

[VERBATIM REPORT]

VIRTUAL MEETING OF THE S/C ON JUSTICE, LAW & HUMAN RIGHTS

BILL

Climate Change Bill 2021 (Bill No. 31/2021)

SUBMITTEE: SODELPA Delegation

DATE: Friday, 3rd September, 2021

VERBATIM NOTES OF THE VIRTUAL MEETING OF THE STANDING COMMITTEE ON JUSTICE, LAW AND HUMAN RIGHTS HELD AT THE BIG COMMITTEE ROOM (EAST WING), PARLIAMENT PRECINCTS, GOVERNMENT BUILDINGS, ON 3RD SEPTEMBER, 2021 AT 9.30 A.M.

Interviewee/Submittee: Social Democratic Liberal Party (SODELPA)

In Attendance:

- | | | | |
|-----|-----------------------|---|-----------------------------------|
| (1) | Mr. Filimoni Vosarogo | - | Deputy Party Leader |
| (2) | Ms. Emele Duituturaga | - | Former General Secretary, SODELPA |
| (3) | Mr. Ben Daveta | - | SODELPA Youth Worker |
| (4) | Mr. Pita Waqavonovono | - | Youth Representative, SODELPA |

MR. CHAIRMAN.- Honourable Members, members of the public, the secretariat team, the submittees, ladies and gentlemen; a very good morning to you all. It is a pleasure to welcome each and every one of you, especially the viewers who are watching this session, and also showing interest in the Parliamentary proceedings.

At the outset, for your information, for the viewers and for the submittees, pursuant to Standing Order 111, all Committee Meetings are to be opened to the public. Therefore, please, note that this submission is open to the public and the media, and is also being streamed live on the Parliament website and social media online platform, as well as the Parliament Channel on Walesi platform.

For any sensitive information concerning the matters before us this morning, that cannot be disclosed in public. This can be provided to the Committee either in private or in writing. However, please, note that under Standing Order 111(2), there are only certain circumstances that allow non-disclosure of this, which includes:

- (1) National security Party confidential information;
- (2) Personal or human resources matter; and
- (3) Committee deliberation and development of Committee's recommendation and report.

I also wish to remind all Honourable Members and our guests that all questions to be asked are to be addressed through the Chair. This is a Parliamentary meeting and all information gathered is covered under the Parliamentary Powers and Privileges Act. However, please, bear in mind that we do not condone slander or liable of any sort, and any information brought before this Committee should be based on facts.

In terms of protocol of this Committee Meeting, please, minimise the usage of mobile phones and all mobile phones are to be on silent mode while the meeting is in progress. At this time, I would like to take this opportunity to introduce the Honourable Members of this parliamentary Committee.

(Introduction of Committee Members)

So, this is the Committee that will be hearing the submission on the Climate Change Bill 2021. For the purpose of the viewers who are joining us this morning, I would like to give a brief explanation on what the Bill is all about.

The Climate Change Bill 2021 aims to provide a wide range of framework that will guide Fiji's response to climate change, from ensuring that all Government agencies work together as a means of addressing climate change, to provide the legal mandate to be able to mobilise resources, enhance coordination and making sure that appropriate planning and consideration is done when it comes to climate change.

Before us, we have the representatives of SODELPA. I would like to thank the representatives for accepting the invitation of the Committee and being present here this morning to do the submission before the Committee on the Climate Change Bill 2021. I now invite the representatives of SODELPA to introduce themselves and to begin their submission, after which, there will be a question and answer session.

Please, also note that in between, if we have any questions, we might actually interrupt to ask those questions, or we might leave it until the end of the session whereby, we will actually have the question and answer session. Without any further delay, let us start and SODELPA representatives, you have the floor. Thank you.

MR. F. VOSAROGO.- Thank you very much, Mr. Chairman. If I can just get an indication that you are hearing me loud and clear.

Firstly, we are thankful to the Standing Committee on Justice, Law and Human Rights for the invitation. Sir, SODELPA will be presenting before the Standing Committee and will be represented by those I will be introducing this morning.

(Introduction of SODELPA Representatives by Mr. Gonerogo)

Mr. Chairman and Honourable Members of Parliament, staff of the Parliamentary Office, ladies and gentlemen; I bring you greetings from SODELPA and its members. I also welcome those who are listening online, especially, Mr. Chairman.

We thank the Standing Committee on Justice, Law and Human Rights for your invitation to the Party to speak on Climate Change Bill 2021, and we are grateful for the space and the latitude allowed to us for it. I will make the opening remarks, Mr. Chairman, on the Bill and will be followed by Ms. Emele Duituturaga and then Mr. Pita Waqavonovono. I will then round up our discussion today and we promise you that we will stay within the hour allocated.

On 9th August, 2021, barely a month ago, the world was put on a code red alert by the Intergovernmental Panel on Climate Change Report of 2021. The Report, authored by 234 scientists from 195 member nations of the IPCC, and it paints an earth that is slipping into doom and gloom, and if humans world over do not wake up and drastically change their behaviours to save our planet, we are not in a position to continue further. For our part, Mr. Chairman, in Fiji, we need to domesticate international norms and expectations on climate change and it is good that we now have this Bill, to showcase our commitment to climate change globally.

Mr. Chairman, we need more than this Bill. We need measurable policy commitment, and we need actions now. We need Government to treat this Bill with an acute sense that our life, in the middle of the vastest ocean on the planet, depends on it.

I mentioned, Mr. Chairman, the code red issue by the IPCC Climate Change Report of 2021, for the world over, it means a state of our climate that is precipitously dangerous and swiftly falling out of our control.

Mr. Chairman, code red is perhaps, summed up well in the opening remarks of the UN Secretary General in his statement on the Report when he had this to say

(Inaudible)

MR. CHAIRMAN.- I believe we have lost Mr. Vosarogo.

MR. F. VOSAROGO.- ...greenhouse gas emission from fossil fuel burning and deforestation are choking our planet and putting billions of people at immediate risk.

Global heating is affecting every region on earth, with many of the changes becoming irreversible. The internationally agreed threshold of 1.5 degrees Celsius is perilously close. We are at imminent risk of hitting 1.5 degrees in the near term. The only way to prevent exceeding this threshold is by urgently stepping up our efforts and pursuing the most ambitious path.”

Mr. Chairman, climate change is now extensive, fast and increasing. There is now no room for complacency. Lives are at stake and in our Pacific region, the means to live. We are dependent on our immediate surroundings to sustain us daily. With worsening categories of cyclones almost yearly, rising sea level, threats of bush fires, landslides, tsunamis and at times, two of these occurrences follow each other and cause more devastation. The cause, impacts and effects of climate change must be urgently each citizen’s business, not just Government.

That also means, Mr. Chairman, that the objectives of the Bill under Clause 4 must provide for a specific objective of the Act to educate, inform, raise awareness and provide wider public alertness of climate change, projections, targets, aspirations and ambitions of the Government of the day to be owned by the people of Fiji.

As dire the situation, we all find ourselves in as earthlings and faced with the need to make commitments and take drastic actions to preserve our planet for our future. It is worth revisiting, Mr. Chairman, some of our own Government initiatives over the past years that we say should truly reflect our genuine contribution towards a greener earth, a more bluer ocean and a carbon free atmosphere.

Fiji planned to plant 30 million trees in 15 years from 2019. I ask the question, Mr. Chairman, how are we going with that programme? What is the update on it? The Government needs to deliver because this was a global undertaking announced in New York in the World Leaders for Nature’s Meeting on 26th September, 2019, and it is important that there are periodic updates on it. We already need to double up on that promise because the earth is not getting any cooler and natural disasters are increasingly damaging.

We only know too well of how frail our commitment can be to maintain our fish stock and our mangroves when there is an economic need for development, for example, in real estate, tourism and in high-end market stakes. The Malolo Island development by Freesouls Enterprise wiped out reefs, mangroves and caused ecological damages there that natural occurrence such as tsunamis, as powerful as they are incapable of achieving.

It is no wonder, Mr. Chairman, that the most significant, the most pertinent of somewhat shockingly revealing statement in the IPCC Report is this, and I quote: “It is unequivocal that human influence has warmed the atmosphere, ocean and land. Widespread and rapid changes in the atmosphere, ocean, cryosphere and biosphere have occurred.”

In other words, Mr. Chairman, we are responsible. On a global scale, developed nations, particularly of G20, are not taking responsibility enough to reduce carbon emissions. But when it comes to climate impact and effect, it seems most likely that the less responsible countries like us, here in the Pacific, get to pay for it and feel the brunt of nature’s wrath.

That is why, Mr. Chairman, the Bill is important to our future. If there is a Bill that anyone needs to buy into and take ownership of, the present and the future generation of Fiji, it is this, the Climate Change Bill 2021. It is important to our sustainability, our way of life, our rights, our progress as a less developed nation, and more particularly so, our future, our women, our children, usually the ones who are most affected in climate adaptations, displacements and relocation programmes.

Mr. Chairman, I mentioned rights and way of life for only a while in the context of the *iTaukei*, who are the largest real estate owners in Fiji. The Climate Change Bill 2021 must recognise the eternal value of land and what it is to an *iTaukei*. Some leases, for example, already now exist.

When the Bill comes into force as an Act of Parliament, the lessee sees opportunity in climate change funding or sequestration option for his leased land. The Bill accepts that in such cases, the lessee now benefits from any sequestration. That, Mr. Chairman, would not be an equitable exercise.

The Bill must be amended to recognise this, and this is our submission. All carbon sequestration right in every degree and classification of indigenous land, leased or not, should remain with the landowners. That should be the default position of when the Bill becomes law. All indigenous land sequestration rights belong to the landowners.

Now, on all *iTaukei* leased land, if they are sequestered by the lessee, then similar approved benefit sharing plan, similar to the one in Clause 60 for REDD+ Programmes, should be negotiated, and regulations must be drawn to provide the guideline for these benefit sharing. This, Mr. Chairman, provides for a more equitable platform of benefit sharing between the lessee and the landowner.

Mr. Chairman, if I may weigh in on the Building Code in Clause 72, an important factor in solidifying climate resilience into a proposed revised Building Code, is making sure that there is always a balancing act between cost and structural sound structures. So I made the following observations for your deliberation, as follows:

- Category 5 structural approval for structures has not been standardised, and there is always such a thing as overdesign.
- Category 3 structural approvals for structures are the current standards with the engineers and they are proven to be, in many cases, resilient in our latest cyclones.
- Issue of cost. Villages and settlement buildings which make majority of our structures that collapsed during the latest cyclones, did not meet Category 3 structural standards because they could not afford it. So, this gives us some indication that if we must stick to Category 3 approvals and enforce building codes in rural areas, Government will have to mitigate that cost to save properties and lives. People must build to Category 3 structural standard as a minimum construction requirement.

One of our alternative structure for those who cannot build Category 3 structural standard, our proposal is to use traditional building method for building the traditional heap roof *iTaukei bure*. Research has shown that *iTaukei bures* when build in traditional method, are as strong as Category 3 structures. Perhaps, out of this, a study to be commenced by the Fiji Institute of Engineers should be encouraged to formalise these findings.

In Navala Village in Ba, for example, the *bures* stood strong at the height of *TC Winston* and suffered far less structural casualty than most modern homes in settlements, villages and urban centres. A report, Mr. Chairman, by the Guardian on how seaklon houses in Vanuatu, they withstood *TC Pam* when all other structures around it made of timber and roofing iron were flattered. Those seaklon houses are made of vines, palm fronds and grass built in a similar palm heaped type, similar to our traditional design here in Fiji.

Perhaps, Mr. Chairman, the signs of times are telling that nature is remedial of itself and so vines, palms fronds and grass absorb strong winds within its structures more and the heap formation of our traditional roof allows cyclone winds to be cushioned in the path of its destruction. So traditional designs must be acknowledged in Clause 72 of the Building Code and encouraged as eco-friendly and safe in disasters.

Mr. Chairman , I will invite Mrs. Jale to elaborate more on the Bill before Pita Waqavonovono will speak on the third component of our submission. Thank you, Mr. Chairman.

MS. E. DUITUTURAGA.- Thank you, Mr. Chairman and Honourable Member of the Standing Committee. As has been mentioned, we welcome this legislation to domesticate Fiji's legally binding Treaty obligations under the Paris Accord, commonly known as the Paris Agreement. In fact, this is overdue, as we are getting on to six years since COP 21 in December 2015, and the Accord came into force in November 2016.

There have been four COP meetings since and COP 26 is taking place in Glasgow, just round the corner in eight weeks from now. So, I guess better late than never, and especially since we will have a General Election some eight months away, 32 weeks away, but my first point is, climate change should not be a political issue, nor should we look at the political orientation of the implementation instruments, which I will come back to.

Mr. Chairman, this Bill in Clause 6 recognises and declares that Fiji and the earth are facing a climate emergency. This is an emergency of national and global proportions. Perhaps, if it was a virus and referred to as a pandemic, the urgency and life threatening nature would be understood rather than the slow onset, apart from the Category 5 and Category 6 tropical storms that attract attention that attract humanitarian aid.

On this point, in the link between COVID-19 and climate, we do not have direct evidence that climate change is influencing the spread of COVID-19, but we do know, however, that climate change alters how we relate to other species on the earth and matters to our health and risk for infections. As the planet heats up, animals big and small on land and in the sea, are headed to the post to get out of the heat. This means, animals are coming into contact with other animals they normally would not, which creates the opportunity for pathogens to get into new hosts. So, perhaps, that will explain why the furry seal three or two days ago showed up in Beqa, who I now understand, is being named Ratu Sili Cabe Duadua Mai Rukua i Beqa.

Back to this Bill, Mr. Chairman, this emergency is of epic proportions, which requires a whole of society or a whole of nation approach, not just a whole of Government, which is stated in Clause 6(6), which states, and I quote: "The purpose of this Act is to set out a detailed framework for a whole of government approach to addressing the climate emergency in Fiji."

This should read and we submit that, "this should be a whole of nation and a whole of society approach." It requires, as has been mentioned, all of us who call Fiji home to take ownership of this act and Fiji's goal of achieving net zero greenhouse emissions by 2050.

There are contradictions about this Bill, Mr. Chairman and Honourable Members. On one hand, the role of civil society, women and faith organisations are recognised, but when we look at the mechanism and the machinery for implementing this act, it is all about the State and State representatives.

The Bill in Clause 4, gives legal recognition to the commitments of the Suva Declaration which was, in fact, a multi=sectoral and multi-partnership initiative, and Suva Declaration actually calls for the greater involvement of communities, civil society, including women, youth, people with disabilities and the private sector in our climate change responses and initiatives. In fact, Decision 1 of the Paris Agreement welcomes the efforts of all non-Party stakeholders to address and respond to climate change, including those of civil society, the private sector, financial institutions, cities and other subnational authorities.

Despite those clear commitments and directives, this Bill proposed by this Government, deliberately excludes the key stakeholders. My question is, is this political? It is a contradiction because, in fact, the principles espoused in this Bill, for example, in Clause 5(c), recognises the principle of intergenerational equity in which the wellbeing of current and future generations is supported and protected.

Mr. Chairman and Honourable Members, our younger people will inherit the future which we are now creating. They have a greater stake and must be involved with policies, implementation, and they must be at the table of decision making. The future we are creating this moment and when this Bill is enacted, belongs to them.

The unborn will be 29 years old in 2050. Our current young generation will be the decisionmakers, not you and I, so they must be at the table so that they know what this Act is about and they will follow through and implement the Act itself.

Also, Mr. Chairman and Honourable Members, the Bill recognises that there are inextricable links between gender equity, social inclusion and the sustainable development goals. By the way, there is no mention at all about SDG13 in this Bill anywhere. Is that an oversight or maybe someone needs to look at that again? But it does emphasise that no one will be left behind.

Mr. Chairman and Honourable Members, you cannot just have a national climate change committee only of State representatives. They have to represent the whole of the nation and the people who belong to our country. So, despite this heart-warming inspirational sentiments of principles, because when you start reading the Bill, it is very heart-warming, inspirational, then you get the implementation part and it, kind of, gets a little bit flat.

So despite this heart-warming inspirational sentiments, the actual National Climate Change Coordination Committee under Clause 12 consists only of the Permanent Secretary who will Chair, the Director who is a Deputy Chair, and other members nominated under Clause 3 by the Permanent Secretary which states and I quote: "The Permanent Secretary responsible for climate change may nominate representatives from State entities to be members of the Committee." No room for non-State actors who are recognised, as I have already mentioned, with other declarations and the United Nations.

So we recommend that the National Climate Change Committee membership must be changed to include; non-State actors, young people, women (those who have been mentioned before), faith-based organisation leaders and *vanua* representatives.

There is some recognition in Part 6 under Clause 27(3), and I quote:

"The Minister must, when developing the NCCP and with the assistance of the Committee, conduct public consultations in a manner that encourages the participation of a diverse range of stakeholders, including the private sector, civil society organisations, youth organisations or representatives, and vulnerable and at-risk groups and communities,"

But they need to be at the decision-making table, not just having their brains picked. So, it must be a legal requirement and regulated not a discretion of a public official.

Mr. Chairman, and Honourable Members, the Bill creates a ministerial portfolio responsible for climate change. The powers and responsibility set out under Clause 9 is extensive and wide-ranging. It is our submission that this portfolio is a critical one and requires a dedicated portfolio. In fact, we believe that the combined portfolio of the environment and climate change makes the most sense.

The third point that I am wanting to make is that, the Act seems to be designed for the Minister to be micromanaging the implementation of the Act. This is unhealthy and creates political conflicts, as the Minister should be limited to an oversight role. Clause 9(1)(e) and (f) states, I quote:

"The Minister has the power to -

- (e) establish procedures for and hold public consultations on matters relating to the implementation of this Act.
- (f) draft and propose budget provisions for the implementation of this Act.”

Honourable Members, those are tasks and duties in the normal job description of civil servants, not the Minister.

Mr. Chairman, it is alarming to note further that under Clause 11(1) it states, and I quote: “The Minister must appoint the Director of the Climate Change and International Cooperation Division.” This is not in line with the Constitution and I am going to read from the Constitution under Section 127(7), and I quote:

“The Permanent Secretary of each ministry shall have the authority to appoint, remove and institute disciplinary action against all staff of the ministry, with the agreement of the Minister responsible for the ministry.”

That is in the Fijian Constitution whereas in this Bill it is actually saying that the Minister must appoint the Director, so this is unconstitutional.

Civil servants should be recruited on merit and professionalism, and allowed to give professional advice without fear or favour. This Section and the trend for a lot of political interference in running the service can only signal that the Bill is poised to serve at the whims of a political master. This is not correct and should be outlawed.

Even worse under Clause 24(2) of the Bill states, and I quote:

“All Ministers must, where relevant, review and revise key performance indicators and job descriptions for civil servants within their ministry with the aim of ensuring that civil servants are increasingly equipped with relevant specialist skills to support the implementation of this Act.”

With due respect, Mr. Chairman and Honourable Members, it is not the role of the Ministers to be conducting KPIs and skill assessments of civil servants. This Act should be creating an enabling environment to ensure Fiji, as a nation, and a member State of the UN, is complying to Treaty obligations.

As has been mentioned, the world is on fire, we are heading towards a meltdown and scientists have sent out the code red alarm. The Minister should be out and about talking with the people, inspiring people, getting everyone in the nation and in society to be aware that this is an emergency.

Whilst the Minister is entitled to and has powers to appoint authorised officers, we are concerned about the powers under Clauses 15 and 16 that have been vested in persons appointed by the Minister - these are wide-ranging and spread the alarm.

Mr. Chairman and Honourable Members, we have had enough of public officers who have had powers to be taking, arresting and questioning everyone at different times of the day and night, so we do not need more Acts that gives more and more powers, unfettered powers in fact, to officers of the State. Under Clause 15, it says that these officers authorised by the Minister or anyone who is authorised, can have powers to examine, remove samples, take possession of machinery, equipment, take pictures and photos and they can even take the police along with them. This is not the job of civil servants, this is the role of the police and others.

Coming to my last point, I am looking at the time, about mitigation. It is commendable as I have said, that the long term emission reduction target for Fiji -net zero greenhouse gas by 2050 is edged in law, and that is under Clause 38 of this Bill. The Clause establishes the process for the development of five-year carbon

budgets for the purposes of planning for the whole of the economy, so we are getting to whole of government whole of economy, but we need to move to the whole of society and whole of nation. So it does provide for carbon budget, it also provides for the introduction of carbon pricing mechanisms, including emission trading schemes, introducing fiscal incentives and levies, which are all good.

However, Mr. Chairman, I do come back to my final point and that is, the principle of polluter pays, which is referred to in the definition section of this Bill. Despite our rising emissions, Fiji is still a very small contributor to global carbon dioxide emissions, representing approximately 0.00 percent of global emissions, at least, in 2019. The biggest culprits in the world of carbon dioxide emissions are those who are burning coal and the top three are: China, the United States and India. China was the biggest emitter of fossil fuel emissions with the share of almost 30 percent of the world's total carbon emissions, and this was roughly twice the amount by the US, and China still is the largest emitter.

We know, Mr. Chairman and Honourable Members, that the state of economic collapse in our country has forced us to become more and more aid-dependent, like never before. We are mortgaging our national assets and getting ourselves into a potentially debt trap, irrespective of the intergenerational principle of conserving what we have now for future generations.

We must be wary of boomerang aid for these polluters. They bring to us what benefits them the most. We cannot have an Act that places higher responsibilities upon ourselves and less on these big polluters. It is a crime of climate injustice. Where is the justice that those of us who have the least responsibility carry the greatest burden? Polluters must pay the loss and damage to us and our future generations, and this Bill must address that.

I thank you, Mr. Chairman and Honourable Members.

MR. CHAIRMAN.- Thank you Ma'am for your presentation. We will move to the third part from Mr. Waqavonovono. Is Mr. Waqavonovono still there?

I believe there are some technical glitches from the other side, so we will move on while they are trying to reconnect. I will now open the floor for any discussion, question or query that the Honourable Members might have. Honourable Matanitobua?

HON. RATU S. MATANITOBUA.- I think the Deputy Party Leader wants to say something.

MR. F. VOSAROGO.- My apologies for that, Mr. Chairman. We will try and see if Mr. Waqavonovono can come back online, or in his absence Mr. Daveta will be able to take us through the third part of our submission. So what I will do, I will go straight into the part that I was going to take up which was to wrap up the submission before the Committee today.

Mr. Chairman and Honourable Members of this august Committee and the staff, I am going to comment on the draft financing, the private sector transitioning and engagement and finally, the enforcement provision.

We are aware, Mr. Chairman, the call for funding to be provided and made accessible for climate change globally, and because it is globally, it is a pressing issue. Funding has become available more readily in what we can now all agree to be an entirely new industry for climate change.

As of yesterday, Mr. Chairman, Green Climate Fund (GCF), had committed US\$8.8 billion, capturing US\$1.8 billion of carbon equivalent avoided, increased resilience for 500.5 million people and supported 177 climate change projects. In addition, 6.0 billion are projects under implementation phase. Should we be really interested in climate change funds? Absolutely!

A number of climate funding announcements by the developed country governments, multilateral development banks and multilateral climate funds have been made in the run-up to COP26.

MR. F. VOSAROGO.- This climate funding announcement collectively run into billions. Fiji, like most developing countries, tends to benefit immensely from this climate fund globally available from developed countries, multilateral development banks and multilateral climate change funds.

The United Kingdom, for instance, Mr. Chairman, pledged £5.8 billion between 2016 and 2021, half of it, they say, to go towards adaptation. Japan announced that it would finance 1.3 trillion yen of public and private climate finance, that is, 1.3 times up from the current level, to developing countries. Australia, closer to home, is committed to doing its part to meet the United Nations Framework Convention on Climate Change (UNFCCC) goal to collectively mobilise, at least, \$100 million per year in climate finance for developing countries by 2020, and annually through to 2025.

Mr. Chairman, if you like, this is the money bill and rightfully so, it should. We have the goods. The developed nations can pay for their carbon footprint to us. We need adaptation, relocation and resilience and funding is available to it through available global climate funds. But, Mr. Chairman, with the availability of funds, we must ensure transparency and accountability of those funds when they are received here for climate change programmes.

Clauses 87 to 91 are provisions relating to sustainable financing. Sir, SODELPA proposes that in addition to the provisions that we presently have, that there would be additional provisions that require the Minister for Economy to publish widely in both newspapers all funding amounts for the various climate change programmes, usage, acquittals, percentage of programmes completed and forecasts. This ensures that the government of the day is accountable for funds received in the name of climate change, for the people whose lives are affected by climate change. Sir, SODELPA is calling for accountability provisions to the people and not just inter-agency accountability or inter-departmental accountability nor inter-ministerial accountability, but ultimately a Government accountable to its people.

We may sound, Mr. Chairman, like we are here to criticise the Bill and quite correctly, we may have, to some degree, but we are also here to acknowledge incentivisation of individual ingenuity towards climate change in the Bill and to commend it. Clause 88, for example, is a people-empowerment section and SODELPA supports incentivising people who put in place measures to adapt and improve Fiji's resilience, activities aimed at advancing mitigation and adaptation. This is how laws should be framed, Mr. Chairman, in the context.

(Technical glitch through virtual connection)

... Laws that bring about empowerment, incentivizes efforts, puts power and responsibility in the hands of the people and rewards them for it.

Part 15 of the Bill consists of Clauses 92 to 100 and it deals with transition and implementations for the private sector.

We are certain, Mr. Chairman, that the private sector, which is also going to be affected, would make submissions to the Committee on those provisions in detail but for purposes of today, let me highlight the pleasantries, I feel, the private sector would be happy with. The above sections are not prescriptive, they are definitive only to the extent of highlighting what is expected to be disclosed, assessed, estimated and evaluated as part of its disclosure regime under the Bill. There are no threatening provisions there.

Mr. Chairman, let me address you on the enforcement provisions in just two sentences before I finish off, by referring to the powers of authorised officers in Clauses 14, 15, and 16 of the Bill. The fine of \$750,000 is

unreasonably outrageous. Even as a discretionary power, the maximum fine is just like climate change - it must be avoided for the very same reasons, the cost is too much.

The main offence in the Bill is withholding or providing information known to be false - failure to provide information or making a statement that has a false particulars is not peculiar to this Bill only. It exists in various other Acts of Parliament but none of them has a penalty this steep. Mr. Chairman, it must be revised downwards to a more reasonable figure, a maximum of \$2,000 with discretion to the court on what amount it should impose.

Mr. Chairman, on the powers of authorised officers, the last time I saw powers this wide was when SODELPA was preparing its intervention plan and write-ups on the now shelved Police Bill.

Clause 14 defines inspectors and includes those who are appointed under the Environment Management Act 2005.

Clause 15 spells out powers of authorised officers. These powers, Mr. Chairman, is too wide, too much, unnecessary and simply lends itself to the possibility of abuse. The power to take possession of things, to take photographs, pictures or measurements, examination of any business records, stop notice for inspection and a general power to interview any person for purposes of inspection is illustrative of how too much power can be abused when the parameters of its use is not defined with it. For example, an authorised officer can take any machinery, any equipment or plant for examination or testing. There is no defined period of its return. What if the equipment is central to the climate change programme that, that equipment is intended to assist? Why the equipment? Who is responsible for the loss accrued during the period of testing?

Further up, in Clause 15(4), if your machine has been retained for inspection and you want it back, you need to write to the director. Well, there is no right to retain the machine for the purposes of inspection, to begin with, as no warrant provision exists. So, why should someone seek redemption of their rightfully-owned machine?

To take photos, pictures with no caveat based on prior and free informed consent is violation of the right of personal privacy and space. What business records are they allowed to take or what business records should they be permitted to take? Further, why should they be allowed to take business profit and loss, cash flow projections, business forecasts, private equity arrangement copies, HR staffing and structure, pay scales of staff?

The powers, Mr. Chairman, are too wide and they are unrestrained, and there is the power to interview anyone. For what? For any offence? What about caution required under the judges rule? Who implements that? What are the officers trained for? Are these officers trained to adopt police work and observe judges' rules protocols? Right, under the Bill of Rights, particularly when someone is questioned by people in authority applies.

Clause 16 expresses dangerous territory. Again, absolutely unnecessary! Powers to enter and inspect without a warrant will set dangerous precedents and lends itself to possible abuse. We see instances when powers are too much in the hands of the authority but when the law permits them to act with impunity, such, as a right to enter and inspect without a warrant, that must be deplored. They can even stop and inspect an aircraft or a vessel. How on earth would that sort of exercise of power in the name of climate change be possible?

What do we recommend? Limit the powers of authorised officers. Make them seek out a warrant to enter a property. Make them justify on oath before a magistrate, what is the suspicion and the basis of it. Make them account for their actions and make them understand the consequences of their actions, of the exercise of their power. Make them accountable, make them understand the enormity of having powers and the responsibility that comes with it.

Mr. Chairman, I will ask Mr. Daveta to state the position of the Party with respect to Part 6. Thank you, Mr. Chairman.

MR. B. DAVETA.- Thank you, Mr. Chairman. Firstly, we would like to apologise for being unable to join earlier on. We were facing technical glitches but I am sure that all the viewers, for those who are joining in from the comfort of their homes, will agree that all of you, Honourable Members, look very fit today, especially Mr. Chairman.

Firstly, I want to share the appreciation of the SODELPA Youth Wing and the Party to all our members and the youth of Fiji for their contributions to their communities and families during COVID-19.

At the height of this crisis, young people are at our frontline, serving Fiji as nurses, doctors, security personnel and Ministry of Health staffers. They were answering phone calls, delivering ration, helping out with village farms, getting produce delivered to our markets, manning village and community checkpoints and screening centres. Now, we have young inspirational teachers journeying into the highlands and crossing oceans to get worksheets to their students. When it comes to frontliners, you can be rest assured that the real Most Valuable Player (MVP) are the youth of this nation. Thank you all for your sacrifices.

At this juncture, one must acknowledge the correlation between climate change and COVID-19. Disease-causing organisms are emerging faster than ever before and the interval between outbreaks is getting shorter.

As the earth warms, scientists are concerned about the increase in mosquito-borne viruses and infectious diseases spread by animals. The link between health and environmental law is very clear. We are experiencing the birthing pains of a warming climate, that climate crisis is real.

The COVID-19 pandemic upended daily lives so drastically that there was a moment when it seemed to be making a dent in the climate crisis. Rush hour traffic along the Suva-Nausori corridor disappeared, global travel slowed down to a crawl and the resulting economic tailspin sent energy-related pollution, plummeting almost six percent globally.

This kind of decline in pollution is unprecedented in modern human history. It is, as though the emissions output of the entire European Union had suddenly disappeared. It led many to wonder if the COVID-19 crisis will at least give us a little extra time to avoid climate emergency. Back to normal is not unacceptable.

One of the key developments of the 2015 Paris Climate Agreement was a new target for containing climate change, restricting warming to 1.5 degrees Celsius and far under the more disastrous 2 degrees Celsius. In that effort, normal will not cut it. The return to flying, driving and commuting carves away from the limited global budget of pollution, which represents everything the atmosphere can afford before the 1.5 degrees Celsius target is reached.

Fiji cannot be paddling a Climate Change Bill on one hand and on the other hand, cheering for opening of borders, return to flying, return in shipping and return to fossil fuel culture. This Bill and the intentions of Government must go hand in hand. At the pre-set, I ask that all Honourable Members of Parliament lead by example and speak with climate sensitivity when seeking to reopen Fiji, restart trade or return to normalcy.

As you will note, my sharing is really focused on Parts 10 to 13 of the Bill. By way of context, this Part looks to incentivise projects, programmes and activities that aim to reduce carbon emissions in Fiji. It also seeks to do this by creating Fiji mitigation outcome units for projects that are personal property and can be registered and, therefore, exchanged or transferred. This requires the creation of a Fiji National Registry for projects to receive the reduction units that had been approved under an approved reduction standard, and then these units can be internationally transferred.

Offsetting carbons means an activity which reduces carbon dioxide emissions to compensate for emissions made elsewhere. The market for carbon offsetting is made up of both, compliance and voluntary demand. Compliance demand is where companies or other entities must offset some carbon in order to comply with caps on the total amount of carbon dioxide they are legally allowed to emit. The voluntary market is where individuals and companies purchase offsets to compensate for their own greenhouse gas emissions without being legally obliged to do so.

A carbon credit represents one tonne of carbon dioxide that has been removed from the atmosphere, so if a company had 1,000 tonnes of carbon that they needed to offset, they would purchase 1,000 carbon credits.

In the rush to construct a carbon market, the Bill does not strengthen Fiji's learnings from REDD and REDD+, and is silent on creating a sustainable carbon trading market. So, the compliance agency here is only equipped to input figures from the project into the model, that is, where, how many trees and in what configurations, which is the formula to calculate how much carbon will be removed from the atmosphere over a 25-year period.

Credits are only awarded to participants by the government for growth as it occurs. If the trees are lost or damaged by fire, we do not get any additional credits. If they are destroyed by cyclones, increased precipitation, drought or salination, we do not get any additional credit.

Mr. Chairman, SODELPA has been on record calling for a sustainable carbon market in which we mean, creating a marketplace where supply of carbon credits will match a demand, and an investment in new technology and methodologies that ensure this is achieved. This means that projects are to a high quality that produce core benefits including biodiversity, water, soil conservation, integrating this investment into sustainable agricultural landscapes for the benefit of regional communities is a key social benefit.

Without the language of sustainable climate action, investment in education and behavioural change programmes, this whole part will only be funding a reporting unit that has almost to no advocacy or charismatic sections to bringing farmers, businesses and state departments.

For Fiji, sustainability would mean engaging in environmental credit markets to include; water, quality credits and biodiversity credits, in addition to carbon credits. This will involve similar processes, such as credit creation, audit, purchase and same as per the current growing carbon market.

Political parties must also have the political will to see this idea through. I am happy that such a vision can be seen in SODELPA. Mr. Chairman, SODELPA says to make tertiary education free for all Fijians by giving all Fijians who qualify for tertiary education a chance to study and serve a bond for the duration of study. Sir, SODELPA also seeks to find jobs for Fijian graduates who have completed that bond.

That bond is tied to every graduate. With time, it may take the form of spending time in a community or farming or feeding project, planting and managing a certain amount of trees and mangroves, being a part of conservation teams and creating a community, village or neighbourhood recycling plan. This sort of bond is a more meaningful means of inspiring Fijians to see their contribution to a greener Fiji without the shackles of student debt and unsustainable practices.

With the lens of sustainable carbon market, can we expect clearer visibility on the environmental outcomes for investors in environmental markets, including quantifiable improvements in the quality of soil and water, the carbon sequestered from the atmosphere and ultimately the large scale restoration of natural landscapes?

The Bill also establishes the National Adaptation Plan (NAP) Steering Committee which must prepare the NAP for all areas of Fiji's economy, including in relation to marine and terrestrial pollution, fisheries, land use and natural resource management measures.

The segment of the Bill, again, depends on voluntary compliance of businesses and communities. This Bill does not offer any affordable means for families to rebuild, fabricate or move into sustainable farming. Imagine, if offered a way out of fossil fuel, living and providing a greenhouse plan for all Fijians.

It is sad that we still have not seen any desire to move Fiji into an organic nation. Imagine, if the Bill carried specific language aimed at soil rehabilitation, restoration and turning Fiji into an organic nation by 2040 or 2050.

This Part also does not show how businesses can be rewarded for going off the grid, using sustainable energy sources. Surely, it would be in the best interest of Parliament to encourage greener cities, greener living, greener workforces and establishing a green economy.

Learning from the single use plastic ban experience, you can just make a law, you cannot just make a law or platforms like NAP available and expect compliance. If we go back when Government declared that single use plastic bags were banned, what they really meant to say was thin-layered plastic bags were banned and that it would be replaced with thicker plastics. Now, you can purchase vegetables on the side of the road or in our markets and you get a thicker plastic bag. That bag goes home, it becomes a bin liner if it is lucky. It gets discarded, not recycled. It ends up in the same place and follows the same journey as a thinner plastic bag.

Some very important areas to be really strengthened in this segment of the Bill includes; banning the entry of derelict ships into our EEZ, banning of oiling ships into our EEZ and banning of nuclear-powered ships into our EEZ.

This Bill, on oceans and climate change, sets a long-term target for the whole of Fiji's maritime ocean areas to be under sustainable management and this also includes, establishing protected areas across 30 percent of all ocean areas via Marine Protected Areas (MPAs) established by 2030. The Minister must take all reasonable steps for the long-term sustainability and creation of MPAs via the development and implementation of the National Oceans Policy. We personally looked at this segment of the Bill and wonder, how it binds Fijians to a shared future. We need binding mechanisms that communicates a political will of the Fijian people that goes beyond paper.

This Bill declares climate emergency but the actions in law do not show the real emergency. The fact that there are no careers in climate adaptation, mitigation and litigation, is the emergency. The fact that we have an economy that is not going green, is the emergency. To-date and even in the Bill, there is no vision of establishing real targets on the de-escalation of fossil fuel reliance or even meeting the Fiji Low Emission Development Strategy 2018-2050.

This Bill also fails to build on the request of youth climate advocates in SODELPA and across the political fray to create a green economy filled with green jobs. Every year, Fijians leave university with qualifications in marine biology, science, forestry and green engineering, only to find that they are forced to compete for jobs in a very narrow and constricted market.

Mr. Chairman and Honourable Members, where are the careers:

- In agriculture and forestry, efficient land management or farming and aquaculture? energy and carbon capture and storage, and jobs related to capturing and storing energy and/or carbon

emissions, as well as technologies related to power plants using the integrated risk gasification combined cycle, like the Nabou Renewable Energy Plant?

- in energy trading?
- related to increasing energy efficiency, making energy demand responses more effective, constructing smart grids, et cetera?
- in energy trading, including careers relating to buying and selling energy as an economic commodity, as well as carbon trading projects?
- to assist environmental protection with just wages for people that work in environmental rehabilitation, mitigation, climate change adaptation and ensuring or enhancing air quality?
- in governmental and regulatory administration policy support for the green economy, including careers by public and private organisations associated with conservation and pollution prevention, regulation and enforcement, and policy analysis and advocacy?
- in building construction and the jobs, careers related to constructing new green buildings, retrofitting residential and commercial buildings and installing other green construction technology?
- in manufacturing, industrial manufacturing of green technology, as well as energy efficient manufacturing processes?
- in recycling and waste reduction, solid waste and wastewater management, treatment and reduction as well as processing recyclable materials?
- in renewable energy generation, developing and using energy sources such as solar, wind, geothermal and biomass?
- for green transportation, increasing efficiency and/or reducing environmental impact of various modes of transport?

The way forward for Fiji is providing green jobs, allowing Fijians to study and graduate with green qualifications for free, and building a green economy ready to absorb the jobs of the future. This Bill will only succeed under a revolutionary government. Fiji needs to look beyond the victim mentality and perhaps, *tevu-tavoi* approach to our presence on the climate action scene. We need to build the future we want to see in the Pacific, here in Fiji, invest in our young people and graduates and deliver a realistic platform. Thank you, Mr. Chairman.

MR. CHAIRMAN.- Thank you, Mr. Daveta, for that wonderful presentation. For a while, I was wondering whether I am actually hearing the submission on the Climate Change Bill or some kind of employment bill for the next generation but anyways, thank you very much. I will, again, hand over to Mr. Vosarogo, if he has some final comments.

MR. F. VOSAROGO.- Mr. Chairman, on behalf of SODELPA, SODELPA caucuses and all its members, we thank you and we thank the Standing Committee for giving us the time to come and speak to you, and we pray for guidance and wisdom in your deliberations on this Bill.

MR. CHAIRMAN.- Thank you, Mr. Vosarogo. I think we have actually exceeded the time that was allocated for this particular submission but I will still just go for one round of questions. Honourable Members, do you have any questions for the SODELPA Delegation. Honourable Dr. Govind?

HON. DR. S.R. GOVIND.- Yes, thank you. I would like to thank the representatives of SODELPA for really running through this Bill in such detail and coming up with submissions which are very useful to the Committee. I think what we can do is, we will take time to look at your submission in detail and then we will see how this can be incorporated into our report.

However, it is very interesting to note some of the findings you have, so I would like to thank you. At the moment, I do not have any further questions, but the only thing to note is that you support the Bill and you really think that this is a very important subject and really needs a whole of society approach. So that is a very good to note for us, so thank you very much.

MR. CHAIRMAN.- Thank you, Honourable Dr. Govind. Honourable Matanitobua?

HON. RATU S. MATANITOBUA.- Thank you, Mr. Chairman. I thank the Deputy Leader for SODELPA and the former General Secretary and my favourite boy, Mr. Ben Daveta I thank you all.

A question to Ms. Duituturaga, you mentioned about a new portfolio. Do you think that we should have a ministry for climate change and to deal with climate change only? Your views on that, thank you.

MR. CHAIRMAN.- Thank you, Honourable Matanitobua. Madam, you have the floor now.

MS. E. DUITUTURAGA.- Through you, Mr. Chairman, Honourable Matanitobua, I did say in the submission that it needed to be a dedicated portfolio. The Act itself declares it to be an emergency. So, imagine that there is an emergency going on, we also have the pandemic, we have an economic crisis, we have so many things going on, so we believe and that is the essence. It cannot be a portfolio.

In our view, that is added on which is why we were proposing, when you look at the implementation, there is a lot of references to the Environment Act. It links to the role of the environment officers and when you really think about it, I mean, it is about our environment. They need to take that ecological framework where human activity affects our land, our seas and that in order for our people, when we take the whole of society approach, someone needs to be the face of this Act going to communities, to schools, and we cannot be talking about budget and health, or talking about traffic. And because we have a COP meeting and we have been the President of COP, it is a global leadership role which cannot be subordinate to the other portfolios. That would be the view of our submission, Sir.

MR. CHAIRMAN.- Thank you. Honourable Sharma, do you have any question?

HON. R.R. SHARMA.- Thank you, Mr. Chairman. I would like to thank the representatives from SODELPA for their comprehensive submission, and we will go through your submission in Committee. If there is any other query, we will surely come back to you. Otherwise, thank you very much.

MR. CHAIRMAN.- Thank you. Honourable Bulitavu, do you have any question?

HON. M.D. BULITAVU.- Thank you, Mr. Chairman. *Vinaka va'alevu*, SODELPA Deputy Party Leader, Ms. Emele Duituturaga and Ben Daveta. It is because I am right in Labasa and there were some glitches in the recording today, I could not hear the stand of SODELPA in terms of the Bill, whether they support or they support with reservations.

The issues that they have raised should be considered by the Committee and also, have a time to call them back probably in the future and see a form that they would like to agree on the Bill before we table to Parliament. What is your stand?

MR. CHAIRMAN.- Yes, Mr. Vosarogo.

MR. F. VOSAROGO.- Thank you. Through you, Mr. Chairman, for purposes of our Committee Member who is residing in Labasa, I made mention when I opened the Party's position in this forum that the Party agrees with the position or with the introduction of a Climate Change Bill.

In fact, I think the Bill for Climate Change law is overdue. We should have had one many years ago but because we are bringing it in 2021, it is something that is an emergency Bill, and it is a pertinent Bill that we need to consider.

Mr. Chairman and Honourable Members, SODELPA supports the Bill. We have reservations about provisions in it but generally, the scope of the Bill and what it intends to achieve is noble and we support it.

In addition to the provisions, we need to create the legal framework for jobs that would come out of the blue and green emphasis of our climate change law. We also need to look at issues of powers under the Act. We also need to look at various other aspects that we have highlighted in our submissions, but on the whole and generally, SODELPA's position is, there is an imminent need to have this Climate Change Bill introduced in Parliament.

MS. E. DUITUTURAGA.- Mr. Chairman, if I could add, if there was provision to take a bit more time, I realise COP 26 is just around the corner and the Government as a party to the Convention would like to go having something, but there are serious omissions or elements of the legislation that really need to go back to the drawing board or rewritten and then, of course, that takes time. Well, it does not take forever but we understand this Bill is meant to go to the next session of Parliament in September. So, you need to figure out how to bring in those amendments because our observation is, once it reaches the floor of Parliament, it is scary. So I think that work needs to be done to amend certain parts of the Bill that we have raised.

MR. F. VOSAROGO.- If I can just intervene there, I was going to do this at the end, but I was going to ask you, Mr. Chairman, and request because in the letter that was written to us, we were also given until 6th September, if we were to hand over any written submission. I think in written submissions, there are areas of concern that we would like to highlight as proposed amendments to the Bill, that we have spoken about. We can clarify that in the written submission.

MR. CHAIRMAN.- Yes, Mr. Vosarogo. I think you have time to actually do a written submission to the Committee. Just for information, the Committee actually sits seven days a week at this point in time, just to actually scrutinise this particular Bill that is before us. So, not to worry, if you have any written submission, you can actually bring it before the Committee and we can definitely deliberate on that, specifically like on the specific provisions that you would like to submit that will be of great help to us as well when scrutinising the Bill.

Honourable Bulitavu, do you have some other comments?

HON. M.D. BULITAVU.- Turning to what Mr. Vosarogo and Ms. Duituturaga have requested, I think the Committee agrees to receive a written submission from SODELPA in terms of the reservations that they have raised. The good thing is that we have agreed to pass the Bill, but there are things that the SODELPA submission has highlighted today, that could be teething problems, given this should be the first time we are implementing and domesticating the Climate Change Bill as Fiji had signed under the Paris Agreement in 2016.

Everything is legal and also, for three to four years, consultation was made and also the drafting, and executive stakeholders' consultation and now we are in the public consultation in terms of our legislative role and that will be good also.

Mr. Chairman, to accommodate that, given that not only there is more information for the Committee but also that we are able to consider all points and we give that opportunity too to the consultant and also the drafters to make comments as well on some of the Clauses that SODELPA would like to add or hope clarity be given on, and that gives a good way of making legislation and Bills moving into the future. *Vinaka*.

MR. CHAIRMAN.- Yes, Honourable Bulitavu. I think we are actually having a very healthy discussion on this. I, as the Chairperson, would like to bring this point before the SODELPA Delegation because majority of the time when we are actually bringing any new Bill, one of our recommendations from the Committee is that the Bill needs to be reviewed in the next three to five years' time. Once they get implemented, like nothing is perfect *per se*, as soon as they actually get hiccups here and there, the Bills then need to be reviewed and all our bills actually that we have presented, the reports it actually has this is particular recommendation that the bill needs to be reviewed in the next three to five years' time and thanks.

I would like to actually thank Mr. Vosarogo and SODELPA Team, who have actually shown their support but as Chairperson of this Committee, I would like to also highlight our disappointment on the Electoral Bill that was presented. I, as Chairperson, did comment on the floor that SODELPA actually brought in a very good submission which was taken on board. We accepted all the submissions that came in and we did bring about changes in the Bill. Even then on the floor itself, it got rejected by SODELPA Members, so that was something of a concern to us. On one side, we actually went to the extent of accepting the submission and worked on it, we brought about the changes that the submittees wanted, but on the floor of Parliament, those kinds of things happen. From the Committee's side, it is the effort which actually goes to waste, so I just want to bring that to the attention of the SODELPA Delegation.

Any other comments before we actually wrap up today's session? Any comment from the submittees?

MS. E. DUITUTURAGA.- Just to say, Mr. Chairman and Honourable Members, that in preparation for this, we have also had the Honourable Whip been part of our preparations and we did make an agreement that our points would also be shared with our Honourable Members, as well as Honourable Bulitavu is sharing his sentiments. I mean, climate change is an emergency and I think we are not just here to critique but as you can see, we have also made some recommendations. Perhaps, we can also commit to monitoring and tracking so that when the actual revised Bill comes forth, that the Deputy Party Leader can communicate back to the Party and to our Honourable Members of Parliament and let us make history with this national emergency.

MR. CHAIRMAN.- Thank you very much for those comments. Yes, Honourable Bulitavu.

HON. M.D. BULITAVU.- Mr. Chairman, I agree with that. Probably, Mr. Vosarogo, the Deputy Party Leader and also the SODELPA Team who have presented today could probably have a session with the caucus MPs as well. Also, whatever the intervention will be in Parliament, it will be in line with the submission that was done by the Party today. That will be a way forward.

The other thing too, Ms. Duituturaga had raised about the participation of whole of society. Given you have years of experience in the Civil Service and also as a person who has experience in the civil society community, with her experiences, if SODELPA is making written submission which Mr. Vosarogo has alluded to, if the points that you had raised today on how the Bill should reflect a more of a whole of society participation, it can be highlighted in terms of the Clauses where civil society and also Government can have a good mixture. *Vinaka vaelevu*, Ms. Duituturaga.

MS. E. DUITUTURAGA.- Thank you, Mr. Chairman. We are really happy to do that. We will spend some time over the weekend. I think the United Nations already has models, so we will provide recommendations in our written submission.

MR. CHAIRMAN. - Thank you, everyone. Thank you, Honourable Members and thank you SODELPA Team for availing yourself to present your submission and a detailed one that you have actually done with regards to the Climate Change Bill 2021. This brings this meeting to an end.

To all the viewers at home, I would like to inform them that we are still collecting submissions. Climate change is not just affecting one or two people, it is affecting us as Fijians and the country as a whole, especially when we are an island nation country. It is definitely affecting us, so I request that if anyone has any kind of submission or anything they want to bring before the Committee, I request the general public to, please, write to us. You can actually contact us at Parliament to get our email and from there onwards, you can do a written submission so that you can actually have your views raised to the parliamentary committee before we actually present our report back to Parliament. So, once again, thank you everyone for today's submission.

The Committee adjourned at 11.04 a.m..