

PARLIAMENT OF THE REPUBLIC OF FIJI



PARLIAMENTARY DEBATES

DAILY HANSARD

FRIDAY, 30TH JULY, 2021

[CORRECTED COPY]

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FRIDAY, 30TH JULY, 2021

The Parliament met at 9.53 a.m. pursuant to adjournment.

HONOURABLE SPEAKER took the Chair and read the Prayer.

PRESENT

All Honourable Members were present.

MINUTES

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

That the Minutes of the sitting of Parliament held on Thursday, 29th July, 2021, as previously circulated, be taken as read and be confirmed.

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

Question put.

Motion agreed to.

COMMUNICATIONS FROM THE CHAIR

Welcome

HON. SPEAKER.- I welcome all Honourable Members to the final sitting day for this week, those attending in person and those attending virtually. I also welcome all those watching the live proceedings on television and the internet. Thank you for your continued interest in the workings of your Parliament, especially during these essential financial procedures on the National Budget debate and approval.

Circulation of Misinformation

Honourable Members, I wish to address the House on a misinformation circulating on social media and this is with respect to the Budget Amendment Bills which will be debated today. If Members had been paying attention to the proceedings, Members will note that debate on the Bills will not be limited to one hour, contrary to what has been circulating in the social media. In fact, time for the debate will be limited but this is to ensure that the Bills tabled on 16th July and 28th July will be debated and voted upon during this week's sitting. I hope that is clear.

Additionally, as I had alluded to in my rulings on Wednesday, 28th July, 2021, all Members are at liberty to make representations and fully debate any issues pertaining to any Bill, including those issues in relation to Bill No. 17 of 2021. I hope that this is now clear.

Switching Off of Microphones

At this juncture, Honourable Members, I will also address a few issues pertaining to virtual connections. Whilst this may be the final sitting for this sitting week, it is imperative to address this today as we can be assured that this will not be the end of hybrid and virtual sittings for Parliament.

It has been brought to my attention that some Members are insinuating that the Secretariat is deliberately switching off microphones of Members whilst they are still speaking. Please, let me clarify that when the Speaker has informed you that you have gone over your time, the Secretariat will only then proceed to mute the microphone for the said Member. In some instances, you will note that whilst Members are still speaking, their microphones appear to have been muted because you cannot hear them anymore.

I will also clarify that in these instances, the Secretariat has not muted the microphones. What has actually happened in those instances is that, there is great interference to the audio, and this is caused when there are too many virtual microphones switched on at the same time and the Members are all speaking or trying to speak at the same time.

Whilst you may argue that the setup of the hybrid virtual sittings should mirror what takes place in the Chambers with respect to allowable interjections, I have to remind you all that these virtual platforms are programmed differently and, therefore, I remind Honourable Members to be more considerate, especially when the Honourable Prime Minister, the Honourable Attorney-General and Honourable Ministers or for any Member connecting virtually are speaking, as some of them are providing responses to questions and queries and making points of clarification for the good of the debate. I hope that, that is clear.

Virtual Sitting Etiquette and Guide

Finally, I also remind all Honourable Members of the Virtual Sitting Etiquette and Guide which had been provided to all Members, particularly on neutral background and surrounding sounds, which may cause interference to the system. As soon as you have spoken, please mute your microphone to avoid further audio interference and strain to the system. I hope we have clarified matters there. Thank you, Honourable Members.

Honourable Members, I now call on the Attorney-General and Minister for Economy, Civil Service and Communications to move his motion. You have the floor.

HON. L.D. TABUYA.- Mr. Speaker, Sir, a point of order. I raise the point of order under Standing Order 54. I am bringing this to the attention of the House in terms of the request that our voting procedure on the motions today to proceed under Standing Order 54(1) & (2) which reads, and I quote:

“(1) Where –

(a) the electronic voting system is unavailable; or ...

(2) A roll call vote is conducted by the Secretary-General, who asks each member separately how the member wishes to vote”.

Mr. Speaker, Sir, I raise this because I want to note in this House that yesterday, Members of the Opposition stated our opposition to the Budget, but this was not recorded, and it was translated as a unanimous decision to support the Budget. However, we did raise our opposition and this was not recorded.

Mr. Speaker, Sir, we are seeking that the roll call vote for the motions today be recorded under Standing Order 54. That is what I am seeking under Standing Order 54(2).

HON. SPEAKER.- Honourable Members, the decision to have that voting system was taken earlier on when the Budget schedule was being planned and it was agreed to by all the Members who were there - the Honourable Prime Minister, the Honourable Leader of the Opposition and the Honourable Leaders of the other Parties on the exact type of voting.

Now, if you disagreed with the proceedings yesterday, you should have raised it then and we could have corrected it. It is a simple question. The voting system that was decided on will remain as is and we will continue with that, but we will have a full debate on the issues that are being put on today's table. I hope I have made myself clear on that.

Honourable Attorney-General, you have the floor.

2021-2022 CONSEQUENTIAL (BUDGET AMENDMENT) BILLS 2021

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, pursuant to the resolution of Parliament on Friday, 16th July, 2021, I move:

That the following Consequential Bills be debated, voted upon and be passed:

- (1) Customs (Budget Amendment) Bill 2021 (Bill No. 8/2021);
- (2) Customs Tariff (Budget Amendment) Bill 2021 (Bill No. 9/2021);
- (3) Value Added Tax (Budget Amendment) Bill 2021 (Bill No. 10/2021);
- (4) Environment and Climate Adaptation Levy (Budget Amendment) Bill 2021 (Bill No. 11/2021);
- (5) Gambling Turnover Tax (Budget Amendment) Bill 2021 (Bill No. 12/2021);
- (6) Fiji National Provident Fund (Budget Amendment) Bill 2021 (Bill No. 13/2021);
- (7) Employment Relations (Budget Amendment) Bill 2021 (Bill No. 14/2021);
- (8) Tertiary Scholarship and Loans (Budget Amendment) Bill 2021 (Bill No. 15/2021);
- (9) State Lands (Budget Amendment) Bill 2021 (Bill No. 16/2021);
- (10) iTaukei Land Trust (Budget Amendment) Bill 2021 (Bill No. 17/2021);
- (11) Biosecurity (Budget Amendment) Bill 2021 (Bill No. 18/2021);
- (12) Fruit Export and Marketing (Budget Amendment) Bill 2021 (Bill No. 19/2021);
- (13) Medicinal Products (Budget Amendment) Bill 2021 (Bill No. 20/2021);
- (14) International Finance Organisations (Budget Amendment) Bill 2021 (Bill No. 21/2021);
- (15) Tax Administration (Budget Amendment) Bill 2021 (Bill No. 22/2021); and
- (16) Income Tax (Budget Amendment) Bill 2021 (Bill No. 23/2021).

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

HON. SPEAKER.- I now call upon the Honourable Attorney-General and Minister for Economy, Civil Service and Communications to speak on his motion.

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, as part of the 2021-2022 Budget, the Government has introduced a number of fiscal reforms and policies. These reforms have been outlined as part of the Budget Address and or otherwise set out in the Budget Estimates, Supplements or information packs or are in general, alignment with Government's objective of improving efficiency within the system and ensuring that there is ease of doing business. And these, of course, have all been released through various policy announcements and in conformity with the Budget announcement itself.

As a result of the 2021-2022 Budget reforms, the following 16 Consequential Bills are required, which I have just read out, and, of course, there are more which we will discuss later on.

Mr. Speaker, Sir, in respect to the first Bill, the Customs (Budget Amendment) Bill 2021 seeks to amend the Customs Act 1986 to address policy changes in the 2021-2022 Budget.

Mr. Speaker, Sir, although there are quite a number of amendments in the Bill, these changes are largely administrative and service-driven, and will have the overall effect of improving the services of the Fiji Revenue and Customs Services (FRCS), its regulatory powers and the timelines with which FRCS delivers its service. Overall, the Bill paves the way for the following policy changes:

- (1) Introduces the licensing of freight forwarders to properly regulate them alongside customs shipping and airline agents;
- (2) Allows ships to provide advanced notification upon arrivals not less than 48 hours;
- (3) Allows the lodgement of claims for refund within 30 days of being notified of the decision;
- (4) Introduces provisions for the service of documents by electronic means;
- (5) Reduces the period for notice of claims from three months to 14 days;
- (6) Reduces the period for procedure after a notice of claim from two months to 14 days;
- (7) Introduces a penalty of \$500 on persons that make payment of duty on cheques that are dishonoured;
- (8) Makes directors personally liable for duty for companies that are in financial difficulties in line with the Tax Administration Act 2009; and
- (9) Introduces an offence provision for importers that do not maintain proper records as required under section 114A of the Customs Act.

Mr. Speaker, Sir, in the interest of time, I will focus on two key changes in the Bill. Firstly, the Bill paves the way for the regulation of freight forwarders by FRCS and introduces the definition of the term “freight forwarder”. Freight forwarders generally to manage of shipments and ensure that goods are delivered according to the instructions of the client. Pursuant to the changes in this Bill, freight forwarders will now be regulated under the Customs Act, like Customs airline and shipping agents to ensure that they maintain professional and acceptable standards of service.

Secondly, Mr. Speaker, Sir, the Bill includes provisions for the service of documents by electronic means as part of business modernisation and automation of processes. This allows FRCS to serve documents by electronic means to importers, including foreign nationals.

Mr. Speaker, Sir, I will not go into the specific Clauses of the Bill, as the Honourable Members would have had the opportunity to read those.

The next amendment, Mr. Speaker, Sir, is Bill No. 9 which is the Customs Tariff (Budget Amendment) Bill 2021. This Bill seeks to amend the Customs Tariff Act 1986 to address the following policy changes in the 2021-2022 Budget:

- Reduction of fiscal duty on green tea from 5 percent to free;
- Reduction of fiscal duty on fruit juice that is not manufactured locally or that has no added sugar from 32 percent to 15 percent;
- Reduction of fiscal duty on vegemite and the like from 32 percent to 5 percent;
- Reduction of fiscal duty on lead asset batteries from 32 percent to 15 percent, as a means of assisting Public Service Vehicle operators such as buses and taxis and even individual domestic users for cars;
- Reduction of fiscal duty on auto visual equipment such as television, cameras, digital cameras, video camera recorders, pocket-sized radio cassette players and radio receivers from 5 percent to free;
- Reduction of fiscal duty on spare parts for electrical equipment from 5 percent to free;

- Increase in the fiscal and excise duty on non-woven bags from 5 percent to 32 percent and free to 10 percent respectively to provide protection for domestic suppliers;
- Extend concession code 124 to include cement, timber/wood, reinforcing bars, veneer plywood, nails and/or any other locally manufactured goods which may not be available locally at a reduced rate of duty of 5 percent fiscal and free import excise. Given the current shortage of cement locally, these items can now be imported into Fiji at a concession rate of 5 percent for a period of six months from 1st August, 2021 till 31st January, 2022.
- Increase the fiscal duty under Head 6305 from 5 percent to 32 percent to protect domestic suppliers of sacks and bags that fall under that heading.
- Increase the allowance for accompanied luggage from FJ\$1,000 to FJ\$2,000 for *bona fide* passengers embarking in Fiji.
- Introduction of additional allowance for unaccompanied luggage at a value not exceeding FJ\$2,000 for *bona fide* passengers disembarking in Fiji.
- Introduction of crew allowance for flight crew members of international commercial scheduled flights.
- Increase in the age limit for use and reconditioned petrol and diesel vehicles from two years to five years from the year of manufacture under concession code 287 to ensure accessibility to more recent and quality models of Public Service Vehicles.
- Provide hotels and resorts that have been granted duty concessions under concession code 235 for renovations and refurbishments, a further reduced rate of free fiscal and free import excise from 1st August, 2021 to 31st December, 2022.
- Reduction of fiscal duty on dairy products, such as powdered milk, liquid milk, butter, yogurt and cheese from 32 percent to 5 percent with effect from 31st August, 2022.

Mr. Speaker, Sir, the next Bill that I would like to very briefly introduce is the Value Added Tax (Budget Amendment) Bill 2021. This Bill seeks to amend the Value Added Tax Act 1991 to address budgetary policy changes on the announcements made in the 2021-2022 Budget, Mr. Speaker, Sir. For example, this in particular looks at things like parametric insurance which will be exempted from VAT which we intend to introduce very soon under a pilot programme. This will give people a lot of comfort in respect of accessing insurance in particular during cyclones, et cetera.

Mr. Speaker, Sir, the next Bill is the Environment and Climate Adaptation (Budget Amendment) Bill 2021. This Bill seeks to amend the Environment and Climate Adaptation Act 2015, to achieve the following two policy objectives:

- (1) To enable FRCS to process refunds for persons who have paid ECAL erroneously or inadvertently; and
- (2) To provide exemptions from the payment of ECAL for specific goods listed in Schedule 2 of the Act and these exemptions are for personal imports, goods imported by travelling passengers and crew and unaccompanied luggage and goods imported for hotels and resorts.

Mr. Speaker, Sir, the next Bill which is Bill No. 12 - Gambling Turnover Tax (Budget Amendment) Bill 2021. This Bill levies gambling turnover tax at the rates specified in Schedule 2 in the Gambling Turnover Tax Act and the value of any consideration paid or payable by a person in respect of the provision to that person of a gambling service. The Bill seeks to amend the Gambling Turnover Tax Act to prescribe the rate of Gambling Turnover Tax as 15 percent.

The Fiji National Provident Fund (Budget Amendment) Bill 2021, Mr. Speaker, Sir, as we would recall, Parliament passed the Fiji National Provident Fund (COVID-19 Response) (Amendment) Act 2020 during the COVID-19 Response Budget last year. That (COVID-19 Response) (Amendment) made changes to the Fiji National Provident Fund Act and reduced the rates of mandated contributions by employers and employees from 10 percent and 8 percent respectively

to 5 percent each. The reduced rates were initially effective from 1st April, 2020 to 31st December, 2020. However, the Fiji National Provident Fund (Budget Amendment) Act 2020 further amended the FNPF Act and extended the period for the reduced rates to 31st December, 2021.

This Fiji National Provident Fund (Budget Amendment) Bill 2021, Mr. Speaker, Sir, seeks to amend the FNPF Act to increase the rates of mandated contributions by the employers and employees from 5 percent each to 6 percent with effect from 1st January, 2022 to 31st December, 2022.

Mr. Speaker, Sir, more than one year now, members with FNPF accounts have received contributions at a lower rate. With this 1 percent reversal from employers and employees, a total of around \$60 million per year is expected to be credited to members' FNPF accounts. The Bill also seeks to amend the FNPF Act to redefine the term "entitlement event" to include any age that is below the prescribed age subject to prescribed conditions.

Mr. Speaker, Sir, the amendment would allow FNPF members between the ages of 50 and 55 years who have a balance of up to \$10,000 and who have also been unemployed for, at least, 12 months to withdraw funds from their FNPF accounts. This will provide some form of financial support to around 9,593 FNPF members and hopefully also enable them to make appropriate decisions regarding their livelihood, for example, whether they want to set up small businesses.

Mr. Speaker, Sir, the Employment Relations (Budget Amendment) Bill 2021 which is Bill No.14 In 2020, Parliament enacted amendments to the Employment Relations Act 2007 to reduce the entitlements for Family Care Leave and Paternity Leave from five days to two days during the COVID-19 period. These were measures taken to help businesses and employers cope with the COVID-19 pandemic.

However, given the current outbreak and the continued effect of COVID-19, it has become prudent to reduce these entitlements while increasing employee and employer contributions from 5 percent to 6 percent to the Fiji National Provident Fund. In fact, all employers said that they did not want it increased to 6 percent but this essentially, we have increased it to 6 percent. However, we have reduced the Family Care Leave and the Paternity Leave by one day. This, of course, Mr. Speaker, Sir, has been met with satisfaction from the employers too because at this point in time, the issue was cash flow and the fact that we will have this reduced by one day to give some level of comfort and solace to the employers and will not see any reduction in employment, but hopefully also see an increase in employment numbers.

Mr. Speaker, Sir, the next Bill, Bill No. 15 of 2021, Tertiary Scholarship and Loans (Budget Amendment) Bill 2021 seeks to amend the Tertiary Scholarship and Loans Act 2014. Under the Act, the Tertiary Scholarship and Loans Board functions include the processing of applications made for schemes under the Act and the assessment of continuing scholarship holders. The Act also provides the Board with such powers necessary for the performance of its functions under the Act.

Mr. Speaker, Sir, section 14 of the Act establishes the Secretariat which comprises the Chief Executive Officer (CEO) and other staff as the Board deems necessary, but does not provide for the specific functions of the Secretariat in relation to the Board in the Act.

The Bill, therefore, seeks to amend the Act to allow the Board to delegate its functions and powers of the Board to the Secretariat to enable the Secretariat to assist the Board in the administration of the provision of the Act.

The Bill also makes adjustments to the eligible institutions and the available scholarship and tertiary education loan schemes under the Act. Furthermore, given the broad range of functions of

the Board under the Act, the Bill also seeks to amend the Act to reflect a service approach by the Board. The Bill, therefore, changes all references from the “Tertiary Scholarship and Loans Board” to “Tertiary Scholarships and Loans Service”.

The State Lands (Budget Amendment) Bill 2021, Bill No. 16 of 2021 is essentially a replica of the next Bill which is Bill No. 17. The State Lands Act of 1945 provides for the administration of the State land in Fiji. Section 13 of the State Land Act states that:

“It is unlawful for a lessee under a protected lease to alienate or deal with the land compromised in the protected lease, whether by sale, transfer or sublease or in any other manner, without the written consent of the Director of Lands.

The written consent of the Director of Lands is also required for any mortgage, charge or pledge on the protected lease, or for any protected lease to be dealt with by any court of law or under the process of any court of law, or for the Registrar of Titles to register any caveat affecting the protected lease”.

Mr. Speaker, Sir, to obtain the written consent of the Director of Lands takes any time between days to months and in certain occasions, even more than a year. There is a huge backlog of applications which have not been dealt with to-date and we receive frequent complaints from members of the public on these delays on the Department of Lands, which is simply unacceptable.

The State Lands (Budget Amendment) Bill 2021, Mr. Speaker, Sir, seeks to amend the State Lands Act to remove the requirement of obtaining a written consent of the Director of Lands for any mortgage, charge, pledge or caveat on a protected lease or what we call a “registered lease” or for any such lease to be dealt with by any court of law or under the process of any court of law. This will ensure faster service delivery to lessees and third parties will no longer need to obtain the consent of the Director of Lands. They send their applications and they can directly raise things with the Registrar of Titles or lodge proceedings in court.

Consent, however, Mr. Speaker, Sir, as with the next Bill, is still required for dealings such as sale, transfer, subleasing assignment, subletting, building, rezoning, et cetera. However, with these amendments, consent can only be refused whether there is a breach of any lease condition on the application not in accordance with the law.

Mr. Speaker, Sir, the next Bill which is Bill No. 17, the iTaukei Lands Trust Budget (Amendment) Bill 2021, the iTaukei Lands Trust Act 1940 provides for the administration of the iTaukei land in Fiji. Section 12 of the iTaukei Land Trust Act currently requires lessees and other third parties to obtain a written consent of the iTaukei Land Trust Board for the following dealings: sale, transfer, mortgage, charge, assignments, sub-lease, sublet, building and rezoning.

The iTaukei Land Trust (Budget Amendment) Bill 2021 proposes the following amendments to section 12(1) which says, and (the Bills are there in front of the Members):

“Except as may be otherwise provided by regulations made hereunder, it shall not be lawful for any lessee under this iTaukei Land Trust Act to alienate or deal with the land comprised in his/her lease or any part thereof, whether by sale, transfer, or sublease or in any manner whatsoever without the consent of the Board as lessor or head lessor first had and obtained. The granting or withholding of consent shall be in the absolute discretion of the Board, and any sale, transfer, sublease or other unlawful alienation or dealing effected without such consent shall be null and void.

Provided that nothing in this section shall make it unlawful for the lessee or a residential or commercial lease granted before 29 September 1948 to mortgage such lease.

Notwithstanding anything contained in subsection (1), consent of the Board is not required for any mortgage, charge, pledge, caveat or for any such lease to be dealt with by any court of law or under the process of any court of law.

For the purpose of this section, “lease” includes a sublease and sub-lessee . A sub-lessee includes a sub-lease.

For the purpose of this section, any such consent shall only be refused where there is a breach of any lease condition or where such application to deal with the land is not in accordance with the law”.

Mr. Speaker, Sir, in summary, the Bill proposes that the consent of iTLTB is no longer required for any mortgage, charge, pledge, caveat or for any court proceedings. Furthermore, it also provides that for any other dealing which requires the consent of iTLTB, consent can be refused by iTLTB where there is a breach of the lease condition or where the application is not in accordance with the law.

Mr. Speaker, Sir, it is important to highlight that the removal of consent under the Bill only applies to leases which are properly issued by iTLTB and which are registered with the Registrar of Titles. As explained, Sir, the registered proper leases are only issued by iTLTB after necessary consent of the iTaukei Landowning Units are obtained and after terms and conditions such as rent and premium are prescribed by iTLTB in a proper lease agreement. The Bill does not apply to *vakavanua* and other *ad hoc* arrangements for occupation which are not properly registered under the law.

Mr. Speaker, Sir, in addition to the above and as announced in the 2021-2022 Annual Budget Address, consents are no longer required for connecting water and electricity on any State or iTaukei leased land. Again, to reiterate, this only applies to registered leases. As I had also highlighted, an identical amendment has been proposed for all State lands under the State Lands (Budget Amendment) Bill 2021 under which the consent of the Director of Lands will no longer be required.

In a social media post, Mr. Speaker, Sir, Honourable Tabuya has maliciously alleged that the Bill will result in landowners losing their rent payments as well as losing control of their land. Under section 4 of the iTaukei Land Trust Act, the control of all *iTaukei* land, Sir, unless the landowning unit decides to lease the land through the Land Use Act administered by the Lands Department is vested with the iTLTB and all such land is administered by iTLTB for the benefit of the *iTaukei* landowners.

Before any iTaukei land is leased by iTLTB, the expressed consent of the *iTaukei* landowners is obtained. Following the consent of the *iTaukei* landowners, iTLTB assesses the land value, the use of the land, the amount of premium and land rental, lease terms and conditions, including tenure of the lease. Once the land is leased, the amount of premium and land rent to be paid is fixed and forms part of the lease which is registered as a legally enforceable instrument with the Registrar of Titles.

Any dealing with the lease does not, in any way, affect the land rental premium which are to be paid by the lessees to iTLTB for the benefit of the *iTaukei* landowners. In fact, there is a review provision built into these leases also. Therefore, a mortgage of a lease does not affect the land rent or the premium or any other term and condition of the lease. A mortgage also does not prevent a

reassessment of rent to be carried out over all iTaukei leases pursuant to the terms and conditions of the lease and the iTaukei Land Trust (Leases and Licences) Regulations 1984.

A lessee is still bound by the terms and conditions of the lease whether or not he or she has mortgaged that lease and whether the mortgagee has changed. So, basically if you have a piece of iTaukei leased land which you get a proper lease, which iTLTB has essentially got the consent of the landowners, given a lease and say, “you have a 99-year lease for residential lease”, for example, you then want to build something, you have to get permission under the current provision. If you want to connect water, you have to go back and get permission. If you want electricity, you go back and get consent from iTLTB, and iTLTB, in any of these processes does not go back to the landowners and say, “Hey, by the way, this land that you agreed to lease for which you are getting rentals, they want to put electricity, do you agree to that?” They do not do that; iTLTB is the only one that deals with it.

So, today, for example, I want to build a home on that land, I have got BSP as my financier but if Bred Bank comes along because all the banks are competing, and say, “Look, I can give you 2 percent less interest rate but you have to agree to go with me within the next two weeks”. If iTLTB does not give the approval in two weeks’ time, you have lost that opportunity.

Honourable Tabuya’s statement that landowners will no longer enjoy the amount of money they receive mortgage over leased *iTaukei* land or no longer require the consent of iTLTB is grossly misconstrued and it is factually and legally incorrect. It shows the ignorance of basic principles of land property law. A mortgage over any *iTaukei* lease will not and does not change the amount of lease monies which are currently received by iTLTB on behalf of the landowning units. They will continue to receive lease monies in accordance with the lease regardless of any mortgage of the lease or change on the mortgagee.

Furthermore, it is totally absurd that Honourable Tabuya suggests that landowners will have no control over what a lessee can do with the landowners land if they no longer need consent for a mortgage. Sir, *iTaukei* leases have been mortgaged well before these amendments were proposed and none of these mortgages have taken away the control of iTLTB over such leases.

Even with the removal of the need for consent to mortgage, the lease monies will continue to be paid to the landowners and iTLTB will continue to monitor and enforce the terms of the leases on all lessees. A mortgage, charge, pledge, caveat, no connection to water and electricity do not in any way affect the terms and conditions of a lease approved by iTLTB nor does it in any way shape or form undermine the rights of the landowning units.

Mr. Speaker, Sir, there is quite a lot I can say but I will restrict myself, suffice to say, very quickly even though the consent of iTLTB would not be required for a lease to be mortgaged, the ownership of the land will always remain with the landowners. Any person with basic knowledge of conveyancing land law will know that a mortgage only deals with the lease and not the ownership of such land.

Ownership and the title of *iTaukei* land is and always will be protected both under the 2013 Fijian Constitution and the iTaukei Land Trust Act. Section 28 of the Constitution clearly provides that ownership of all *iTaukei* land shall remain the customary landowners of that land. An *iTaukei* land shall not be permanently alienated except to the State for public purposes. However, there is now a new provision in the Constitution that did not exist in any other provision of any other Constitution previously that states that if *iTaukei* land is used for public purpose and even though the State will pay compensation and full compensation market rates, the State must return the land to the landowners if it is no longer required for the original public purpose it was needed for.

Please, also note, Mr. Speaker, Sir, that the freehold land can also be permanently alienated to the State for public purpose, however, there is no compulsion on the State to return that land to the freehold owners if they no longer require it. Section 5 of the iTaukei Land Trust Act also ensures that *iTaukei* land shall not be alienated by *iTaukei* landowners whether by sale, grant, transfer, exchange, except to the State. There were no such protections prior to the 2013 Constitution.

Mr. Speaker, Sir, I will now go on to the next Bill because I am sure there are some Members who will want to speak about this. Mr. Speaker, Sir, the next Bill is the Biosecurity (Budget Amendment) Bill 2021 which seeks to amend the Biosecurity Act 2008 to provide that the Minister responsible for the Act may exempt fees and charges and consultation with the Biosecurity Authority of Fiji (BAF), provide for the appointment of vessel or aircraft clearance agents to clear vessels or aircrafts under the Act and enable efficient and effective service of delivery by BAF pursuant to the Act.

Mr. Speaker, Sir, the next Bill is the Fruit Export and Marketing (Budget Amendment) Bill 2021. This Bill seeks to amend the Fruit Export and Marketing Act 1906 to allow the Chief Executive Officer of BAF to issue an Exporter's Licence. Section 7 of the Act provides that the Permanent Secretary responsible for Agriculture may issue a fruit exporter's licence to a person who has made an application in writing, accompanied by the prescribed fee. The exporter's licence is not issued by the Permanent Secretary unless the exporter's premises have been approved by BAF in accordance with Section 88 with the Biosecurity Act 2008.

Given that BAF facilitates the inspection and approval of the exporter's premises, the Bill therefore seeks to amend the Act to allow the CEO of BAF to issue an exporter's licence. We are removing the red tape that is currently existing.

Mr. Speaker, Sir, Bill No. 20 that Medicinal Products (Budget Amendment) Bill 2021. Sir, before Parliament today is the Medicinal Products (Budget Amendment) Bill 2021. This Bill seeks to amend the Medicinal Products Act 2011, to allow the Minister to appoint any officer or class of officers, person or class or persons nominated by the CEO and employed by the FRCS to be an authorised officer. The Bill also seeks to amend section 41 of the Act by deleting the word "authorised" and substituting with the word "appoint" to align with the heading of the section.

Mr. Speaker, Sir, the next Bill No. 21 is the International Finance Organisation (Budget Amendment) Bill 2021 which seeks to amend section 4(1) of the International Finance Organisation Act 1971 to clarify that payments or transfers made to international financial organisations, such as the International Monetary Fund (IMF), International Bank for Reconstruction and Development (IBRD), International Development Association (IDA), Asian Development Bank (ADB) and Asian Infrastructure Investment Bank (AIIB) include payments of subscription for additional shares.

Expressly stating within the Act itself that payments or transfers made to these international financial organisations include payments of subscription for additional shares will help streamline the subscription process, particularly in terms of providing evidence that Fiji's legislation expressly authorises payments of subscription for additional shares.

Mr. Speaker, Sir, the next Bill is Bill No. 22 which is the Tax Administration (Budget Amendment) Bill 2021 seeks to amend the Tax Administration Act 2009 to introduce certain policy changes introduced in the 2021-2022 Budget. For example, clause 3 amends section 33(1) of the Tax Administration Act 2009 so that payment of a refund of overpaid tax to a taxpayer under tax law is first applied against any tax or duty owing by the taxpayer under any tax, customs or excise law. Clause 3 of the Bill also amends section 33 to clarify that refunds of any Non-Resident Withholding Tax on fees for professional services would be made to non-residents who have paid the Non-

Resident Withholding Tax contrary to an international tax treaty to which Fiji is a party. This will be facilitated in accordance with the Mutual Procedure Agreement under the Tax Treaty.

Mr. Speaker, Sir, the next Bill is the Income Tax (Budget Amendment) Bill which is the last Bill, Bill No. 23 which seeks to amend the Income Tax Act 2015 to introduce certain policy changes introduced in the 2021-2022 Budget:

- (1) Debt forgiveness period extended to 31st December, 2022.
- (2) Rate of export income deduction from 2023 and 2024 is 60 percent except for the agriculture and fisheries industries where the rate of export income deduction is 90 percent, which is essentially to boost our primary industries;
- (3) Natural disaster reserve account. Companies that have deposited an amount in an account with a financial institution prior to 1st July, 2021 can withdraw the amount to sustain a business activity of the company that is affected by the COVID-19 pandemic, provided that the amount withdrawn does not exceed the amount in the account as at 30th June, 2021.
- (4) The net reserve fund for pandemics, the deduction allowed for tax would be 150 percent of the amount deposited by a company and section 88 of the Income Tax Act to cover resident partnerships.

So, Mr. Speaker, Sir, those are my contributions by way of introduction to these Bills that were tabled on 16th July, 2021.

HON. SPEAKER.- I thank the Honourable Attorney-General. Honourable Members, time moves on. We will open debate for this after we take a break for morning tea. I have a list already of speakers. I will take the liberty of inserting one here and one virtual instead of having everyone here and then everyone virtual. I hope I have your cooperation.

Honourable Members, we will adjourn for morning tea for half-an-hour and when we resume, we will open the debate and the Honourable Leader of the Opposition will have the floor then. We are adjourned.

The Parliament adjourned at 10.40 a.m.

The Parliament resumed at 11.18 a.m.

HON. SPEAKER.- Honourable Members, the floor is now open for debate. Before I call on the first speaker, I would just like to point out that the next speaker after that is Honourable Leawere, followed by the Honourable Kepa, then Honourable Saukuru, followed by the Honourable Gavoka, followed by the Honourable Qionibaravai, followed by Honourable Tuisawau, before the Honourable Prime Minister. That is the list that I have at the moment.

I now give the floor to the Honourable Leader of the Opposition. You have the floor, Sir.

HON. PROFESSOR B.C. PRASAD.- He did not put us on the list.

HON. RATU N.T. LALABALAVU.- Thank you, Mr. Speaker, Sir. The Honourable Prime Minister, Honourable Members of the Cabinet, Honourable Ministers and Members of this august House, I rise to make a contribution, especially on Bill No. 17 that is before us this morning as part of the Consequential Bills. From the outset, Mr. Speaker, Sir, as my colleagues, the Party Leader and even Honourable Tabuya have highlighted in the last few days the importance of this Bill. I thank the Honourable Attorney-General for divulging a bit more on the Bill whilst he was introducing it for debate.

Mr. Speaker, Sir, I heard from the Honourable Attorney-General that the document that is now going to be entertained by the Board of the iTLTB, this is in regards to native land, is that they were to be registrable with the Registrar of Titles. It is upon that, that we based our decision all along that perhaps a bit more consultation needs to be done to ensure that there is consistency in how we see the full effect of this particular amendment, especially, when we have another two documents that comprises a lease or a contract, which is enforceable by law and that is the approval notices and the agreements to lease. Most are just registered as a deed, therefore, not registrable under the Land Transfer Act.

Sir, it is those two contracts, now that those two documents that I have just mentioned, are now being entertained by the Fiji Development Bank. That is good, it is great. But again, when you look at the full effect of this amendment, when it comes to the notice of first charge, mortgage, et cetera, it kind of hides the full effect of this amendment because when an approval notice or agreement to lease is taken as collateral, say with the lending institutions like FDB now and probably other commercial banks, I doubt very much whether they provide that as a collateral for land outside native reserve or land within native reserve. But again, when we look at the notice of first charge, when the lessee does not conform himself/herself to the agreements of the loan and then the bank exercises its right under the notice of first charge to take hold of the property because of the risk they undertook, that is why the cover, the bank just moves in and exercises its right; the sad thing here, the landowners do not know anything at all.

All they know, like the Honourable Attorney-General has said, is that in the first instance, their consent was required. When the lease is given under these two documents and the lending institution exercises its right of first charge and enters the property, the landowners are left in the dark. And then the mortgagee exercises its right, it gets back what it got as loan to the former client and then mortgagee sale is put into effect straight away. That is the very thing that this side of the House, Mr. Speaker, Sir, has been harping about all this time.

Honourable Attorney-General and Honourable Prime Minister, all we ask please is, we need more consultations. If we look at how the Native Land Trust Act has evolved over time, Sir, it is similar to the Magna Carta. Sir, you served quite a bit of time in the United Kingdom and you know fully well what the Magna Carta is, it is similar to the Native Land Trust Act. It has evolved over

time with precedent court cases taking into effect and that has shaped the Magna Carta to become what it is today, Sir, like a Constitution. But it is being driven and shaped by the court cases, similar to the Native Land Trust Act. The empowerment of the Native Land Trust Board to administer land outside native reserve, it is clear, Sir, that has been shaped by previous court cases as well.

Now, if I take us back to the landowners being left in the dark, there are precedent cases as well with the Native Land Trust Board or the iTaukei Land Trust Board that clearly spells out why the NLTB or the iTLTB had to pay the damages, say for a particular case in the province of Ra where where a section of the landowners residing in Suva gave their consent for a business to operate especially to run their gravel extraction business without the full knowledge of the people in the *dela ni yavu*. Sadly, Sir, the case was taken to court and then iTLTB was required to pay damages to the rest of the *mataqali* who lived out there in the village, *dela ni yavu*.

This is an important issue because here you are empowering the Board to say that consent is not needed and we can grant consent. Sir, as I said, the Board has been shaped through decisions of the courts as well. A particular case in mind, Sir, is that when the NLTB does not fully comply with observing the position of the landowners, we always meet the full brunt of the law. The NLTB, like the Magna Carta was all based on trust and that is the guiding principle here. That is why we are humbly asking the Honourable Prime Minister who is the Minister for Fijian Affairs and the Honourable Attorney-General that full consultation needs to be undertaken with the landowners, not only in regards to this Bill but more particularly in the individual cases that come across them once this becomes law.

Maybe they will draw it up in the regulations but apart from that, how do the landowners get themselves tuned in into what is happening with their own land when the tenants, with this exclusive term there, they are entitled to exclusive rights for the full 99 years. As such, with this empowerment just to get a blanket approval to endorse whatever they are going to do, if it is a mortgage et cetera, with the mortgage comes the entailment of it, there is the right of first charge as well plus caveat, et cetera, how can we put a stop for the time being through courts if we are not allowed to be lodging a caveat to exercise our rights as landowners, Sir?

After all native land has got reversionary rights, Sir. When the lease expires, it comes back to the landowners but when it comes back to the landowners through all these amendments that have been pushed forward, Honourable Attorney-General please understand, they would not have a clue with what is happening on their land, but only if they are informed, only if they are consulted.

Sir, from the outset of the genesis of the Native Land Trust Board, et cetera, from the previous former General Managers that have passed on, they held the position that even though we can administer native land outside native reserve for and on behalf of the landowners, but we still need to consult them because as I have already echoed in this august House, times have changed, Sir. The landowners, the new generation we have now, they are well educated. They have travelled the world and they know a lot and with these communication gadgets that we have with us, they are well informed, Sir. You take this with the elders that had agreed initially to the lease to take that back and inform the landowners, they will surely have a different view altogether now, with huge demands.

We encountered this with the laying of the Monasavu cable from Sabeto right through to Naitasiri. We encountered lots of problems during our time there, Sir, because the change in views, not only the change in views, the influence of people who went and tried to impose their views and ideas so that they could milk a lot more from whatever has been prepared.

Sir, with Monasavu, you are very well versed with that. The compensation for the Monasavu Dam started off with \$30 but with the intervention of the late Deputy Prime Minister and the *Turaga*

Bale na Tui Cakau, Ratu Sir Penaia Ganilau through the board of the NLTB, it went up to \$300. That is after listening and consulting with the landowners, with the *vanua*, Sir.

All I ask from this side of the House, Sir, please Honourable Prime Minister and Honourable Attorney-General withdraw this Bill and let us have thorough discussion. Even though the General Manager of the iTLTB has stated that they are in full support, but we on this side of the House, spent donkey's years working in that organisation and we know the operations of how iTLTB operates, not that we are trying to stop them to move forward but, please, just listen to the plea that the position of the landowners is paramount here and all we need is just to be able to go back and consult with them, even though you have the powers, just to inform them so they can be updated as to this is where we are and this is where we are going to go.

That is all I am echoing this morning for us on this side of this august House. Once again I plea to the Government to have more consultation on this. You have done it for previous legislations, for the flag, for other legislations you were able to withdraw, not only in trying to outfox the Government but moreso to provide a brave face but that is all part of the work, Sir, all part of the job and as such, we do not support this amendment, Sir.

HON. SPEAKER.- I thank the Honourable Leader of the Opposition for his contribution to the debate. I give the floor to Honourable Leawere, you have the floor.

HON. M.R. LEAWERE.- Thank you, Mr. Speaker, for allowing me to contribute very briefly on Bill No. 17 and I must thank the Honourable Leader of the Opposition for his words of wisdom. If I had known about what he is going to say, I would have withdrawn. I would not have said anything but I am, indeed, privileged to contribute to this motion which is before the House.

Allow me, Mr. Speaker, Sir, to recount a story that I heard from my chiefs in Vunibau, telling me about their grandfathers who went to fight the war in 1945, five years after the Bill became an Act in 1940 during the Solomon Campaign and later in 1952 in the Malayan Campaign. Many *iTaukei* from other parts of Fiji did not make it back home, Mr. Speaker, Sir during these campaigns and some who were still alive could recall that with machine guns blazing, they fought gallantly for Fiji, even as I said, in the face of heavy enemy artillery. They fought for this land alongside their brother soldiers from Australia, New Zealand, America and Britain and heroic details of the fallen and those that made it alive would still be recounted in the villages today. What were they given as a reward, Mr. Speaker? A knife, a fork and a spade. Here today, we are debating Bill, No. 17 and to those who crafted this Bill have no idea how our ancestors fought to keep the people and this land safe.

Now, this very native land under this amendment is to be debated, passed under the guise of a Consequential Bill. I remember reading, Mr. Speaker, Sir, the verdict of the FijiFirst Government in 2014 and their document that had this to say and I quote; "The things that the indigenous Fijians hold dear to their hearts will be systematically and gradually dismantled and entrenched through legislations. These are the issues of Christianity, land, *qoliqoli*, chiefly system and rights," it went to say, Mr. Speaker, Sir, that "Fiji will be resigned to another unknown term of leadership under the new Government".

It is happening right now, Mr. Speaker, Sir. Fijians and *iTaukei* in particular have to grapple with the Bill and especially this amendment and the only recourse now is to pray for divine intervention. The Bill, Mr. Speaker, Sir, is not good for Fiji and the *iTaukei* and it takes away what little the board have in terms of consent. Why are you doing this, Honourable Minister for Economy? Please, what have we done to deserve this? This Government has taken away the Great Council of Chiefs who are born leaders and they introduced legislations which are counterproductive to *iTaukei* interest.

Mr. Speaker and the Honourable Prime Minister, our chiefs in Fiji and our 26 villages in Serua are asking that this Bill be removed and to consult us in terms of these amendments. This is all we are asking. The Fijians, especially, the *iTaukei* are at a cross road and this Bill must never be supported. I call on His Excellency, the President, Jioji Konrote that this Bill goes against all Fijian protocols, especially our Fijians who freely gave their trust to Ratu Sir Lala Sukuna to hold their land in perpetuity. Please, His Excellency, do not sign this Bill into law.

It is quite sad, Mr. Speaker, Sir, what rights do we have now under Article 6 of ILO, Convention 169 and under Article 19 of UNDRIP. Our human rights recognised under UNDRIP and ILO Convention 169 are breached by this proposal, especially, when it is which is in breach of Article 6.1.1(b) that requires participation in the decision making process. Furthermore, Mr. Speaker, Sir, the amendment is also in breach of Article 6.2.2 that requires consultation in good faith to obtain prior consent. This is a government that should be the Government of the people and for the people, but it has completely turned around and become anti-Fijian in terms of Bill No.17 and also it is anti-*iTaukei*. Governments in dictatorial and failed leadership must not go on, the Government needs to go come 2022, and the people of Fiji, I ask it is the time for a change. Please, Mr. Speaker, Sir, I ask the Government to withdraw the amendment to this Bill.

HON. SPEAKER.- I thank the Honourable Leawere.

Honourable Members, I have received the other list of other speakers who want to participate in this debate, so I re-arranged the speaking arrangement, as follows:

- Honourable Naiqamu;
- Honourable Professor Prasad;
- Honourable Kepa;
- Honourable Minister for Infrastructure, Meteorological Services, Lands and Mineral Resources;
- Honourable Saukuru;
- Honourable Minister for Commerce, Trade, Tourism and Transport;
- Honourable Gavoka;
- Honourable Minister for Health and Medical Services;
- Honourable Tuisawau;
- Honourable Minister for Local Government, Housing and Community Development;
- Honourable Tikoduadua;
- Honourable Qionibaravai;
- Honourable Minister for Defence, National Security and Policing, Rural and Maritime Development and Disaster Management;
- the Honourable Prime Minister; and
- Honourable Attorney-General and Minister for Economy, Civil Service and Communications for his Right of Reply.

That is the order of proceedings. Honourable Naiqamu, you have the floor.

HON. O. NAIQAMU.- Thank you, Mr. Speaker, Sir. I rise to contribute to Bill No. 17/2021. At the outset, I support the Bill. This amendment is basically streamlining the processes of doing business on an *iTaukei* land. It does not take away the rights of ownership as enshrined in the 2013 Constitution.

Mr. Speaker, Sir, Chapter 28 clearly laid out the ownership of the landowner. Hearing the Leader of the Opposition this morning, it touches my heart then I plead to this august House, Honourable Members, please Fiji needs Statesmen, Fiji needs people to look beyond the horizon

what is best for all our Fijians to build this nation so that our future generation will bear the fruits. I think the Government is just doing its job of leading this nation in putting their options and following what is in the supreme law of the land and that is our Constitution.

Mr. Speaker, Sir, I plead to Honourable Gavoka and also plead to my *koica levu*, Honourable Saukuru, please stop misleading the landowners, especially in the Western Division. I remind you of the events of 1987 and also the events of 2000 where our people were used and misguided with all false hope by failed politicians. Please, we have gone through a difficult time during those days - using the land and politicising it. Please, I plead to Honourable Members, please think again.

As I have already mentioned above, it is just basically a very simple amendment to speed up so that it can create value for landowners and open up business opportunities for their land so that they take advantage of all the benefits that will be upgrade not only to the current beneficiaries but to the future beneficiaries. Once again, Mr. Speaker, I plead to Honourable Members, please do not politicised Bill No.17. Look at it as an opportunity not only for landowners but for Fiji as a whole.

Mr. Speaker, thank you for giving or allowing me this time to air my view on Bill No. 17 and I pray that our almighty God will always bless Fiji .

HON. SPEAKER.- I thank the Honourable Member, for his contribution to the debate. I now give the floor to the Honourable Professor Prasad.

HON. PROFESSOR B.C. PRASAD.- Thank you, Mr. Speaker. Before I talk on the Bills, I just want to quickly respond to the Honourable Minister for Economy's statement yesterday during the Committee of Supply with respect to the lockdown and the loss of GDP.

Once again, I think the Honourable Minister completely misses the point. I mean he talks about GDP loses. He thinks that during lockdown, nothing happens. Of course, you know you will have a reduction in GDP but this idea that the Government could not afford a lockdown has made the whole situation a mess. I mean Government should admit that they have failed miserably in doing the right thing to control the virus.

HON. A. SAYED-KHAIYUM.- Speak on the Bill.

HON. PROFESSOR B.C. PRASAD.- You need to take some lessons on how GDP is calculated and GDP is lost, Honourable Minister.

Anyway, Mr. Speaker, coming to the Bills, while we are debating these Consequential Bills, I am going to say a few things on others, but at the outset, let me say that both Bill No.16 and Bill No. 17 are really not Consequential Bills.

When you talk about Consequential Bills, it means Bills, laws that give effect to the Budget and I cannot understand why these Bills are Consequential. Is not as if we were not mortgaging native leases Crown leases. All the lawyers that I have talked to, Mr. Speaker, Sir, as part of my research, all the senior lawyers and lawyers involved in conveyancing, dealing with international clients, they all say that if this this was an administrative issue, an efficiency issue, then deal with those efficiency issues and administrative issues.

I have, Mr. Speaker, Sir, personally dealt with both the Lands Departments and iTLTB. In fact, I find iTLTB to be much more efficient than to get anything done out of the Lands Department. So, we do not have to always change laws to simplify processes, simplify procedures and that is why, Mr. Speaker, Sir, we believe that both these Bills (Bill Nos. 16 and 17) and especially Bill No. 17,

because we all know in this country that any changes to the Native Land Trust Act have always been a sensitive issue, have always invoked different interpretations and fears, and that is why Government needs to be consultative and we have said that it is arrogant and disrespectful for Government not to accept the fact that you need to consult widely on these changes.

In any case, Mr. Speaker, Sir, this is what every political leader is saying and when we issue a statement that is arrogant and disrespectful of government to bring this Bill in a manner that they have brought, that too has a consequential bill when it is not strictly a Consequential Bill is quite arrogant and disrespectful, not only to those who are concerned about the changes but to us as Members of Parliament and when we issue statements on a Bill which is presented to Parliament which becomes a public document, which becomes an issue for public debate, we are held by the police. I visited CID Offices twice already, I am supposed to go this afternoon as well.

This is unheard of in a genuine democracy. What are we trying to do? Similarly, non-consultations with the landowners whose rights have been respected and legislated over the years is arrogance, and we know in the National Federation Party, because we have a history of negotiating land laws and land leases with the landowners of this country and with the iTLTB ...

(Honourable Member interjects)

HON PROFESSOR B.C. PRASAD.- Listen, listen, Honourable Prime Minister!

HON. A. SAYED-KHAIYUM.- He's not the Honourable Prime Minister, it is Honourable Naiqamu. Get your facts right, as usual, you're wrong again.

HON. PROFESSOR B.C. PRASAD.- Well, my apologies for that but that is not a big issue, Honourable Attorney-General. We have already seen how the Honourable Prime Minister released the video last Friday and he himself issued that and involved racial overtones. Government itself is creating fear and by attacking Opposition Leaders by getting the police to haul in Opposition Leaders for the statement on this then law, government is creating further instability in the minds of the people, and I have talked to a lot of lawyers, all the Senior lawyers from Mr. Graham Leung to Mr. Richard Naidu, and many others.

You read the articles ...

(Honourable Member interjects)

HON. PROFESSOR B.C. PRASAD.- Mr. Graham Leung's article today, Honourable Attorney-General, these are people with years of experience.

(Honourable Members interject)

HON. OPPOSITION MEMBER.- Credible lawyers.

HON. PROFESSOR B.C. PRASAD.- What they are saying, all of them are saying even their explanatory notes in the Bill is kind of deceptive. It is poorly drafted, as many of them have told me that, you know, if it was drafted properly, it might have removed some of those interpretations and fears and everyone has the right to interpret the law and make their views known.

Mr. Speaker, again, I want to say that we need to build two pillars in these kinds of laws when we bring it, whether it is a simple change, whether it is a substantive change, consultation, trust and confidence-building, and especially when you are dealing with the Native Land Trust Act.

It is not helpful to describe them as having sheep-mentality. This kind of language that is coming out from the Government is quite malicious, very malicious, Mr. Speaker.

HON. A. SAYED-KHAIYUM.- That is what the Opposition wants.

HON. PROFESSOR B.C. PRASAD.- So again, Mr. Speaker, the substantive Bill ...

HON. A. SAYED-KHAIYUM.- ... and that is what you want.

HON. PROFESSOR B.C. PRASAD.- ... you are instigating that, you are invoking those areas.

HON. A. SAYED-KHAIYUM.- ... absolutely obsequious, that is your problem.

HON. PROFESSOR B.C. PRASAD.- ... and referring it to a relevant parliamentary standing committee. Listen! Listen! You have your time in your right of reply.

HON. A. SAYED-KHAIYUM.- Well, speak facts. Enough of lying.

HON. PROFESSOR B.C. PRASAD.- This is fact.

HON. A. SAYED-KHAIYUM.- Enough of lying, Honourable Prasad.

HON. PROFESSOR B.C. PRASAD.- Read the analysis of credible lawyers.

HON. A. SAYED-KHAIYUM.- Ah, please! Come on.

HON. PROFESSOR B.C. PRASAD.- Presenting the Bill, Mr. Speaker, as a substantive and not consequential, and referring it to the relevant parliamentary standing committee for scrutiny, is the right thing for Government to do.

By exercising this option of referring both these Bills to the standing committee, we are going to respect the parliamentary process as well as the respect for consultation, dialogue and the constitutional safeguard of native land. Not to do that would be arrogant and disrespectful, let me repeat that. Therefore, I urge the Government, Mr. Speaker, to show restraint and heed our calls, withdraw this Bill.

If it is unpalatable for you guys to consult landowners and other stakeholders, refer the Bill to the Mr. Speaker to the relevant standing committee. Let us go through that process to clear some of the interpretations, legal as well as other interpretations and I would urge the Government to stop using the mantra that they have the mandate'. Of course, you have the mandate, of course, you have the numbers in Parliament, of course, you are going to pass the Bill but do not use that to ride roughshod over the people. This is not democracy, that you always say that we are in a genuine democracy.

Mr. Speaker, with respect to the other Bills, I have no substantive issues. Those are consequential bills. It is understandable and they give effect to the policy announcements in the Budget but with respect to the TELS Bill and in relation to that, we note that the Government is now raising the mark. It was 200 initially, then it went to 250, now we are told that it is going to be 280 before students qualify for TELS. We also know that there is provision for some who can choose if they do not make that mark to go to FNU to do TVET, that is fine, Mr. Speaker.

But, there will be many students, Government in the past, the universities have reduced the entry mark to 200 to do Degrees. There will always be students who would fall below that entry mark to qualify for TELS but would want to do a degree, for example, you know if students, Mr. Speaker, come from say, they go to a school in Bua where obviously, you know, students from low socio-economic background, they may not have all the kinds of resources that urban students and rich students have that. Somebody who gets 270 mark out of a very rural school, I would consider that to be a good mark.

I would urge the Government to look at, not means testing 100,000, but means testing for those students in that category, between 200 to 280, if they want to do degree, some kind of income tests or means tests, especially those are coming from very poor background, who may want to still go and do a degree instead of going into TVET, would not be eligible for TELS. I would urge the Ministry of Education to re-look at that and perhaps when we have the revised budget, which the Honourable Attorney-General thinks will happen in six months' time, we should re-look at that. Thank you, Mr. Speaker, Sir, for your time to speak on these Bills.

HON. SPEAKER.- I thank the Honourable Professor Prasad for his contribution to the debate. I now give the floor to the Honourable Kepa. You have the floor.

HON. RO T.V. KEPAN.- Thank you, Mr. Speaker, Sir. Before I go into my short response, may I just greet the chiefs and people of Burebasaga as proper traditional protocol in Fijian:

I na vanua saka vaka Turaga i Burebasaga, i Rewa, kemuni na Turaga i Taukei, Taukei ni Vanua kei na i Qoliqoli, Nacolase - vua na Turaga na Tui Tavuki, Nakuruvakarua - Turaga na Ka Levu na Tui Nadroga, Korolevu - na Turaga Vunivalu, Nabukebuke - vua na Vunivalu na Tui Namosi, Navutu Koiyawa - vua na Momo na Tui Tavua, na i Liuliu ni Bose ni Momo, tiko saka qo na Turaga na Tui Cakau.

This morning, Mr. Speaker, this Bill is a very important one, especially the Amendment, because the main architect behind of the Principal Act was Ratu Sir Lala Sukuna, who went throughout Fiji, Mr. Speaker, in the 1930s. We see that the Principal Act was in 1940, which the Honourable Attorney-General has brought for amendment this morning before the House.

Mr. Speaker, Sir, on Monday, I spoke about the three-legged stool, which is very important to us Fijians and it has been quoted in the rural, urban and maritime about the importance of the three-legged stool, which is the *vanua*, *lotu* and the *matanitu*.

Mr. Speaker, Sir, it is good to know our history because when we know our history, we know ourselves better and we relay to others. The *vanua* were the first people who arrived here, the indigenous people. They arrived in Fiji, in Vuda, and according to radiocarbon dating, the *lapita* pottery, it takes back 3,500 years ago. That is when the first indigenous Fijians landed here in Fiji and they are the first people of the land, the first people of Fiji and that is part of our history.

The *lotu*, Mr. Speaker, arrived in the early 1800s with the Methodists arriving first and then the Catholics and, of course, we have the other denominations here also in Fiji.

The Deed of Cession, Mr. Speaker, Sir, were signed by the chiefs in 1874, the ceding of Fiji to Queen Victoria and her descendants. From that time onwards, Mr. Speaker, each government has recognised the importance of the *vanua* and the *lotu*, and consulted with them on a regular basis. From the Alliance, the SVT, the Fiji Labour Party, the SDL and all political parties, recognised the importance of the *vanua*, *lotu* and the *matanitu*, and the three legged stool working together so that it could stand with stability. It was not wobbly or anything happened to it, so each of these legs

looked after one another except, Mr. Speaker, when the FijiFirst came in - they have no respect, no consideration, no acknowledgment of the importance of history in these entities.

Whilst the indigenous Fijians because they are the first people of the land, Mr. Speaker, owned 90 percent of the land ...

HON. A. SAYED-KHAIYUM.- 91 percent.

HON. RO T.V. KEPÄ.- ... that is the landowners, Mr. Speaker, they had the NLTB and now iTaukei Lands Trust Board, which was the brainchild of Ratu Sukuna, who was very well qualified, Mr. Speaker. He went to Middle Temple in London to do his law degree and that is one of the top legal entities as you know, Mr. Speaker, in the world. He went there, he came back and he looked at how the land was organised here in Fiji. He thought it would be better if it was properly organised and documented. That was the very important part, that it be documented. Then he went all over the country.

When you go to some villages in Fiji they remember that Ratu Sukuna came there and slept in their village. He asked so many questions, *na neimami matavuvale, na neimami tokatoka, na neimami mataqali, na neimami yavusa, keimami veiwekani vakacava kei na yavusa qo*. This *yavusa* has the same name as another *yavusa*. This village has a name similar to another village. How are you people related? So, Ratu Sukuna was heavily involved in the Principal Act of which we are trying to amend here today having gone throughout Fiji.

Those who know their *yavusa*, Mr. Speaker, know that there is a document that is called '*Tukutuku raraba ni yavusa o ka...*'. And all these *yavusas* put all their information together and it is there with the NLC and if there are any issues that we have, it is referred back to the NRC because of the documentation that Ratu Sukuna made throughout Fiji with all the different *yavusa*.

My own *yavusa*, Mr. Speaker, in 1923 *Yavusa o Burebasaga*. So, throughout Fiji all the *yavusa* are documented there and their land which is a very component of the *yavusa*. But FijiFirst, when they came along did away with all these, Mr. Speaker. The Chairman of the iTLTB, the Honourable Prime Minister, has the fiduciary duty to act in the best interest of the indigenous landowners, but in this Bill they have fallen far short of their duties and responsibilities.

The indigenous Fijians, Mr. Speaker, over 30,000 of them have signed a petition and also submitted online their concern, their apprehension, that there was no consultation whatsoever with landowners either by Government or by the iTLTB, to protect and safeguard their rights and interests. To obtain the consent, no consideration at all, Mr. Speaker. FijiFirst Government usually does their bulldozing tactics and this is what they have done with this particular Bill.

In this Bill, Mr. Speaker, they want to remove the consent so that the consent of the Board is not required and this is the iTLTB. This is a very important component of our land. We need the consent because we are the landowners. You cannot just go over and takeover something that does not belong to you. This is what the FijiFirst Government has been doing from 2007 after the Honourable Prime Minister carried out his *coup* in 2006. From 2007 systematically, they have been weakening the rights and privileges of the indigenous Fijians over ownership of their land and other rights.

Over the 20 Decrees that they have put in and it is now contained in the 2013 Constitution through which there was no consultation at all with any of us. We got a shock in 2014 when we arrived on the first day of Parliament, sitting right beside our table was the Constitution and the original Standing Order and we had no idea at all how this 2013 Constitution was about.

(Honourable Members interject)

HON. RO T.V. KEPÄ.- Mr. Speaker, Sir, I am talking here because the Bill is going to be part of this, so this is what happened and this is not a racist concern. I just want to make it clear here. It is because we see ourselves as guardians and custodians over anything that is indigenous which belongs to us because we have to safeguard it. It has to be passed on to generations to come. We are only here for a short period of time but our children and our grandchildren, this is for them to inherit. So, right now, we have to safeguard and ensure that that all these are kept in perpetuity for the generations to come.

Other groups, Mr. Speaker, Sir, also have their entitlements and benefits and we welcome them and we want to work with them over those entitlements and benefits. We are not here to take over anyone's right, we are just looking at what is ours, right from the Deed of Cession right up to now. If we do not say anything now, what will be left for our children and our grandchildren?

In conclusion, Mr. Speaker, Sir, our request to the Government, that is, the Honourable Prime Minister and the Honourable Attorney-General, please consult with the indigenous people on any matters pertaining to their indigenous rights and privilege and entitlements. These belong to us, so in that regard the matters will be easier for Government. We will co-operate and collaborate with you but you must consult and you must obtain our consent because what is ours is ours, it is not for you to take from us. So, please, Honourable Attorney-General, we are asking you to withdraw this Bill because it is not in anyone's interest for you to have this Bill passed today and I ask the people of Burebasaga especially, we ask you to remain calm. This is not the time to be doing anything.

HON. GOVERNMENT MEMBER.- It is not going to happen!

HON. RO T.V. KEPÄ.- Excuse me, your time will come.

To the people of Burebasaga and the people of Fiji, we are asking for you to remain calm. Even though over 30,000 of you have signed your petition, especially the landowners who own these large tracts of land that make up 90 percent of the total land area in Fiji, your time will come.

HON. A. SAYED-KHAIYUM.- 91 per cent – get it right.

HON. RO T.V. KEPÄ.- Particularly those of you from the West, where over 40 percent of you voted for FijiFirst. Your time will come in 2022. You have learned from 2014 and 2018, *ke sa gauna ni veisau sa vakatau saraga vei kemuni*. So, please Honourable Prime Minister and Honourable Attorney-General, withdraw the Bill.

HON. SPEAKER.- I thank the Honourable Member for your contribution to the debate. I now give the floor to the Honourable Minister for Infrastructure, Meteorological Services, Lands and Mineral Resources. You have the floor.

HON. J. USAMATE.- Thank you Mr. Speaker, Sir, for the opportunity to talk about some of the Consequential Bills. I will focus in particular on Bill No. 16, the State Land (Budget Amendment) Bill 2021.

I fully support this Bill, Mr. Speaker, Sir, because it does two things. First, it benefits the Government and it benefits lessees in allowing a shorter time for them to process their dealings and also reduces backlog. At the same time, it does not compromise the status of the State as a landowner.

The Bill proposes that the Director of Lands is no longer required for any mortgage, charge, pledge, caveat for any court proceedings but lessees are still required to apply to the Director of Lands for all other dealings such as sales, transfers, assignments, sub-leases and other developments and these consents still remain intact. These are consents under section 13 of the State Lands Act and its regulations and these are also entrenched in the tenants lease.

Mr. Speaker, Sir, Bill No. 16 will not stop the Ministry of Lands from continuing with the current system they have in place of monitoring compliance of lease terms and conditions. The proposed amendment does not hinder the process and the rights of forfeiture and or re-entry should the State lessees breach their lease conditions. The consent of Director Lands can be refused by the Director Lands where there is a breach of the lease condition or where the application is not in accordance with the law.

It is important to highlight that the removal of consent under the Bill only applies to lease which are already properly issued by the Ministry of Lands and which are registered with the Registrar of Titles so the State's authority, the State's rights over the land are preserved and are maintained under this Bill. In addition, Mr. Speaker, Sir, it has been announced in the 2020-2021 annual Budget that the consents are no longer required for connecting water and electricity on any State-leased land. This, also only applies to registered leases and this is good because it speeds up access to services that people need. It also speeds up access to businesses that might be building on State land.

There has been some provisions where consent is not required on mortgages and there has been a lot of talk about mortgages, but a mortgage over a lease does not affect the land rent. It does not affect the premium or any other term and condition of the lease. All it does, it has an impact on the economic viability of our lessees in terms of their mortgages and it has nothing to do with land ownership.

Ownership remains with the Director of Lands. Mortgage of land is only a security for the money loaned to lessees. It is beneficial to both parties and as a result of this amendment, the process will be streamlined. It will be faster and it will be much easier for both parties and if a person that is a tenant is able to get a mortgage faster, it might lead to construction, lead to jobs, lead to people getting returns, not only for the person that is leasing the land but for people that can be employed. So, it has an impact on economic growth and development in this particular country.

A mortgage also does not prevent a reassessment of rent that needs to be carried out over the State land leases. The State will benefit from that. A lessee is still bound by the terms and conditions of the lease whether or not he or she has a mortgage and whether the mortgagee has changed. The Bill also talks about charges and pledges and both of these things, Mr. Speaker, Sir, do not transfer ownership of land. For instance, the FNPF sometimes provides further financial assessment in terms of housing loans and they require some form of security and in this case, a charge may be placed on the property or the Fiji Revenue and Customs Service will place a charge on the property if the owner fails to pay a tax as required by the relevant Act. But all of these does not reduce or diminish the authority of the lessor but rather gives the lessee additional opportunity to maximise return on investment and at the same time pay their dues.

The amendment also, Mr. Speaker, Sir, talks about that consent is now not required before anyone can institute legal proceedings because this is not practical thus everyone should have the right to institute proceedings that deal with State land without having to seek consent. This creates a faster business processing that eliminates unnecessary barriers. The powers of the Director Lands remains intact as determined and mandated by the law but other aspects of the law will still require consent, that as I have said before. In fact, the Director of Lands still has full power to forfeit any

State land if the lessee is found in breach of any terms and conditions of the lease whether or not there is a mortgage registered on the lease.

The removal of bureaucratic provisions brings the Ministry of Lands into the 21st century even though we have made a lot of progress on making these things faster, in terms of the speed at which they are processed. This will allow us to be much more efficient into the future and the Bill does not lower the value of State land, it speeds up the process by which the value of land could be raised and it supports a quicker turnaround time for all of the dealings that we have been talking about. Other dealings that affect the ownership of the property will need the consent of the Director of Lands and Mr. Speaker, Sir, a lot of the arguments that have been made in relation to Bill 16 also apply to Bill No. 17. It is very important to take note of that. Our arguments also apply to Bill No.17.

Statements have been made in the social media by the Opposition that the authority of iTLTB to award leases has been removed, that is not true for Bill No.17 and it is not true for Bill No.16. There has also been statements in the social media that the lessee will decide the amount of lease to be paid - not true for Bill No. 16 and not true for Bill No.17. Also there is statement in the social media that there will be a reduction in the amount of money that landowners earn from the leases - not true in Bill No. 16 and not true in Bill No.17.

The Honourable Professor Prasad is saying in his statement that what Government has been doing is creating instability. What the Government has been doing is not creating instability, it is these false statements on social media about the effect of the Bills that is creating instability. It is those false statements that are creating a misinterpretation of what this Bill is all about. All these three statements are not true. Because of the way they are being put in social media they have led to vitriol and they have made it ethnic sort of things being bandied around and these started by the statements that are not factual.

The Bainimarama Government and the FijiFirst Government has a history of protecting the best interests of *iTaukei*. We only have to look at the protections in the 2013 Constitution. For the first time ever, land acquired for public purposes, is returned after it is no longer needed by the Government. This is not done by all of these other governments that they have been talked about. The Alliance Government, Labour Government, SVT Government and SDL Government, no one did this. Under the FijiFirst and the Bainimarama Government, we did not do what happened in Momi and Denarau. We have never alienated, we gave equal share of lease to all the *iTaukei*. That shows concern and care for all of the *iTaukei* in this country.

Why is Bill No.16 and Bill No.17 being done? It protects the rights of the landowners and at the same time, it speeds up the process to help us into economic recovery. Honourable Professor Biman Prasad says this is not consequential. It is consequential because right now, for us, it is not just about battling COVID-19 but getting our economy up to speed as quickly as possible. Both of these Bills will have a part to play in that. On that basis, Mr. Speaker, Sir, I fully support the amendment Bills that we have for Bill No.16 and Bill No.17.

HON. SPEAKER.- I thank the Honourable Minister for his contribution. I now give the floor to the Honourable Saukuru. You have the floor.

HON. J. SAUKURU.- Mr. Speaker, Sir, I wish to contribute to the debate, specifically on Consequential Bill No. 17, as presented by the Honourable Attorney General, Minister for Economy, Civil Service and Communications on 16th July, 2021.

Firstly, I take this opportunity to congratulate our gallant warriors who proved to the whole world what the Lord can do to a tiny island nation like Fiji in the middle of the Pacific Ocean, with

less than a million population, a meagre economy, and in the midst of a COVID-19 war. I reiterate my earlier call on Tuesday that the Government should restore God's rightful position in our Constitution as sovereign and the supreme authority over our land. We shall surely witness His miraculous work tomorrow just like what He had done to the Fiji Men's Rugby 7s Team.

In the calling of Abraham, the Lord said, and I quote from Genesis 12:2: "I will make you into a great nation, and I will bless you; I will make your name great, so that you will be a blessing".

Mr. Speaker, Sir, after the medal presentation on Wednesday night, our Fiji team sung in the Nadroga dialect, dedicating the win and exalting Jehovah God Almighty. Allow me quote the verse of their song:-

"Ni qu cola koto ina leya vuravura," (While I live on His earth)
Na vi kwa taucoko me holi wa me leya" (I must Glorify Him in everything I have)
Ni hukai hila na kwa qu kau ma" (I brought nothing)
Qi na huka tale me odaki qu la ma" (I would surely return with nothing)
Na draki qo Jiova ga, "(Glorify Jehovah's name in every circumstances)
Na draki qo Jiova ga"

Mr. Speaker, Sir, I am so disappointed to note that my *koi calevu*, the former Minister for Forestry, remains disconnected from the grassroots and from his *vanua*. I am speaking on the Bill because of the overwhelming opposition from the 593 Landowning Units of the 24 chiefs that represent the 24 *vanua* within my Province.

- (1) Na vanua o Tiliva Levu, na Momo na Tui Nubu;
- (2) Vanua Tilivasewa, Momo Tui Cawanisa;
- (3) Na vanua o Navila, Novotuyawa, Momo na Tui Tavua;
- (4) Na Koronubu Suelevu na Tui Ba, na Momo na Tui Ba;
- (5) Na vanua o Yakete Delaniyavu Namaravu Levu, Na Momo na Tui Yakete;
- (6) Na vanua o Naloto, Delaniyavu Vakatabua Tabuatolu, Momo na Tui Naloto;
- (7) Na vanua o Nakoronubu, Delaniyavi Na veiveiluri, Na Momo na Tui Ba,
- (8) Na vanua o Yalatina, Na Momo na Tui Yalatina;
- (9) Na vanua o Magodro, Delaniyavu o na Royasi, Na Momo na Tui Magodro;
- (10) Na yavusa Tinikarua, Dela ni yavu Nalagi, na Momo na Tui Nawaka;
- (11) Nakuruvakarua Navatulevu, na Momo na Tui Nadi;
- (12) Nakai ni Yasawa, Delaniyavu Erenalaya, na Momo na Tuirukuru;
- (13) Na Seseviya Delaniyavu Naocotabua, Na Momo na Tui Seseviya;
- (14) Betoraurau, Delaniyavu Erenavula, na Momo na Tui Sabeto;
- (15) Na vanua o Vaturulevu, Yavusa e Tolu, Na Momo na kenai Taukei;
- (16) Vunisei, Na Momo na Tui Vuda.
- (17) Delaniyavu Sukanacagi, na Momo na Tui Vitogo;
- (18) Delaniyavu Vataniwake, Na Momo na Tui Yasawa;
- (19) Delaniyavu Korotuilagi, na Momo na Tui Drola;
- (20) Delaniyavu na Nawaikula, Momo na Tui Yaqeta;
- (21) Delaniyavu na Natikalagi, na Momo na Tui Marou;
- (22) Delaniyavu e Neilesu, Na Momo na Tui Naviti;
- (23) Delaniyavu i na lotu, Momo na Saubuli na Tui Waya; and
- (24) Delaniyavu i na Gaunavou, na Momo na Tui Viwa.

We are humbly pleading with the Honourable Attorney-General as the mover of the motion to please withdraw Bill No. 17. The Ba Province has always been Government's willing partner in

national development. There is no doubt that the Ba Province is the economic backbone of our economy. It is about time, please Government should listen to our plea.

Allow me to correct the Honourable Attorney-General on his speech this morning. It is always easy to say here that nothing would happen but the reality on the ground is not always comfortable with the landowners.

Sir, we cannot forget the 700 acres land parcel belonging to the Momo na Tui Vitogo and his landowning unit that was leased out without their consent. I wish to repeat, Sir, that this set of trust from the Great Council of Chiefs and landowners creating a statutory trust, the iTaukei Land Trust Board opened up land for national development resulting in Fiji being one of the most developed Pacific nations today.

Let us not forget that. Sir, the glorious Fiji Team that won gold for our nation at the Olympic is a very pinnacle of our various support consists of six young men from the Ba Province:

- (1) Ratu Meli Derenalagi from the Dela ni Yavu Nalagi, Momo na Tui Nawaka;
- (2) Kalioni Nasoko, Delaniyavu na Lotu, Momo na Tui Waya;
- (3) Waisea Nacuqu, Delaniyavi Nawaiviluri, na vanua o Koronubu;
- (4) Vilimoni Botitu, Delaniyavu Namaravulevu, Vanua o Yakete;
- (5) Napolioni Bolaca, Delaniyavu Gaunavou, vanua o Viwa; and
- (6) Aminiasi Tuimaba, Delaniyavu Gaunavou, vanua o Viwa.

Please, let us not dampen the spirit of celebration. Therefore, together with the members of our glorious Fiji team, the chiefs and the landowners of Ba we are pleading with you, Sir, the Honourable Attorney-General as the mover of the motion to please withdraw Bill No. 17.

Sir, I thank you for the opportunity to contribute to this debate.

HON. SPEAKER.- I thank the Honourable Member, for his contribution to the debate. I now give the floor to the Honourable Minister for Commerce, Trade, Tourism and Transport.

HON. F.S. KOYA.- Mr. Speaker, Sir, there are a few Consequential Bills that have been put on the floor and I wish to speak on just a couple of them in brief.

First of all, if I could contribute towards the Environment and Climate Adaptation Levy (Budget Amendment) Bill 2021. Briefly, the key amendments to this particular Act being proposed are related to Environment and Climate Adaptation Levy (ECAL) which now allows for refunds to businesses who may have been charged for ECAL where they were not supposed to pay. The ECAL is charged at a rate of 5 percent on the gross annual turnover of a prescribed service.

The Government strongly practices good governance, and as such, the addition of this particular provision will allow for a legal framework as enforced impartially, Sir. Its objectives, rules, structures and procedures are actually adapted to the legitimate expectations and needs of businesses. This allows for good accounting practice from both the business and Government.

Mr. Speaker Sir, in such trying times, where revenue for businesses has been vastly impacted through declining sales, we understand that additional expenses could be a substantial burden on the financial statements. Therefore, this particular refund of ECAL to qualifying businesses will now allow offsetting costs with any outstanding duty, fee, or charges owed by the business and this will ease the expense of burden on business.

The Government is ensuring that any payment made by businesses is justified and correctly accounted for and this is an effort to ease the business environment in Fiji for both domestic and foreign investors. In addition, Sir, the Government has removed ECAL on certain items and this incentive is to encourage tourism and ease expenses on personal and commercial imports. The ongoing pandemic has significantly as we have mentioned time and time again affected our tourism industry, however, we are confident that once our borders open, we are prepared to welcome tourists back.

I know that Honourable Gavoka thinks that because we are in a pandemic everything stops, that there is a “hard lockdown” on our planning and strategies and I hope these amendments give him some indication of how the Fijian Government is actually prepared for reopening.

A little bit of research on the budget allocations pre-COVID-19 and now, would have informed him very well, Sir, that Tourism Fiji and its activity has been significantly streamlined and restructured and there is reduction of about 40 percent operational and 70 percent marketing across the board. This actually includes the Tourism Fiji’s overseas representation. If he thinks the Tourism Fiji should shut down and the indication yesterday was, are we going to cut more staff, et cetera? The indication is that he would get rid of all of them and he is extremely short sighted.

Mr. Speaker, Sir, we need a marketing presence for our re-entry and recommencement. Otherwise all the domestic incentives, tax reforms and packages will amount to nothing. We need the ability to rev up our tourism marketing and operations, our competitors have not stopped promoting and we cannot be left behind. In order to stay competitive and in the minds of our visitors, Mr. Speaker, Sir, we need Tourism Fiji to play its part. So, the Government, with its stakeholders, especially Tourism Fiji and Fiji Airways, has in place a market re-entry plan.

And I have said this time and time again and I wish he would listen. In preparation for all that I have just mentioned, ECAL has been removed on personal imports, goods imported by traveling passengers and crew and unaccompanied luggage, and goods imported for hotels and resorts. Removal of these fees will enable resort and hotel operators to inject the funds into maintenance and renovations, et cetera.

We would also encourage investments in a number of areas that are essential economic drivers amidst the challenges. We can no longer sit around and wait for the pandemic to be over for us to get back to our daily lives. This is the new normal and are well undertaken and completed. We can no longer sit around and wait for the pandemic to be over, Sir. I fully support the Environment and Climate Adaptation Levy Act 2015 (Budget Amendment) Bill 2021.

Mr. Speaker, Sir, with respect to Bill No. 22, the Tax Administration (Budget Amendment) Bill 2021, clause 2 of the Bill amends Section 11 of the Act to provide FRCS to only amend an assessment within three years or companies with a gross turnover of less than \$1.25 million. Now, what it really does, Mr. Speaker, Sir, is companies that earn below \$1.25 million are classified my Micro, Small and Medium Enterprises (MSMEs) and this gives our MSMEs some degree of self-assessment which in turn gives businesses the freedom to assist their own return using valid documentation.

Clause 3 of the Bill amends Section 33(1) of the Act so that payment of the refund or overpaid tax under a law is first applied against any tax or duty owed by the taxpayer under a tax customs or excise law.

Mr. Speaker, Sir, the change creates a clear understanding on the actions to be taken on overpaid taxes whether you are an individual or business that gives more relief to our taxpayers as all dues are taken into account before the refunds are done.

Mr. Speaker, Sir, basically what this means taxpayers can use excess credit, VAT or income tax or any other tax type to offset against customs debt, however, this will not be applicable for disputed tax. These are important provisions, Sir. Similarly, taxpayers will be allowed to use excess customs credit to offset any tax debt.

Mr. Speaker, Sir, there are a whole host of amendments. Clause 4 of the Bill inserts a new section, section 46(b) to impose penalties of \$500 on taxpayers who submit dishonoured cheques and giving dishonoured cheques is unjust on those who clearly are honest and clear their taxes and for those who attempt to deceive the tax authority should be held accountable for their actions.

Tax amnesty will be granted to taxpayers with tax arrears to obtain waiver for all penalties upon the payment of real taxes. These are important provisions, Sir, that qualify for the amnesty, taxpayers must make payment arrangements within three months from the 1st of August, 2021 and make payments before the 30th June, 2022.

As much as possible, Sir, we want to relieve Fijians from penalties and really assist those who are genuinely in financial difficulties. The amendments also allow those who update all their tax filing and payment of outstanding taxes within the tax amnesty period for forgiveness of all penalties excluding audit penalties without any prosecution.

Valuable time and money is consumed in tax matters, Mr. Speaker, Sir, settled in court on court matters that can otherwise be handled at CEO level. To conclude, Sir, on these ones, the many tax incentives announced in the 2021-2022 Budget announcement is a testament and commitment of the Fiji First Government to the Fijian people. The amendments put forth in this Tax Administration Act take away a whole lot of bureaucracy and introduce provisions that give ease in tax administration and that is on that particular provision, Sir.

With respect to Bill No. 23, Sir, the Income Tax Act 2015 (Budget Amendment) Act, a key amendment to the Income Tax Act is the extension of the Export Income Deduction Incentive for additional three years. Mr. Speaker, Sir, exports over the next three years, 60 percent of all export income will not be taxed and for exporters in the agriculture or fisheries sector, 90 percent will not be taxed.

Mr. Speaker, Sir, exports continue to play an important role for our economic stability and recovery. Exports actually contribute to maintaining favourable foreign reserves positions, supporting sectors such as manufacturing and agriculture, creating jobs and favour our trade relations, upskilling Fijians in ever-evolving technology that is required to operate and maintain the machinery and supporting livelihoods.

In addition to this tax incentive, we have supported about a 114-odd exporters through the National Export Strategy (NES) and the grant for established exporters or businesses on the verge of exporting. Sir, since the inception of the NES, we have provided support totalling approximately \$15.3 million, and I would like to thank the Attorney-General and Honourable Minister for Economy for the continued budget support to enable the Ministry to encourage more Fijians to explore new markets beyond our borders.

Another key amendment that I would like to highlight, Sir, is the extension of the debt forgiveness period to 31st December, 2022 for debts created on or before 31st December, 2021.

Under normal circumstances, Mr. Speaker, Sir, the forgiven debt would be treated as a business income and consequently subject to income tax, however, with the provision extended to 2022, borrowers to whom this is applicable, will not be taxed.

Government understands the hardship, Sir, our fellow Fijians are facing during these trying times, and data from our MCTTT survey on the second wave of the pandemic of more than 2,200-odd respondent revealed that 74 percent have either closed temporarily, permanently or operated on reduced hours, and 77 percent have suffered more than 50 percent decline in revenue, and 21 percent-odd requested for relief or deferment of credit and rental obligations, and these are very important pieces of information and this is why you see all the incentives that have been put into the Budget.

Private or public companies or highly leverage business operators can actually take advantage of this debt reform measure to remain operational, Sir. We continue to talk to the private sector and listen and understand and through these reforms, we strive to ease the burden.

Lastly, on Bill No. 17, Mr. Speaker, Sir, over the years, there has been polemics against the Fijian Government surrounding land. The Opposition has continued to use the land to influence people. They have never thought beyond the racial rhetoric, they never thought about the actual *iTaukei* and how they can create opportunities from their land. Never before, were all landowners within a unit entitled to equal share of the land lease; never before was there protection to the *iTaukei* land under the Constitution at a level that has been given in the Constitution; never before were there opportunities given to landowners to think bigger and gain from their lands.

Mr. Speaker, Sir, we have said this time and time again, that there is evidence that landowners have permanently lost their rights over the land during previous governments. It has been said time and time again, that Opposition cannot deny the unscrupulous manner in which the *iTaukei* land was actually transferred from the State and then sold.

I talked about Momi and Denarau and we have said this time and time again, we are now actually blew it in the face after we say it. But, I asked the Opposition: Who benefitted from the sale of Denarau and Momi? Was it the landowners? No, Mr. Speaker, Sir, it was not. Under the Bainimarama Government and now the Fiji First Government, not one single landowning unit has lost their rights, not an inch of land anywhere has ever been lost. I will repeat that, not one single inch of land. I am not an *iTaukei*, Mr. Speaker, Sir, but I can say this clearly, that under this Government, not a single inch of land has ever been lost by the *iTaukei*, never ever! And it will not be, under this Constitution.

Mr. Speaker, Sir, I am emphasising that the landowners are constitutionally protected, and I plead to the Members of the Opposition, please, read the Constitution properly to all members of the public, not just the *iTaukei*, that everyone in Fiji understands, that we do not actually use it to say it from the political opinion.

We have always found ways where the landowners can seize the opportunities to better their lives and that of their families and children. I have seen some pretty bad stuff in social media in the last couple of days, and where does it stem from. It stems from people not telling the truth. Through the Ministry's programme and through our cooperatives and MSMEs, we continue to work with resource owners, we continue to empower through the grants, trainings and business advisory. We want the resource owners to realise their dreams, to convert their resources into sustainable income-generating ventures.

Mr. Speaker, Sir, Bill No.17 is not taking anything away from the landowners. It is actually about how they can gain economically from their land. There is nothing substantial that is being done, it

is merely a bureaucratic process that has been taken out, and the same applies to State lands. If it is good for State land then how can it be bad for the native lease owners? It is exactly the same. How can they become owners of commercially-viable and highly sought after land? I ask the Opposition: Do you not want the landowners to be economically stronger and better off? We all do, Mr. Speaker, Sir. It is very clear in the Amendment that everything stated in section 12(1) is not included in the new section 12(1A).

First and foremost, for any third party to have legal access to *iTaukei* land, they must have a valid lease. Any lawyer worth his salt will tell you that, any lawyer worth his salt will not twist that. A lease can only be provided, only when the relevant processes are completed and this means, the request to iTLTB, who facilitates between the landowning unit and the lessee, the lease agreement itself can only be provided once 60 percent of the landowners have provided consent. The lease is officially issued by iTLTB, and it is duly registered with the Registrar of Titles.

Now, if a legal lessee wants to develop the land, again, noting that the lease is approved for the specific type of development, the lessee will need basic amenities on the land. For example, whether it is a small leaseholder or a big leaseholder, they will need basic amenities on the land which means amenities like water or electricity, it is just common sense, that because the lease is legally with the lessee, he or she should be able to connect water and electricity into the property. Why do they need to go back to the iTLTB; why do they need to go back to the Lands Department; what use will the land be to the lessee when basic utilities cannot be connected? They take so long to do.

Furthermore, if the lessee based on the term of the lease, wants to obtain a loan for development, again, Mr. Speaker, Sir, approved development as per the lease, why is approval from iTLTB or Ministry of Lands required? And when the lessee wants to change from one financial institution to another which is actually a very common place at the moment because banks are actually offering better deals, et cetera, they say, 'All right, only if you come to us (like the Honourable Attorney-General pointed out this morning) within a certain amount of days, we can actually get this done but it takes a long time to get it done.' We do realise that, Sir. We have had consultations with so many people, most importantly, the iTLTB itself then when the lessee wants change of financier, for example, ANZ to HFC (our own local banks), he or she has to again ask the iTLTB or the Lands Department for approval, why?

Mr. Speaker, Sir, what I have mentioned is only a couple of unnecessary processes, processes imposed on a lessee who has legal access to the land with the consent of the landowners. These are actually cumbersome and now irrelevant procedures but it does not take away their land, it does not do anything of that sort, it does not affect the ownership.

All that Bill No. 17 is proposing to do and it is such a simple thing to understand is to remove administrative burdens to enable a legal lessee to continue with his or her investment. It does not affect the landowners' rights at all. Any lawyer worth his salt will tell you that, Sir, you cannot deny that. It is very mischievous of the Opposition to say that landowners will lose their land somewhat or lose their land rent or lose their premium. That is simply only under him and it is absolutely nothing whatsoever in the amendments will allow for such ludicrousness.

Mr. Speaker, Sir, consent is still required for dealings such as sale, transfer, small leasing or assignment, et cetera, because it has actually a direct impact with landowners. It is also important to highlight, Sir, for all Fijians that the Constitution actually protects the interest of tenants and leases of *iTaukei* and State land. All State and *iTaukei* leases are legally protected instruments. Whilst fully protecting the ownership rights of *iTaukei* landowners, the Bill allows the lessees and tenants to better utilise the leased land. They can undertake investments and contribute to the economy without

getting frustrated by delays. This Government, Sir, remains committed to the Fijian people and to our vision of transforming Fijian towards a road map devised to realise our full potential.

Mr. Speaker, Sir, I say this from the heart, Sir. I say this as a full-blooded Fijian born and bred here, Sir. We care for everyone. I have never met a more caring individual in this country than our Honourable Prime Minister. He cares very much for every single citizen in this country and he stands with them and beside them, through any phenomena, be it a natural disaster, be it a pandemic or be it an economic crisis, Sir. We rebound to normalcy together and there is not a single leader in this country who has ever done that. He is the most protective person that has been born in this country that looked after every single citizen, regardless of race, colour or creed, Sir.

We only wish what is best for our people, we need to move away from the orthodox thinking towards a monotone and a forward-focused country. If we continue to engage in this racial dynamics that people bring up for the sake of their own political benefit, where are our citizens going to go with respect to their given equal rights? Whilst protecting indigenous rights which we always do and especially that of landownership. This particular Constitution has gone the furthest that anyone has ever before with respect to the indigenous people.

(Honourable Member interjects)

HON. F.S. KOYA.- I am not going to stop. Please, you will have your say

(Honourable Members interject)

HON. F.S. KOYA.- Fellow Fijians...

HON. SPEAKER.- You have gone beyond your time.

HON. F.S. KOYA.- Thank you, Sir. I fully support the Amendment Bill.

HON. SPEAKER.- I now give the floor to the Honourable Gavoka. You have the floor.

HON. V.R. GAVOKA.- Thank you, Mr. Speaker, Sir. The Opposition today will speak primarily on Bill No. 17.

Mr. Speaker, Sir, the tone of the debate was set this morning by the Honourable Leader of the Opposition, the Turaga na Tui Cakau, one of the three paramount chiefs in this country. And then the Gone Marama Bale na Roko Tui Dreketi also spoke in a tone that we thought would help convince Government to withdraw the Bill. That was a message in the highest form of respect with our people and pleading with the Honourable Prime Minister and Honourable Attorney-General to do the right thing and listen with all humility, to withdraw the Bill from Parliament and take it to the people for consultation. The people of Fiji are watching today and the stage has been set by our two paramount chiefs and I would wish that in the course of this debate, that we could convince the Prime Minister and the Attorney-General to decide to withdraw this Bill, Bill No. 17 of 2021.

For my colleague the Honourable Naiqamu, who claims that we are misleading the chiefs of the West, I would just wish that he would read some of the opinions that are being articulated by the chiefs, articulating their views on this Bill in a manner that is consistent with the understanding of the Native Land Trust Act and the issues that are contemporary to them in their positions of leadership today. I just wish he could see that. I was amazed, I was impressed by what I saw and we know that SODELPA started this off by highlighting this. I was amazed, Mr. Speaker, Sir, by the quality, by the depth of what our chiefs have articulated in their petition to government.

So, I would wish Honourable Naiqamu to have a look at that and it would convince him that we are not trying to stir, not work on emotions in the West. We are highlighting issues that are important to us and very important to the leadership in the West and...

HON. O. NAIQAMU.- Learn from 1987 and 2000.

HON. V.R. GAVOKA.- ... in the observation of their chiefly status and their concern for their people. The Honourable Koya asked the question - where is this stemming from?

Mr. Speaker, it stems from the sense of arrogance and disrespect that has seen this Bill into Parliament without consultation. That is where the problem is, Honourable Koya. Not that we are trying to create a misunderstanding or create trouble in this country. It comes from your people, from your leadership, for failing to consult on something so sacred and so important to us.

Mr. Speaker, I am one of the parliamentarians who has been interrogated by the police. We were taken there and they interrogated us. And it just occurred to me yesterday, Mr. Speaker, Sir, because the allegation was the way we were communicating this Bill No. 17 – why was I being interrogated because I did not stir this. If you look at the exchanges on social media, what we said was all positive, but what they were saying was attracting a lot of angst, so let us try and put things into perspective. We were not the ones creating all the issues that people are saying, is creating problems in the country.

Mr. Speaker, we keep hearing about 2013 that the land rights are guaranteed. But, Mr. Speaker, that right sounds hollow when the Government decides to change legislation without consulting us. If there is no control over what we own then it is not ownership. That is basically what it is, Mr. Speaker. You cannot say your land is guaranteed under this Constitution when you can change it in any way you want. There is no guarantee.

HON. S. ADIMAITOGA.- You misinterpret the Bill.

HON. V.R. GAVOKA.- More so, Mr. Speaker, when you come from a background ...

HON. S. ADIMAITOGA.- No, we are telling the fact.

HON. SPEAKER.- Order!

HON. V.R. GAVOKA.- Land leases like these were all part of the entrenched legislation. We came from entrenched legislation to the 2013 guarantee which, to us now, is very hollow because while they say your land is guaranteed but we can do whatever we want to do with it. We can amend whatever law that is provided for your land.

Mr. Speaker, as you know under the entrenched legislation, we have the Fijian Affairs Act, entrenched, Fijian Development Fund Act entrenched, Native Lands Act, Native Land Trust Act, Rotuma Act, Rotuma Lands Act, Banaban Lands Act, Banaban Settlement Act and ALTA. So, to us today, Mr. Speaker, we rather go back to the entrenched legislation than have this 2013 guarantee which is very hollow as we now see today. They can amend it at any time, and this is not the way we want our land to be managed or administered.

We have to be careful, Mr. Speaker, in that we have decided reluctantly to accept the 2013 Constitution but people will begin to lose faith in this Constitution if we continue to go this way

without consultation without considering the voices of the people. Thirty thousand people signing a petition, Mr. Speaker, Sir, should be indicative to the FijiFirst Government to re-look at this.

HON. J.V. BAINIMARAMA.- You lied to them about it, that is why they came.

HON. SPEAKER.- Order!

HON. V.R. GAVOKA.- If you did not listen to these 30,000 people, then they will say that the 2013 Constitution is not for us. They will lose faith in this Constitution, they will lose faith in this Parliament and we know when people lose faith in the system, we do not to contemplate what would follow afterwards or later. Our people now know how things are done in this country. The sad part about it, is that when you use Standing Order 51, you lock out any other action that the people can use.

Mr. Speaker, Sir 30,000 signed the petition, but because the FijiFirst Government have used Standing Order 51, they have locked out their door that is opened to the people in a democracy to have their voices heard in their Parliament. I just wish that going forward, FijiFirst Government would be careful on how it uses Standing Order 51. The people of Fiji now know that it is infamous, notorious and shuts out the voices of the people.

Mr. Speaker, Sir, we know that from the previous governments, Standing Order 51 over the emergency provisions in the Standing Orders were rarely used. But for FijiFirst, about 18 percent to 25 percent of all of the laws passed in Fiji today, have come through Standing Order 51. So, how can you expect the people to have faith in their parliamentary democracy when the Standing Order 51 is being abused by the FijiFirst Government in this manner?

Mr. Speaker, Sir, on the other side of the coin, is the concern that dealings in our land will almost be like freehold. You get 99 years, you lease the land and you do not have to consult with anyone about it, you do whatever you want to do. A lawyer has said this yesterday in today's *Fiji Times*, I quote: "...this means that any lessee of iTLTB land could sublease to anyone else, or sell iTLTB lease to anyone else, and iTLTB must agree."

(Honourable Members interject)

HON. SPEAKER.- Order!

HON. V.R. GAVOKA.- That is a group of lawyers last night on a platform on a forum and these are not bush lawyers, Honourable Prime Minister. These are practitioners of law amongst the hierarchy in the legal fraternity in Fiji. It just goes back to what we have been saying. Would it not be better if we were consulted on this?

(Honourable Members interject)

HON. V.R. GAVOKA.- Here is the concern. Someone asked me in the West if we could determine how much of our land was already under mortgage by the banks? By this, Mr. Speaker, Sir, the land of the *iTaukei* will be mortgaged to the banks and the banks will re-control our land. This is a concern that has been raised to us. When you talk about 99 years, Mr. Speaker, Sir, that is a lifetime.

Way back in 1999, a USP paper had indicated that two-thirds of the land are already under lease, so two-thirds of the land will usually be under mortgage these days and more to come now if you open the flood gates, we will be people who own the land but our land will be owned by the banks. That is

not ownership FijiFirst, if you keep waving that Constitution of yours, that is not ownership. We do not want it that way. We do not want all our land to be in the hands of the banks, Mr. Speaker.

Mr. Speaker, the Honourable Attorney-General says that what we are showing is a basic ignorance of land issues. Is that not a reason that we should have consultation? If he believes that we are ignorant, let us have consultation.

(Honourable Government Members interject)

HON. V.R. GAVOKA.- And I am going to tell you this, you are arrogant people. You are ignorant we will do this into the law.

HON. A. SAYED-KHAIYUM.- Do not mislead Parliament. Stop misleading Parliament.

HON. SPEAKER.- Order, order!

HON. V.R. GAVOKA.- Mr. Speaker, you can check the *Daily Hansard*, that is what he said, the ignorance of the fundamental basic land issues. So, is not that a more reason to have consultation?

Mr. Speaker, there is no doubt, there is anxiety in the country. There is no doubt that there are changes that are happening and let me just say, that 30,000 signatures on the petition was done over five days. So, if you do not change your mind, Honourable Prime Minister I will tell you today that people are saying it is time for change. *Sa gauna ni veisau*. If this the way you are going to treat the landowners in this country, in this cavalier on carrying disrespectful manner, the people are saying in return, *sa gauna ni veisau*, time for change. The writings are on the wall, Honourable Prime Minister and FijiFirst. Your times are up. If you do not change, you are finished.

Mr. Speaker, let me again plead please take this Bill back, withdraw it. There are opportunities for dialogue. We can all talk about this. We all want a prosperous Fiji and I just ask a question, we are here as the most developed country in the Pacific. How did we get here? It is through the Native Land Trust Act that has been at work. Honourable Minister for Commerce, Trade, Tourism and Transport, you do not change legislation just to improve administrative issues. That is it, you do not change legislation to improve administrative matters, Honourable Minister.

So, Mr. Speaker, I wish that we could relook at this - for the FijiFirst Government to take it back to withdraw this Bill and let us have proper dialogue on this amendment.

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

Honourable Members, time moves on. We will now suspend proceedings for lunch. Parliament will resume in one hour's time. Before we resume, Fiji won 45-5.

(Acclamation)

The Parliament adjourned at 1.10 p.m.

The Parliament resumed at 2.10 p.m.

HON. SPEAKER.- Honourable Members, we will continue with the debate on the motion and I give the floor to the Honourable Minister for Health and Medical Services. You have the floor.

HON. DR. I. WAQAINABETE.- Thank you, Mr. Speaker, Sir.

Mr. Speaker, Sir, Bill No. 17 as currently as it seems, amend the current Section 12 of the iTLTB or NLTB Act. Section 12 has two parts and I rise to support the motion before the House but more importantly, to continue to let us understand that this is actually looking at inserting a new part into section 1A.

Part 1, Mr. Speaker, Sir, stays the same which is the lessee or the one who is leasing cannot alienate the sale or transfer without the board's consent and I think that has to be made widely known because I am concerned there is a lot of the discussion that have happened and also on social media seem to suggest that the landowners have lost that prerogative. They have not, that stays.

Subsection 1 stays, sub-section 1A that has been inserted is in terms of, as we have all heard, notwithstanding anything contained in sub-section 1 concern of the board is not qualify for mortgage, charge, pledge, caveat or for any such lease.

As I have alluded to Subsection 1 stays, that is at the end of the day the person leasing or the commercial entity that is leasing cannot sell, cannot sub-lease that land, that stays and Mr. Speaker, Sir, the amendment does not compromise the status of the *iTaukei* as a landowner, it does not compromise that. It does not compromise whether that status of an *iTaukei* as a landowner and I want this to be very clear because I am concerned that the concerns that have been put forward, to me on social media is saying that their right as a landowner has been taken away in terms of consent, that is not the case.

We all have to understand that and I think that has to be made very clear. It is unfortunate that some of these erroneous discussions have stamped by some of the social media words that have been put forward by the Opposition.

Mr. Speaker, Sir, this is for streamlining administration of the land that was already legally being leased and we have discussed it today, electricity, water, et cetera. And for the lessee who needs to finance their lease the landowner who has leased their land and the many of us *iTaukei* lessees if there are *iTaukei* lessees and many are, will stand to benefit from the administration change.

Mr. Speaker, Sir, before I take my seat, I just want to again bring to your attention that the Honourable Tuisawau has suggested in his debate that some State or current land should be converted to Native land. Mr. Speaker, Sir, if that was possible, then the late Ratu Sukuna, the late chiefs that have gone before us would have done so. Legally, it cannot and, therefore, Mr. Speaker, I would like to complete my debate this afternoon by saying that I support the motion before the House and the Bill before the House.

HON. SPEAKER.- I thank the Honourable Minister for his contribution to the debate.

Honourable Members, there has been one withdrawal from the list that was given originally but there are two additional Members, who wish to speak and I will fit them in but the others who are there will speak first. I now give the floor to the Honourable Tuisawau. You have the floor.

HON. RO F. TUISAWAU.- Thank you, Mr. Speaker, Sir. I rise to contribute to the motion regarding the subsequent Bills on the Budget. I will start off by noting what the Honourable Minister for Infrastructure, Meteorological Services, Lands and Mineral Resources had stated that the 2013 Constitution protects *iTaukei* more than any other Constitution which is in his own words, “hogwash” because the 2013 Constitution actually does not have the entrenched legislation from the 1997 Constitution whereby it is required that all laws or bills which affect the indigenous people or the *iTaukei* or Fijians as it was known then, to be approved by the Senate, the Great Council of Chiefs nominees and that ...

HON. J. USAMATE.- Momi and Denarau!

HON. RO F. TUISAWAU.- ... is a safeguard there which has been removed in the 2013 Constitution, Mr. Speaker, Sir, and with that removal we have seen today one of the impacts of that, that this Bill No. 17 has come through in Parliament without the necessary reviews which should have been done and which was possible in the 1997 Constitution and the other issue regarding what Honourable Usamate had stated, which I would like to highlight today was the insertion of Section 22 in the Constitution which reads any *iTaukei* land acquired by the State for a public purpose after the commencement of this Constitution under Section 27 or under any written law shall revert to the customary owners, if the land is no longer required by the State, so the fundamental question here is what about the State lands acquired before 2013? This has impacted again, as I mentioned, in my last contribution, on landowners such as the Suvavou landowners which they had to use the courts in order to address their grievances.

The Honourable Minister for Commerce, Trade, Tourism and Transport mentioned land swap. This has been continuously harped on by the Government side, that land swap was done illegally, et cetera, et cetera. Mr. Speaker, Sir, we have reiterated in this House a few times what happened and that the land swap was done in consultation and with the consent of the landowners from the the *Tokatoka* Nasau in Momi. They opted to swap their land for property that was once freehold in exchange for their 68.7 acres of Native land with the freehold of equivalent value owned by Matapo Limited. So, please, stop misleading the House, Honourable Minister and stop misleading the public. Let us stick to the ...

HON. T. WAQANIKA.- Absolutely!

HON. RO F. TUISAWAU.- ... facts, please.

And that was not only the case of land swap where the consent of the landowners was acquired. There was Denarau, there was the land on which the Hyatt sits, so please refrain from misleading that land swap, that it was done without the consent of the landowners.

Also, I refer, Mr. Speaker, Sir, to the other side of the House regarding their views on this Bill No. 17 and the problem is that, they seem to believe that their views is the gospel truth and that is a continuous problem with, not only the situation, but also with reference to the economy and all other issues, the lack of ability to listen to other points of views, stakeholders, et cetera.

I think it is very important to share today one of the leading views which was in today's newspaper by Graham Leung. Let me just pick out a few from there which should enlighten the other side of the House not to vote for this Bill No. 17 on consultation, I quote:

“There is little evidence that *iTaukei* landowners have been consulted with the proposed changes. This has fuelled widespread speculation and opposition. The Government does not need to consult anyone, but it should be noted that under section 11

of the Native Affairs Act 1944, it must through the Ministry of Native Affairs consult the Native Affairs Board on matters affecting land. While the iTaukei Land Trust Act may not make specific reference of the need to consult on land, the consultation requirement is under the iTaukei Affairs Act. The Honourable Minister may not consult if the matter is secret.”

There it is, there is an element there of consultation which should have been exercised. Consultation with stakeholders and the people generally is a law-making process, a prerequisite of the participatory democracy which Parliament is a part of.

The other point made - Internal Labour Organisation, Convention 169, to which, Fiji is a party, recognises and protects the rights of indigenous tribal people to be consulted on matters which affect them. The other points of view were expressed. The proposed amendment to section 12 of the Act suddenly changes the nature of the ownership of the *iTaukei* land.

The reality is that, any charge including a mortgage, takes away degree of control of the land from the landowner. The new Subsection 1A says that despite what is contained in subsection (1), consent of the mortgage is not required for mortgages, charges and caveats. The new subsection (12)(3) states that consent will only be refused where there has been a breach of the lease conditions, such as non-payment of rent or the application for any dealing on the land. In other words, any lessee of iTLTB land can transfer or sell their interest to someone else and iTLTB has no choice, but approve the transaction.

The amendment takes away the absolute discretion of iTLTB in section 12 of the Act. It has practical effect of weakening the absolute discretion of the iTLTB Board in granting the withholding of consent for mortgages and leases. Even iTLTB has a problem with potential new lessee or sub-lessee and prefers to not approve any assignment. The law now says that it has no choice and cannot withhold consent.

I believe this is a significant change which weakens the iTLTB's control and oversight role. In my view, it fails to consider the consequential impact of this on the iTLTB as a statutory trustee for landowners and on other law like the Property Law Act and the Agricultural Landlord Tenant Act. Claims that the removal of the administration matters which may include consent to lease mortgage, do not affect the rights of landowners and would increase the long term market. The question is; how the removal of administration processes increase long term market value? That is again, Mr. Speaker, Sir, questionable.

He quotes the Honourable Leader of the Opposition in 1997, Mr. Jai Ram Reddy, who stated and I quote:

“I am convinced the indigenous interests you have a solemn obligation to protect are in no way weakened under the arrangements you are proposing.

The protection of Fijian interests is in fact strengthened. No laws relating to the Fijian people or their land can be amended without the consent of the Taukei people.

In particular, this council's nominees in the senate would effectively retain a veto option over such legislation.”

Mr. Speaker, Sir, referring to the 1997 Constitution:

“Another issue is, a lot of care and thought went into drafting original legislation and each of the different parts are mutually re-enforcing, but they were deliberately designed to address the fears of the indigenous people at the time of the iTLTB would carefully look after their interest.”

Mr. Speaker, Sir, I am reading this out because there have been accusations that we are misleading the House, that we are misleading the people regarding this Bill. These are not our views but the views of legal experts, other stakeholders, et cetera, which we need to take into account when we are discussing this Bill or when we are making decisions on it.

To an indigenous Fijian, *iTaukei* land is not so much a commercial proposition but something like a family held-long inheritance passed from generation to generation. The present generation do not own it in the strictest legal sense but are merely temporary custodians, practicing good husbandry for the future of their people.

Mr. Speaker, Sir, this is a view which I believe, I am asking the Honourable Attorney-General, that we should take into account when we are discussing changes in land law regarding the indigenous people. The other issue in participatory law-making requires debate on Bill No. 17 in an atmosphere of calm and reason and unfortunately discussion has moved to a different angle and we have been blamed for, I suppose, exaggerating matters.

Mr. Speaker, Sir, our role as elected representatives, as Members of the Opposition is to scrutinize anything the Government does, it is our role to liaise with our people, it is our role to explain to them what has been happening and the details, it is not our role to parrot the Government, and that is why we are explaining what I have just explained here, some of the issues regarding the Bill and the flaws and particularly the problems regarding lack of consultation, which is the issue here. If that had been done from the start before this Bill was presented, we would not be going through all this apprehension.

HON. GOVERNMENT MEMBER.- Already consulted the iTLTB.

HON. RO F. TUISAWAU.- That, Mr. Speaker, Sir, is an issue which we need to look at because we have been taken in by the Police and we have been interrogated, questioned for may be 10 hours now, could be a total of 15 hours. That is all right with me, but the issue there is, we are conducting our representative role as Members of Parliament, as representatives of the people, expressing their concerns, and then we are being questioning by the Police for exercising our duties as elected Members of Parliament. There are also questions as to where do we demarcate our freedom of speech in terms of expressing our views in public and also to our voters, and where does the Public Order Act come in where the rest has been initiated by the Members of the other side of the House.

Sir, that is my contribution today and again, please, let us respect the views of the stakeholders, including those I have read out from one of our leading legal experts, with international experience, DPP experience, Crown Law Office, et cetera, Mr. Graham Leung, and also others, such as Mr. Richard Naidu, who have expressed their views, so it is not only us, we are not misleading, it is everyone.

My request, please, consider, reconsider this as already expressed by the Leader of the Opposition and also the Honourable Party Leader. Let us withdraw this Bill and let us reconsider it at another level, at the committee level, take it back to the *vanua* for consultations before we move forward.

Finally, I believe this process where we are looking at Bill No.17, reiterates the need for review. The 2013 Constitution, the various iTaukei governance structures and legislation and, of course, the role of the iTLTB and the governance role there, whether the Prime Minister, a politician, should be the head of the iTLTB because iTLTB manages Native land which belongs to native landowners and no politician should be heading that. That should be a role for those who own the property, which is Native Land. That Board should be nominated by *iTaukei* landowners which used to be there through the Great Council of Chiefs but guess who removed it? The Fiji First government.

HON. SPEAKER.- I thank the Honourable Member for his contribution to the debate. I now give the floor to the Honourable Tikoduadua. You have the floor.

HON. LT. COL. P. TIKODUADUA.- Thank you, Mr. Speaker, Sir. I rise to make my contribution on the current debate before the House on the Bills in question that have already been outlined by the Honourable Attorney-General, but at the outset, first of all, Mr. Speaker, Sir, I would like to support the declarations and the statements that have been just made by the Honourable Tuisawau with regards to the land at Denarau, in terms of the land swap that government continues to harp about.

Mr. Speaker, Sir, I am not going to try to dwell into its particulars, however, it is significant to understand within the context of the debate, particularly on Bill No. 17 is to understand how the government at that time spoke to the landowners with regards to their lands, the risk that it took and, of course, the benefits that it would make them. It is not essentially just about alienation as the government is harping about today, as being the negativity of it.

Obviously, from the goodwill of the landowners, after consulting with the government, they have benefited tremendously from that, and not only them, the *vanua o Nadi*, but the whole of Fiji and the tourism industry today. Now, they should be in accolades of the decisions of the government at the time because of that good decision, that was a good investment that has held Fiji today. So, Mr. Speaker, Sir, I must add is the benefit of consultation with landowners with regards to not only the benefits but how you protect them.

HON. A. SAYED-KHAIYUM.- Unbelievable.

HON. LT. COL. P. TIKODUADUA.- Secondly, Mr. Speaker, Sir, I want to comment on some comments made earlier by the Honourable Minister for Commerce, Trade, Tourism and Transport on his attack of the alternative view, the alternative interpretations of Bill No. 17 that have been made by very, very credible lawyers and credible law firms, lawyers that are actually doing the job right now, that are dealing with mortgages, pledges, caveats, with regards to iTaukei Land Trust Board and their processes. Now, they are all saying that they are happy with it, that is absolutely no need to bring up a law that regulates this because it is already working well enough. It is just a matter of making sure the due processes are improved.

Now, Mr. Speaker, Sir, I am also one of those Members of Parliament that are currently being questioned by police with regards to this Bill and, in particular, it calls in to question my responsibility and my calling as a Member of Parliament representing not only Tailevu or Northland for that matter, but the whole of Fiji, with regards to matters of the law and law-making in this House, and in that respect, I have put out a video which is now the subject of that investigation.

Mr. Speaker, Sir, let me just reiterate the position of the National Federation Party. Our objection to this Bill is based on the attitude of government in the way that he has shoved this Bill through the Budget Debate process without consulting with the landowners. It is not consulting the landowners with almost little to no consultation with the landowners, that is the heart of the matter.

Everyone is interpreting the benefits or the cost otherwise of the Bill. Mr. Speaker, Sir, ultimately we are a Parliament. We are debating here today and either side of the House is saying what the Bill is about. Those are the respective positions. We differ and we respect our differences. The alternative opinion is not wrong. It is to be respected and that is the argument here.

The NFP is saying the attitude in which this has been pushed through is arrogant and then it is also disrespectful. Disrespectful in the sense because we believe that the people that needed to be consulted because this law is going to affect them, there has been little to no consultation with them and that is the native landowners, whose land are protected under the Native Land Trust Act of 1940. That is the gist of our point and our argument. That is exactly it. Mr. Speaker, I have been called in, in that regard, however, I also want to say that you know, we are not living in North Korea nor are we living in China, nor are we living in any other dictatorship.

The people are at the heart of our democracy and within those Fijian people at the heart of our democracy are the *iTaukei* who have been espoused under our current Constitution and also, every other race in Fiji. Our first and primary objective is to understand that they put us in this House and our respect is due to them. When they say something that differs from the Government, the Government should listen. Now, I am going to come to that later on, Mr. Speaker, why that point is so essential and why we should listen. Because we are members of Parliament, we have a role to play to make sure that the people are informed properly. In this case, it is only a Bill for God's sake - it is not even law.

We are talking about it and when it becomes law, and God forbid if it is passed today, the interpretation of that law which is now the subject of the investigation by the police is going to be on the judge. If a landowner or lessee is going to be wronged, or believes he is being wronged under this law, he takes it to the judge who will then see and if it is a magistrate for that matter, make the decision on who is right in his interpretation of the law and then the law goes to the Court of Appeal and the Supreme Court of Fiji. It can be three different interpretations, Mr. Speaker.

We are here only in the consultation stage, we are debating over it, so what is the harm of talking and consulting with the people when that is espoused in the very democracy and in the Standing Orders of this House? When the Honourable Leader of the Opposition spoke earlier on, he spoke about Standing Order 51. Sometimes we sit in the House and wonder whether we should be objecting or not because it just continues to flood the House, to shove things through without proper consultation in this manner, and the same manner in which this law has been pushed without consultation. At least, it should go before the Standing Committee, go up to the House and talk about it and under Standing Order 51, it can be at least limited to three months. Is it supposed to be consequential to the debate but no, this is the heart of the contention on this matter, Mr. Speaker. It is about respect.

Most of the *iTaukei* landowners, right now as the Honourable Members have said, we were not the *iTaukei* landowners when Ratu Sukuna initiated the *iTaukei* Land Trust Board. There are landowners who are PhD-qualified, they have a Masters degree, the whole academic achievement, and they can think freely. They do not need to be told what is good for them. What we owe them is to consult them. Speak! You have the numbers ultimately but speak to them. Why do you need to make this such an authoritative and a dictatorial imposition used in the law under Standing Order 51? This is my question. It is making an issue of a non-issue.

I have been schooled in the military in terms of our negotiation. I can be standing on the checkpoint and then an armed element comes trying to take whole lot of AK-47 across to the other side. My initial thing is to understand as I have been schooled, if his problem is small, you keep it small. If it is big you make it small. Here we are making a problem out of what is not supposed to

be a problem – a problem. All because of what we are saying in NFP because the arrogant attitude of the Government and because it does not respect the landowners, irrespective of the material and the argument of what is good and bad about this Bill.

I am saying, Mr. Speaker, Sir, respectfully and I join the accolades, the interventions of the Honourable Members of the Opposition who have spoken, please, consult with the people, that is the agreement here. In my case I have been dragged on in this video that I have made. I want to say that in that video, I did three things:

- (1) I re-enforced our position with regards to the Bill.
- (2) I called for calm by our people, because I could hear them, I do not need to tell them. And the rest ones of the people who are good people and say, thank you so much, because looking at the interest of Fiji as a nation only the *iTaukei*, that is far from it. It is the reason why I am with NFP. These are the things I am trying to say.
- (3) I was raising that the Honourable Prime Minister presented in the previous evening. In that video, he referred to the sheep herd mentality about the debate on this Bill and the way that it is going.

Mr. Speaker, Sir, I take a lot of reservation to that. I do not have the brain of a sheep, I am an intelligent *iTaukei* who loves this country. I got shot for this country, so I have my own opinion of what I know. This is good for the people, which means the people who voted me in deserve that respect, so that is a very bad thing to say in my view.

Secondly, the Honourable Prime Minister in that video said, that it is only a petty matter. It is not Honourable Prime Minister, it is not petty. The issue of talking to people is not a petty issue. Please talk to them. Mr. Speaker, Sir, and the third thing he said was that, ‘you should all be happy about it’. Why should I be happy, because you are telling me to be happy? Whose opinion is telling the Honourable Prime Minister that I should be happy?

HON. A. SAYED-KHAIYUM.- You do not know what you are talking about. That is the problem.

HON. LT. COL. P. TIKODUADUA.-very much. Anyway, but what I am saying, Mr. Speaker, Sir, please do not talk about people. There is enough imposition already. Please talk to the people. Again, do not impose and tell us what you believe is good for us. We respect your views, please but also Honourable Prime Minister respect the fact that we all do not quite share your opinion on this matter. Mr. Speaker, Sir, at the end of this intervention.....

(Honourable Member interjects)

HON. LT. COL. P. TIKODUADUA.- Alright, I will listen to the Honourable Prime Minister. What are you saying?

HON. J.V. BAINIMARAMA.- Unfortunately, for you I am the Prime Minister, that is what you do not...

(Honourable Member interjects)

HON. SPEAKER.- Through the Speaker and only through the Speaker.

HON. J.V. BAINIMARAMA.- Sorry, Mr. Speaker, Sir.

HON. LT. COL. P. TIKODUADUA.- Mr. Speaker, Sir, my apology, I absolutely have no intention be the Prime Minister, not in this current climate anyway, where we are and where we have been brought to anyway. Because I have raised this issue today, Mr. Speaker, in this Parliament, I am calling on the Commissioner of Police; why is the Honourable Prime Minister not being taken in for inciting of for calling the Honourable Attorney-General *kai Idia*? None of us in the Opposition ever referred to the Honourable-Attorney General in that way but you did. Indo-Fijian would be the proper term.

Honourable Prime Minister, I think you should go and read your Constitution. There is no *kai Idia* here. *Kai Idia* I tell you like a *kai Viti* is here in the Constitution. The *kai Viti* in the interpretation of the 2013 Constitution, is the Fijian people of Fiji. The Indo-Fijian, the *iTaukei* and every other ethnic group.

HON. J.V. BAINIMARAMA.- You do not have to tell me that.

HON. LT. COL. P. TIKODUADUA.- Well, I have to tell you because you are telling me.

HON. J.V. BAINIMARAMA.- Don't you know the reference I used it in?

HON. LT. COL. P. TIKODUADUA.- Well that is my interpretation. You see, that is the difference between....

HON. A. SAYED-KHAIYUM.- Obviously you got a wrong interpretation. You are listening to the wrong lawyers.

HON. LT. COL. P. TIKODUADUA.- We are being charged because we interpreted this wrongly.

HON. GOVERNMENT MEMBER.- You are using the wrong lawyer.

HON. LT. COL. P. TIKODUADUA.- But anyway, Mr. Speaker, let me conclude here. Let me say this once and for all. I ask the Commissioner of Police - you must investigate the Honourable Prime Minister on that video because in my opinion it is inciting. That is why I called for calm in my video.

HON. J.V. BAINIMARAMA.- It does not count.

HON. LT. COL. P. TIKODUADUA.- I want to say, Mr. Speaker, I do not support this Bill.

HON. J.V. BAINIMARAMA.- Thank you.

HON. LT. COL. P. TIKODUADUA.- Yes, I respect there are many, many, intelligent indo-Fijians in this State. We owe them a lot for how Fiji has come to where we are.

HON. A. SAYED-KHAIYUM.- Why are you talking about ethnicity now?

HON. LT. COL. P. TIKODUADUA.- Because the Honourable Prime Minister called the Honourable Attorney-General a *kai Idia*. Why?

HON. A. SAYED-KHAIYUM.- Because the SODELPA people took

HON. LT. COL. P. TIKODUADUA.- That is a matter of interpretation you see which is my point exactly.

HON. A. SAYED-KHAIYUM.- Honourable Tikoduadua, you are obsequious. That is your problem.

HON. LT. COL. P. TIKODUADUA.- Well ,your problem is that you are reading this all wrong. You need to consult with the people.

HON. A. SAYED-KHAIYUM.- Everything goes for you and politics.

HON. LT. COL. P. TIKODUADUA.- No, Honourable Attorney-General it does not. Please, respect and, at least, hear what the people are saying and hear them out. I am imploring you and the Honourable Prime Minister, please. In a few hours this Bill is going to go through for voting. Yes, I have spoken strongly and that is my role as a Member of Parliament to speak for the people who have put me into the House.

It is a thankless job, mind you. I am probably the Member of Parliament who has gone through hell the most and came back in this term, and that is fine. I can withstand it, but I am saying, allow us the opportunity to do our job. The people are of goodwill. They (iTaukei) have aired their views about this matter, please listen to them and I ask please let us consult again on this Bill.

The Honourable Attorney-General can bring it under another Standing Order that would allow time for us to talk about this before it is brought back into the House. It is a very simple matter in my view. I thank you, Mr. Speaker, and I apologise ...

HON. O. NAIQAMU.- ... but you are making things worse.

HON. LT. COL. P. TIKODUADUA.- Who is that? I cannot tell who is saying that.

HON. SPEAKER.- Order, order!

HON. LT. COL. P. TIKODUADUA.- Thank you, Mr. Speaker, I thank you for this time. I do not support Bill No.17 of 2021.

HON. SPEAKER.- I thank the Honourable Member for his contribution to the debate. I now give the floor to the Honourable Qionibaravi.

HON. ADIL. QIONIBARAVI.- Thank you, Mr. Speaker, Sir. I rise to participate in the debate before the House on the Consequential Bills. The Honourable Attorney-General has tabled 22 Consequential Bills for the 2021-2022 Budget. Of these 22, three raised grave concerns they are Bill No. 16 to amend the State's Lands Act, Bill No. 17 to amend the iTaukei Land Trust Act and Bill No. 29 to amend the Financial Management Act.

At the outset, I express my concern as a citizen, as a mother and grandmother and some of you had worked over 30years in the Fijian administration. The iTaukei Affairs Board with the *Bose Levu Vakaturaga* at the apex, the iTaukei Affairs Board and the 14 Provincial Councils, Mr. Speaker, Sir,

Sir, we aligned overly legislated and regulated nation. We have a government that feels the need to protect itself and to bind the people in laws, fees, charges and regulations, this applies not only to the people but to their associations, their organisations, their communities including religious bodies, non-government organisations.

I express concern, Sir, as to where we are headed in this overly-regulated and controlled nation, for expressing our views on the Bills which have been tabled if you have asked, they have been interrogated by the Police CID on our videos, speeches and having an opinion even the truth now is subject to the laws and those in control of our nation. Where are we heading, Sir? Will we get to the stage where government is unable to bear the views of the people?

What is going to happen? Are we heading towards a Police State? I beg, Sir, the Honourable Prime Minister and the Honourable Attorney-General to pull back from the path that they have placed Fiji. We have been offering to work with the government and it is not merely words, Sir, we offer the hands of cooperation to work together in the interest of our children, our future generations and our people today.

Sir, over 200 people have died in the current pandemic. Now, more than ever, we must come together. I beg you Honourable Prime Minister and Honourable Attorney-General, as mover of the Bill to withdraw it and pull back from the cliff that in my view, is in our face. I register my grave concern about the proposed Amendment of the iTaukei Land Trust Act formerly known as the Native Land Trust Act 1940 on ALTA

It is a pity, Sir, that a great mistake at this Act and other protective legislations for the *iTaukei* or native Fijians who is not entrenched in the 2013 Constitution as they were in the 1970, 1990 and 1997 Constitutions. There was a good reason for the entrenchment of laws isolating the natives of Fiji, in particular the iTaukei Land Trust Act because that is not an ordinary legislation, which does not exist anywhere else in the world. Now, where else in the world have the natives or indigenous people in a sacred covenant with their government. A grief to vest their land in the statutory trust. Trusting that their land would be properly managed and safeguarded for their future generations.

The sacred covenant between the natives of Fiji and the government opened up access and facilitated the development of this nation. Removal of the entrenchment of the laws related to the *iTaukei* from the Constitution. Was that a betrayal of the trust that the *iTaukei* had placed in the central government?

Removal of Section 5 of the iTaukei Affairs Act that require the central government to consult and gain the approval of the *Bose Levu Vakaturaga* and the iTaukei Affairs Board on any laws or programme that affects the wellbeing of the *iTaukei* is a further betrayal of the trust and the tabling of this Bill No. 17 in the House without consultation even with the board members of the iTaukei Land Trust Board, much less with the land owning units and their members is a grave mistake.

It is the basic principal of good governance that the government must give their consent and approval on any decisions, laws or programmes that will affect their wellbeing. I plead with the Honourable Prime Minister to take his law back to the drawing board. The basic property rights that have been removed or limited by this amendment are not a matter for an hour long Parliamentary Debate and I am very grateful to you, Mr. Speaker, Sir, for allowing us time to speak on this important amendment to the Bill. Have you followed the normal process of a Friday Session, this debate would have taken much less than what you have provided to us. So, I am really grateful for that, Sir. So, I am really grateful for that, Sir.

The right of any property owner to know and consent the sale or transfer of a lease. The sub-leasing of his property to examine who is buying or sub-leasing the property is removed by this Bill.

HON. A. SAYED-KHAIYUM.- No, it is not.

HON. ADI L. QIONIBARAVI.- Consent now can only be refused if all lease conditions are met and the Board is prevented to examining the transaction whether incoming lessee or sub-lessee. Further, the requirement for the Board to consent all mortgages of leases is removed...

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

HON. SPEAKER.- Order!

HON. ADI L. QIONIBARAVI.- These are not simple matters, Mr. Speaker, Sir.

HON. A. SAYED-KHAIYUM.- A Point of Order, Mr. Speaker, Sir.

HON. ADI L. QIONIBARAVI.- And the Board is prevented from examining the transaction between the incoming....

HON. A. SAYED-KHAIYUM.- Mr. Speaker, A Point of Order.

Mr. Speaker, Sir, the Honourable Member is misleading Parliament when the law specifically states, for any sale, transfer, subleasing, subletting, the consent of iTLTB is necessary. That has not been removed. Any rezoning has to have the iTLTB approval. None of that has been removed. The Honourable Member is wilfully and negligently and deliberately misleading Parliament. This is only to do with mortgages, it is to do with utility connections and caveats. It has got nothing to do with subletting, subleasing, transfer and sale. She is misleading Parliament. Thank you, Sir.

HON. SPEAKER.- Take note of that Point of Order. You have the floor.

HON. ADI L. QIONIBARAVI.- I take note, Sir, of the Point of Order but I beg to differ with the Honourable Attorney-General.

HON. A. SAYED-KHAIYUM.- What! You are wrong. It is written there.

HON. ADI L. QIONIBARAVI.- Section 12, the proposed amendment states that consent of the Board is not required for any mortgage, charge et cetera and after that subsection, inserting the new subsection for the purpose of this section, any such consent shall only be refused when there is a breach of a lease condition where such applications to deal with the land is not in accordance with any law. That is my reading, Mr. Speaker, Sir. The Honourable Attorney-General has part of his views ...

HON. A. SAYED-KHAIYUM.- You are wrong.

HON. ADI L. QIONIBARAVI.- The right for any property owner to know and consent of the sale or transfer of a lease or subleasing or to examine who is buying or subleasing a property is removed by the Bill. Consent can only be refused if all these conditions are met, only if these conditions are met.

HON. A. SAYED-KHAIYUM.- You are wrong.

HON. ADI L. QIONIBARAVI.- If there are any breaches, the Native Land Trust Board has to consent to the lease or leasing of the land, Mr. Speaker, Sir. These are not simple matters because you are dealing with the collective rights of the landowning units in one foul swoop and by simple majority, removing some of the most basic rights attached to all property owners. It cannot be that all people or group rights are being removed or limited. It is discriminatory, Sir.

My other issue is to question the board of iTLTB, in particular the CEO and the Chairperson of the Board as to whose duty is it to consult the landowning units on these amendments. They appear to have placed the priority need of Government. We are told that the amendments are to ease doing business in Fiji. That is the Government's priority at the moment and it appears that they, the iTLTB is placing priority on the needs of Government and the investors but they are under the trustees, they have a duty to consult with the landowning unit, Sir. They have not done that but they have consulted the iTLTB on the ease of doing business concerning our investors, et cetera but they have a duty to consult with landowners, Mr. Speaker, Sir.

My other concerns, I had raised this before in the previous submission to Parliament that concerns three provisions of the Land Use Decree. I will not go into detail but suffice to say that those conditions, those sections of the Land Use Decree, now an Act, the landowning units have concerns with these three issues:

- (1) Section 9(1) of that Decree. It clearly states that any previous law that was promulgated by any Colonial government or legally elected government, if any of the provision of that Land Use Act is inconsistent with those previous law, the provision of the Land Use Decree now Act, prevails. Now the question that the landowners are asking is, how can a law that was promulgated by an interim government prevail over the laws that were made by the Colonial government and any other legal government? That is the main question.
- (2) Section 5(1), Mr. Speaker, Sir, of the Land Use Act states ...

HON. A. SAYED-KHAIYUM.- Talk on the Bill.

HON. SPEAKER.- Order!

HON. ADI L. QIONIBARAVI.- ... that the ownership of our land designated under decree shall remain with the crown or native landowners until the expiration of the lease.

That is fine, but the second limb states, "until such time the land is no longer required under the decree. If the land that was leased initially, is required for the purpose that it was leased under, that land will again be extended." The landowners are asking 99 years lease is a long time, if it is a requirement of the decree, that the lease continues another 99 years, it tantamount to the Land Owning Units losing their control on native land. These are the issues that we need to state. The Government can then, perhaps, decide how the landowners' concerns can be addressed.

The last one, as I have already stated at another Parliament session, Mr. Speaker, Sir, section 15(1), which limits and restricts any court of law to make a decision on the challenges that are listed in that Act. These are the main concerns of the landowners. If they challenge the validity, legality or proprietary of the decree, now Act, and the decision of the Honourable Minister, made under the decree, terms and conditions of the lease, issued by the Director of Land, the validity or cancellation of the lease. Now, these are the main issues that are at the heart of the Land Owning Units. They can take an action up, but no court of law is allowed to adjudicate on these challenges. These are the issues, Mr. Speaker, Sir.

Mr. Speaker, Sir, with all that, I beg to ask, I plead again with the Government, to the Honourable Prime Minister and the Honourable Attorney-General to please withdraw the Bill.

HON. SPEAKER.- I thank the Honourable Member for her contribution to the debate. I now give the floor to the Honourable Minister for Defence and National Security. You have the floor.

HON. LT.COL. I.B. SERUIRATU.- Thank you, Mr. Speaker, Sir, for the opportunity to contribute on the motion before the House. Let me say, that I support all the Bills that have been listed and I make a particular mention of the amendment to the State Lands Act; as a former Minister for Agriculture, the amendment on the Biosecurity Act and the Food Export and Marketing Act plus the so many other Bills that are part of the Consequential Bill that we are discussing in the motion today. But, a lot has been said about Bill No. 17, and perhaps, I will focus my contribution as well on Bill No. 17.

Again, I do not want to repeat most of what has been said, but for me personally, when the Bill came, I had a lot of questions from friends and those whom I know. I did some sort of research on the Bill itself, because as the previous speakers have stated, that laws are subject to interpretation, and the Honourable Tikoduadua has said that correctly and, of course, it depends on which side you are on when it is in the court system, whether you are in the prosecution or you are in the defence, so it is the same law, but how it is being interpreted.

For me, as a Member of Parliament, I did not want to listen to all the advice. I respect the advice and, of course, the legal opinions, but I want to know the facts. That is something that I made it clear to myself so that I can also respond to the concerns and the questions raised by the people whom I know. That has always been my philosophy as well, Mr. Speaker, Sir, particularly, when you are in politics.

I had a bit of discussion with the Honourable Tuisawau a few days back, because we are in a very difficult position. Of course, we have our political agendas, but then, it does not stop the fact that I am still a citizen of this country. As any *iTaukei*, I have my family, I have my *tokatoka*, I have my *mataqali*, I have my *yavusa* and I am part of a landowning unit.

When I am in politics, Mr. Speaker, Sir, I usually am very careful about political issues and how I convey this to the very people that are very close to me. Here is a challenge for each and every one of us in this honourable House. I do not know how many of the people that signed the petitions have actually read the Bill and what explanation, what advice have they been given that led them to that decision to sign the petition? Were they informed of the facts so that they can make informed decisions?

For me, Mr. Speaker, Sir, I am always careful about this because in the end, after all these politics I will go back to my village, as you very well understand and I will have to face my family, my *mataqali*, *yavusa* and I have friends. They have their lawyers. So, I have to be careful that always, this is my own personal philosophy, I have to share the truth, speak facts. If they ask me about the debt in Government, I always try my best to explain to them how we have accumulated these debts and what does it mean, the economy of the State and how it functions. These are the things that we have to do as Honourable Members, for all issues, not only on land issue, Mr. Speaker, Sir.

I plead with all Honourable Members, politics aside, we have a responsibility because these are our very own people. Are we telling them the truth? Of course, this Bill is subject to interpretation but let us talk facts and let us speak the truth, because in the end, I always say this, when I finish, they still have to trust me. I do not have to be saying this when I am here in the job and then when I go back to the village and then someone will point a finger at me, and say, 'No, you did not tell us the truth, this is what you did.' I am always very careful about that, Mr. Speaker, Sir. It is about character that defines people and leaders. Are we honourable? Are we telling the truth? There is a challenge to all of us.

I am sorry that people are being interviewed by the Police, the Police are doing their job because of the mystics, Sir. What has happened in the past? We do not want Suva to be burned again.

Whatever statements that we are making, let us do it with responsibility because words are powerful. Let us tread cautiously, Mr. Speaker, Sir. We understand the sensitivity of the issues but let us look at the facts.

This is what I did, I went into the Office, reminded me of the old days where you have the constitution and you have the MML and you have the Queens RAG, and you have the Standing Orders Volumes 1 and 2, and all the admin instructions, because you need to go down to the facts. The Constitution is the mother law, and anything inconsistent with this Constitution, is nullified. I think that is in Section 2 of the Constitution, Mr. Speaker, Sir.

If we are saying, Honourable Leader of the SODELPA Party that just by virtue of not consulting the people, it takes away the very rights that are here, no, because it has to be consistent. Whatever laws that are made have to be consistent with the Constitution and Section 28 protects the rights of every *iTaukei*, Mr. Speaker, Sir.

It is not just the lack of consultation that takes away all the rights and what are the exact words that were used by the Honourable Leader of SODELPA Party, let me just have a look here, Mr. Speaker, Sir, '2013 Constitution sounds hollow when there is no consultation.' Any law that has to be made, has to be consistent with the mother law and this law prevents the permanent alienation of *iTaukei* land.

(Honourable Members interject)

HON. LT. COL. I.B. SERUIRATU.- I say that again - Any law (it is not hollow)

HON. SPEAKER.- Order!

HON. LT. COL. I.B. SERUIRATU.- ... because this is the supreme law.

HON. L.D. TABUYA.- ... don't need a constitution ...

HON. LT. COL. I.B. SERUIRATU.- This is the supreme law, Mr. Speaker, Sir. Let me read Section 2 of the Constitution. I am not a lawyer but these are the facts. We will come to the consultation later on because now, we are just looking at the consultation issue.

Mr. Speaker, Sir, this Constitution is the supreme law of the State. Subject to the provisions of this Constitution, any law inconsistent with this Constitution is invalid to the extent of the inconsistency. I hope that a Party Leader is in a position to provide that advice to the people rather than collecting petitions.

(Honourable Members interject)

HON. LT. COL. I.B. SERUIRATU.- Mr. Speaker, Sir, this is the reality and the truth I am taking about, as Honourable Members of this House.

(Honourable Members interject)

HON. SPEAKER.- Order! You have the floor.

HON. LT. COL. I.B. SERUIRATU.- Thank you, Mr. Speaker, Sir. That is our responsibility as Honourable Members of this House. Politics in Fiji thrives on rumours of fear and feared rumours that has been the trend in Fiji for so long. It thrives on rumours of fear and feared rumours.

(Honourable Members interject)

HON. SPEAKER.- Order!

HON. MEMBER.- Who created that?

HON. LT. COL. I.B. SERUIRATU.- Where is this fear coming from - from us the politicians when we are not revealing the truth to the people.

(Honourable Members interject)

HON. SPEAKER.- Order!

HON. LT. COL. I.B. SERUIRATU.- That has always been the case, Mr. Speaker, Sir, unfortunately without them knowing ...

(Honourable Members interject)

HON. SPEAKER.- Order! You have the floor.

HON. LT. COL. I.B. SERUIRATU.- Mr. Speaker, Sir, are we going to allow this to continue? We have a responsibility to inform our people ...

(Honourable Members interject)

HON. LT. COL. I.B. SERUIRATU.- I will come to the consultation but facts so that they are not being misled because that has been the problem from the past, Mr. Speaker, Sir, people come into Parliament without knowing why they are there. They are being used by politicians. Like I said, Mr. Speaker, Sir, how many of these thousands that have signed the petition have already seen the Bill itself, let alone understanding what the Amendments are for.

(Honourable Members interject)

HON. SPEAKER.- Order!

HON. LT. COL. I.B. SERUIRATU.- I have made my point, Mr. Speaker, Sir, I have a look at that.

Mr. Speaker, Sir, I am also a lessee, I have got my lease documents here and then I looked at what the amendment is and what is laid out in this document, the Honourable Leader of the Opposition knows this very well. I studied this in detail. I am obligated under the covenant of this lease, the lessee hereby covenants with the lessor as follows: "I have a responsibility here and, of course, the lessor (iTLTB) has a responsibility to look after the interests of the landowners as the trustee to ensure that the terms and conditions that are here are adhered to". I cannot just go and do anything that is not consistent with this, Mr. Speaker, Sir.

So, the iTLTB, as the trustee, has a responsibility to look after the interests of the landowners and, Mr. Speaker, Sir, let us demarcate between reserve land where we have customary rights and we also have the customary access rights and, of course, what is being leased because that involves legal rights of access and the role that iTLTB plays within that. The Honourable Leader of the Opposition knows this intimately.

As a former employee of the then NTLB and, of course, as a former Lands Minister and, of course, as a prominent chief, let us not mix the three, Mr. Speaker, Sir, when it comes to this Bill because it is a different issue when we talk about reserved land (*kovukovu*), and nothing in that arrangement changes in this Amendment. This is about the land that has been de-reserved so when it comes to de-reserved land, Mr. Speaker, Sir, the iTLTB is administering and doing all the work on behalf of the landowners. That should be clear, Mr. Speaker, Sir, so when it comes to consultation, technically and legally, because we are only dealing with leased land, consultation is with the lessor, which is iTLTB in this case.

We respect the landowners, Mr. Speaker, Sir, definitely, however, the system about leasing land in Fiji does not change.

HON. S.R. RASOVA.- Withdraw the Bill!

HON. LT. COL. I.B. SERUIRATU.- This is the Bill and the protection - it is here, Mr. Speaker, Sir. They have a responsibility as the lessee to the lessor and, of course, to the landowners who, in good faith, gave up the land for lease.

Mr. Speaker, Sir, there have been farmers before me in that piece of land in Seaqaqa that I lease for cane farming from then when Ratu Mara started Seaqaqa in the 1970s until last year then I was able to bring water to the lease. All the tenants that have been there, none of them had water - a basic necessity. I have to go and ask for consent which I did, just to get water into that lease, Mr. Speaker, Sir. I still do not have electricity - something that we are working on and through that, Mr. Speaker, Sir, the neighbouring farmer has benefitted from it and, of course, has again taken it across the river now, even the landowning unit from the other side are benefitting from that water, Mr. Speaker, Sir.

Talking about basic necessities (because this is something that is good for the farmers), Honourable Professor Prasad, do not just ask about the cartage fee and whatever, this is more important to the farmer. I am a farmer, I know it, it is important, Mr. Speaker, Sir, and I see the merits in this. We respect the landowners but Government definitely will look at the consultations because it is only a minor Amendment, and as I have said, the consultation will have to be led by iTLTB because they are the trustee and they are the lessor.

Mr. Speaker, Sir, the problem is, we have interpreted it and then we have disseminated it, and then we have brought, unfortunately, the landowners into it because of the politics that we are looking forward to, because the elections is coming up in 2022.

Mr. Speaker, Sir, Honourable Gavoka was talking about the sanctity of the land and about shifting the borders. This amendment is not about shifting the borders at all, according to Deuteronomy 19:14 which he quoted the other day. Permanent alienation is in violation of God's law and I say that again, permanent alienation is inconsistent with what God instituted for the people of Israel. If you want to quote from the *Bible*, I will read Leviticus 25:23. This is for all the chiefs of the country and all the governments that will come after or in the future. This is the law, and I quote:

“The land must never be sold on a permanent basis, for the land belongs to me. You are only foreigners and tenant farmers working for me”.

Whether it was an exchange or whatever it was, it is inconsistent and that is why we have section 28 in the Act, so that this will never happen again, Mr. Speaker, Sir. That has kept the fact side. We have a responsibility to our people. It is here as a Consequential Bill because of the situation that we are in.

During a crisis, if we study the economics, it helps us to go back to the basics and the basics are the primary industries, agriculture, fisheries and forestry that depend on the land, and if we want the economy to grow and we want to diversify based on the current situation, such amendments are necessary and that is why it is in the Consequential Bill, so that Fiji can move forward. We need economic security for national security. We also need national security for economic security and this is why this Bill is important. I support the Bill, Mr. Speaker, Sir.

HON. SPEAKER.- I thank the Honourable Minister for his contribution to the debate. I now give the floor to the Honourable Rasova. You have the floor.

HON. S.R. RASOVA.- Thank you, Mr. Speaker, Sir. I want to thank everyone who have contributed to the Bill No. 17. I thank all the Opposition members for making very concrete suggestions and valid points rather than having the Government tell us what to say in regards to this Bill No. 17.

As an indigenous, I would like to speak on behalf of those people who are suffering right now. People who have other issues like COVID-19, the deaths related to it and everything, they are not even aware of this Bill No. 17, and I am one of them. My contribution on this Bill is in terms of the 'consent'. I am really touched that given that land is given away on lease, you do not have to come back for these mild things like a caveat, et cetera. We are only landowners and most of us are not property owners, like our other Fijians. Other Fijians give away lease on houses, and this is the comparison that I have been making. Once you lease, you have to get consent from the landlord, every time you want change anything in the house, but this is landownership.

The preamble of the 2013 Constitution talks about the people of Fiji. There are the *iTaukei* and their ownership of *iTaukei* land, the Rotumans and their ownership of Rotuman land; those are the only two categories of people who are landowners. The rest are not - the indentured labourers from British India, the immigrants, and the Fijians who have equal citizenry; they do not have land.

When we talk about this kind of land, Mr. Speaker, Sir, it is very crucial to us. All others mentioned here in the Preamble do not own land, except for the *iTaukei* and the Rotumans - those are the ones who have land. When you want to talk about land, please, reserve that consultation with us. This is a slow movement of the sunset clause; this is a slow motion. Very slow in the last 14 years.

I am touched by this because in Kadavu, there are two islands namely Yaukuve which is leased out and you have Tokana in Buliya and other hotel properties over there. Once this Bill No. 17 goes through, it activates thousands and thousands of leases already being done previously - 99 years, 70 years, 30 years. It activates that you no longer require a consent of the *iTaukei* landowners or the Trust Board which is the statutory trustee of the Land Owning Unit all over Fiji.

I thank the Honourable Minister for Defence and National Security for giving out the Constitution, thank you for the Constitution. Section 28 of the Constitution clearly says that and I quote:

“... all *iTaukei* land shall remain with the customary owners of that land and *iTaukei* land shall not be permanently alienated, whether by sale, grant, transfer or exchange, except to the State in accordance with Section 27.”

So, you people can take it, you are Government. It can go to them. It is in the Constitution.

HON. O. NAIQAMU.- You do not know what you are talking about.

HON. SPEAKER.- Order!

HON. S.R. RASOVA.- I am representing the people that do not know any law. The lawyers have spoken. The Opposition have spoken but I represent the people that do not really know the law of this land. The mover of the Bill knew very well it was going to come like this. Sir, iTLTB was never really consulted, I do not think so.

HON. A. SAYED-KHAIYUM.- Here we go!

HON. S.R. RASOVA.- As the Chairman and as a Prime Minister who was supposed to do consultation, you must remember, Mr. Speaker, that 50 Fijians will vote today to pass it, but remember the people in the Preamble recognises the indigenous people or the *iTaukei*, the Rotumans, the descendants of the indentured labourers from British India and also the immigrants, so who is going to win? Someone, 2000 years ago, sold my faith for 30 pieces of silver, and some people will sell my rights as an *iTaukei* today. That is my contribution for today and I do not support the Bill No.17 of 2021.

HON. O. NAIQAMU.- Stop misleading the House my *tau*.

HON. SPEAKER.- I now give the floor to the Honourable Bulitavu.

HON. M.D. BULITAVU.- Thank you, Mr. Speaker, Sir. I rise to give a small contribution to the motion that is before the House.

I will speak on the first Bill that is the Biosecurity Bill. The removal of the exemption of the export fees will assist our indigenous *yaqona* farmers. And also the removal of requirement of inspection on the cost that is there about \$900 in the initial engagement and the requirements of a pack house; this lightens the burden of *yaqona* farmers in the rural areas who are moving in to export. This is an assistance which is good because it will empower the landowners and also those who are moving into export business. Those are some of the benefits of that Sir and also the removal of consignment on the consignment fees. This is helpful too because it reduces the cost of those that are exporting given they are from the rural areas to export in these hard times due to COVID-19.

The other thing that I am thankful for, Mr. Speaker, Sir, is the reduction of fiscal duty on spare parts and also other electronic materials which also will benefit bus owners and also car owners. Hardware materials here in Vanua Levu, like cement is a problem given the border lockdown. The other thing of benefit is the renovation of hotels, these are some of the things that the Tariff Bill will benefit us especially in helping our economic recovery.

The increase of the FNPF employer contribution from 5 percent to 6 percent, this will be very helpful given that it not only will increase the eligibility and also the savings that should be used by any FNPF member as a retirement pension. That is the good amendment proposed by the FNPF Bill which is also before the House.

Mr. Speaker, Sir, there have been a lot of talk in terms of Bill No. 17. I have said my piece the other day on Bill No. 17 and today we are here with many interpretation on Bill No. 17. The other day I was talking about my perspective from a landowner moving into entrepreneurship and how the Bill will assist those that are moving into trying to secure loan through mortgage of the lease titles with the bank.

One thing that needs to be very clear is that section 4 of the Act vests control of iTLTB onto the Board and that is the power that is given to the board and the other thing is on Section 9 of the

Act which talks about the renewal of leases that is done by the Board once it is outside the de-reserve - *tiko e daku ni kovukovu* that will be done by the Board. But one thing needs to be very very clear that this amendment does not affect the 60 percent consent for landowning units to consent to a lease. That needs to be recorded.

The other thing as have alluded to by the Honourable Minister for Defence and National Security on Section 28 stipulates very clearly that Native land cannot be alienated and it is there. The part that the Honourable Rasova had spoken about it is for public purposes and at the end of that public purpose it returns back to the native land ownership. It is not this old thing where the native land is secure.

The other thing Mr. Speaker, Sir, I will touch on the proposed amendment and for the proposed amendment which is before the House, one thing needs to be very clear that section 12(1) is not amended. So, the absolute discretion of the board remains for lease, for sublease or any sale that is there. So, the absolute discretion remains for section 12(1) is not amended.

The only change that comes in for amendments are two new amendments inserted which should be read in its entirety is with section 12(1) and that is the first one 12(1)A which talks about that there is no need for consent for mortgage, pledge, charge on those conditions that are there but it applies only to that. The good thing about this is, if you look at subsection 3 the new insertion that comes there if you interpret that in mandatory express terms, it talks about that consent will be refused if there is a breach in the terms and conditions of the lease. So, that consent will be refused if there is a breach in the terms and condition of the lease, so what does that mean?

I would say that the amendment does not allow the lessee to do anything else with the lease outside the terms and conditions of the lease, so the lessee will have to do only things that are prescribed in the lease title and they cannot work outside those conditions. That is something that is very important.

I am hearing this afternoon that some are saying that if this lease is taken to the bank through the new amendment and with this new amendment, that particular tenant wants to go and sublease, this particular amendment allows that. No, once the tenant in any state, even in the duration of the mortgage, wants to do a sublease, section 12(1) kicks in, by the discretion of the Board, does not allow and that is very clear where the discretion of the Board will need to be sorted, if any tenant in the duration of the mortgage, wants to do a sublease, that needs to be referred back to iTLTB.

The other thing that needs to be clear is the term of the lease and the term of the mortgage, they are merged. Once the lease expires, the mortgage term too ends and that is very basic when we come to mortgage rules or when we go into a bank and the bank even before assessing any application, will want to see the term of the lease whether it is viable to finance or not.

The other thing is the conditions and the terms of the lease. In the first place, the inspection is done by iTLTB, their officers who will do the conditions of the lease and those same conditions will follow the tenant wherever to, to the bank doing any mortgage or any other thing. The rental will still be there, that particular tenant will still pay premium, if there is breach in terms of arrears, ITLTB will serve a notice and still there will be powers through ITLTB for them to pay their arrears for the benefit of the landowners. Even there is still power in the Act, in terms of forfeiture rule and also re-entry. At the end, the power is still with the Board to terminate any lease so there is no native land or lease lost, so to speak. That is when you look at the whole thing about this Bill No. 17, to me the necessary mechanism to deal with amendment in section 12(1)(a) is handled in 12(3) which is very mandatory and very expressed and in any event where there is a breach, it goes back to the Board.

The other issue that I find, Mr. Speaker, Sir, there is an argument too, why take away the powers to give consent from ITLTB or in other words, why dilute the oversight powers of iTLTB and I think from our reading, if you read section 11 of the iTaukei Affairs Act, it talks about a Bill which is to proceed in respect to all Bills that are affecting iTaukei affairs. I think the two main things about any Bill affecting *iTaukei*, is used to be the Great Council of Chiefs (GCC) in consultation with the Board and the Minister. But given that GCC is no longer there, the Board and the decision of the Minister is final. We talk about consultation here.

Mr. Speaker, Sir, the CEO for iTLTB has confirmed that the consultation has been made by the Solicitor-General's Office. In basic corporate management, we all know that the CEO can only act upon the resolution of the Board. So, the CEO in doing that, sets a new level, as being complied with, given that the Honourable Minister responsible for the iTaukei Affairs, has got powers. Nothing in section 11 of the iTaukei Affairs Act talks about any Bill about *iTaukei* land to be taken back to the landowners. The only two persons who could be consulted in section 11(a) is the Board, who is our representative, to talk on our behalf on our interest, and the Minister who wish to make the decision on behalf of the directive of the Board.

Those are the two things that need to be very clear, if we are arguing that consultation needs to be done. Consultation for law in section 11 of the iTaukei Affairs Act only vest on the Board and they represent us, given in this particular Act, section 4, the powers of native land vest on the Board. Those are some of the very basic things which I see should cater for any doubt or any fear. It is already in the Bill itself and also in other current measures and other policies that will be there, and other regulations that will come in, that will assist policies of the iTLTB to be in line with the Act after the amendment is done.

It is very clear that this particular Bill will assist, like the Honourable Minister for Defence has said. Most people in the rural areas want to connect to electricity, want to connect to water and they have to go and pay \$110 fees to get consent from iTLTB. Now, that will be no longer and that will be really assisting them in this difficult time, given we have COVID-19 upon us.

The other too will be, *iTaukei* who are trying to move in to entrepreneurship into business, trying to secure loan. This will assist them too, because they will not await for the consent, but have to comply with the conditions and terms of the leases as prescribed in the Title as a tenant. That is something, Mr. Speaker, Sir, that should also give us certainty.

Just a few days ago, I visited a few villages, they called me to clarify about the petition going around. And most of them had signed without even knowing what is in the petition, not understanding the petition. They called me because I am their representative. I went and spent about two hours to try to clarify to them that this is not a threat to their indigenous right, but it is just an administrative matter that this amendment calls for, which is for the ease of business and will speed up the turnaround time of doing business and will assist, especially, *iTaukei* landowners, who wants to set up business and entrepreneurship, especially in trying to secure loans.

The other thing that you have to also

HON. O. NAIQAMU.- Tell them. Educate them, Honourable Member!

HON. M.D. BULITAVU.- The other thing to take note of too is the risk of any title that is in breach which will now fall onto the bank. It will not fall onto the iTLTB because the bank will do their own assessment on whether it is a good title or a good security or a bank security. They will do their own assessment on that, and no bank would want to take a security where there are some breaches. In some cases when there is a sale, the sale price will cater for those arrears and some of

the law firms they do undertaking with iTLTB used to do so that they can clear that and after the loan is approved. But this will fast track and facilitate to all that.

HON. ADI L. QIONIBARAVI.-.- That is not the case now.

HON. M.D. BULITAVU.- That is not happening now, I agree, but again when there is a breach of lease condition or the term of the lease, the consent is refused.

Mr. Speaker, that is my view and I support the Consequential Bills that were there. The Budget yesterday was passed without any Opposition so the Consequential Bills will give effect to the Appropriation Bill. I see that for us not to support the Consequential Bill after we did not raise our objection on the Appropriation Bill, it would be inconsistent.

With those words, Sir, I will support all the Bills that are in the Consequential Bills because they are part of the Appropriation Bill. *Vinaka vakalevu*, Sir.

HON. SPEAKER.- I thank the Honourable Member for his contribution to the debate. I now give the floor to the Honourable Prime Minister.

HON. J.V. BAINIMARAMA.- Thank you, Mr. Speaker. I rise in support of Bill No. 17.

Mr. Speaker, this simple amendment has been made subject of the most cynical Opposition I have seen in all my years in politics. I support what Honourable Bulitavu has just said, not because he is a Member of SODELPA, but support the fact that as a young man with land, he wants to do development on his land for his people and this is the Bill that will help him.

My statement, Mr. Speaker, is not intended for the Members opposite because I know the fact that I am speaking to the Fijian people, all of whom deserve to know the truth about the Bill. As the Honourable Minister for Defence stated we have to speak the truth about the Bill. Today, we are making the iTLTB more efficient and how it enforces the conditions of leases on *iTaukei* land. We are reforming a broken time wasting and piece-meal approval process in favour of the process that empowers the iTLTB to focus on improving the value of *iTaukei* land and making a more strategic approach to ensure long term prosperity for *iTaukei* landowners. One thing this Bill will not do, Mr. Speaker, to change the rights or steal the decision-making power of *iTaukei* landowners, not one bit.

The landowner has never been involved in the process of enforcing lease terms and conditions. It is always been a matter handle by the iTLTB who are legally empowered to do so, even though they have been legally required to put consent for change in mortgage, connecting water and electricity. The iTLTB never contact the landowners about these matters.

Mr. Speaker, Sir, it has never been the policy of iTLTB to alert the landowners when their lessee wants to change, who they bank with or when they want to access water or any other development. There are normal permitting requirements for electricity, water, sewerage and other services and sufficient checks exist through the relevant organisations such as EFL, Water Authority of Fiji and Ministry of Environment, to ensure that these are all carried out properly in accordance with the relevant laws. It is a lie to claim that landowners have a role in the process. It is an administrative matter and I was worried, Mr. Speaker, Sir, of the comments by Honourable Gavoka when he said, 'If you pass the Bill' and I was waiting for him to finish his sentence because I was worried, it looked like he was threatening me and the FijiFirst Government.

"If you pass the Bill", for all of those Members of the Opposition who are harping about police investigation, I suggest you learn about what transpired in Lautoka last Saturday with the *iTaukei*

Movement, learn from that and find out what transpired, and maybe that will justify the police in doing what they did in their investigation. But I say again, if a lessee ever steps out of line, they will be held accountable. iTLTB will still evict a lessee who does not pay his lease monies or breaches the fundamental terms and conditions. The iTLTB will still manage the process of leasing the land itself after the landowning unit in question has agreed to lease the land, like any proper lessor, they will continue to enforce the terms of leases. If any lessee violates the terms and conditions of their lease on *iTaukei* land, the iTLTB will hold them accountable. This is what they have been doing, and it is the case today, and they will continue to be the case tomorrow after this Bill becomes law.

Mr. Speaker, Sir, there has been a lot of talks about lawyers being asked to provide legal advice. I do not know why Professor Prasad never asked for the legal advice of that of the former NFP President, Ms. Tupou Draunidalo. I thought she was a top lawyer, she gives good advice but I could not figure out for the life of me, why these two lawyers (one went on a zoom last weekend and, of course, the one in the *Fiji Times* today where every page is propping him), how come they did not make sense of section 12(1)?

There is a legal advice about section 12(1). What about section 12(1)? It simply means that if a buyer and seller wants to make a deal on iTLTB land whether to sell, transfer or sub-lease, they must first apply to iTLTB to obtain their consent. This also applies to transfer between parents and children, relatives where money is involved, they are also required to apply to iTLTB for consent. If your transfer is done without the consent being obtained from iTLTB, then that transfer is null and void. It simply means that the transfer is of no effect or illegal.

HON. GOVERNMENT MEMBER.- Hear, hear! Tell Honourable Rasova.

HON. J.V. BAINIMARAMA.- What this new Bill proposes to do, Mr. Speaker, Sir, is to add two new subsections to section 12 above. That is all meaning that section 12(1) is still alive and not affected at all by this new Amendment.

In the article in today's *Fiji Times*, a lawyer, Mr. Graham Leung, is using section 11 of the *iTaukei* Affairs Act, to argue that consultation should have been held with the *iTaukei* Affairs Board. However, his argument is flawed for a number of reasons and let me state them.

Firstly, section 11 only applies if the Bill appears to the Minister to affect in any important matter the rights and interests of the *iTaukei*. The main point of Bill No. 17, Mr. Speaker, with respect to the removal of consent for mortgages is that the removal of consent does not, in any way, affect the rights or interests of the *iTaukei* landowners. The leased *iTaukei* land that is subject to mortgage will always remain *iTaukei* land, and all terms and conditions of the lease remain intact.

Secondly, section 11 does not apply to Bills which are so urgent that public interest does not permit consultation. Bill No. 17 has been tabled as an urgent Bill in accordance with the Constitution and the Standing Orders. I also want to remind Honourable Tuisawau, Mr. Speaker, that even with the presence of the entrenched provisions that they always harp about in the previous Constitution, Momi and Denarau got taken away of *iTaukei* ownership land, gone - no more with the *iTaukei*. They are now justifying that with the subject of a land swap. Land swap aside, it is gone, the land is gone, that will never happen, that can never happen with this Constitution because this Constitution guarantees that.

Mr. Speaker, the iTLTB supports this reform because they do not need to be involved at every baby step of development on a lease. With this amendment passed by Parliament, the landowner will note that there is nothing negative, nothing wilting down his ownership rights except that there would be more interest in leasing *iTaukei* land because there will be less bureaucracy attached to *iTaukei*

land and that is where Honourable Bulitavu is coming from. Therefore, the value of *iTaukei* land will increase and is that not what we all want for - landowners? We are talking about total economic advancement, Mr. Speaker, we are about generational wealth.

Mr. Speaker, we are talking about making the *iTaukei* people strong, productive and innovative so that they can benefit from their land and our economy. I thought we all wanted that, Mr. Speaker, I really did. But the Opposition has shown that they could not care less about the security and the prosperity of landowners. They are so little, Mr. Speaker, that they have used this Bill, a good Bill as their distraction of choice from a Budget they are terrified to talk about. They do not want to talk about the Budget. They think it is a good Budget.

Some of them have admitted as much, some of them have even called it ‘an election Budget’, the rest refused to talk about it. They do not want to talk about the cost it lifts from the shoulders of hardworking people. They do not want to talk about the doctors and nurses it has, they do not want to talk about the strategy it supports to recover our economy, instead they got in a room together, gathered around Honourable Tabuya, *TikTok* compulsive liar and made a very poor bet on her legal advice and legal expertise. That in itself was, is a catastrophe.

They knew that they were not qualified or capable of debating the measures in the Budget. They knew they had no ideas to give the nation. They knew they had no alternative budget and they knew they had zero constructive criticism to offer so they decided to die on the hill of Bill No. 17 - a Bill they had not read and clearly do not understand. They chose the same inane chorus of criticism, designed to frighten the *iTaukei* people into thinking that this Government is threatening their traditional landowner rights. Their criticism began as a useful demagoguery, they decried what they claim was a threat to landowner rights. They repeated lie after lie, one by one, their claims proved false until they realised (inaudible) ground. Overnight, their arguments flipped on their head. Now, they have a new position, they say we should have consulted the landowners.

This is the old political bait-and-switch, Mr. Speaker, if you cannot attack the substance, then maybe you can attack the process. They no longer say that there is anything wrong with the Bill, because there is not. It is a sensible and rationale reform. Instead, they are saying we should have consulted the landowners about the administrative affairs, that has never involved the landowners, and they demanded to know why we did not. Do they have an answer, Mr. Speaker, Sir? Unfortunately, a fool can ask more questions than a wise man can answer.

I suppose it would help the Opposition if the Opposition had a coherent philosophy of Government, then maybe they could provide a coherent criticism, and might even stop squabbling among themselves long enough to be a rationale Opposition. But the Opposition appears to exist for the purpose of Opposition. First, they decide to oppose and then they decide what to oppose and why, but all they peddle is fear and racism, Mr. Speaker, and they are doing it again.

Mr. Speaker, Sir, I really think we should thank them, silly as they are, because their argument that we should consult the landowners, is the test of acknowledgement that the Bill is a good Bill, and that they have no reason to oppose it on substance. They know that, and some of their Members have even said that in public and in private. Yet, they have shamelessly encouraged people to sign different petitions, based on the falsehood and fear-mongering and they should be ashamed.

Honourable Kepa stood up this afternoon and mentioned all the names of the chiefs, including the name of the Tui Cakau, who is present in Parliament and, of course, herself, Marama Roko Tui Dreketi. I am sorry to tell Tui Namosi and the Ratu from Macuata, that they are not included in this acknowledgement by Honourable Kepa. They have shamelessly encouraged people to sign different

petitions based on their falsehood and fear mongering and they should be ashamed, and we have had enough of this in our history.

To the people who signed that petition under false pretences, I say you should demand an apology because they asked you to fix your good name to a lie. You have been misled. Past governments have betrayed the trust of landowners. They permanently alienated *iTaukei* land in Denarau and Momi. My Government has never made that bad deal, and this Bill aligns with the record of empowerment that was established from day one.

The Bill simply streamlines the process of developing land that has already been leased. Once the iTLTB approves the lease, the lessee does not have to return to the iTLTB to have the mundane approval. This will make matters easier, faster and less costly for the lessee. That is a good thing, it will create economic activity, it will create more jobs, it will create more prosperity and more so for the landowners.

Mr. Speaker, Sir, this is not the first time we have made important changes for the benefit of the landowners. When we launched the better utilisation for land payment programme, the Opposition did not bother to identify the Committee for Better Utilisation of Land (CBUL), Government continued on paying more lease monies to landowners for the renewal of the leases. This Government did that.

We did not consult landowners asking them if they need more money (inaudible) but they can renew leases and get more money. The same goes to Bill No. 17, if landowners want to lease their land, they should receive the highest possible market lease income, and this Bill does that. It makes *iTaukei* land attractive as any other type of leased land so if and only if a Landowning Unit agrees to lease out their land, agrees to the terms and conditions of the lease, they get better returns. Mr. Speaker, thanks to Miss *TikTok* and her pack of disingenuous falsehood.

That truth has been muddled beyond recognition for some landowning communities because of the misinformation out there, because of utter unwillingness to admit wrong, we have to waste time and money to counter misinformation spread by opportunistic politicians. Teams from the TLTB should hear that.

This reminds me, Mr. Speaker, when SODELPA was spreading lies about Kadavu being sold to the Chinese (I do not know, they probably did), and lies in 2014 that our Constitution would disenfranchise *iTaukei* landowners and (inaudible). The misinformation spread on Bill No. 17 fits into the same category of the fanciful rapport (inaudible) and is stupid.

Mr. Speaker, I want to tell Honourable Saukuru not to insult the comradery of the Fiji members of the Sevens Team, by only announcing some of their names and not the rest. There are 13 members, plus the coach, plus the management that brought gold to us in the last couple of days. Please, remember that.

Mr. Speaker, I want to again congratulate our Men's Sevens Rugby Team on their incredible run to their second Olympic Gold Medal. The coach, Mr. Gareth Baber, was tasked with filling the biggest shoes in World Rugby and he delivered brilliantly. I believe he has earned a home in Fiji for what he has done and we are making the arrangement to afford him a lease on *iTaukei* land should he accept. If he does build a home, thanks to this bid, the TLTB will not waste any time following up those plans.

Thank you boys. Thank you for the wonderful game! *Vinaka* coach, and welcome home!

HON. SPEAKER.- I thank the Honourable Prime Minister for his contribution to the debate. Honourable Members, I now call on the Honourable Attorney-General and Minister for Economy, Civil Service and Communications, to speak in reply.

HON. A. SAYED-KHAIYUM.- Thank you, Mr. Speaker, Sir. There is obviously not much need for me to talk about the other Bills other than Bill No. 17 as most of the Members, apart from one or two who have actually spoken about the other Bills that are all Consequential to the Budget Announcement that was made.

Mr. Speaker, Sir, I would like to thank those Members who have spoken in favour of the Consequential Bills. Just very quickly, the Honourable Prime Minister has actually addressed many of the issues that I wanted to talk about but just very quickly in respect of what some of the Opposition Members had said. I also like to thank Honourable Bulitavu and Honourable Seruiratu, who actually brought home the point about the practical issues and the practicality of why these Amendments have actually been brought about and how, indeed, it will make *iTaukei* land very valuable.

I think there needs to be a holistic approach to understanding how the value of the land will improve. But before that, I mean Honourable Kepa gave this very sanitised view of Fijian history and, you know, as the Honourable Prime Minister highlighted, she opened up by addressing all the chiefs in Fiji. Why did she have to do that now? She has not done it before. She has only done it to raise emotions to sensationalise the issue and somehow or the other that this Bill is a threat to indigenous culture and indigenous land.

This is precisely the reason why she had done that and that is what I call 'the politicisation or the commodification of culture'. Culture is being used by elites to suit their own political agenda. That is what has happened. That is precisely what the Honourable Minister was saying, and this is precisely what has happened today on the floor of Parliament.

Mr. Speaker, Sir, she gave a historical lesson about Fiji but she failed to miss many of the points, she failed to talk about tribal wars, she failed to talk about Tonga, she failed to talk about how land was alienated by some chiefs by giving it away. Suva is freehold today because Ratu Seru Cakobau gave away the land to the Americans as compensation for the burning of a ship. Other chiefs, unfortunately, were duped into giving away land that was converted to freehold land for a mere musket or few other things.

The Deed of Cession was signed only by one chief from the Western Division. The Kalevu in turn gave away, converted *iTaukei* land to freehold land. People from Ra who objected to colonial rule were exiled to Kadavu. Honourable Rasova you should know that part of the history. People in *colo*, there were 70 people who were killed because they objected to colonial rule. There was measles that killed about 25,000 to 40,000 *iTaukei* people, indentured slaves were brought from British India.

There was complaints about land allocation through the Native Land Commission. Yes, Ratu Sukuna did go around but if you go to the Western side in particular, many people will still complain to you about how some of the land had been allocated to individual landowning units and, of course, we have 999 year leases given on Vatukoula.

The land before the Vatukoula Gold Mines still has a 999 year lease. I did the research. If you go there, there is a couple from New Zealand who were given 999-year leases on *iTaukei* land, that was alienated for 999 years. And of course we then had the alienation of land in Denarau and Momi and no amount of justification. On one hand you have the Opposition talking about not alienating the *iTaukei* land and yet Honourable Tikoduadua, Mr. Rabuka outside of Parliament and other people within Parliament have tried to justify that.

The Bainimarama Government and the FijiFirst Government under our Prime Minister have never justified the permanent alienation of land for economic development. The philosophy is that you can have economic development even with *iTaukei* land titles intact and that is the philosophy we are trying to follow and the way to make sure that we have that philosophy is that you make *iTaukei* land attractive for investment purposes.

Mr. Speaker, Sir, just very quickly, the point that I also like to make and people forget because there is a very dichotomous approach to land issues in Fiji. They think that all the lessees will always be as history has pointed out, only indo-Fijians or people of other ethnic group and the lessors will be all *iTaukei* people. Demographics have changed, a lot of *iTaukei* people are also lessees. They are also tenants. You go to Tacirua the residential subdivision all those people are living as lessees on *iTaukei* land who are *iTaukei* people. People who want to get into development. The Honourable Gavoka said, "Oh, we do not want banks, he comes from the tourism sector, he worked at the Fijian hotel, he worked on Tokoriki Island. All of those resorts." The reasons why they have been able to make tens and millions of dollars' worth of investment in those resorts is because they have been able to get a mortgage on that land, access the funds and then build up the land.

What does it do for the *iTaukei* land? It improves the value of the land. Some of the value of the land goes up, other unleased lands around that land, the value of it goes up also. People want to pay more money, they have got security of tenure. They have got a lease that they can actually readily use. Go to the bank it improves the value of the land for the landowners. It is nonsense to say that all the *iTaukei* land is mortgaged. Absolute nonsense!

Most agricultural leases, sugarcane leases they do not have mortgages because banks do not want to touch them. They are only for 30 years, commercial banks do not want to touch 30 year leases, they are more interested in giving loans on land that have 99 year leases, like the tourism sector, like residential, commercial, industrial. All the land, for example, in Nadi, Sigatoka, Lautoka places like Tavua, Labasa, Nausori – all those land are all *iTaukei* land. Those towns and municipalities are built on that, there are mortgages there.

Are we trying to say that the landowners, for example, in Sigatoka or Nadi who own the land, they know exactly what B N Patel & Sons which mortgagee they have - they do not know that because they are not told that and because they are not part of the process, so this is how ridiculous this objection is. Unfortunately, it would appear that Honourable Tabuya in her quest to get popularity certainly went out and did this TikTok messaging, stood in front of Ratu Sukuna which I think is an insult to spread misinformation in front of his statue, did this *TikTok* and SODELPA grabbed hold of it, as the Honourable Prime Minister said that they had nothing to respond on the Budget and now they have gone along with it.

Today, she did not speak because she is on very soft ground, yet unfortunately Honourable Gavoka, the Leader of the Opposition and everyone else just went along with it, absolutely soft ground. They called Mr. Richard Naidu and Mr. Graham Leung. Let me tell you that I have heard so much about this. None of them have said there is anything wrong with the amendment itself.

Two points I would like to make about these two gentlemen. Richard Naidu, the last conversation I had with him was in 2008 at the Holiday Inn, I remember exactly when we were actually reforming the telecommunications sector in Fiji. He was acting very unprofessionally. He was representing Cable & Wireless or FINTEL at that point in time and I asked him and said, "Can you, please, be a bit more professional and your staff should be professional." The first thing he said to me, "What about government work? Because Munro Leys used to get all the government work." They used to get all the legal work from EFL or FEA in those days, Fiji Sugar Corporation, Air

Pacific Ltd. If you look at their hourly rates, sometimes it used to work out to be about \$900 per hour. Suddenly that monopoly of theirs was gone.

Graham Leung, Howards, the same thing. After 2007, we appeared at Law Asia conferences and in one conference specifically, that is the last engagement I had with him, he stood up and complained about the Government. Then in the same breath, he complained about how they are no longer getting any work. Howards, for which he worked for or was part of, used to get almost exclusively all the iTLTB work. That is where they are coming from.

HON. SPEAKER.- There is a Point of Order.

HON. V.R. GAVOKA.- Mr. Speaker, Mr. Richard Naidu is not here to defend himself, so can we not bring his name up, please. Stick to the Bill, please.

HON. SPEAKER.- Honourable Member, you quoted the very person we are talking about so Honourable Attorney-General, you have the floor.

HON. A. SAYED-KHAIYUM.- Thank you, Mr. Speaker, Sir. I find it rather interesting that Honourable Kepa said, "Oh, we got elected and then we came into Parliament and there was this Constitution next to us on the seat". (Inaudible) What a preposterous proposition? It makes her look ridiculous.

Mr. Speaker, Sir, again she said the land is being taken away. Nothing is being taken away, Mr. Speaker, Sir. Honourable Leawere went on. I do not see how that is relevant. They appealed for calm. Honourable Kepa appealed for calm. Honourable Gavoka appealed for calm but who actually said that there was no calm. Who created problems? They are the ones who did it and now they want to come across as saviours and say, do not! Do not create problems, be calm. You are the ones who created it in the first place. If you objectively looked at the law, if you objectively thought about the implications, the ramifications of it, you would realise that it is simply an administrative matter that in the long run makes people want to come and lease *iTaukei* land.

Mr. Speaker, Sir, they have said, everything was hunky-dory before the Honourable Prime Minister came along, before the Bainimarama gang came along, the 2013 Constitution, before FijiFirst came along, what a lot of nonsense. No government has, for example, done *iTaukei* land development. We have about four or five ready lots to be sold now in different locations - Saweni, Wairebetia, Yadua and Vuda.

Two of the lots that we are going to be developing, Mr. Speaker, Sir, in the Western Division, they seem to be a lot more attuned to getting their land developed under this particular programme, one of them is a former rugby player. He is a member of the landowning unit but who has gone and leased the land himself and he has now come to us and said, "I have got the lease, can you please develop the land for me and actually it is prime land and we are developing it for him." So, this gentleman within about 18 months, a year or so, he will actually become a millionaire. Similarly, another person down the road from him. He is doing exactly the same thing. We are empowering *iTaukei* landowners so that they benefit directly from the land. Let us get away from moving away and saying cash poor. Let us make them cash rich so that as true landlords, they will be able to get the benefit of it.

Mr. Speaker, Sir, the other point that I would like to make, you know Honourable Prasad went on and said that we are giving a racial overtone, but he does not have, what I call, the gumption to stand up to SODELPA's racism. He will only have a go with the Honourable Prime Minister, only have a go at FijiFirst. That is all he is good at.

Despite, the racial overtones by SODELPA, he will only criticise the Honourable Prime Minister, he will only criticise FijiFirst, but he cannot stand up to SODELPA, because all of these people have a political agenda and their political agenda is, how can we get more votes? Where is this little bank vote that we are going to get? This bank over here, we can get votes from, that is all they are concerned about. It is precisely what they are concerned about.

Honourable Qereqeretabua said it is an election Budget. We did not even think of elections and here they are talking about the elections. So, does that mean, as I said earlier on, helping market vendors, fishers, minibus drivers, taxi drivers and security guards, assisting them means it is an election Budget? Of course not. We talk about the scenario, the situation our people are going through, we need to assist them, election or no election.

Mr. Speaker, Sir, I forgot to make the point about the fact that one of the lots of land that we are developing and we are hoping that the Honourable Prime Minister very soon will do the opening on that subdivision. We have an amazing situation, we have developed this land, with the land we have now independently valued that land, where the land for two acres of *iTaukei* land, which has been developed, is valued at an excess of about \$700,000.

Yet, another piece of land down the road, very close to it, iTLTB has leased that land of five acres, for half a million dollars, if not less. You see the discrepancy? This is precisely what we are talking about. There are some people who because they may have access to certain members of the land owning unit, they go, they give them some short term benefits, they agree, 60 percent signs, and they go and lease the land. A lot of these people and some of them have big pockets. Here we are doing it properly, we are getting land valuation for fast small sized land, we are now getting a high price for that land. We do not want that. They are asking me, “Why are you doing this Attorney-General?”

We want the landowners to do well, because overall economically, if they do well, they feel good to lease out their land, even for agriculture purpose for a long period of time, they get market rate economically, everyone will do well, more jobs, more developments, and more construction. They will become rich, they will become prosperous, and other people will also become wealthy and prosperous too. It is critically important for us to be able to draw that nexus between the security of tenure and also economic growth.

One of the Members also mentioned about the entrenched legislation, I think Honourable Gavoka went on about entrenched legislation, what a superfluous argument. Notwithstanding, the so-called entrenched legislation, Rabuka alienated *iTaukei* land permanently in Denarau. The Qarase Government, Honourable Lalabalavu was the Minister for Lands, permanently alienated land in Momi. Yes, the law allowed for it. He said in Parliament before, “I did everything legally”, Yes, you said you did everything legally, but what has happened to the philosophy that we hold *iTaukei* land as communal ownership, it is intergenerational? So, why permanently alienate it? Which one do you want?

We believe that we can have communally own land, do not permanently alienate it, but still have economic growth, still put the value, so when foreigners come to Fiji, they do not come running to the Government and say, “hey convert the *iTaukei* land so then we will get a better price for it, then we can invest.” No, we want to tell them, “Look *iTaukei* land is just as good as any other land tenure, you invest in that.” That is what we want. That is how the value of *iTaukei* land will go up. So, please, do not do this for political reasons.

Honourable Prime Minister is absolutely right. I was quite shocked that Honourable Saukuru was reading out the names of only the Fijian rugby players from the Western Division. I am from

the Western Division, but the Fijian Team is a Team made up of players from everywhere. Why are we doing this signal? Why are we doing it on provincial lines; East and West, North and South? This is precisely the kind of philosophy that leads to this type of fragmentation and we know that.

We see that today when certain Members of Parliament from the Opposition will only talk about the province they come from. They do not care about the other province and they only talk about their province. Oh, build the bridge. Oh, do this over here. No one from FijiFirst, even Honourable Seruiratu is from Tailevu, the Honourable Prime Minister is from Tailevu. They never say, "Oh, do this for Tailevu." Honourable Naiqamu does not say, "Do this for the Ba Province or Nadroga Province." Honourable Usamate does not say, "Do this for Lau or Kadavu." No one does. Honourable Vuniwaqa does not say do this for Cakaudrove. Honourable Bala does not say do this for Ba. So, Mr. Speaker, Sir, the point is that the Opposition thinks in a very fragmented manner. They did not acknowledge the fact that royalties today are being paid. It is being paid from mineral extraction to the landowners. They are getting 80 percent of that.

Mr. Speaker, Sir, just very quickly before I finish off, they talked about we are doing; this mistake, et cetera, and doing with all due propriety. What about their own internal party politics? Look at the amount of treachery that is going on within their own Party - the backbiting. The disrespect they have shown each other. The leaking of your caucus meetings to us. Some of you do that to us - send it to us, to the media. That is the truth SODELPA. Do not try and put up this front. The reality of the matter is that, you are simply clutching a straw. You have your own political party members going and signing people for other political parties to get registered. Some of you know who you are.

Mr. Speaker, Sir, the reality of the matter is that this Bill does not, in any way, derogate water down, limits rights of the *itaukei* landowners. What it does is actually remove an administrative blockage for which as the Honourable Prime Minister highlighted and no one picked up this point. Until today, the law has still has not changed. When someone for example applied to TLTB management for a change in their mortgagee, they do not go running off to the Landowning Unit and say, "Hey, by the way you know this land you leased 30 years ago, they have now changing banks from BSP to Bred Bank, they do not do that." TLTB just simply does it because it is an administrative matter. That is all that happens.

The landowners' rights is not affected. That is what we are legally removing. For those people who say, "Oh, you know may be, they should have put a period and you know within that period if they do not respond, it is alright" but why have that administrative blockage there in the first place? Because it creates bureaucracy, whether it is done in seven days or 14 days and it does not in anywhere affect the existing rights of the landowners but fundamentally improves the value of their land. Mr. Speaker, Sir, how can we argue against that? Unless of course, we have a political agenda which is what the Opposition does and unfortunately, we have spent so much on it to be able to argue about this Bill.

Mr. Speaker, Sir, I will end there now. I would like to thank all the Members for their contributions in particular those who contribute positively, thank you very much.

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

Question put.

Motion agreed to.

[A Bill for an Act to amend the:

- (1) Customs Act 1986 (Bill No. 8/2021);
- (2) Customs Tariff Act 1986 (Bill No. 9/2021);
- (3) Value Added Tax Act 1991 (Bill No. 10/2021);
- (4) Environment and Climate Adaptation Levy Act 2015 (Bill No. 11/2021);
- (5) Gambling Turnover Tax Act 1991(Bill No. 12/2021);
- (6) Fiji National Provident Fund Act 2011 (Bill No. 13/2021);
- (7) Employment Relations Act 2007 (Bill No. 14/2021);
- (8) Tertiary Scholarships and Loans Act 2014 (Bill No. 15/2021);
- (9) State Lands Act 1945 (Bill No. 16/2021);
- (10) iTaukei Land Trust Act 1940 (Bill No. 17/2021);
- (11) Biosecurity Act 2008 (Bill No. 18/2021);
- (12) Fruit Export and Marketing Act 1906 (Bill No. 19/2021);
- (13) Medicinal Products Act 2011 (Bill No. 20/2021);
- (14) International Finance Organisations Act 1971(Bill No. 21/2021);
- (15) Tax Administration Act 2009 (Bill No. 22/2021); and
- (16) Income Tax Act 2015 (Bill No. 23/2021)

enacted by the Parliament of the Republic of Fiji. (Act No. of 2021)]

HON. SPEAKER.- Honourable Members, on that note, we will suspend proceedings and Parliament will resume in half-an-hour.

The Parliament adjourned at 4.35 p.m.

The Parliament resumed at 5.09 p.m.

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

2021-2022 CONSEQUENTIAL (BUDGET AMENDMENT) BILLS 2021

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, pursuant to the resolution of Parliament on Wednesday, 28th July 2021, I now move:

That the following Bills be debated, voted upon and be passed:

- (1) Reserve Bank of Fiji (Budget Amendment) Bill 2021 (Bill No. 24/2021);
- (2) Fair Reporting of Credit (Budget Amendment) Bill 2021 (Bill No. 25/2021);
- (3) Maritime Transport (Budget Amendment) Bill 2021 (Bill No. 26/2021);
- (4) Offshore Fisheries Management (Budget Amendment) Bill 2021 (Bill No. 27/2021);
- (5) Land Transport (Budget Amendment) Bill 2021 (Bill No. 28/2021); and
- (6) Financial Management (Amendment) Bill 2021 (Bill No. 29/2021).

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

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

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, I would like to, first of all, start off with the Reserve Bank of Fiji (Budget Amendment) Bill 2021. We all know that the Reserve Bank of Fiji (RBF) was established in 1984 under the Reserve of Bank Act 1983. The RBF's principal objectives are to:

- Protect the value of currency in the interest of balanced and sustainable economic growth;
- Formulate monetary policy;
- Promote price stability; and
- Issue currency.

Mr. Speaker, Sir, to support its mandate, the RBF advances funds to its account holders, that is commercial banks and the Fiji Development Bank, for a period not exceeding 183 days, subject to terms and conditions set out in Section 38(d) of the Act. As part of its broader role to support development in the Fijian economy, the RBF administers a number of concessional funding facilities such as the Import Substitution and Export Finance Facility (ISEFF), the Disaster Rehabilitation and Containment Facility (DRCF) and the Housing Facility for businesses and first home buyers. To date, a total of \$334.9 million in loans have been disbursed under these special facilities, with a total of 220 businesses and 1,153 home owners assisted. The scheme has provided the much-needed financial lifeline to many businesses during this difficult COVID-19 period.

Mr. Speaker, Sir, in order to meet the requirements of Section 38(d) of the Act, funds advanced under the scheme are provided for an initial term of six months with a six-monthly rollover of loans up to five years. The restriction on the term of advances creates uncertainty on credit accessibility and banks, and other credit institutions may find it risky and administratively cumbersome to access funds under this arrangement. The restrictive loan term defeats the primary purpose of providing special incentives to the targeted sectors.

Since the onset of the COVID-19 pandemic, many central banks in other countries have established and extended their lending programme to eligible institutions for longer periods of more than one year. The objectives of these special programmes are mainly to support lower cost of credit to borrowers and to provide incentives for lenders to expand loans to businesses, especially small and medium-sized enterprises, and indeed micro enterprises in our case.

Given the expansion of the RBF Financing Facility to cover micro, small and medium enterprises lending and to encourage more uptake on the scheme, extending the maturity of these loans beyond the six-month limit would provide additional boost to lending institutions and help businesses stabilise and recover, while making arrangements for the repayments. So, Mr. Speaker, Sir, essentially it is proposed that extending the term of the advances from the RBF special facility for up to five years will provide the right incentive for lending institutions and businesses to access funds, and therefore the period of 183 days has been substituted with five years.

Mr. Speaker, Sir, the next amendment that we are seeking too is the Fair Reporting of Credit Bill 2021, Bill No. 25 of 2021. Mr. Speaker, Sir, the Fair Reporting of Credit (Budget Amendment) Bill 2021 seeks to amend the Fair Reporting of Credit Act 2016.

The Act, Mr. Speaker, Sir, provides for the regulation, administration and licensing of credit reporting agencies in Fiji. The credit reporting sector in Fiji was not regulated before the Act came into force. The challenges faced by many customers in seeking to ensure that accurate information about their credit standing were made available to lenders led to the necessary reform undertaken to bring the sector under the supervision of the RBF.

Many Members of Parliament will remember this, that before people used to just simply get reported for even \$20. The first credit reporting agency licence was the Credit Information and Reporting Agency (CIRA), on 3rd April, 2018. Three licensed financial institutions, namely, the Bank of the South Pacific, Merchant Finance Limited, which is a subsidiary of Fijian Holdings and Bank of Baroda has also registered as credit information providers and credit report recipients, in addition to one non-banking entity which is Vinod Patel & Company Pte Limited that essentially gives goods on hire purchase. To date, only two of those entities have been able to provide CIRA with credit information required. However, meaningful reporting is yet to be realised, given the very low registration.

Mr. Speaker, Sir, the Fijian Government in 2020 had also prioritised the undertaking of reform actions to meet the Ease of Doing Business, recommendations made by the World Bank. In line with the recommendation under the category of getting credit, a review of the Act was undertaken, aimed at enhancing the needed work to progress the development of Fiji's credit reporting industry that will positively impact on Fiji's EODB ranking.

Mr. Speaker, Sir, by way of background, the category of getting credit primarily focuses in two aspects, firstly, the availability of credit information through the presence of a credit reporting service providers, such as a credit bureau or a credit registry. Secondly, the depths of credit information index through rules and practices affecting the coverage scope and accessibility of credit information available through the credit reporting service provider. Both these aspects have primarily been the focus of the framework established under the Act.

However, in seeking to effectively implement the legislative framework, regulated financial sector has identified limitations that prevent Fiji from optimising its alignment to the criteria set under the "getting credit" category. Consultations with the banking industry and CIRA were therefore undertaken in 2020 to review these limitations and propose necessary amendments to the current legislative framework. It is against this background that needed amendments are being proposed

through the Bill, considering the EODB recommendations and concerns raised by the industry stakeholders.

It is envisaged that with the proposed amendments to the Act, the credit reporting sector which currently is inactive due to the limitations identified, will be given the impetus to grow and more importantly, meet the objectives of establishing the legislative framework in the first place, and ultimately assist the members of the public in the ease of getting credit through proper information which will be readily available to lenders. Accordingly, with the Bill enabling the implementation of necessary action to take that will comply with the EODB recommendations. Fiji's ranking under the category of getting credit should significantly improve in the next assessment. Mr. Speaker, Sir, I think that the Bill is quite clear in respect of the amendments that are there and I have already delved into that.

Mr. Speaker, Sir, the next amendment is the Maritime Transport (Budget Amendment) Bill 2021 (Bill No. 26 of 2021). The Bill amends the Maritime Transport Act 2013, in order to implement the changes announced in the 2021-2022 Budget Address, which relate to issues regulated by the Maritime Safety Authority of Fiji (MSAF). Essentially, the respective clauses substitute the role of the Minister responsible for transport with the CEO of MSAF to allow the CEO to exercise all the administrative decision-making powers necessary in relation to maritime licences without having to elevate each of these issues to a ministerial level. The thinking behind this, of course, MSAF is the competent authority in this case. It does not have to go to the ministerial level, therefore, they have the ability to make those decisions, and indeed issue those licences, so we are removing the bureaucracy again to make this entire process streamlined.

Clause 4, Mr. Speaker, Sir, amends section 111 of the Act to extend the duration of the sea route licence from five years to 20 years in line with the recent extension of coastal trading licence to 20 years by the Government in 2020. The duration of the sea route licence whilst only reflected in the regulations under the Act, has been provided for in section 111 of the Act to allow for certainty in the new term of licence. This will, of course, as the Honourable Koroilavesau will tell us, given his background that by having longer term licences or permits, the recipients of the licence will have the ability to be able to invest. They can go to banks, get more loans and then be able to invest in good marine vessels, which is what we need, we need to improve the quality of vessels.

There is no point saying "let us do it" but the practicalities of it is that, the banks will only give loans to these investors and these investors in turn will only feel confident enough to invest in those vessels if they know they have got a licence for a long period of time. Of course, this does not mean that MSAF cannot take away their licence at any point in time should they breach the law regarding the operations and the safety of this and the manner in which these vessels are run. We should see in the next couple of years or so a significant increase in the quality of those vessels that operate between our islands.

Last but not least, Mr. Speaker, Sir, there is also an amendment to clause 6 of the Bill that inserts a new section 113A in the Act, to exempt a foreign ship transporting cargo and equipment from an international ports from any clearance permitting or licensing requirements under the Act and its regulation provided that the foreign ship notifies the Fiji Revenue & Customs Service (FRCS) within 48 hours of its arrival, and provided that it does not transport cargo and equipment from one domestic port to another and only uploads cargo and equipment from an international port to any domestic port and loads cargo and equipment destined for international port from any domestic port in Fiji.

In simple terms what it means, at the moment, the law is such that, for example, should there be a ship coming from Sydney, for example, bringing goods to Fiji and should it come to Suva, for

example, at the moment it is not allowed or it can only go to from Suva to Lautoka if it applies for a coastal trading licence. Most of them do not do that, even though that ship may come to Suva Port and even if half the goods they offload at Suva Wharf is actually for people who are businesses in Lautoka or recipients in Lautoka, they all send their trucks down to Suva and then they load the trucks and then they cart it all the way back to Lautoka.

What this amendment will do, Mr. Speaker, Sir, is that the shipping company needs to notify our authorities, FRCS 48 hours before, and they can say if they know that they would be offloading things destined for Lautoka and Suva, they will say, “We will visit Lautoka, we will also visit Suva”, so they can go to Lautoka, drop off the goods in Lautoka, so those Lautoka people do not have to come all the way to Suva, then they can come from Lautoka and drop off the goods that are destined for Suva in Suva. Again, you will stop a lot of trucks on our roads, the wear and tear on the roads. It will also make shipping a lot more attractive to Fiji. It is also good for the shipping companies also.

Similarly, if that ship that comes from Sydney and after Fiji it will go up to Hawaii or the West Coast of North America, they can pick up, for example, *dalo* and cassava which may be going to San Francisco, pick it up from Lautoka, they can also pick up the *yaqona* from Suva and then they can go off to the West Coast of North America. We are also hoping, Mr. Speaker, Sir, that by having this liberal approach that we may actually have some international shipping companies that may go to Savusavu or Vanua Levu because at the moment, the most expensive cost for goods being taken to Vanua Levu is the freight.

Internal freights sometimes is more expensive than freights from Sydney to Suva, as opposed from Suva to Vanua Levu. In this way, you may actually have a shipping company that may have a lot of goods destined for Vanua Levu that may notify us and say, “Look, I am going to go to Suva and Savusavu” and in that way the people in Vanua Levu would actually benefit from it. They cannot, of course, pick up goods between the Ports for domestic cartage. It is only bound for international destinations.

The next Amendment, Mr. Speaker, is the Offshore Fisheries Management Budget (Amendment) Bill 2021 (Bill No.27 of 2021). Again, Sir, the Bill seeks to amend the Offshore Fisheries Management Act 2012 in order to implement the changes announced in the 2021-2022 Budget Address.

Mr. Speaker, Sir, essentially, there is a new subsection, amends section 35 of the Act to insert a new subsection 1A which allows for the extension of the duration of Offshore Fishing Licences from 36 months (3 years to 20 years) for the owners or operators, of what we call “Fiji Fishing Vessels only”. In other words, local fishing companies provided that the owners or operators applying for the Offshore Fishing Licence are Fijian citizens or persons ordinarily resident in Fiji.

This does not apply to foreign-owned vessels. The foreign-owned vessels still have the three years as it currently is but this will give a leg-up to Fijian vessels, Fijian companies, Fijian shareholders that will give the financial security to the owners or operators of Fiji fishing vessels who qualify for the 20 year licence. This extension is also in conformity with the extension of the coastal trading licence of 20 years in 2020.

Mr. Speaker, Sir, this ties in well also with the Budget announcement that we made, that we will contribute 10 percent to any Fijian company that wants to invest in fishing vessels, I am talking about the large ones that cost about \$1 million to \$2 million. We will give 10 percent towards that because we want the Fijian flag vessels to be upgraded in their quality. We want them to use better fuel so we have a greener footprint, so we reduce the carbon intake of these vessels. So, we have

said that, as announced in the Budget that we will contribute 10 percent. Banks like FDB are very keen to lend to them and we believe that it will take off and it will incentivise them because now Fijian companies will know that they actually will have a 20 year licence.

The other important point, Mr. Speaker, Sir, it also removes the requirement to obtain authorisation or a permit for bunkering provisioning in Fiji. At the moment, Sir, we have a very bureaucratic approach to this and that is that if for example a fishing vessel comes to Fiji, and even if they have to buy five loaves of bread, and three tins of fish to take on board, they actually have to apply for a permit from the Ministry of Fisheries, they have to be granted a permit and only then can they take these food items onto their ship which is quite ridiculous because other ports in the Pacific do not do this. So, obviously, we want to be in line with that.

We want to be able to ensure that more ships come to Fiji, they buy our resources, use our products and services, same thing with the fuel if they want to buy our fuel to fuel up their ships, they should be able to do that without actually having to apply for a permit. All they will simply have to do is that they need to notify that they have done xyz within 48 hours of doing so or leaving the port.

Mr. Speaker, Sir, there is also a deletion of the reference to the Marine Act 1986 and substituting with the Ship Registration Act 2013 for the purpose of clarity. The Marine Act 1986 is no longer enforced and it was, in fact, repealed in 2013 so we bring this particular Act up to date.

The next amendment Bill, Mr. Speaker, Sir, is the Land Transport (Budget Amendment) Bill 2021, Bill No. 28 of 2021. The LTA (Budget Amendment) Bill 2021 seeks to amend the LTA Act 1998 to achieve six key policy objectives. Firstly, the Bill seeks to establish new framework for taxi operators by removing municipal taxi bases and stands and replacing them with open taxi ranks which will allow taxis to operate more efficiently within their transport zones. I am talking about the public taxi base not the private ones.

Mr. Speaker, Sir, this will, of course, be implemented on a date that LTA together with the Minister for Transport will put into effect. The current system with the municipal taxi stand requires most taxis to apply for hire in specifically allocated locations. We know that a lot of time it does not work, a lot of places there is a lot of fights going on and by having more of these bases created throughout the municipalities will have more easier flow of these taxis and indeed better service for members of the public.

Mr. Speaker, Sir, with the removal of taxi bases and stands, it is also proposed that various base stands and station fees that PSV permit holders currently pay be removed and replaced with what we call an annual PSV levy, paid for all by all PSV permit holders and except for rental permit holders. Rental permit holders are exempted because they do not use bases, stations or stands. The PSV levy will be collected annual during the road worthiness test. It will be put in a specific trust fund to be known as the Public Service Vehicle Trust Fund and that will be used for the development, upkeep and maintenance of public service transport facilities including PSV bases, stands and stations.

The funding established is essentially in the same manner as the Accident Compensation Fund and it will be managed by the Permanent Secretary responsible for Finance. The fund will be subject to standard audit requirements for trust fund established under other written laws. However, though the provision enabling the open taxi rank and PSV levy system are being proposed in the Bill, it is important to note that the provision relating to system will only commence once the on ground work for the roll out has been completed working together with relevant stakeholders as I have mentioned earlier on.

Mr. Speaker, Sir, illegal vehicles being used for public purposes is a big problem. So, therefore the Bill seeks to strengthen and enforce powers of the LTA in relation to private vehicles illegally operating as Public Service Vehicles (PSV) and public service permit holders breaching their permit conditions by allowing LTA to auction off seized vehicle used in relations to such breaches of the Act after conviction.

Illegal PSV operators are a significant problem on the roads right now as they do not adhere to the same safety and conduct standards as registered PSVs. Empowering LTA to sell off these vehicles instead of simply returning them to perpetrators to continue carrying out there offences will sufficiently deter past and potential future offenders.

Mr. Speaker, Sir, furthermore, the Bill seeks to amend the Act to allow for the changing of records held by LTA without charging a fee. So for example, at the moment if I want to change any records regarding my personal details with LTA, I have to pay a fee of \$8.18, so we are removing that. This fee is required under sections 34 and 39 of the Act. It is envisaged that the removal of the fee will make updating records less burdensome for the public and encourage road users to be more proactive about updating their information.

Mr. Speaker, Sir, the Bill also seeks to address a lacuna in the Act which currently does not provide for the carriage of patrons of businesses in vehicles registered under commercial vehicle licences. Hotels and resorts, for example, which offer hotel to airport or other location transport services, currently apply to LTA for exemptions to allow them to provide this service. These exemptions are provided under section 50(2) of the Act, however, exemptions are not intended to be a long-term solution to any problem and do not provide certainty for the industry.

It is proposed that the Act be amended to specifically allow businesses with vehicles licenced under a commercial vehicle licence to carry guests or patrons in such vehicles. This will help our tourism industry. For example, if Intercontinental Hotel transports their guest from the hotel or from the airport to the hotel, they actually at the moment have to apply for an exemption, so obviously these businesses it is part and parcel of the business, but we are removing the requirement.

Mr. Speaker, Sir, finally the Bill seeks to address a lacuna in the Act which does not expressly provide for the registration of charitable and religious organisations and educational institutions under commercial vehicle licences. These institutions currently apply for exemptions under section 61(2) of the Act so that vehicles are not classified as PSVs and thus do not have to register for PSV permits, however, there is no licencing category expressly provided on the Act for these vehicles despite the Act requiring them to be licenced. LTA currently licences them under commercial vehicle Licences, however, it is recommended that the Act be amended to specifically provide for this particular practice.

Mr. Speaker, Sir, the next Bill is the Financial Management (Amendment Bill) 2021. Mr. Speaker, Sir, this is the last of the amendments and it is a very significant amendment to the Financial Management Act 2004. It is essentially to strengthen public financial management by providing for greater transparency, accountability and sustainability of public finances.

The Bill introduces the following principles of responsible fiscal management:

- (1) Accountability – the government is accountable to Parliament for the way it carries out its responsibilities in relation to the management of public finances.
- (2) Comprehensiveness – all revenue and expenditure must be included and appropriated in the Budget and recorded on a gross basis.

- (3) Fiscal discipline – the Budget must be prepared in accordance with the medium-term fiscal framework and the Government must ensure that it meets its fiscal objectives as specified under the fiscal strategy.
- (4) Specificity – all expenditure of budget sector agencies must be made solely for the specific purpose of appropriations. I am talking about what will be actually put in the Act. These things are not in the Act at the moment.
- (5) Sustainability – the Budget must achieve and maintain a prudent level of outstanding government debt and appropriate balance between revenue and expenditure.
- (6) Transparency – the roles of those entrusted with financial management functions must be clearly specified in the Act or any subsidiary legislation made under the Act and timely and reliable financial information on the budget and budget sector agencies and off-budget state entities must be made publically available
- (7) Value for money – all expenditure in budget sector agencies must be undertaken through the effective, efficient, economical, equitable and ethical utilisation of financial and non-financial resources to achieve the best possible development outcomes over the life of an activity related to the expenditure. These are very onerous standards which we believe should be implemented because it is not just does not only apply to us but for the future of all governments in Fiji.

The Bill, Mr. Speaker, Sir, requires the Ministry to prepare before each annual budget a fiscal strategy that clearly outlines the Government's fiscal trajectory for a term of three to five years, medium-term, outlining its plan for managing its finances which includes expenditure, revenue, debt level, as well as other fiscal risks that may be relevant.

The fiscal strategy must be based on the principles of responsible fiscal management. It must set out the Government's fiscal objectives for the medium term, set out the Government's financial targets or limits for the medium term, relating to:

- (1) Revenue expenditure and borrowing as a proportion of GDP;
- (2) Government debts stock and Government debt servicing as a proportion of GDP;
- (3) Contingent liabilities as a proportion of GDP;
- (4) It must review the performance of the previous two financial years against the financial targets or limits for the medium terms and review the performance of the current financial year against the financial targets or limits for the medium terms.

The fiscal strategy must be submitted to Cabinet before it is tabled in Parliament. The Ministry is also required to publish statistical strategy on an official government website. The Bill also allows the Ministry to deviate from the fiscal strategy if:

- (1) There is economic shock that occur;
- (2) The effect of the economic shock cannot be accommodated through the annual budget; and
- (3) The deviation as approved by the Cabinet.

An economic shock, Mr. Speaker, Sir, under the particular amendment is a pandemic, a climate related event or any unforeseen event that significantly threatens or has a large scale adverse impact on Fiji's economy. If the Ministry deviates from the fiscal strategy, the Minister responsible for finance is required to inform Parliament of the deviation and the reason for the deviation. Again, this brings about lot more reporting to Parliament.

Mr. Speaker, Sir, the Bill also requires the Ministry to prepare a debt management strategy. The debt management strategy must articulate how the Government intends to finance the budget and manage the costs and risks associated with the Government debt portfolio for the medium term. The Ministry is required to publish the debt management strategy on an official government website.

The Bill clarifies that an amendment to an annual budget may be made through a supplementary budget approved by Parliament. The Bill recognises the operations of the Ministry in relation to internal audits. The Bill also provides for the appointment of internal auditors and Internal Audit Committees for the purpose of having oversight of internal audits and the work of internal auditors.

Mr. Speaker, Sir, the Bill requires the Minister, in this case, the Minister for Economy, to ensure that a pre-election economic and fiscal update on the state of the economy is prepared and published on an official website within 14 days after the commencement of the campaign period.

The term campaign period has the same meaning as that in section 2 of the Electoral Act, 2014. This period is to be determined by the Electoral Commission and must not be earlier than three years and five months after the first sitting of Parliament, after the previous general election of Members of Parliament and later than 48 hours before the general elections. The pre-election economic and fiscal update must outline:

- (1) The current fiscal performance and outlook of the economy for the medium term;
- (2) The level of debt stock;
- (3) Contingent liabilities;
- (4) Major fiscal risks; and
- (5) Any other socio-economic indicators.

A pre-election economic and fiscal update would provide for greater accountability and transparency, thus, enabling a level of playing field for all the political parties during the general elections. So, it is not only within the purview of the Government but it must be put out in the public space and all political parties can take advantage of that proper information.

The Bill, Mr. Speaker, Sir, makes consequential amendments to the Electoral Act 2014 to require all the political parties and the candidates, including those acting on their behalf, who make campaign promises before the general elections, to explain in detail how those promises will be financially realised. With this new requirement, political parties and candidates will not be able to make fanciful promises without ensuring that the promises are financially viable. Voters are also likely to better understand the economic and financial basis of the policies proposed by the political parties and candidates. A breach of this requirement will result upon conviction in a fine of not exceeding \$50,000 or imprisonment for a term not exceeding 10 years or both.

Unclaimed Trust Money: The Bill, Mr. Speaker, Sir, also allows any trust money that is remaining and unclaimed for one year after the dissolution of a Trust to be treated as public money, therefore, be paid in to the Consolidated Fund. If a person claims the trust money, and establishes the claim to the satisfaction of the Permanent Secretary for Economy, the money must be paid to the person out of the Consolidated Fund. This treatment is similar to that of unclaimed monies under section 65 of the Act and ensures that any trust money that is still owed to a beneficiary can be paid to the beneficiary upon a satisfactory claim to the Permanent Secretary for Economy.

The Bill requires the Permanent Secretary for Economy or an internal audit committee to notify the responsible authority for a Budget Sector Agency of any non-compliance with the Act or any subsidiary legislation made under the Act by the Budget Sector Agency or officer of the Budget Sector Agency.

Mr. Speaker, Sir, these are the significant changes of the Bill that will bring about the Financial Management Act and I put this to Parliament by way of introduction to the six Bills that we are debating today.

HON. SPEAKER.- Thank you, Honourable Attorney-General.

Honourable Members, I have a list of seven speakers, as follows:

- Honourable Minister for Fisheries;
- Honourable Gavoka;
- Honourable Minister for Commerce, Trade, Tourism and Transport;
- Honourable Tuisawau;
- Honourable Minister for Local Government, Housing and Community Development; and
- Honourable Qionibaravi.

To open the batting, Honourable Qereqeretabua, you have the floor.

HON. L.S. QEREQERETABUA.- Thank you very much, Mr. Speaker. Before I go to the Bills and the debate, I just want to wish the Fijiana Team all the best in their quarterfinals against Australia at 9.00 p.m. Fiji Time tonight.

Mr. Speaker, I rise to respond to the debate and I will be speaking, in particular, on the Bill for an Act to amend the Land Transport Act but I will begin with the Financial Management (Amendment) Bill. Mr. Speaker, I will get to the point very quickly. We do not support this Consequential Bill but we opt to commend the Honourable Chief Legal Advisor to Government for once again on his own showing up his shortcomings with the Bill that is confusing.

We cannot blame baseless legal drafters anymore, Mr. Speaker, because we have here the Chief Legal Advisor himself as the face and sponsor of this Bill right here with us.

Mr. Speaker, the Government side passed the Bill with their numbers yesterday. The ink is barely dry on that Budget when this Consequential Bill already begins to set the scene for the Minister to normalise a supplementary budget process through a wide definition of the term ‘economic shock’. This is what happens when one whole stunts like inserting legal language in laws such as the words “Act of God”.

This Bill is an indication of major competence gaps by the Minister. If a yearly planned on how to manage the national coffers without proper financial risk management coffers in place needs willy-nilly changes, it will be chaotic for the Government own internal processes and systems. How do Ministers and Departments write Government Annual Strategic Plans? How does Government pay Civil Service if this is the new disruptive normal now being given by law?

I said the Bill was confused because section 5 as it was, was already clear. What has been proposed now are overbearing statement that are probably a best intended for a strategic plan mission or vision or inserted at the back of the schedule, Mr. Speaker.

Then we get to the stealth insertion of Election and Political Party matters into a law that every same person understands is a law for financial management of state money. Is someone embarrassed about revising the primary law on your election matters yet again so we sneak in the legal mandate of political parties into matters about Government money? If you are watching right now on Parliament livestream, he would be right to click on that, yellow mellow or the *kaila* emoji.

Mr. Speaker, at this stage all laws relating to elections and political parties will continue to be amended at the behest of the special back room advisors right up to when the writ is issued. Juveniles are utterly incompetent.

The new Section 27 now gives the Minister for Economy an official campaign platform when every other Minister should be in a caretaker mode. I can already envisage the FBC and the Fiji Sun drumming up a PR campaign and vet around it, deck the nights with bells and whistles, while taxpayers are on their knees shackle under the Minister's weight of pomp ceremony .

Section 38 truly shows up a Minister by law. The Honourable Minister for Economy is in charge of this Act, notwithstanding that he will be also be wearing the hat of Minister responsible for Elections as made public on the Ministry of Ministry of Information statement dated 27th February, 2014, who a few months later became the General Secretary of the FijiFirst Party. Instead of the voters deciding who is to speak to the government based on the context of ideas, this amendment runs a parallel proxy election campaign, Mr. Speaker, Sir, supported no doubt by FICAC, the Police and the usual suspect waited in this government's favour.

Who and how do they decide who is right or wrong with political party policy proposals? Is the expectation that after every campaign meeting candidates file some sort of disclosure? What is the template for that? Is this probably why, Mr. Speaker, Sir, the Electoral Commission's allocation has jumped to about \$630,000 that they will now become the Electoral staff or arm of the government.

This Section, Mr. Speaker, Sir, also makes party agents and volunteers liable. Why should party agents, volunteers and supporters have their political rights violated as enshrined in Section 23 of our Constitution which clearly states in subsection 1, and I quote:

“23.—(1) Every citizen has the freedom to make political choices, and the right to –

- (a) form or join a political party;
- (b) participate in the activities of, or recruit members for, a political party; and
- (c) campaign for a political party, candidate or cause.”

Is not the Constitution supposed to be the supreme law of the land? What are the redress mechanisms?

Mr. Speaker, Sir, this clause makes it almost blasphemy to have a different view on government policy and how they have constantly wasted taxpayers' money living a Champagne lifestyle on a homebrew budget over these past 15 years. So, Section 27 and Section 38 are meant to work in tandem and these specific clauses further help the Government to administratively rig the elections.

While the Honourable Minister for Economy will detail within 14 days of the campaign period, how many cookies are in the jar. Section 38 allows the Government to persecute the Opposition or put them out of the race altogether, if it thinks there should be more or less cookies in the jar, or if the cookies should have peanuts in it or chocolate icing or not have sugar, et cetera. To reiterate our complete rejection of the Bill, there is only one thing we can say, do your worst but we will rise higher much higher, in fact, than the razor thin 0.02 percent margin.

Mr. Speaker, Sir, one of the other consequential that is been amended is the Land Transport Authority Act. The amendment seeks to remove the name for taxi bases because government says, it will pay the base fees to municipalities or local authorities it may sound all well and good but what about the ramifications?

Mr. Speaker, Sir, it has already become a free for all with taxi drivers and operators trying to occupy the best bases that have been occupied through years by others. We have been forwarded a copy of a petition by the Fiji Taxi Association members who have petitioned the Honourable Attorney-General to withdraw this legislation and have extensive consultation with taxi operators first. Here we go again with the plea for consultation.

Again, Mr. Speaker, Sir, consultation which this Government does not give a dam about, the Fiji Taxi Association petition includes objections of District Taxi Association it was actually sent to the Honourable Attorney-General on 22nd July, 2021. The reasons for the objections are:

- (1) No consultation;
- (2) The draft Bill should be discussed with the Association so that members know how Government wants to implement its policy so that it is not to the detriment of taxi proprietors; and
- (3) The new system has resulted in conflicts and even punches been thrown in Namaka, Nadi and Lautoka.

Mr. Speaker, Sir, this renders meaningless the policy to provide 10 years licences to increase the value of taxi or taxi plates. This was announced by the Honourable Minister for Economy a few years ago. Value is determined by base location. This will no longer be the case, yet again a government policy aimed to ensure that taxi owners benefit from long term licences is rendered useless. All it does, is caused chaos.

Mr. Speaker, Sir, the Bill also empowers the LTA to seize and auction private vehicles they think are operating illegally to carry passengers. Private operators in Sigatoka have called us to express their objection to this draconian move. They say that while it will enrich LTA and provide the funds, it will deprive them of income support and also result in huge losses through this unfair and unjust move.

They have told us, Mr. Speaker, that they are gathering signatures of operators to petition the Honourable Prime Minister to stop this. They are greatly concerned that a government which always says it will leave no one behind is legislating such a heartless move that will cause pain and misery for them and their families.

Mr. Speaker, the petition will be sent to the Honourable Prime Minister and because the operators recall that before the 2018 General Election, the Prime Minister himself while opening the streetlight project at Cuvu, assured them that they would be free to drive and earn an income for their families and livelihood. They were therefore, extremely surprised that despite the Honourable Prime Minister's assurance three years ago, the Honourable Minister for Economy, not only brought this legislation, but described them as illegal operators who were not even following COVID safe measures.

Mr. Speaker, nobody has a right to seize and auction vehicles owned legally. The owners have forked out thousands of dollars to purchase their respective vehicles. Many of them still have mortgages to commercial banks. If anything, their vehicles should be given permits just as in 2018 when permits were given and zones created. At a time when every citizen is struggling to make ends meet, the move to empower LTA will strangulate families. It will deprive citizens needing transportation to areas not served by taxis or living in areas where road conditions deter public service vehicles from operating.

Mr. Speaker, the LTA (Amendment Bill) 2021 also imposes a new fee called the public service vehicle levy. The Bill says a trust fund will be created and managed by the Permanent Secretary for

Finance, Mr. Speaker, simply it will be controlled by the Minister for Economy. This is an annual levy to be paid before registration of any new vehicle or renewal of registration, so now PSV owners who have taxis, carriers and buses will pay two types of levy every year. Road user levy and public service vehicle levy. How much the levy will be? Nobody knows. As usual it will be regulated.

Mr. Speaker, like Honourable Professor Prasad said, this Government makes up things as it goes along. Without consultation, without dialogue and without any regard whatsoever as to how a new policy will derail an earlier objective. We do not support this Bill. Thank you, Mr. Speaker.

HON. SPEAKER.- I thank the Honourable Member for her contribution to the debate. I now give the floor to the Honourable Minister for Fisheries. You have the floor.

HON. CDR. S.T. KOROILAVESAU.- Thank you, Mr. Speaker. I would like to make a contribution on the Offshore Fisheries Management (Budget Amendment) Bill 2021 that is before the House. Mr. Speaker, Sir, offshore fisheries has always been the backbone of the fisheries sector and is driven by exports to the US, Japan, European Union, Australia and New Zealand markets. There has been much development within the sector to ensure that we are always ahead of the changing export and business environment in addition to addressing sustainable measure of the illegal, unreported and unregulated fishing.

During the entire period of this pandemic, Mr. Speaker, Sir, we have constantly adjusted the business environment within the offshore sector to ensure that we provide a smooth operating environment for our stakeholders.

Mr. Speaker, the work to address our stakeholder needs first, began last year with the removal of the transshipment levy fee. This important step was undertaken to create a more port friendly environment that would all be attractive to foreign vessels to call in to Fiji ports and use the facilities and services provided by the land-based establishments.

Mr. Speaker, while COVID-19 has restricted the arrival of foreign fleets, we expect with these changes, vessel arrival will start increasing as we mitigate ahead of the impacts of this pandemic. In supporting the tabled Bill on offshore fishing licence tenure, Mr. Speaker, I must highlight that previously, we only had 12 months licence tenure. This was then extended to 36 months or three years in 2014, with the passing of the Offshore Fisheries Act regulations. These changes have allowed also fishing companies to make more investments to their fishing establishments.

Mr. Speaker, Sir, prior to the 2020 pandemic period, the Ministry of Fisheries was in the process of extending licence tenure from three years to five years. This was to further support the domestic building companies and operating profiles for support of financial lending institutions.

Mr. Speaker, Sir, in having said that, we welcome and support Government's initiative to extend the duration of licences from three years to 20 years for the owners and the operators of Fiji fishing vessels. Before explaining further, I would like to inform this august House that Fiji has only issued 60 licences to domestic companies and fleets. These are companies that are Fiji-owned or are owned by Fiji citizens who have become naturalised citizens. We need to understand that we do not issue licences to foreign fleets or foreign companies. That is why we support the Amendment Bill of licence tenure because it addresses the need for our Fijian offshore companies.

Mr. Speaker, Sir, as stated by the Honourable Attorney-General during his Budget Address, the extensions of licence tenure to 20 years will provide financial security to the owners and the operators of Fiji fishing vessels. This Amendment also mirrors the call sea trade licences and the sea route licensing to 20 years. These changes, Mr. Speaker, Sir, will allow Fijian-owned offshore

companies to make appropriate investments or take financial loans that are more suited to long term operations of the fishing sector. This will enable the offshore fishing operators to invest more towards the purchase of new sufficient vessels while more shore-based facilities can be supported, thus, creating a growth to the sector and provide additional employment.

Mr. Speaker, Sir, I must say that the offshore fisheries sector has a wide business impact and benefits direct and indirect service providers. As we benefit from the economic growth due to longer licence tenure, other port services, including and providing of provisioning logistic services and also benefit under this arrangement. We are fortunate in Fiji that our port facilities and support services are considered as one of the best in the region and with these amendments we can increase our capacity to develop our local fleets of fishing companies and port facilities.

Mr. Speaker, Sir, as Fiji has an existing arrangement with prominent offshore nations, such as Kiribati and Tuvalu, these licence tenure amendment will allow us to engage these nations in the provision of raw materials that can be processed within Fiji's land-based facilities. This will also contribute to the development and continued growth of Fiji's offshore fisheries sector.

In highlighting this, Mr. Speaker, Sir, our stakeholders support these amendments and with that, I am in full support of the amendment of the Offshore Fisheries Management (Budget Amendment) Bill 2021, and I ask Honourable Members to support this Bill before the House.

HON. SPEAKER.- I thank the Honourable Minister. I now give the floor to the Honourable Gavoka. You have the floor.

HON. V.R. GAVOKA.- Thank you, Mr. Speaker, Sir. At the outset, let me again say and stress that the use of Standing Order 51 should be limited and should not be abused as we, again, see with his bundle of Bills that we are debating at this hour.

I look at all these Bills, Mr. Speaker, they have far-reaching consequences and they should have been brought in the proper way into Parliament and referred to Committees to carry out the dialogue that would give us the breadth and depth into this Bill to enable us to debate them in a meaningful and constructive manner.

Mr. Speaker, seven years in Parliament I love Parliament and the way it works, I love the way it works in Committees, I love the way we delved into these Bills and the way that the Fiji First Government is circumventing, the process is very, very sad.

The Honourable Prime Minister, when I said that if you pass this Bill, it was not a threat in the way that you are assuming what I am saying is that, if you continue this way, people will lose faith in the 2013 Constitution which will translate to the way they see our Parliamentary process the way it works and that would be tragic for this country when people lose faith in the Constitution and the way our Parliamentary system governance operates under the way Fiji First is going about things.

Mr. Speaker, I often said that in the SDL Government, there used to be a legislative committee and their role was to bring four Bills to Parliament in every sitting of Parliament. This is something that the Fiji First Government should do. They should have a legislative committee to bring in these Bills to Parliament because there are many occasions in the sitting of Parliament where we are told there are no Bills, and then all we have are Bills that are rushed through under Standing Order 51.

I was a Member, I was part of the Economic affairs Committee, I would love to have called in people to deliberate on the RBF Bill, Financial Management Bill and I was not here that fall within the ambit of the Economic Affairs Committee.

It is sad, Mr. Speaker, that it is happening this way that these Bills are being rushed through, and many of them, Mr. Speaker, are not Consequential Bills. They do not affect the Budget at all but here we are, with the way Fiji First is abusing the process of Parliament, we end up rushing Bills through and not being debated in the way they deserve.

Mr. Speaker, yesterday, I spoke about the cost to combat COVID-19. I still believe that it can be done at less than a billion dollars, that the Honourable Minister of Economy has indicated. He is confused about the GDP, the cost is different from the losses of the GDP.

In any event, as indicated by the Honourable Professor Prasad today, even when you have a lockdown, activities that contribute to the GDP do not come to a halt, the Honourable Minister for Economy should realise that. He should be corrected on that. He is totally wrong on that one, Mr. Speaker. I was going to let it pass but people in Fiji First appeared to have problems understanding the GDP. Mr. Speaker, Sir, but on this one, I will speak only on Bill No. 29, and it has very far-reaching effects and the amendments again should not be through Standing Order 51 and as a Consequential Bill.

With a bit of history, Mr. Speaker, Sir, the Financial Management Act (FMA) was a culmination of the public sector and public finance management reforms started by the Alliance Government, continued by the Soqosoqo Vakavulewa ni Taukei (SVT) and culminated in the Soqosoqo Duavata ni Lewenivanua (SDL) Government, enacting it in 2004. A lot of work went into this, Mr. Speaker, Sir, and to amend it in this fashion under Standing Order 51 borders on the criminal, Mr. Speaker, Sir, and if you look at it, it consolidates everything under the Minister of Economy when he has enough powers already but this one, the amendment he is making now, we will just consolidate and centralise all that power with the Minister, and as I said in yesterday's debate about the cost of lockdown, I said, 'you can't really budget for COVID-19 when there are so many "Rs" in the budget and the amount being held in Head 50'. I use that term Mr. Speaker, Sir, that it is like putting money in someone's back pocket and he brings it out when he wants to.

(Honourable Member interjects)

HON. V.R. GAVOKA.- With proper budgeting, Mr. Speaker, Sir, we can find the money to combat COVID-19 and noting the feeble way that we are doing it today, we have to meet it head on, we will determine how much it cost and budget accordingly and there is such a thing in business called 'scenario budgeting'. You can budget according to scenario that we face today for the next six months.

(Honourable Member interjects)

HON. V.R. GAVOKA.- What we have today is the same old, same old programme budgeting that will not work during the crisis that we face today. There is going to be a bit more imagination, Mr. Speaker, Sir, on how we do it and unfortunately, that is lacking from the Fiji First government and as we all see, it is because power is consolidated in one person and that is why all the money that should be used for COVID-19 are in his back pockets.

Mr. Speaker, Sir, some aspects of this Bill that we disagree with is in the new Section 6(a) - Role of the Permanent Secretary of Economy. Someone can ask the question, is the Minister attempting to blame the Permanent Secretary? We all know that he makes the decision on the national debt, et cetera.

In Clause 6 which is amendment to section 7, changing the financial to fiscal gives the Minister too much powers as we have been saying - too wide and broad authority and powers when he cannot even do the role properly at this point, Mr. Speaker, Sir.

Clause 8, Mr. Speaker, Sir, Fiscal Strategy is mere bells and whistles for Elections in 2022, too much drama, Mr. Speaker, Sir, on this. Clause 9, Mr. Speaker, Sir, amending Section 13, State entities, why exclude Parliament? Why is Parliament not in this? If they are returning revenue they should not receive public funds. All such revenues should be disclosed to Parliament.

The National Fiscal Strategy, new section 13A should be flexible and not limited by law. Clause 17, new section 27A Pre-Election Economic Update. Why only for Elections? This should be provided for every quarter or every six months. Some amendments like 28A is unnecessary and can be done via a circular.

Clause 20 is to amend section 29 to allow the Minister to suspend or limit expenditure of money. If he thinks an entity has breached the law, opposing government policy or government financial situation, is it draconian, Mr. Speaker, Sir? It is evidence of poor budgeting.

Fiscal responsibility and mismanagement of public funds and resources, in here, the Minister is overruling Parliament and he makes a subjective assessment without reference to the courts or other independent bodies. Clause 23, amendment 44, government has three months, not two as in the current law to provide mid-year fiscal statements. It all leads to a superman here, Mr. Speaker, Sir. I can go on. There are many areas that we would like to highlight Mr. Speaker but it is not necessary at this time.

Mr. Speaker, again, we say why, why, why, the consolidation of powers into one minister. We disagree totally with the changes that are being made. They are so far-reaching, it should not be done in this manner, Mr. Speaker and we could do a better job handling the FMA in the way it is being done and to be changed in accordance with proper dialogue, within Parliament.

Mr. Speaker, we oppose the changes, the amendment to Bill No. 29 and that also works for other Bills because of the manner they have been brought into Parliament. Thank you, Mr. Speaker.

HON. SPEAKER.- I thank the Honourable Member for his contribution to the debate. I now give the floor to the Honourable Minister for Commerce, Trade, Tourism and Transport. You have the floor.

HON. F.S. KOYA.- Thank you, Mr. Speaker, Sir, I have a contribution with respect to two Bills - Bill No. 26 and Bill No. 28, being the Maritime Transport (Budget Amendment) Bill and Land Transport (Budget Amendment) Bill 2021.

Mr. Speaker, Sir, right at the outset, as the Minister responsible for transport, I support the actual amendment bill. This amendment with respect to the Maritime Transport (Budget Amendment) Bill will allow the CEO of Maritime Safety Authority of Fiji to make decisions on maritime licences. This will improve the organisation's agility and it is actually going to support the growth and development of employees involved in the particular process and enable timely service delivery by MSAF. It will also increase our operational efficiency and staff productivity and improvement of business in the long run.

It has been a long time coming, Sir, but it needs to be done, it will also amend and extend the duration of Sea Route Licencing (SRL) from five to 20 years and this is a very important component. The Government's main intention for sea route licencing was to ensure that we actually get an

improved consistency in shipping services in Fiji and to also provide route security to licenced ship operators who have heavily invested in providing these important services.

Mr. Speaker, Sir, the amendment will enable the control, regulation and admin of locally registered ship operations within Fiji and territorial water. In addition the amendment will protect existing domestic shipping service providers from competition in a limited market. The allocated routes will be protected from encroachment by other ship operators and this actually ensures the ship owners of returns on their investment.

The SRL can also be used, Mr. Speaker, Sir, as collateral to invest in improving shipping services by acquiring new green technology vessels. Vessels that are not just efficient and environmentally friendly to achieve our vision of net zero carbon emissions by 2050. An extension of the SRL to 20 years will actually increase local participation in shipping services. It actually promotes the facilitation and regular and reliable shipping services which will support increased economic activity in the outer islands.

The amendments also allow and permit foreign ships as alluded to by the Honourable Attorney-General, carrying cargo in and out of Fiji waters to be exempted from acquiring a Coastal Trading Permit. It should be noted that the exemption is only for foreign vessels bringing in cargo to one port and taking cargo from the same port. This exemption will not apply is foreign vessels transport goods from one domestic port to another. The border authorities also need to be informed 48 hours prior to the arrival of the vessel for all port entry procedures to be completed. This will ease cross border trade and encourage efficiency in the transportation of cargo in and out of Fiji.

Mr Speaker Sir, WHO made a decision to declare seafarers as one of the groups of transportation workers that should be prioritised for COVID-19 vaccination in instances of limited supplies. This move emphasises the importance of seafarers, for without seafarers, ships will not move. This is particularly for countries where vaccines are not available. Here in Fiji, we are fortunate that we have the vaccines available and I encourage all seafarers to get vaccinated. To encourage young seafarers also to join the seafaring profession, Government will also pay for training and certification fees for those who wish to become seafarers, through an allocation of \$100,000. Mr. Speaker, Sir, I support the Maritime Transport (Budget Amendment) Bill.

With respect to the Land Transport (Budget Amendment) Bill, Honourable Qereqeretabua mentioned and she alluded to the Honourable Prime Minister stating that the freedom to operate and the launching of streetlights in Cuvu and that is exactly what the open rank system is actually doing. It just means you do not have to get bogged down with worry of having large amounts of money for base fees, and that was actually happening right now. She needs to see what is happening on the ground. The open ranking gives you the opportunity to freely operate on a first come first serve basis.

Secondly, again, she seriously needs to see what is actually happening on the ground. Mr. Speaker, Sir, in Sigatoka, Nadi and Lautoka, there are illegal operations to a large extent and we have owners of private vehicles operating as public service vehicles and operators are strangling the existing legal operators off their daily income. We have PSV operators operating illegally, strangling those who actually trying to make a living. Honourable Qereqeretabua probably needs to go and study how the application of the PSV levy also applies, and not just make some contradictory statements.

With respect to the Fiji Taxi Association, yes, we have received the grievances, yes, we will deal with it in a timely manner, yes we will definitely be looking at whatever issues they raise, there are regulations to follow, there are nothing sinister about it at all, and that needs to be realised. The

change is good, we are doing this so that there is a level playing field. For many years we have had problems within this particular industry, so everyone needs to operate on a level of playing field.

If there are extra measures that have been put in place with respect to seizure of taxis, these are deterrents. You should not complain about a deterrent, we need to have a compliant society, we need to have compliant drivers within the PSV regime. We need to ensure that all our PSV drivers show an extra duty of care. At the end of the day, they will not lose their right and say, "Yes my vehicle is incumbent, they have mortgages to pay," but at the end of the day, you must be a compliant person, just like every other citizen should be.

Mr. Speaker, Sir, there are many positive incentives in the 2021-2022 National Budget. The land transport incentive announced is to assist about 259,400 land transport operators and license holders in Fiji. The Bill, as mentioned earlier, has six key policy objectives, Open Rank System as I actually said. It is to ensure efficiency and reliability in operations and service delivery. Similar frameworks have been successfully implemented in countries, like the UK, Australia and China.

The Open Taxi Ranks, as we all know, exists all around the country and this is also going to be done in conjunction with the Fiji Roads Authority (FRA). It is actually part of our National Development Plan. These things needed to be realised. Go read the NDP, Honourable Qereqeretabua, you will see what we are actually talking about. It literally means there will be more taxi bases around, so the levy that is charged that everyone has to pay for. First in first out, at the end of the day and everyone has a fair bite of the cherry. Is that not what we all want? The removal of base stands and station fees that public service vehicle permit holders pay gets replaced with an annual levy, which everyone pays.

There are currently 7,988 taxi operators on which 6,465 are actually urban taxis and 1,523 are rural taxis that would benefit with about \$2 million revenue for the Government. The Bill actually amends Section 2 to align the definition of parking place and stand, the new terminologies we used for open taxi ranks. The Bill also strengthens the enforcement powers of LTA and there is nothing sinister about it as I have said is that is quite simple.

There are issues in relation to private vehicle illegally operating as PSVs. We have seen a massive rise actually at the moment that does not mean we go and legalise all of them. We still need to conform to some rules. At the end of the day we also need to ensure that people are not breaching their permit condition, so if you are putting measures such as this it actually becomes a deterrent for people to do it. You should not be breaking the law in the first place. The Bill will enhance LTAs power as a regulatory arm for auction of seized vehicles and of course there are other things that we will be addressed and that will be if there is a bank that has a charge on it, et cetera.

One other thing she raised because you know we added venue to these permits and they are going to lose it because they are losing their base. That is definitely not the case. You do not lose it just because you have taken away a base that exists. That is not how the value of that particular thing is calculated.

Now, Mr. Speaker, Sir, in the last five years, LTA has issued 25,494 TINS to private vehicle operator for illegally operating as PSV. The general public actually suffers in this because there is no insurance on these vehicles. These illegal operators pose a threat to road use as they do not adhere to the same safety and conduct standards as registered PSVs. Empowering LTA to sell off these vehicles instead of returning it to the perpetrators will sufficiently deter potential future offenders. It is actually amended to empower LTA to seize an auction that have been used in illegal PSV.

The third policy objective is to allow individuals who wish to amend change their records without charging a fee.

The fourth policy again, Mr. Speaker, Sir, objective is to impose the tyre fee which will be required to be paid by vehicle owners on new used motor vehicle operators. This is actually part of the Fiji Tyre Stewardship Programme and this will enable recycling of used tyres and we import an average of about 282,000 lose tyres in each year.

And as of 2020 it is estimated that there is about half a million odd tyres that have been used in vehicles registered in Fiji given that there is no tyre recycling companies in Fiji. It can be assumed that used tyres or end of life tyres as we called them end up in landfills in a stock pile and the small number are used for gardening and protection of ship fenders, et cetera.

A man will put in an extra tyre fee to be paid upon registration. Now this policy objective is to address a disparity in law with relation to carrying business in vehicles registered under commercial vehicles and as of 7th July, there were about 371,072 registered commercial vehicles.

The pandemic also has a direct on tourism sector. Also, Mr. Speaker, Sir, affecting many hotels, resorts and licence hire cars, road contract licence operator currently does not allow hotels that have vehicles registered as commercial to carry guests as the Honourable Attorney-General pointed out. It will also benefit from these exemptions. The last policy objective addresses the disparity which does not provide her registration of charitable religious, education organisations and I think enough has been said by the Honourable Attorney-General with respect to that particular provisions that has been provided.

In addition to all of that so the amnesty period for registration of vehicle that actually been off the road since 4th July, 2016 without payment of arrears of charges of fees, including the road user levy and the ACCF levy for that period that the vehicle has not been on the road, this is enabled by amending Regulation 2 of the Fees and Penalties.

What COVID-19 has taught us, Mr. Speaker, is that there are new norms of doing business. We want the LTA to be efficient. We also want our PSV drivers to be very sharp at the end of the day making sure that everyone is on the level playing field because for far too long there has not been. I have seen pictures of people ending up in fist fights because of the base issues that exist around the West at the moment. These are the kind of things we need to get rid of.

Mr. Speaker, Sir, if people took time out and just quickly read Fiji's Development Plan in the 20 Year Development Plan, they would see that all of these things that are being done currently are part of our National Development Plans. We have a strong Board, we have a strong LTA and all of these provisions that are being made now are in line with our National Development Plans and I fully support the amendments of the Land Transport Bill before the House, Sir. I thank you for allowing me to have the floor.

HON. SPEAKER.- I thank the Honourable Minister for his contribution to the debate. I now give the floor to the Honourable Tuisawau. You have the floor, Sir.

HON. RO F. TUISAWAU.- Thank you, Mr. Speaker, Sir. I rise to contribute to the Consequential Bills before us relating to the Budget, particularly on Bill No. 25 on Fair Reporting of Credit Act 2016 and the Financial Management Bill but before that, I recall that we, at the beginning of this term of Parliament, had our orientation. One of the issues we discussed thoroughly was the Standing Order, including Standing Order 51, et cetera.

We note that the Standing Orders are not similar to some of the Standing Orders in our democracies and I would like to reiterate again our concern regarding some of these Bills and whether they should be brought under Standing Order 51. Some are very substantial which should be thoroughly discussed and also stakeholders are allowed to contribute and that is why I am raising my concern, especially on this Financial Management (Amendment) Bill.

There are very substantial changes here which needs to be scrutinised properly, in particular by the Parliamentary Committees. Not only that but also the definition of Consequential Bills, that needs to be clearly defined and a framework set to guide us because at the moment, it seems that there are Consequential Bills directly related to the Budget and there are other which are slightly or distantly related and that is the kind of thing that we should not be putting as Consequential Bills for the Budget.

On the Act to amend the Fair Reporting of Credit Act 2016, Mr. Speaker, Sir, I note that reading the amendments, we are deleting the definition of credit information in Section 2 and substituting the following. Credit information meaning information on a person, including positive information and negative information in electronic or any other form submitted by credit information provider and maintain process and reported by credit agency.

Also part (b) information on customer utility provided, including positive, negative information, electronic or otherwise, et cetera, and I raise the issue of this because in 2016 when the Fair Reporting of Credit Bill 2016 was discussed the Honourable Attorney-General on 27th April had criticised the Data Bureau which was performing the same function which is being presented in the Bill today to be included in the Fair Reporting of Credit Act and a lot of the stakeholders at that time had raised their concerns regarding the abolition of Data Bureau and that has served for them as a means of filtering or clearing the customers they had and those with bad credit record, et cetera. So, now we are going back to the same thing but under a different entity.

On the Financial Management Amendment Bill, Sir, I note in particular on Clause 27, there are substantial changes there relating to the amendment, they are deleting the increase in the limit for overdraft and advances from \$20 million to \$50 million. That is a concern and we have the view that this is evidence of government's cash flow problems created by the Minister's fiscal irresponsibility and mismanagement and why increase that from \$20 million to \$50 million unless you are creating space for mismanagement or irresponsibility.

Clause 28, debt management strategy, is this really necessary as each government needs to decide their own criteria and principles and this is a government policy which should not be included in the Financial Management Act but rather in the government strategy policy only rather than being in the Act.

The other substantial one is on Clause 30. This is relating to the whole insertion of that Clause 30 and amended regarding internal audit, so there is a new partner for internal audit and it raises the question of the role of the Office of the Auditor-General (OAG) and the conflicting provisions with the Audit Act. The question is why duplicate the functions of the OAG and why restrict the audit of independent offices?

The other issue was the poor drafting. Section 31 when the Principal Act is amended, surcharge appeal authority, deleting Permanent Secretary and replacing that with surcharging authority and again, we question that as to why that is related to surcharging authority rather than the Permanent Secretary.

Section 72(2) of the Principal Act is again amended by Permanent Secretary, responsible authority, this goes out throughout the whole amendment, so that should have just been one sentence to say Permanent Secretary replaced by so and so. The Principal Act is amended by deleting “department” and substituting “entity”. That is in section 80A. The Minister is renaming departments as budget entities. This piecemeal amendment can be done by amendment to the interpretation section and many other existing legislation appears to be included to hide the real intent of internal audit debt management and election campaign rule.

Clause 35 of the Bill ensues a new Section 81A. Again, amended from section 81 by inserting the following section ‘on compliance and the exemption of Ministry of Finance’. There are already disciplinary provisions for civil servants so is this really necessary?

The last one as already mentioned by the previous speakers, again is a major concern. Clause 38 which makes consequential amendments to section 116 of the Electoral Act requires all political parties and candidates, including those acting on their behalf to make campaign promises, explain in detail how these promises will be financially realised. I mean, this part is totally unrealistic because the financial situation is created by this Government and then their financial management, mismanagement or whatever is imposed on the incoming political party and it is another restriction, from our perspective, given the huge number of compliance which has been put into the Electoral Act, supervised by the Supervisor of Elections (SoE). This is an additional one and there is no need to legislate campaign promises. Why? It is a restriction on our democratic rights to stand in the elections, to exercise democracy and it is not for civil servants to evaluate or SoE to evaluate campaign promises. That is for the voters to decide.

We consider this a draconian amendment that is a further limitation to our collective political rights, individual political rights of politicians and a limitation to freedom of speech. Why create a lot of laws to restrict our democratic rights to stand in the election and restrict political parties. Just like creating mine fields along the way. The mine field is already created for the candidates, now we are creating for political parties, et cetera. At the end, may be the whole objective is for the individual not to reach elections, and for political parties not to reach elections. The less the better. So, that is probably the aim of the Honourable Attorney-General. May be it is just for FijiFirst to stand, no other party and then we are under one Party State like North Korea. With that, Mr. Speaker, Sir, I do not support the amendments.

HON. SPEAKER.- I thank the Honourable Member for his contribution to the debate. Honourable Members, I now give the floor to the Honourable Minister for Local Government, Housing and Community Development. You have the floor, Madam.

HON. P.D. KUMAR.- Thank you, Mr. Speaker, Sir. I will speak on Bill No. 24 and Bill No. 25. I will start off with the amendment to the Reserve Bank of Fiji Act 1983. For the fiscal policies of any country to be implemented effectively and swiftly, they need to be supported by complementing laws and regulations and these laws and regulations need to change to suit different situation as it arises.

The proposed changes to the Reserve Bank Act will help to realign the Reserve Bank of Fiji’s terms with the terms offered by commercial banks to their customers. This will improve confidence amongst commercial banks and other financial institutions, such as FDB and Housing Authority in drawing funds from Reserve Bank facilities.

Mr. Speaker, Sir, the RBF has allocated \$100 million in the previous years for the housing sector to assist first home owners. Housing Authority has drawn down close to \$60 million out of these facilities to provide loans to low and middle income earning first home buyers. These funds

were lent at a very low rate, as low as 3.95 percent. Mr. Speaker, Sir, we would like to see commercial banks accessing more from this facility and the extended terms offered by the Reserve Bank of Fiji will definitely encourage commercial banks towards this.

Moving on to Bill No. 25, a Bill to amend the Fair Reporting of Credit Act 2016, this Act is fundamental for the regulation of credit reporting agencies. The legislation calls for the agencies to ensure the information they gather and distribute is fair and accurate. Honourable Tuisawau has just mentioned that these amendments that are taking place and the creation of the different credit agencies under this legislation will provide the same function as Data Bureau. Actually, that is not so.

The Data Bureau was created in 2001 and it was not regulated by any law and we have seen that Data Bureau operated through a disclaimer, they were not taking responsibility for the information that were uploaded on their database which were accessed by the third parties, and that prevented consumers from accessing credit. The Honourable Attorney-General correctly stated that they, in fact, denied consumers from accessing loan for little amount like \$20 and the \$20 was uploaded on their data. That really denied consumers from progressing in their lives.

How that will be different now? What will be different now is that, the Data Bureau used to operate as a debt collector rather than a credit information provider. So they stepped out of their mark and you may recall, in the newspapers you will see different agencies advertising and saying that if you do not pay this amount of money by this particular date, you will be by blacklisted by the Data Bureau. This is how they used to exploit it and threaten consumers. In fact, the amendment to this legislation is so important and I will tell you why, there are two amendments that I really like about this legislation or the amendment that is being proposed.

Positive and negative information - it is important to include positive information too, Mr. Speaker, Sir, because as an individual, we do not know what financial hardship we are going to face when we borrow money or we do not know what can happen in our lives and there can be ups and downs. There can be times when consumers face difficulties in paying the loan and obviously, that information can get uploaded. Now, if you are going to continue uploading just the negative information, obviously the lender will look at this information and simply say, "Well, not worth considering this particular application." But if you also put a positive information that will provide a wholesome report of the financial ability of a person and that will also take into consideration the ups and downs a consumer has to face. Sometimes you are able to clear, you can have more assets, you can improve your financial situation, all that gets reported and that provides a complete information to the lender to make a judgment on. So, it is important to include both, positive and negative information.

Coming to the inclusion of utility services, I think that is the best thing that has happened by including utility services. It simply means that a lender will be able to gauge and make a decision again on a consumer from a financial responsibility perspective. That is, if a consumer is not able to pay the regular bills, how will they pay for other loans which they have applied for?

It becomes important to include this information because that will also give a history of how they have been paying the electricity bill and water bill because these are necessary consumption which every consumer goes through and by including utility providers to register within the credit agency is a good move. It will protect consumers from irresponsible lending and also irresponsible borrowing. This amendment to the legislation creates a very fair platform for both consumers and the lenders. Therefore, Mr. Speaker, Sir, I support all the Consequential Bills before the House.

HON. SPEAKER.- I thank the Honourable Minister for her contribution to the debate. I now give the floor to the Honourable Bulitavu.

HON. M.D. BULITAVU.- Thank you, Mr. Speaker, Sir. I rise to support the Consequential Bills that is before the House. I will speak on the two Bills – the Open Base LTA Amendment and the Inshore Fisheries Bill.

I would like to thank the Government even the usual benefit out based taxi operators. They service the rural community. I think they have been penalised for picking up passengers in municipal zones but this give a fair opportunities for everyone, especially taxi drivers who will now have more take home income to support their families, welfare of the children, et cetera. That is a good relief, given some of the municipal-based taxis, most of the time they pick and choose passengers.

I think there is a big argument on this, given that most of these outbased taxi drivers do service long runs to the rural areas. This is very important because it will help and assist those who are trying to also set up new taxi bases, especially the fees being paid now and also other benefits have come through by way of this Bill.

The other thing, Mr. Speaker, Sir, the inshore for the people of Macuata coastline areas and all other maritime areas, the removal of licence fees and also boat licence fees will assist them in their income and also other alternative livelihood given the pandemic that we face. This is something that is welcomed at this particular time in the rural areas. It will enhance the economic status of rural people in our rural areas and maritime areas, especially fishing as a source of income for many.

The other thing I would like to also commend government on is the removal of the market fees and this will benefit our vendors and all income earners in that area. Most are from the rural areas who travel long distances to towns and cities to sell their produce and this gives them more take-home income, more money in their pockets and will benefit them, their community and also development. Not only that but to carry their *Vanua* and *Lotu* obligations and other social obligations given that they have enough income at this particular time. That is my take, Mr. Speaker, Sir. I support the Consequential Bill and the motion which is before the House.

HON. SPEAKER.- I thank the Honourable Member for his contribution to the debate. I now give the floor to the Honourable Attorney-General for his Right of Reply. You have the floor.

HON. A. SAYED-KHAIYUM.- Thank you, Mr. Speaker, Sir. I will be very brief. It would appear that most of the people who commented was on the Financial Management (Budget Amendment) Bill 2021.

Mr. Speaker, Sir, just very briefly, before I do talk about that, Honourable Qereqeretabua who I understand has already left, talked about consultation with the taxi drivers, et cetera. We had very large scale consultations, we met with the mini bus drivers, the taxi operators, all other operators we did meet. Obviously, we had a lot of discussions around it and as the Honourable Minister has highlighted that these matters will, of course, be dealt with, there will be a transition period but what really went to show is that, in her speech which gave it all away. She said, “I am sure as we are talking at moment, the emojis or emoticons will be going in, ‘LOL’ or whatever it is, it goes to show that they are essentially driven by this live reactions to statements they make or policies. We do not do that, we actually look at the long term. We are not there hanging out for one good emoji or emoticons, now whatever they are called.

Mr. Speaker, Sir, she obviously got it wrong. In fact, I do not think I should give any credibility to her response, it is laced with sarcasm, we know who writes that kind of speeches but, Sir, essentially, I will start by saying that she said, “the definition of economic shock”.

Now, if they read it carefully, if we, for example, set out a debt strategy, if we set out a fiscal strategy and say ‘this is how we are going to manage our finances and by the way this is the first time which they should be glad about that actually a law will require the sitting government to provide that type of information. We have to make it public. No government hitherto has been required to under any law provide that debt strategy, provide their medium term fiscal strategy, no government.

There was no legal requirement, now there is a legal requirement and they are making a mockery about economic shock. Of course, we can set out the best plan if, God forbid, we have a major cyclone a Category 5 like *TC Winston* which completely reduced to rubble one-third of the value of the GDP within 36 hours, obviously, the plans you have set in train will have to be altered. It would be foolish to say, we will have this fiscal strategy put in place and we will implement it come what it may. It cannot work that way. We are vulnerable to climate change, we are obviously now vulnerable to pandemics so that is why the definition of economic shock needs to include the definition as it is laid out.

Mr. Speaker, Sir, the other point that I want to make is that the Financial Management (Budget Amendment) Bill 2021, in fact, has been developed in conjunction with the Asian Development Bank, IFC International Financial Corporation and World Bank. It has the endorsement of our development partners, Australia and New Zealand, that have accepted this as a policy action in the reform policy matrix which resulted in the budget support. That is the rationale behind it.

Mr. Speaker, Sir, I would have thought that they would have welcomed the Bill as it brings greater transparency and accountability. These are ground-breaking financial policy reforms. We are aligning to international best practice if they bothered to even look at that, if they researched, if they go in and type “key reform action for the World Bank budget support”.

Mr. Speaker, Sir, I cannot understand when Honourable Tuisawau, for example, went on about the Data Bureau. He got the Data Bureau thing wrong. The Honourable Minister for Local Government, Housing and Development, I think, has just schooled him on that. The fact of the matter is, Data Bureau had no legislative mandate. In fact, you could have a \$20 outstanding bill and someone could report you.

If you look at the current regulations, no one can report you unless you have an amount outstanding that is more than \$300, \$300 or more. Before, companies even though they may not have delivered something to you, there was a case, for example, the internet company, Connect. Many cases where they, for example, people bought a package for \$50 a month for providing internet services, half the time it would be down and then they would still bill them. If the people disputed the bill, what they would then do is simply go and report the person to Data Bureau and the next time when the poor person wanted to go and, for example, do a hire purchase from Courts, Courts would refuse the debt. They will say, “you owe \$50 to Connect”. And even though you disputed that because they did not provide you with full monthly data connection, you still were forced to go and pay that. That is what happened, Honourable Tuisawau. You do not know what happened, you just simply were plucking at things without even understanding what it is.

We have now protection for consumers, and as the Honourable Minister highlighted, by having positive reporting, you need to actually use some form of intellect, by having positive reporting obviously as she highlighted, it means that you are actually going to say positive things about the consumer. This person has paid his water bill on time, electricity bill on time, they had a courts

repayment, paid on time, therefore, if I want to go and take out some more loans, I get a positive report.

Mr. Speaker, Sir, he questioned the drafting of the Bill. He has got absolutely no clue what he is talking about but the point of the matter is, there is no duplication of the OAG's work. This is internal audit. I do not know whether he understands that. This is internal audit, not external audit. The OAG does the external audit. The overdraft limit has been increased from 20 million to 50 million. It was 20 million back in 2004. Since then, the size of the economy, the nominal GDP and revenue have doubled, obviously it makes sense to have your overdraft facility from 20 million to 50 million. He is talking about the surcharging authority because obviously the surcharging authority are not just permanent secretaries. Please, read the budget book. If you read the budget book, at the end of it, you will see that you have, for example, CEO of WAF, CEO of FRA. They are not permanent secretaries but they are also an authority in respect of that particular Head expenditure so that is why we have to take an expansive view in that respect.

Now, Mr. Speaker, Sir, the other point that I also wanted to very quickly make and I think it appears that all of them, in fact, have an issue with this particular Amendment Bill because of the requirement now for political parties to say how they will fund their election promises, and they have such a sort of siege mentality, it will also apply to FijiFirst. It does not only apply to SODELPA or NFP or any other political party, it applies to FijiFirst.

We will also have a manifesto, we will also need to say, for example, if we offer free education, if we offer as we already are doing, and if we offer other things, we actually have to now, by law, say how will we fund it, and I think what they are actually concerned about is that, they have been making all these promises and they have not said how they will fund it. They cannot even do a budget, an alternative budget, so that is why they are scared, it is that come Election time, when they go around making all these promises, there will be a requirement for them to actually say 'how will they fund it'?

Mr. Speaker, Sir, I really do not know where Honourable Gavoka is coming from, I mean he talks about RIEs. I have had my staff from the Ministry of Economy saying, "Sir, can you, please call him to the Ministry of Economy. We want to show him how "R" works". We have been saying this since 2014. Sir, "R" is short form for RIE - Requisition to Incur Expenditure. That is what "R" stands for.

He is saying that I have got \$700 million in my back pocket. How can I have \$700 million in my back pocket? My pocket is not even large enough to carry \$50. The fact of the matter is that, again, he is trying to obfuscate the issues and he knows that the Permanent Secretary for Economy is responsible for Head 50, he knows that. It is not money that I have gathered by myself and I am sitting there, it is the Permanent Secretary's responsibility.

If you look (and I have got the figures here) at the \$730 million, Mr. Speaker, Sir, \$500 million of that is made of \$200 million for unemployment benefits, \$50 million for electricity subsidy, food distribution and all other relief measures, \$165 million for TELS and Toppers, \$40 million for the Fiji Recovery Rebate package, \$20 million for the PPP and \$16.4 million, should we have Elections in this financial year.

Mr. Speaker, Sir, all of these require wholesale scrutiny. We have an entire Budget Team headed by Isoa and they actually go through any of the requisitions that are made. They go step by step to make sure that all the documentations are met, all the requirements of the policy are met, all the checks and balances are there, and then should the RIE is \$1 million or less, the Permanent Secretary approves it. If it is more, then I have to see all the documentation. Is it all right? The

Permanent Secretary recommends and says, 'this should be paid up, then it is paid up.' That is how the system works, and he completely tries to continuously obfuscate.

He talks about, "why are we only going to give information just before the Elections?" The fact of the matter is, at the moment we are already legally mandated to provide it every quarter. We do it in any case. Has he not been in Parliament? Every quarter, I table in Parliament the quarterly financial report. This is another added layer of transparency that we have to provide that before the Election too, in the campaign period. So, everyone knows the state of the economy, and that information must be published on the website. No one can obscure that, there are so much transparency.

Mr. Speaker, Sir, I really think the contribution by the Members of the other side have really been neither here nor there, but the fact of the matter is that I think they are completely concerned about the fact that they will now actually be accountable to members of the public in the Elections promises that they do make.

HON. J.V. BAINIMARAMA.- No more lies.

HON. A. SAYED-KHAIYUM.- Precisely, what the Honourable Prime Minister says, 'no more lies'. They cannot escape it now, they cannot escape the truth.

Mr. Speaker, Sir, I would thank all the Honourable Members who supported the Bills and I recommend that these Bills be supported by Parliament. Thank you, Mr. Speaker, Sir.

HON. J.V. BAINIMARAMA.- He should resign and go home.

(Honourable Members interject)

HON. SPEAKER.- Order! Parliament will now vote.

Question put.

Motion agreed to.

[A Bill for an Act to amend the:

- (7) Reserve Bank of Fiji (Budget Amendment) Bill 2021 (Bill No. 24/2021);
- (8) Fair Reporting of Credit (Budget Amendment) Bill 2021 (Bill No. 25/2021);
- (9) Maritime Transport (Budget Amendment) Bill 2021 (Bill No. 26/2021);
- (10) Offshore Fisheries Management (Budget Amendment) Bill 2021 (Bill No. 27/2021);
- (11) Land Transport (Budget Amendment) Bill 2021 (Bill No. 28/2021); and
- (12) Financial Management (Amendment) Bill 2021 (Bill No. 29/2021)

enacted by the Parliament of the Republic of Fiji. (Act Nos. of 2021)]

PRESENTATION OF PAPERS AND CERTAIN DOCUMENTS

HON. SPEAKER.- We will move on to the next agenda item.

The following Report was tabled with the Secretary-General and referred to the relevant Standing Committee for deliberation, in accordance with Standing Order 38(2):

2018 to 2019 Ministry of Fisheries Annual Report to Parliament.

ADJOURNMENT

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

That Parliament adjourns until Monday, 16th August, 2021, at 9.30 a.m.

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

Question put.

Motion agreed to.

HON. SPEAKER.- Honourable Members, I thank you all for your contributions to the budget process and the passing of the 2021-2022 National Budget this week.

Finally, Honourable Members, the war against COVID-19 is far from over. Therefore, I strongly urge all Honourable Members and all Fijians to continue with the strict adherence to all COVID safe measures and the protocols that are in place nationwide. We should always keep and protect our home and work bubbles and stay home as much as possible, unless we need to go out for our daily necessities and other important needs.

For all Fijian who are yet to be vaccinated, I plead with you for your sake, and for those of your loved ones, friends and your community to get vaccination done. The Ministry of Health and other stakeholders are using precious resources including frontline workers to provide nationwide access to vaccination centres.

For Honourable Members of Parliament, you have a higher responsibility to keep safe and healthy as we have another sitting coming in about two weeks' time therefore stay safe, have a safe journey home this weekend and I look forward to seeing you in two weeks' time.

Honourable Members, Parliament is now adjourned until Monday, 16th August, 2021 at 9.30 a.m.

The Parliament adjourned at 6.52 p.m.