable Prime Minister and Hon. Pio Tikoduadua to tender their apologies in Parliament;

HON. LT. COL. I.B. SERUIRATU.- Recommendation (a) seems to be what everybody wants. The Honourable Leader of SODELPA has tried that, the Honourable Speaker has tried, the Honourable Prime Minister is willing to do that, that carries a lot of weight and I think that is the expectation too from a lot of Members of Parliament and including the leaders themselves, but unless something else in the mind of some people, but that is just all that I wanted to say but of course, I agree that we will be guided by the legal advisers on (b). But I still suggest after the exchanges tonight by emails or whatever, I personally feel it would be good just for us to sit again early morning.

HON. CHAIRPERSON.- I also agree with that.

HON. LT. COL. I.B. SERUIRATU.- What time do we meet tomorrow?

HON. DR. M. REDDY.- 8.00 o'clock.

SECRETARY-GENERAL.- Yes, 8.00 o'clock a.m.

HON. LT. COL. I.B. SERUIRATU.- Just a 30-minute meeting.

HON. M.D. BULITAVU.- Come and sign.

HON. DR. M. REDDY.- No, 8.00 o'clock we get it electronically. We can edit if there is anything, 8.00 we meet here. Will it be possible with the Secretariat?

SECRETARY-GENERAL.- We can do that quickly. We can be here at 8.00 a.m. and then you can have a look at it, sign and then we will have to go off at about 8.30 a.m.

DEPUTY SECRETARY-GENERAL.- Because we need to run the copies again for the House.

HON. DR. M. REDDY.- Honourable Members, I want to thank all of you. We did a thorough examination of what was forwarded to us by Honourable Speaker. I think we had a big responsibility to ensure that the sanctity of Parliament is maintained, and we continued to do this for whoever is in this Committee to ensure that the sanctity of Parliament is upheld, and I thank you for your time and perseverance, *vinaka*.

DEPUTY SECRETARY-GENERAL.- Honourable Chair, just a clarification from Secretariat, please, because the Standing Orders actually states that the Committee may include the Verbatim Notes and the Minutes, so we just wish to seek clarification, do you wish all?

HON. DR. M. REDDY.- Yes.

HON. CHAIRPERSON.- Thank you, Honourable Members, as Dr. Reddy has already said, I want to thank you all, I believe we are meeting again at 8.00 a.m. tomorrow morning. Have a blessed evening.

Special thanks to the Honourable Members from the Opposition, thank you Honourable Adi Litia, Honourable Bilitavu and thank you, all the Members. Thank you for your diligence, your indulgence and your efforts. A special thank you too to the Secretariat for their hard work, I am sorry about that. Thank you so much because they will be sitting in the office after we have finished, they continue to work, and then tomorrow morning, they will be back with all the Reports and everything. So, *vinaka.vakalevu* to all the Secretariat Team, Thank you.

The Meeting adjourned at 4.49 p.m.

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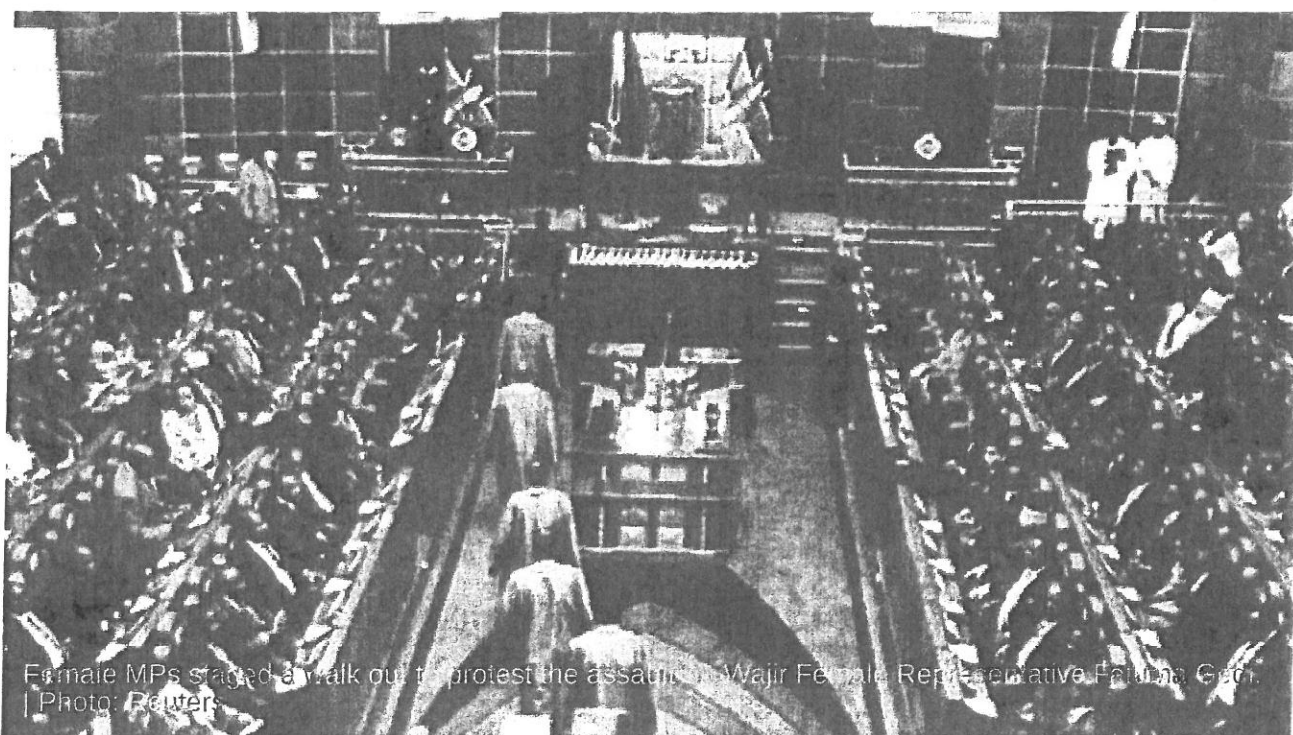
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Police Arrest Kenyan MP for Assaulting Woman Colleague



Female MPs staged a walk out to protest the assault on Wajir Female Representative Fatuma Gedi. | Photo: Reuters

Published 13 June 2019



Comments



"Parliament cannot harbor criminals. The police must investigate, arrest ... anyone that would be found culpable of the assault," House Speaker Muturi said.

Kenyan Parliamentary Minister Rashid Kassim Amin is in police custody after assaulting Woman Representative and Budget and Appropriations Committee member, Fatuma Gedi on federal property Thursday.

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"The MP has been arrested and he is recording a statement over an assault complaint filed by the Woman Representative," Nairobi police boss Philip Ndolo told members of the press, adding that the legislator will be charged in court Friday for assault.

Reports say Minister Kassim slapped Gedi in the parking structure for failing to obtain National Government Constituency Development Fund financing for his electorate. Pictures of the aftermath went viral, causing further disapproval.

Justin Muturi, the House Speaker, reported the incident to police, and said, "I have given strict instructions because Parliament cannot harbor criminals. The police must investigate, arrest, and if necessary charge before court anyone that would be found culpable of the assault. It is not a matter of privilege," he said.

Gladys Wanga, the female representative of Homa Bay, who witnessed the event, said, "We ran into Wajir East MP Rashid Kassim and they started to have a conversation that was so calm but I could not understand what they were saying in their language. Then all over sudden I heard Hon Rashid hurling insults to Hon Gedi which were followed by blows."

ALL WOMEN MPs walk out of Budget speech sitting of Parliament to protest the assault of Wajir Woman Representative. Attack to woman is attack to the nation #BudgetKE2019 #JusticeForFatumaGedi pic.twitter.com/4rLN6zQ1VZ8

Female MPs abandoned the Parliamentary in solidarity with the incident after their male counterparts began mocking them for protesting the assault.

MP Sabina Wanjiru Chege told BBC, "Some of our male colleagues started mocking us and saying it was slapping day."

While others were chided and told "women needed to have manners" and needed to "know how to treat men."

"We are all members of parliament ... we are no lesser than them," Chege said.

Wanga said, "I am shocked that women leaders can be attacked by none other than their male colleagues in this Parliament. If we leaders are not safe, then how about our women and girls in the counties."

— The Mnur Feruz (@Mnurferuz) June 13, 2019

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Wajir West MP Rashid Kassim in trouble for assaulting Fatuma Gedi



By [Wilfred Ayaga](#) 13th Jun 2019 16:40:40 GMT +0300



Wajir Woman Representative Fatuma Gedi and Wajir East MP, Rashid Kassim.

Wajir East MP Rashid Kassim was Thursday arrested for allegedly assaulting Wajir Woman Representative Fatuma Gedi within Parliament.

Witnesses said the MP rained blows on Gedi who sits in the House Budget and Appropriations committee for allegedly failing to push for money for his constituency.

The incident happened at the Parliament parking lot as the woman representative was walking to Protection House in the company of her Homa Bay county counterpart, Gladys Wanga.

Speaker of the National Assembly, Justin Muturi in a communication from the Chair asked the police to expedite investigation into the incident.

SEE ALSO : [Legislator accused of assault charged](#)

"The matter has been reported at Parliament police station. I have given strict instructions that criminals cannot be harboured in Parliament. A crime is a crime. I have directed that the police may go to whatever extent to investigate and if necessary, arrest, and charge before court whoever is found to be culpable," said the Speaker.

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"This is not a matter of privilege. Parliament cannot be a sanctuary for criminals. Even if you disagree, it cannot be a reason or excuse to engage in criminal activities. These are my directions to the police they must deal with the matter firmly, because nobody is above the law," said Mr. Muturi, who had a difficult time controlling women MPs who sang and chanted in the chamber calling for action against their offending colleague.

The women MPs temporarily disrupted House business, as they blocked the entrance to the chamber, forcing the Speaker to seek the help of the Sergeant-at-arms to escort out the lawmakers.

"We now fear for our safety in Parliament," said Lamu women representative Ruweida Obbo who stood up to alert the House of the matter as her fellow women MPs sang songs condemning their offending colleague.

'Shame! Shame!' they shouted before they were thrown of the House.

The temporary chaos happened in full view of guest who had been invited to witness the Budget reading speech.

"Today is a very sad day not only for women parliamentarians but for all women in this country. As we walked from Parliament to Protection House, we ran into Kassim who then engaged in a conversation with Gedi. I did not hear what they were discussing, but before long, I heard him utter the word 'stupid' before descending on my colleague with blows," said Mrs Wanga

"I feel disappointed that we do not feel safe as women. I want to ask the leadership of this country that if he is not arrested, then we should be provided with pepper sprays and guns to defend ourselves," said Kirinyaga Woman representative, Purity Ngirichi.

In 2016, then Laikipia North MP, Mathew Lempurkel was arrested for assaulting Nominated MP Sarah Lekorere.

"Justice delayed is justice denied. If the culprit is not arrested and justice done, we will know that women have no justice ein this country," said Mrs Korere, the current Laikipia north lawmaker.

The speaker has made a good ruling. The MP is not above the law. It is a big shame. We want investigations expedited," said Cecily Mbarire (nominated).

"Mr. Kassim has ashamed the Muslim community," said Mishi Mboko (Likoni).

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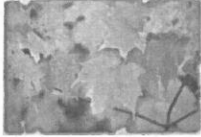
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3. PRIVILEGES AND IMMUNITIES

PARLIAMENTARY PRIVILEGE: A DEFINITION

The classic definition of parliamentary privilege is found in *Erskine May's Treatise on the Law, Privileges, Proceedings and Usage of Parliament*:

Parliamentary privilege is the sum of the peculiar rights enjoyed by each House collectively... and by Members of each House individually, without which they could not discharge their functions, and which exceed those possessed by other bodies or individuals. Thus privilege, though part of the law of the land, is to a certain extent an exemption from the general law. ^[1]

These “peculiar rights” can be divided into two categories: those extended to Members individually, and those extended to the House collectively. Each grouping can be broken down into specific categories. For example, the rights and immunities accorded to Members individually are generally categorized under the following headings:

- freedom of speech;
- freedom from arrest in civil actions;
- exemption from jury duty;
- exemption from attendance as a witness.

The rights and powers of the House as a collectivity may be categorized as follows:

- the power to discipline, that is, the right to punish (by incarceration) persons guilty of breaches of privilege or contempts, and the power to expel Members guilty of disgraceful conduct;
- the regulation of its own internal affairs;
- the authority to maintain the attendance and service of its Members;
- the right to institute inquiries and to call witnesses and demand papers;
- the right to administer oaths to witnesses;
- the right to publish papers containing defamatory material.

These two groupings represent all the privileges extended to Members of Parliament and the House of Commons collectively. Each of these privileges will be examined in greater detail and illustrated with relevant cases later in this chapter.

The House has the authority to invoke privilege where its ability has been obstructed in the execution of its functions or where Members have been obstructed in the performance of their duties. It is only within this context that privilege can be considered an exemption from the general law. Members are not outside or above the law which governs all citizens of Canada. The privileges of the Commons are designed to safeguard the rights of each and every elector.¹⁸¹ For example, the privilege of freedom of speech is secured to Members not for their personal benefit, but to enable them to discharge their functions of representing their constituents without fear of civil or criminal prosecution for what might be said in the House and committees. When a constituency has returned a candidate, it is the electors' right that this chosen representative should be protected from any kind of improper pressure, and particularly from crude violence.¹⁹¹

The distinctive mark of a privilege is its ancillary character. The privileges of Parliament are rights, which are "absolutely necessary for the due execution of its powers". They are enjoyed by individual Members because the House cannot perform its functions without unimpeded use of the

services of its Members; and by each House for the protection of its Members and the vindication of its own authority and dignity. ¹¹⁰

Privilege essentially belongs to the House as a whole; individual Members can only claim privilege insofar as any denial of their rights, or threat made to them, would impede the functioning of the House. In addition, individual Members cannot claim privilege or immunity on matters that are unrelated to their functions in the House. ¹¹¹

Any conduct which offends the authority or dignity of the House, even though no breach of any specific privilege may have been committed, is referred to as a contempt of the House. Contempt may be an act or an omission; it does not have to actually obstruct or impede the House or a Member, it merely has to have the tendency to produce such results.

What Parliament has considered as “absolutely necessary” privileges has varied over the centuries. Nevertheless, certain basic principles relating to privilege have become established. Neither House individually can extend its privileges, though either House can, formally by resolution, decide not to claim or apply privileges it has hitherto claimed. ¹¹² No one House of Parliament has a right to claim for itself new privileges; new privileges can only be created or old privileges extended by Act of Parliament. ¹¹³ Either House can apply its rights to new circumstances, thereby in some cases creating new instances of contempt. ¹¹⁴ And finally, each House can individually adjudicate and punish breaches of its privileges.

Please note —

As the rules and practices of the House of Commons are subject to change, users should remember that this edition of *Procedure and Practice* was **published in January 2000**. Standing Order changes adopted since then, as well as other changes in practice, are not reflected in the text. The Appendices to the book, however, have been updated and now include information up to the end of the 38th Parliament in November 2005.

To confirm current rules and practice, please consult the latest version of the Standing Orders on the Parliament of Canada Web site.

For further information about the procedures of the House of Commons, please contact the Table Research Branch at (613) 996-3611 or by e-mail at trbdrb@parl.gc.ca.

Justin Trudeau apologises for elbowing opposition MP in Canada's parliament

Canadian prime minister accused of elbowing Ruth Ellen Brousseau and 'manhandling' another politician in angry exchanges in House of Commons

Ashifa Kassam in Toronto

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Canadian PM Justin Trudeau apologises after physical altercation in parliament.

Justin Trudeau, Canada's prime minister, apologised in parliament on Wednesday after he was accused of "manhandling" one member of parliament and elbowing another, in conduct that sparked an uproar in Canada's normally staid parliament.

Footage from inside the House of Commons showed Trudeau striding purposefully across the floor of the chamber and into a group of MPs, pulling Conservative Gord Brown by the arm to lead him to his seat so that parliament could begin a procedural vote.

Trudeau swore as he made his way to Brown, according to the Canadian Broadcasting Corporation, reportedly telling MPs to "get the fuck out of the way".

As Trudeau led Brown from the group, he elbowed New Democrat MP Ruth Ellen Brousseau in the chest. Parliament descended into mayhem as MPs heckled and pounded their desks while New Democratic party leader Tom Mulcair shouted at Trudeau. "What kind of man elbows a woman? It's pathetic! You're pathetic!" Mulcair can be heard shouting.

Once order was restored, Trudeau apologised. "I admit I came in physical contact with a number of members as I extended my arm, including someone behind me who I did not see.

"If anyone feels that they were impacted by my actions, I completely apologise. It was not my intention to hurt anyone."



Brosseau said she had been speaking to her colleagues when Trudeau came marching into the group. “I was elbowed in the chest by the prime minister and then I had to leave,” she said, adding: “It was very overwhelming and so I left the chamber to go and sit in the lobby. I missed the vote because of this.”

Her remarks prompted Trudeau to stand up and apologise to her directly. “I want to take the opportunity ... to be able to express directly to [Brosseau] my apologies for my behaviour and my actions, unreservedly.

“I noticed that the whip opposite was being impeded in his progress, I took it upon myself to go and assist him forward, which I can now see was unadvisable as a course of action that resulted in physical contact in this House that we can all accept was unacceptable,” he said.

“I look for opportunities to make amends directly to the member and to any members who feel negatively impacted by this exchange and intervention.”

New Democrat Peter Julian described the incident as unprecedented in his 12 years as a politician. “I have never seen any member of the House act towards another member or members as he just did,” Julian said. “Physical force in this House is never permitted, it is never welcome, and it is entirely inappropriate.”

His outrage was echoed by New Democrat Niki Ashton. “I witnessed the prime minister walk over and manhandle the whip of the official opposition,” she said. “I am ashamed to be a witness to the person who holds the highest position in our country do such an act.”

She later added: “If we apply a gendered lens, it is very important that we recognise that young women in this space need to feel safe to come here and work here.

“Not only was this the furthest thing from a feminist act ... He made us feel unsafe and deeply troubled by the conduct of the prime minister of this country.

Conservative Peter Van Loan said Trudeau strode across the floor with “anger fierce” in his eyes. “What took place was the prime minister physically grabbing people, elbowing people, hauling them down the way,” he said.

Tempers have been running high in Canada’s parliament all week, as the Liberal government seeks to use its majority to limit debate on a controversial bill on assisted dying.

Elizabeth May, the leader of Canada’s Green party, described Trudeau’s actions as unacceptable but pushed for some perspective on the elbowing incident, calling it an accident. “He had not seen her behind him. That is the truth. Now you can like it or not like it.”

She called for cooler heads to prevail. “We don’t want to be the House of Commons that some other country watches on CNN, and wonders what happened.”

As he left parliament, Trudeau refused to speak with reporters. Wednesday marked the second time that Trudeau has apologised over his conduct in Canada’s parliament – the first time was in 2011 after he called a government minister a “piece of shit”.

Contempts

15.2 Generally speaking, any act or omission which obstructs or impedes either House of Parliament in the performance of its functions, or which obstructs or impedes any Member or officer of such House in the discharge of their duty, or which has a tendency, directly or indirectly, to produce such results, may be treated as a *contempt* even though there is no precedent of the offence.¹ It is therefore impossible to list every act which might be considered to amount to a *contempt*, as Parliamentary privilege is a 'living concept'.²

Although certain broad principles may be deduced from a review of the kinds of misconduct which in the past either House has punished as a *contempt*, it should be borne in mind that in 1978 the House of Commons resolved to exercise its penal jurisdiction as sparingly as possible, and only when satisfied that it was essential to do so (see para [15.32](#)). Thus many acts which might be considered to be *contempts* are either overlooked by the House or resolved informally. For example, in 2010 the Committee on Standards and Privileges concluded that a firm of solicitors was in *contempt* of the House when it threatened a Member with legal proceedings if he were to repeat in Parliament statements he had made outside. In the light of the apology given to the House and the Member, the Committee made no recommendation for further action.³

- [Highlight Footnotes](#)

Footnotes

1. See *Report of the Select Committee on the Official Secrets Acts*, HC 101 (1938–39) p xii.
2. See Joint Committee on Parliamentary Privilege, Report of Session 2013–14, *Parliamentary Privilege*, HL 30, HC 100, para 13.
3. See Committee on Standards and Privileges, Ninth Report of Session 2009–10, *Privilege: John Hemming and Withers LLP*, HC 373. No action was taken against Sussex Police for action which might have been a *contempt*, following an apology; see Committee of Privileges, First Report of the Session 2014–15, *Actions of Sussex Police: Final Report*, HC 588.

Molestation, reflections and intimidation

15.14 It is a contempt to molest a Member of either House while attending the House, or coming to or going from it, and in the eighteenth century both Houses roundly condemned 'assaulting, insulting or menacing Lords or Members' going to or coming from the House¹ or trying by force to influence them in their conduct in

Parliament.² Members and others have been punished for such molestation occurring within the precincts of the House, whether by assault³ or insulting or abusive language,⁴ or outside the precincts.⁵ The Commons took no action on an incident where a member of the public endeavoured to dissuade a Member from entering a room where a standing committee was meeting.⁶

To molest Members on account of their conduct in Parliament is also a contempt. Correspondence with Members of an insulting character in reference to their conduct in Parliament or reflecting on their conduct as Members,⁷ threatening a Member with the possibility of a trial at some future time for a question asked in the House,⁸ or for repeating certain allegations claimed to be defamatory,⁹ calling for their arrest as an arch traitor,¹⁰ offering to contradict a Member from the Gallery,¹¹ or proposing to visit a pecuniary loss on them on account of conduct in Parliament¹² have all been considered contempts. The Committee of Privileges has made the same judgement on those who incited the readers of a national newspaper to telephone a Member and complain of a question of which they had given notice.¹³ Speeches and writings reflecting upon the conduct of Members as Members have been treated as analogous to their molestation on account of their behaviour in Parliament.¹⁴

Written imputations, as affecting a Member of Parliament, may amount to contempt, without, perhaps, being libels at common law, but to constitute a contempt a libel upon a Member must concern the character or conduct of the Member in their capacity as a Member, not as a private individual.¹⁵

Reflections which have been punished as contempts have borne on the conduct of the Lord Chancellor in the discharge of their judicial duties in the House of Lords¹⁶ or that of the Chairman of Committees.¹⁷ In the same way, reflections on the character of the Speaker or accusations of partiality in the discharge of their duties¹⁸ and similar charges against the Chairman of Ways and Means¹⁹ or Chairman of a standing committee²⁰ or a select committee²¹ have attracted the penal powers of the Commons:

Imputations that a Member nominated to a select committee would not be able to act impartially in that service,²² and similar reflections on Members serving on private bill committees,²³ have been considered contempts. An individual who claimed that they could control the decision of a private bill committee (and offered to do so for a corrupt consideration) has been punished, along with another who assisted them.²⁴ More general reflections on Members accusing them of

corruption in the discharge of their duties,²⁵ challenging their motives or veracity,²⁶ or describing their conduct as 'inhuman' and degrading,²⁷ have also been found objectionable and proceeded against.

To attempt to intimidate a Member in their parliamentary conduct by threats is also a contempt, cognate to those mentioned above. Actions of this character which have been proceeded against include impugning the conduct of Members and threatening them with further exposure if they took part in debates;²⁸ threatening to communicate with Members' constituents to the effect that, if they did not reply to a questionnaire, they should be considered as not objecting to certain sports;²⁹ publishing posters containing a threat regarding the voting of Members in a forthcoming debate;³⁰ informing Members that to vote for a particular bill would be regarded as treasonable by a future administration;³¹ summoning a Member to a disciplinary hearing of their trade union in consequence of a vote given in the House;³² and threatening to end investment by a public corporation in a Member's constituency, if the Member persisted in making speeches along the lines of those in a preceding debate.³³ When a Member stated their intention of influencing a local authority to the detriment of other Members, a complaint was referred to the Committee of Privileges which concluded that the words spoken constituted a threat but recommended no further action.³⁴ Most recently, attempts to dissuade a Member from raising a matter in the House through threats of legal action in respect of statements outside the House has been held to be a contempt.³⁵

- [Highlight Footnotes](#)

Footnotes

1. The Metropolitan Police Act 1839 (c 47), s 52, which is a general power to control assemblies, is the principal means by which Parliament is currently protected from tumultuous assemblies (see para 6.53). Part 3 of the Police Reform and Social Responsibility Act 2011 also controls activities around Parliament Square and in the vicinity of the Palace of Westminster and provides penalties for those who take part in prohibited activities; see Police Reform and Social Responsibility Act 2011, ss 142–149
2. LJ (1765–67) 209; CJ (1732–37) 115; *ibid* (1778–80) 902.
3. CJ (1688–93) 348, 354, 355; *ibid* (1824–25) 483 and *Parl Deb* (1824) 11, c 1204; and CJ (1946–47) 54, 91. In the last case, it was decided that the contempt committed by the Member concerned, who struck the first blow, was greater than that of the other who retaliated (*Report of the Committee of Privileges*, HC 36 (1946–47)).

4. CJ (1646–48) 42; *ibid* (1660–67) 186; *ibid* (1688–93) 782; *ibid* (1877) 144 and Parl Deb (1877) 233, cc 951, 956; and CJ (1887) 377, 389 and Parl Deb (1887) 317, cc 1167, 1631.
5. Officials of the Liberty of Westminster were committed in 1751 for having apprehended, insulted and abused a Member and refusing to discharge them except upon an assurance of their silence (CJ (1750–54) 175–76).
6. HC Deb (1948–49) 470, cc 1535–38.
7. LJ (1830–31) 285, 335; CJ (1862–63) 80, 84; *ibid* (1890–91) 481 and Parl Deb (1891) 356, c 419. Challenging Members to fight on account of their behaviour in the House (CJ (1780–82) 535, 537; Parl Deb (1844) 74, c 286; CJ (1845) 589 and *ibid* (1862) 64) or of remarks made outside the House touching proceedings in the House (CJ (1883) 232, 238) has been considered a contempt.
8. Report of the Committee of Privileges, HC 284 (1959–60).
9. See para 15.2, fn 1.
10. Report of the Committee of Privileges, HC 462 (1966–67) and CJ (1966–67) 415.
11. CJ (1826–28) 395, 399 and Parl Deb (1827) 17, cc 282, 343.
12. CJ (1898) 381.
13. Report of the Committee of Privileges, HC 27 (1956–57); CJ (1956–57) 31, 50.
14. The Commons Select Committee on Parliamentary Privilege recommended in 1967 that a Member who considered that they had been defamed should seek a remedy in the courts, and not be permitted to invoke the penal jurisdiction of the House in lieu of or in addition to that remedy (Third Report, HC 34 (1967–68) para 42). Subsequently, the Committee of Privileges took the view that it would be unsatisfactory for the House to appear to rely on action by an individual Member in the courts as a substitute for its own penal jurisdiction. The Committee might have added that difficulties such as those which subsequently gave rise to the Defamation Act 1996 (see para 16.19) were likely to arise in such an action. It therefore recommended that the Speaker should take into account the possibility of other remedies when deciding on whether to give precedence to a complaint that a contempt might have been committed (see para 15.32) (Third Report, HC 417 (1976–77) para 5; CJ (1977–78) 170).
15. See the action taken by the House, Parl Deb (1875) 222, cc 1185–1204; cf also Parl Deb (1888) 329, c 1251; *ibid* (1890) 341, c 43; *ibid* (1893) 8, c 1592. For more recent cases in which this question was considered, see HC 247 (1963–64) and HC 269 (1964–65).
16. LJ (1834) 704, 737, 743; Parl Deb (1834) 24, cc 892, 941, 946, 1006, 1065.
17. LJ (1867) 31, 33, 46, 72.
18. CJ (1772–74) 452, 456; CJ (1888) 385 and Parl Deb (1888) 329, c 48; CJ (1890–91) 481 and Parl Deb (1890–91) 356 c 419; CJ (1893–94) 123, 408, 416 and Parl Deb (1893–94) 9, c 1866; *ibid* (1893–94) 14, cc 820, 1094; and CJ (1937–38) 213.
19. HC Deb (1909) 8, c 31; CJ (1928–29) 50, 156, 159; and *ibid* (1950–51) 319 and Report of the Committee of Privileges, HC 235 (1950–51).

20. CJ (1924) 180 and Report of the Committee of Privileges, HC 98 (1924).
21. CJ (1874) 181, 189 and Parl Deb (1874) 219, cc 752, 755 and CJ (1950–51) 299. In a case in 1968–69, the Committee of Privileges considered that an assertion that a Member who was Chairman of a sub-committee of a select committee would not be able to form a sufficiently fair and dispassionate view of events when hearing evidence in their own constituency was not a contempt (HC 197 (1968–69)).
22. CJ (1900) 178.
23. CJ (1831–32) 278, 294; *ibid* (1857–58) 189, 196, 201 and Parl Deb (1857–58) 150, cc 1022, 1063, 1198; HC Deb (1909) 7, c 235; Parl Deb (1921) 145, c 831; and CJ (1932–33) 141.
24. CJ (1878–79) 326, 366; Parl Deb (1879) 247, cc 1866 and 1956 and *ibid* 248, cc 602, 633, 971, 1100, and Report of the Select Committee on Privilege (Tower High Level Bridge (Metropolis) Committee), HC 294 (1878–79).
25. CJ (1667–87) 88, 95; *ibid* (1732–37) 245; *ibid* (1836) 658, 676 and Parl Deb (1836) 35, cc 167, 255; CJ (1893–94) 631 and Parl Deb (1893–94) 20, c 112; CJ (1901) 414, 418; Report of the Committee of Privileges, HC 138 (1946–47) and CJ (1947–48) 22. See also *ibid* (1935–36) 203 and HC Deb (1935–36) 311, cc 1349–52.
26. CJ (1901) 355; *ibid* (1926) 99; Report of the Committee of Privileges, HC 55 (1926); Committee of Privileges, First Report, HC 302 (1974–75); and see also Report of the Committee, HC 112 (1947–48).
27. CJ (1880) 46, 54 and Parl Deb (1880) 250, cc 797, 1108.
28. CJ (1873) 60 and Parl Deb (1873) 214, c 733
29. CJ (1934–35) 201 and HC Deb (1934–35) 301, c 1545.
30. Report of the Committee of Privileges, HC 181 (1945–46).
31. Committee of Privileges, Second Report, HC 228 (1964–65).
32. HC Deb (1974) 877, cc 466, 673. The complaint was not pursued, following a letter of apology.
33. Report of the Committee of Privileges, HC 214 (1980–81). Although the Committee was unable to establish the facts alleged, it observed that ‘such an allegation, if established, would certainly reveal a serious affront to the privilege of freedom of speech’.
34. Report of the Committee of Privileges, HC 564 (1983–84). See also HC Deb (1993–94) 238, c 21.

Committee on Standards and Privileges, Ninth Report of Session 2009–10, *Privilege: John Hemming and Withers LLP*, HC 373.

Misbehaviour in the lobbies

21.52A Member cannot be named unless *the* offence is committed *in the* House, or a Committee of *the* whole

House, *in the* actual view of *the* Chair and is dealt with at once. *Misbehaviour in the lobbies*, such as *the* use of offensive expressions¹ or *insulting words*² or threats,³ is accordingly left to *the* House to be dealt with under *the* ancient practice as a contempt. But action *in* a division lobby which obstructs *the* proceedings of *the* House, such as *the* indefinite prolongation of a division by *the* refusal of certain Members to pass *the* tellers, has been punished under Standing Order No 44 by naming, after *the* Chairman had directed *the* Serjeant to ascertain *the* names of *the* Members concerned.⁴

- [Highlight Footnotes](#)

Footnotes

1. CJ (1877) 144; Parl Deb (1877) 233, c 951.
2. CJ (1887) 377, 389; Parl Deb (1887) 317, c 1167.
3. Parl Deb (1881) 263, c 50.
4. CJ (1926) 117. See also [HC Deb \(1979–80\) 969, cc 765, 779–81, 915–16.](#)

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What constitutes privilege

Contents

12.1 Parliamentary *privilege* is the sum of certain rights enjoyed by each House collectively as a constituent part of the High Court of Parliament and by Members of each House individually, without which they could not discharge their functions, and which exceed those possessed by other bodies or individuals. Some *privileges* rest solely on the law and custom of Parliament, while others have been defined by statute.

Certain rights and immunities such as freedom from arrest or freedom of speech are exercised primarily by individual Members of each House. They exist in order to allow Members of each House to contribute

effectively to the discharge of the functions of their House. Other rights and immunities, such as the power to punish for contempt and the power to regulate its own constitution, belong primarily to each House as a collective body, for the protection of its Members and the vindication of its own authority and dignity.¹ Fundamentally, however, it is only as a means to the effective discharge of the collective functions of the House that the individual *privileges* are enjoyed by Members.² The Speaker has ruled that parliamentary *privilege* is absolute.³

When any of these rights and immunities is disregarded or attacked, the offence is called a breach of *privilege* and is punishable under the law of Parliament. Each House also claims the right to punish contempts. These are actions which, while not necessarily breaches of any specific *privilege*, obstruct or impede it in the performance of its functions, or are offences against its authority or dignity, such as disobedience to its legitimate commands or libels upon itself, its Members or its officers. The power to punish for contempt or breach of *privilege* has been judicially considered to be inherent in each House of Parliament⁴ not as a necessary incident of the authority and functions of a legislature (as might be argued in respect of certain *privileges*) but by virtue of their descent from the undivided High Court of Parliament and in right of the *lex et consuetudo parliamenti*.

Since parliamentary *privilege* is a means to the collective discharge by each House of Parliament of its functions, occasions have arisen and will continue to arise when one House or the other is content not to insist upon its *privileges*, either generally or in a particular instance.⁵

In 1607, the House of Commons gave leave, at his request, for a Member to be sued, a process against which Members were then protected by *privilege*.⁶ In current practice, tacit permission is normally given to Members of the Commons to attend a court on a day on which that House sits, though it is equally possible for the Member to insist on the undoubted *privilege* not to do so (see para [14.10](#)). Similarly, though

service of a writ within the precincts of Parliament on a sitting day is a contempt (see para [15.11](#)), select committees of the Commons have contemplated an application to the House for leave to serve and execute process.⁷ Both Houses no longer prevent (and indeed arrange for) the publication of debates or proceedings except when these are held in private or publication is prohibited.⁸

There is, however, an area where such considerations do not arise. Article IX of the Bill of Rights 1689 lays on courts an obligation not to ‘impeach or question’ proceedings in Parliament. The prohibition is statute law and, unless there has been amending legislation, the protection it confers cannot be waived by either House (see para [13.14](#)).⁹ In 1917, a court permitted the examination of *what* a plaintiff, who was a Member of the House of Commons, had said in Parliament, evidently in an attempt to assess the merits of an argument (which was based on a rebuttal of *what* had been said in the House) about the extent to which the defendant enjoyed a qualified *privilege* at law.¹⁰ It was subsequently judicially assumed that the court in 1917 considered that it was no more than taking notice of the fact that the speech had been made.¹¹ Certainly, the House of Commons had taken no steps to ‘waive’ any statutory duty—which in any event rests on the courts and not on the House—not to impeach or question proceedings in Parliament. In 1994, the Judicial Committee of the Privy Council implicitly endorsed the contention that the *privilege* enshrined in the Bill of Rights may be altered only by an amending statute. The committee reversed a conclusion reached by the New Zealand Court of Appeal to the effect that Article IX need not be interpreted so as to exclude the possibility of waiver by a resolution of a legislature to the proceedings of which it applied.¹² Since then the Bill of Rights has been judicially recognised as a constitutional statute and as such not amenable to implied repeal.¹³

- [Highlight Footnotes](#)

Footnotes

1. In this and the five following chapters, the term '*privilege*' is used in the sense of fundamental right necessary for the exercise of constitutional functions. The use of the term in the context of the financial powers of the Commons, ie '*financial privilege*', including rights both against the Crown and against the Lords, is dealt with separately in Chapters 33 to 37.
2. The Commons asserted in 1675 that *privilege* existed so that Members might 'freely attend the public affairs of the House, without disturbance or interruption' (CJ (1667–87) 342).
3. HC Deb (23 April 2008) 474, c 1313. The ruling related to the *privilege* of freedom of speech.
4. The position of Parliament in the United Kingdom thus differs from that of independent Commonwealth or colonial legislatures, for which see *Kielly v Corson* (1842) 12 ER 225. That decision was followed by the Privy Council in *Fenton v Hampton* (1858) 14 ER 727; *Doyle v Falconer* (1866) 16 ER 293; *Barton v Taylor* (1886) 11 App Cas 197; and *Fielding v Thomas* [1896] AC 600; and by the Supreme Court of Canada in *Landers v Woodworth* (1878) 2 SCR 158, esp 210–12. See also *New Brunswick Broadcasting Corp v Nova Scotia (Speaker of House of Assembly)*(1993) 100 DLR (4th) 212, esp 243, 262. The doctrine was accepted that under the common law only such powers are inherent in a legislative assembly as were necessary to its existence, and the proper exercise of its functions and duties as a legislature. Among these necessary powers is the right to order the production of State papers, including those for which legal, professional or public interest immunity might be claimed (*Egan v Willis and Cahill* (1996) 40 NSWLR 650 and *Egan v Chadwick* (1999) 46 NSWLR 563). Wider power must depend on express grant by statute of constitutional power, as in the case of Victoria (*Dill v Murphy* (1864) 15 ER 784) and New South Wales (*Harnett v Crick* [1908] AC 470–77 and *Armstrong v Budd* (1969) 71 SR (NSW) 386). However, s 10 of the New Zealand Parliamentary *Privilege Act* 2014 (c 58) stipulates that 'In determining under subsection (1) whether words are spoken or acts are done for purposes of or incidental to the transacting of the business of the House or of a committee, no necessity test is required or permitted to be used.'
5. In 1831, in the case of *Wellesley v Duke of Beaufort (Mr Long Wellesley's case)* (1831) 39 ER 538, Lord Brougham LC observed that 'if a court of law or equity ... entertains an opinion that a Member of either House of Parliament has *privilege* of Parliament, that court is ... bound to give him the benefit of the *privilege*, and to give it to him with all its incidents'. This, his Lordship added, would be true even if a claim to the *privilege* had actually been abandoned by Parliament, because the court had no means of knowing judicially, short of a statute, *what* Parliament had decided (at 544). But no subsequent judicial authority seems to have followed Brougham's view in its entirety.
6. CJ (1547–1628) 378. The decision was relatively soon regarded as significant, since it gained a place in Henry Scobell's *Memorials* (1656), p 95. Cf a case in 1559, where the House divided on whether a Member in outlawry should—as would normally have been the case—have *privilege*(CJ (1547–1638) 55).
7. For example, Committee of *Privileges*, First Report, HC 31 (1945–46) p vii. No such application seems, however, to have been made.
8. CJ (1970–71) 548: and see paras 13.3–13.5.

9. It was held by Lord Hatherley LC in *Duke of Newcastle v Morris* (1870) LR 4 HL 661 that a *privilege* of Parliament, established by common law and recognised by statute, should not be abrogated except by express words in a statute.
10. *Adam v Ward* [1917] AC 309, commented on in *Prebble v Television New Zealand Ltd* [1995] 1 AC 321 at 335–36, [1994] 3 All ER 407 at 416–17 per Lord Browne-Wilkinson.
11. Lord Dunedin LJ, however, explicitly recognised that absolute *privilege* attached to speeches in the House of Commons ‘for motives of high public policy’; but he added that it was not right that such *privilege*, intended to safeguard liberty of discussion, should be turned into ‘an abominable instrument of oppression’ (*Adam v Ward* [1917] AC 324).
12. *Prebble v Television New Zealand Ltd* [1995] 1 AC 321, [1994] 3 All ER 407. Both the New Zealand House of Representatives and its *Privileges* Committee had come to the conclusion reflected in the Privy Council’s judgment (New Zealand Debates, vol 536, pp 16191–95, and Interim Report of the New Zealand *Privileges* Committee, 1991–93). For the reasoning of the New Zealand Court of Appeal in a contrary sense, see *Television New Zealand Ltd v Prebble* (1993) 3 NZLR 513, esp 520–21.
13. See *Thoburn v Sunderland City Council* [2002] EWHC 195 (Admin), [2003] QB 151, [2002] 3 WLR 247 for discussion of implied repeal of constitutional statutes.

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RULING BY THE HON MR SPEAKER ON A POINT OF ORDER RAISED BY DR C KAMBWILI, MP, AGAINST HON J KAPATA, MP, MINISTER OF LANDS AND NATURAL RESOURCES AND HON B LUSAMBO, MP, THEN MINISTER FOR COPPERBELT PROVINCE ON 3RD OCTOBER, 2017

I order Hon Jean Kapata, MP, Minister of Lands and Natural Resources and Hon B Lusambo, MP, Minister for Lusaka Province to go and stand behind the bar of the House. I also instruct the Sergeant-At-Arms to take the Speaker's mace and to go and stand behind the two Hon Ministers.

Hon Members will recall that on Tuesday, 3rd October, 2017, when the House was considering Question for Oral Answer No. 41 and the Hon Member of Parliament for Bweengwa Parliamentary Constituency, Mr K Michelo, MP, was asking a follow-up Question, the Hon Member of Parliament for Roan Parliamentary Constituency, Dr C Kambwili, MP, rose on a Point of Order.

In the Point of Order, Dr C Kambwili, MP, alleged that, when he was in the foyer with Mr H Kalaba, MP, then Minister of Foreign Affairs, Dr M Imakando, Member of Parliament for Mongu Central Parliamentary Constituency and Mr R Nakachinda, National Secretary for the Movement for Multi-Party Democracy (MMD), Hon B Lusambo, MP, then Minister for Copperbelt Province, approached him and threatened to deal with him for making allegations against the Government, and then proceeded to slap him twice on his face.

He further alleged that, while he was returning to the Chamber, soon after the incident, Hon J Kapata, MP, Minister of Lands and Natural Resources, poured water on him, and hurled, at him, unprintable insults.

He, thus, sought guidance, from me, on whether or not the Hon Members were in order to attack him in that manner within the precincts of Parliament.

In my immediate response to the Point of Order, I indicated that since the incidents happened outside the Assembly Chamber, there was need for the matter to be properly investigated. Consequently, on Tuesday, 10th October, 2017, I referred the matter to the Committee on Privileges, Absences and Support Services for investigation, especially, in light of the potentially conflicting versions of what transpired on the material day.

Hon Members may wish to note that the Point of Order raised by Dr Kambwili, MP, raises two issues:

- i. First, assaulting a Member within the precincts of Parliament; and
- ii. Second, threatening or use of abusive language against another Member.

Hon Members, assaulting, using abusive language against or threatening another Member, within the precincts of the House, is an offence under the National Assembly (Powers and Privileges) Act, Chapter 12 of the Laws of Zambia. In addition, various discourse by eminent parliamentary practice authors condemn such conduct. Thus, the following legal provisions and works of eminent writers attest to the prohibition of assaulting, threatening, or using abusive language against another Member within the precincts of Parliament:

1. Section 23(a) of the National Assembly (Powers and Privileges) Act, Chapter 12 of the Laws of Zambia, is couched in the following terms:

"23. (a) Any person shall be guilty of an offence who threatens, assaults, obstructs or insults any member or officer going to or from the precincts of the Assembly Chamber."

2. Section 19 (c) of the Act goes on to provide that:

“19. (c) Any person shall be guilty of an offence who causes an obstruction or disturbance within the precincts of the Assembly Chamber or during a sitting of the Assembly or of a Committee thereof.”

3. M N Kaul and S L Shakhder, in their book entitled Practice and Procedure of Parliament, Seventh Edition, (New Delhi, Lok Sabha, 2016), state at page 311 as follows:

“It is a breach of privilege and contempt of the House to obstruct or molest a member while in the execution of his duties, that is while he is attending the House or when he is coming to, or going from the House. Thus, insults offered to Members on their way to or from the House have always been deemed high breaches of privilege...”

“In the following instances Members and others have been punished for molesting Members –

Assaulting Members within the precincts of the House;

Using insulting or abusive language against Members within the precincts of the House...”

4. Erskine May, in his book entitled Parliamentary Practice, 24th Edition, (London, Lexis Nexis, 2011), states at page 262 as follows:

“Members and others have been punished for such molestation occurring within the precincts of the House, whether by assault or insulting or abusive language, or outside the precincts.”

Hon Members may furthermore wish to note that, the House had occasion to consider a similar matter in the case of **Elizabeth Mulobeka-Chitika v Mumbi-Phiri (National Assembly Parliamentary Debates, 16th January-27th March, 2009, at pages 1464-1470)**. The brief facts of the case were that the two Hon Members insulted each other and fought within the precincts of Parliament. The Committee on Privileges, Absences and Support Services considered the matter and recommended that the two Hon Members of Parliament be suspended from the sittings of the House for thirty 30 days and ninety 90 days, respectively. The House upheld the decision of the Privileges Committee, and accordingly suspended the two Hon Members of Parliament from the sittings of the House for periods of 30 days and 90 days respectively.

Hon Members, in line with parliamentary practice and procedure and in accordance with the rules of natural justice, the Office of the Clerk of the National Assembly wrote to the Hon Minister of Lands and Natural Resources, Hon J Kapata, MP, and then Minister for Copperbelt Province, Hon Lusambo, MP, requesting them to state their side of the story. Furthermore, the Office of the Clerk wrote to the witnesses mentioned in the Point of Order. In addition, the Office of the Clerk received reports from the Parliamentary Security Officers who were present at the time the alleged incidents occurred. Furthermore, all the people mentioned in the reports of the security officers and responses by witnesses were written to and requested to give an account of what transpired on the material day. The parties concerned, as well as the witnesses, appeared before the Committee to speak to their written submissions.

The House may wish to note that of the ten witnesses that appeared before the Committee, seven confirmed seeing Hon J Kapata, MP, pour water on Dr C Kambwili, MP, while two confirmed seeing Hon Lusambo slap Dr C Kambwili, MP. Additionally, four said that they saw Hon. Lusambo, MP, poke his finger at Dr C Kambwili, MP.

The Findings of the Committee, as well as its recommendations, are as follows:

1. Point of Order raised by Dr C Kambwili, MP, against Hon B Lusambo, MP, then Minister for Copperbelt Province.

After considering the testimony of the various witnesses, and the Respondent, Hon Lusambo, MP, the Committee found that Hon Lusambo, MP, did, in fact, slap Dr Kambwili, MP, as alleged. The Committee also observed that during its deliberations, Hon Lusambo, MP, behaved with utmost disrespect to the complainant and the Committee. And showed no remorse for his actions. The Committee arrived at the conclusion that Hon Lusambo, MP's, conduct was unparliamentary and not befitting of an honourable Member and Minister. And was in breach of sections 19 (c) and 23 (a) of the National Assembly (Powers and Privileges) Act.

On the basis of the authorities cited, and having regard to the precedent set in the case of Mrs Mumbi Phiri, MP and Mrs Elizabeth Chitika, MP, the Committee resolved that Hon Lusambo, MP, be suspended from the service of the House for the maximum period of thirty (30) days.

I now turn to address Hon Lusambo, MP.

Your conduct of assaulting a fellow member, within the precincts of Parliament, is unbecoming the conduct expected of a Member of Parliament and more so a Minister. This is a House of honour, decorum and dignity and I am duty bound to ensure that the honour, decorum and dignity of the House is protected and preserved at all times. I wish to state that I will not tolerate indiscipline and misconduct from you or, indeed, any other Member. I request you to reflect on your conduct more so as a Minister and I truly trust that you will change and conduct yourself in a manner befitting an Honourable Member and Minister.

Thus, in accordance with section 28 (2) of the National Assembly (Powers and Privileges) Act, which requires a resolution of the House to suspend a Member from the House, I now put the Question: The Question is, that the House accordingly suspends Hon Lusambo, MP, for a period of thirty (30) days with effect from today, 20th March, 2018.

As many as are of that opinion say 'Aye';

Of the contrary say 'No';

I think the 'Ayes' have it. The House resolves accordingly.

Hon Lusambo, MP, before you take the walk of shame through the main entrance door of the Assembly Chamber, I wish to inform you that in accordance with section 28 (3) of the National Assembly (Powers and Privileges) Act, during the period of your suspension, you shall not:

- i. enter the precincts of the Assembly and this extends to the National Assembly Motel;
- ii. participate in any activity of the Assembly or any committee that you are assigned in, in your capacity as Member of Parliament; and
- iii. be paid a salary or allowance that you are entitled to as a Member.

I now order you, Hon Lusambo, MP, to take the walk of shame and leave the Chamber through the Main Entrance of the Chamber, on thirty (30) days suspension with effect from today, 20th March to 18th April, 2018.

2. Point of Order raised by Dr C Kambwili, MP, against Hon J Kapata, MP, Minister of Lands and Natural Resources

Hon Members, after considering the testimony of the various witnesses and the Respondent, Hon Kapata, MP, the Committee found that Hon J Kapata, MP, did, in fact, pour water on Dr C Kambwili, MP, as alleged. The Committee also noted that Hon J Kapata, MP, behaved with utmost disrespect to the complainant and the Committee while submitting before the Committee. She, however, admitted to pouring water on Dr C Kambwili, MP.

Hon Members, before the Committee could mete out the appropriate sanction against Hon Kapata, MP, the parties wrote to the Committee notifying it that they had reconciled, and that Dr C Kambwili had withdrawn his complaint against Hon Kapata. In the light of this, the Committee found that there was no complaint before it as regards Dr C Kambwili, MP, and Hon J Kapata, MP. The Committee, in this regard, resolved to close the matter and counsel the parties.

Hon Members, I have taken note of the recommendation of the Committee and the considerations it took into account in arriving at its decision. However, I have not been persuaded to uphold their recommendation. This is because Hon J Kapata, MP's conduct of pouring water on Dr C Kambwili, MP, and hurling unprintable insults at him, within the precincts of Parliament, was not only a violation of Dr C Kambwili's rights, as a member, but also a violation of sections 19 (c) and 23 (a) of the National Assembly (Powers and Privileges) Act. Hon Members, to put it plainly, assaulting and using abusive language against a Member is a grave offence, not only against a member, but the House as a whole, whose decorum and dignity, I am under a solemn duty to safeguard.

As a matter of fact, this House set a precedent on this matter in the case of **Mrs R Musokotwane against Hon M L Kaingu (National Assembly Parliamentary Debates, 16th January-27th March, 2009, at pages 3107-3112)**. In the Musokotwane case, Mrs R Musokotwane, then Member of Parliament for Katombola Constituency, raised a complaint against Hon M L Kaingu, then Minister of Community Development, for making a false accusation against her on the Floor of the House. The matter was referred to the Committee on Privileges, Absences and Support Services and when the parties appeared before the Committee, Hon M L Kaingu apologised, profusely, to Mrs R Musokotwane for his statement and she accepted his apology. In deciding on the matter, the Committee considered Hon Kaingu's apology and Mrs Musokotwane's acceptance of the apology and resolved as follows:

- i. The Committee accepted the apology by Hon M L Kaingu, MP, to Mrs R Musokotwane, MP, and commended the courage and honour with which the Hon Minister conducted himself before the Committee;
- i. The Committee resolved that the House be informed of Hon M L Kaingu, MP's apology so as to correct the parliamentary record; and
- i. The Committee, in considering that there is a duty on every member not to mislead the House or table before it any incorrect information, resolved that the Hon Minister of Community Development and Social Services be admonished and be ordered to apologise before the House.

In addressing Hon M L Kaingu, when rendering the ruling, my predecessor said, inter alia, at pages 3111 to 3112 as follows:

"I wish to inform you that your apology to the Hon Member for Katombola Parliamentary Constituency, Mrs R Musokotwane, MP, has been accepted both by her and the Committee. However, as an hon Member of the House, you have the duty to ensure that the information you provide to this House is factual. Your action of misleading the House and the public amounted to breach of privilege and contempt of the House. In line with the Committee's decision to be lenient in their punishment against you, because of the manner in which you handled the issue, you are hereby admonished for submitting incorrect information to the House."

Hon Members, evidently, in arriving at its decision, the Committee took into account the fact that the offence committed by Hon M L Kaingu, beyond being an offence against Mrs R Musokotwane, was an offence against the Assembly. The fact that the Hon Minister had apologised to Mrs R Musokotwane and she had accepted the apology did not absolve him of blame for breaching the rules of the House. Rather, it merely gave the Committee reason to exercise leniency when deciding what punishment to mete out to him.

Hon Members, as you are well aware, the current incident received wide publicity in both the print and electronic media. Therefore, the conduct of the two Members brought the dignity and integrity of the House into public disrepute and odium. In this regard, it is imperative that this House demonstrates that it cannot and will not condone such conduct from a Member. Additionally, I am of the considered opinion that failure to mete out punishment on Hon Kapata, MP, on the ground that she reconciled with the victim Dr C Kambwili, MP, will set a very bad precedent and lead to Members breaching the rules of the House and resorting to reconciliation in order to escape punishment. This can result in the discipline in the House and among Members being compromised. Therefore, the reconciliation can only act as a mitigating factor, and not serve to exculpate the culpable Member.

Therefore, pursuant to section 28 of the National Assembly (Powers and Privileges) Act, which grants me power to punish a Member found guilty of a contempt of the Assembly, and considering the gravity of the offence, namely pouring water on Dr C Kambwili, MP, and hurling unprintable insults at him, I have decided that Hon J Kapata, MP, be suspended from the service of the National Assembly for a period of seven (7) days.

I now turn to address Hon Kapata, MP.

Hon Kapata, MP, your conduct of pouring water on, and hurling unprintable insults at a fellow member, within the precincts of Parliament, is unbecoming the conduct of a Member of Parliament and moreover a Cabinet Minister. Further, as a senior member of this August House, you ought to know that this is a House of honour, decorum and dignity, and, as such, your conduct ought to be exemplary and above reproach. Ordinarily, your conduct would have attracted a more severe punishment, but due to the fact that you have reflected on your behaviour and reconciled with your victim, I have elected to exercise leniency on you. I wish to reiterate that I will not tolerate gross indiscipline and misconduct from any Member of this House. The honour, decorum and dignity of the House must be protected and preserved at all times. I do trust that you will reflect seriously on your conduct and, in future, desist from conduct unbecoming a Member and moreover a Cabinet Minister.

Thus, in accordance with section 28 (2) of the National Assembly (Powers and Privileges) Act, I now put the Question: The Question is, that the House accordingly suspends Hon J Kapata, MP, for a period of seven (7) days with effect from today, 20th March, 2018.

As many as are of that opinion say 'Aye';

Of the contrary say 'No';

I think the 'Ayes' have it. The House resolves accordingly.

Hon Kapata, MP, before you take the walk of shame, I wish to inform you that in accordance with section 28 (3) of the National Assembly (Powers and Privileges) Act, during the period of your suspension, you shall not:

- i. enter the precincts of the Assembly and this extends to the National Assembly Motel;
- ii. participate in any activity of the Assembly or any Committee that you are assigned in, in your capacity as Member of Parliament; and
- iii. be paid a salary or allowance that you are entitled to as a Member.

I now order you, Hon J Kapata, MP, to take the walk of shame and leave the Chamber through the Main Entrance of the Chamber, on seven (7) days suspension, with effect from today 20th March to 26th March, 2018.

I thank you.

Ruling Date:

Tuesday, March 20, 2018

Parliamentary Period:

Second Session of the Twelfth Assembly