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## **STANDING COMMITTEE ON SOCIAL AFFAIRS**

### **REPORT ON THE NATIONAL RESEARCH COUNCIL BILL**

**(BILL NO. 5 OF 2016)**



**PARLIAMENT OF THE REPUBLIC OF FIJI**  
**Parliamentary Paper No. 58 of 2016.**

*2<sup>nd</sup> June 2016*

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## Introduction

Using the legislative powers provided to the Committee, this report examines the Government's proposal to introduce a Bill for an Act to establish the National Research Council and to regulate the operation of the National Research Fund and related matters (Bill No. 5 of 2016).

The National Council Research Bill was referred to the Committee on 27<sup>th</sup> April, 2016 after its second reading. The Committee has responsibility for examining the Bill and agreeing to any appropriate amendments.

On Tuesday 10<sup>th</sup> May, Thursday 12<sup>th</sup> May and Saturday 14<sup>th</sup> May, 2016 the Committee called for submissions from the public through advertisements in the two local newspapers (Fiji Sun and Fiji Times). Due to the 30 days deadline for the Committee to consider and report back to Parliament on 30<sup>th</sup> May 2016, the closing date of submissions was on Monday, 23<sup>rd</sup> May, 2016.

The Committee received 7 responses to its call for submissions. It held oral evidence sessions with the Ministry of Education, Heritage and Arts, Solicitor General's Office, University of the South Pacific, Sugar Research Institute of Fiji (SRIF), Ministry of Agriculture, Rural & Maritime Development and National Disaster Management, Fiji National University (FNU) and the SODELPA Parliamentary Office on 4<sup>th</sup> May to 16<sup>th</sup> May, 2016. The Committee would like to extend its thanks to all those who participated and provided an essential contribution to this process. A full list of the evidence received is available in the Annexes.

Upon hearing the evidence from the Ministry of Education, Heritage and Arts and the Solicitor General's Office, the Committee was made aware that the purpose of the Bill is to establish a National Research Council and to regulate the operation of the National Research Fund. The intention of the Bill is to raise the standards and development of research. This includes development in all scientific, health, educational, heritage, industrial, technological, social and economic areas.

In addition to the consultations that were undertaken, the Committee also visited the six (6) Agriculture Research Stations that were based around Vitilevu and the Fiji Sugar Research Institute to actually inspect and observe the various type of research that were conducted.

After careful examination of the Bill and taking into account the views expressed by the stakeholders, the Committee resolved to make an amendment to the Bill. The other issues

that were raised during the consultation were clarified by the Ministry of Education and the Office of the Solicitor General and will be dealt within the Ministry.

## **Committee Remit and Membership**

The Committee is a standing Committee of the Fijian Parliament and was established under Section 109 (2) of the Standing Orders (SO) of Parliament of the Republic of Fiji. The Committee comprises of five (5) honourable members, drawn from both the Government and the Opposition parties.

The Committee is mandated to examine matters related to health, education, social services, labour, culture and media. Section 110 (1) (a) of the SO mandates the Committee to examine the Bill as referred by Parliament, and make appropriate amendments to the Bill, to the extent agreed by the Committee.

On Wednesday 27<sup>th</sup> April 2016, the Attorney General and Minister for Finance, Public Enterprise, Civil Service and Communications introduced a Bill for an Act to establish the National Research Council and to regulate the operation of the National Research Fund and related matters (Bill No. 5 of 2016).

The House resolved that the Bill be committed to the Standing Committee on Social Affairs to examine and report back to Parliament during the June sitting.

### **Committee Members**

The members of the Standing Committee on Social Affairs are as follows:

1. Hon. Viam Pillay - Chairperson
2. Hon. Salote Radrodro - Deputy Chairperson
3. Hon. Veena Bhatnagar - Member
4. Hon. Anare Vadei - Member
5. Hon. Mohammed M. A Dean - Member

During the Standing Committee's meetings, the following alternate membership arose pursuant to Standing Order 115 (5):

1. Hon. Ratu Sela Nanovo (Alternate Member for Hon. Salote Radrodro);

## **Analysis of the evidence received**

The Committee received 7 submissions and heard oral evidence from 3 stakeholders at Public Hearings held at the Parliament Buildings, Suva from 11<sup>th</sup> May to 16<sup>th</sup> May, 2016.

The Committee report is a bi-partisan one and contributions from both sides have provided the final report, closely supported by the Secretariat.

A number of key issues were raised during the committee's scrutiny with regards to the contents of the National Research Council Bill. The Committee considered all the written and oral submissions made by the stakeholders and after its deliberation the Committee formulated the conclusion below. However, it also recommended the Ministry of Education to consider some of the additional issues raised, which could be dealt within the Ministry with regards to the NRC.

### **Protection of persons and animals in research**

In particular the Committee was made aware in Clause 15 which deals the protections of animals in research that currently only animals, the environment, natural resources and heritage are covered. However, there is currently no protection for people in research.

**The Committee concluded and resolved that an amendment should be made in Clause 15 to include the protection of people in research as well as animals.**

### **Additional issues to be considered within the Ministry of Education**

Overall, the majority of the stakeholders consulted were in full support of the Bill. For example, the Ministry of Education said

“The Bill will raise the standards and development of research, including development in all scientific, health, educational, heritage, industrial, technological, social and economic areas. It was noted that the proposed Bill will ensure that research in Fiji is conducted ethically and responsibly.” (Oral Evidence, 11<sup>th</sup> May 2016)

The Ministry benchmarked the council against key international comparison countries, for example Canada and Ireland. The Committee was also informed that a National Research Fund was provided for within the MOE's budget, but the funds cannot be used without proper policy. The National Research Council Bill will facilitate this.

The University of the South Pacific commented that:

“The importance of a National Research Council to Fiji’s development cannot be overemphasized. Impact will be wide-reaching and beneficial” (Oral Evidence, 12 May 2016)

The Ministry of Agriculture said:

“The role of this Council would provide a greater avenue for people outside of the Ministry to engage in research (...) So, we see ourselves possibly benefitting from research conducted by external parties through the support of the Council.” (Oral Evidence, 16 May 2016)

SODELPA Parliamentary Office commented that:

“Advance research and development should be beneficial for health, sugar, agriculture, forest sector, et cetera.” (Oral Evidence, 16 May 2016)

Fiji National University said that:

“this Bill is timely, and will enhance research in the country, as it responses to the challenges of development and the threat of climate change and its enduring and variable effects on the economy, society and culture.” (Oral Evidence, 16 May 2016)

## **Consultation**

Members asked all stakeholders who they had consulted with because they wanted to ensure that a full consultation had been undertaken. The Ministry assured the Committee that it had conducted a comprehensive consultation process. In particular the Committee wanted to know why the Ministry of Education had not consulted with educational institutions that deal with education at international and regional level, for example UNICEF and the South Pacific Board for Educational Assessment (SPBEA).

The Ministry stated that they were concerned that the response they would receive from these organisations as it would potentially offer a biased response because these bodies are clustered under Non-Governmental Organisations (NGOs). The Committee was also informed that once the Bill has been passed then these organisations would be involved in consultation regarding the implementation of the Bill.

## **Name of the Council**

The Committee raise issues with the wording - “National Research Council”. It asked why it remained as ‘the research’. It was of the view that it should be the ‘Ministry of Scientific and Technological Affairs’. The Ministry commented that it is flexible on the name of the Council and that it is happy to review.

## **Importation of hazardous chemicals**

The Committee questioned the Ministry of Education (MOE) on how it dealt with the importation of hazardous chemicals that are used in research. The MOE stated that there is a special committee that will consider these issues. The Ministry will be in consultation with Ministry of Health and Ministry of Agriculture in regards to these products.

## **Control of genetically modified foods**

The Committee asked the witnesses how it will control genetically modified foods as well as medicines and drugs to cure the diseases that may emanate from those products that come out from that research development. The MOE assured the Committee that there will be a due process in place, and without that process being satisfied or met completely approval will not be provided by the Ministry.

The Ministry of Agriculture said that:

“any new variety, any vegetable seeds that are introduced into Fiji that actually are verified they are from the reputed seed producers. They are tested as virus and disease free. Any production of GMO right at this point in time, we are not aware that there is any genetically modified organism that are introduced into Fiji of that matter.” (Oral Evidence, 16<sup>th</sup> May 2016)

The MOE and the Ministry of Agriculture stated that they will keep the Committee updated on any future development in this research area.

## **Budget for the National Research Council Fund**

The Committee raised concerns about the level of budget allocated to the council. It felt that \$100,000 was insufficient. The Fiji National University (FNU) stated that it hoped that the \$100,000 would just be the operational fund for the Council and not its actual research kitty.

It also questioned who will pay for the cost of the expertise required to undertake the research. The USP replied that funding of projects and their research staff will depend on the proposal they put forward to the University. Professor Chandra of USP clarified that no institutions will provide funding to the Council, rather each institution will fund its own researchers.

If a USP researcher or groups of researchers put forward a proposal for funding, whether they put it forward to the Fiji Council or to any international funding source, they will have to be guided by the University's Internal Research Procedures.



The Committee commented that the Bill provides for use of intellectual property rights as a source of funding. It sought the views of the Ministry of Agriculture on the borrowing of research funds. The Ministry of Agriculture commented that it is common to some extent for research organisations to engage in the revenue generation through intellectual property rights. However, it felt that it would be a decision of the Council to justify this as a source of funding.

The Committee asked how much it would cost to fund an institution like FNU when it comes to research work. FNU replied that research funding is a challenge for universities. It suggested that one could initially give the University between \$5 million and \$10 million over a three year period.

### **Use of experts**

The Committee wanted to know how the research council would select any experts and how they would be accredited or benchmarked. The MOE said that the heads of the three universities in Fiji had been consulted and that the USP has wide and established accreditation processes.

### **The powers of the National Research Council**

The Sugar Research Institute sought clarification on a number of issues. For example, whether it would become mandatory for all research proposals to be sanctioned by NRC or whether participating institutions will have independence to be able to seek research funding from elsewhere. The Committee felt that these points were addressed sufficiently in the Bill's explanatory note.

### **Recognition, reward for research and innovation**

SRIF and the Ministry of Agriculture noted that researchers and scientists should be awarded any significant achievements. The Committee agreed with this sentiment and feels that this should be considered by the Ministry.

### **Membership of the Council**

The Ministry of Agriculture raised concerns that it was not part of the council membership as listed in the Bill. The Committee confirmed that given the powers of the Minister of Education in Clause 6 (1) (d) with regard to the composition of the council he would have the ability to appoint 3 persons who are engaged in research. This would give the Ministry of Agriculture an opportunity to be part of the Council.

## **Gender analysis**

Gender is a critical dimension to parliamentary scrutiny. Under Standing Order 110 (2) where a committee conducts an activity listed in clause (1), the Committee shall ensure full consideration will be given to the principle of gender equality so as to ensure all matters are considered with regard to the impact and benefit on both men and women equally.

The Committee considered the issue of equal opportunity for all citizens including women and men during the advertisement of its public notice which calls for public submission during the consultation process of the Bill.

The Committee is satisfied that the matters considered in this report will impact on both men and women equally in Fiji.

In fact, during the Committee site visits to some of the Agriculture Research Stations in Vitilevu, it was evident that both women and men were involved in research activities at the stations and this was also experienced in the Sugar Research Institute in Lautoka.

## Amendments to the Bill

The following section sets out the amendments which the Committee has agreed and the rationale behind its decision making. A revised copy of the Bill, which incorporates these changes, will be tabled alongside the report.

### Amendment 1

<b>Committee conclusion: To include “protection of persons” in Clause 15</b>
The Committee concluded and resolved that an amendment should be made in Clause 15 to include the protection of people in research as well as animals.
<b>Part / Section / Clause of bill effected</b>
Clause 15
<b>Proposed amendment – to insert the word “persons”</b>
15. A researcher must exercise all due diligence and take reasonable steps to ensure that the research is carried out with reasonable measures concerning the safety of <b>persons and</b> animals, and to prevent any violation, abuse, or ill treatment of animals when undertaking any research that involves animals.

## **Annexe A – Glossary of terms used**

FNU	Fiji National University
USP	University of the South Pacific
MOE	Ministry of Education
SO	Standing Orders
SPBEA	South Pacific Board for Educational Assessment
UNICEF	United Nation Children Emergency Fund
NRC	National Research Council
NGO's	Non-Governmental Organisation

## **Annexe B – Oral evidence received**

The Committee took oral evidence on the following dates from the following stakeholders:

1. Office of the Solicitor General (4<sup>th</sup> May, 2016)
2. Ministry of Education, Heritage and Arts (11th May 2016)
3. University of the South Pacific (12<sup>th</sup> May 2016)
4. Sugar Research Institute of Fiji (SRIF) (13th May 2016)
5. Ministry of Agriculture (Koronivia Agriculture Research Station) (16<sup>th</sup> May 2016)
6. SODELPA Parliamentary Office (16<sup>th</sup> May 2016)
7. Fiji National University (FNU) (16<sup>th</sup> May 2016)

## **Annexe C – Written evidence received**

The Committee received 6 written submissions from the following organisations:

1. Ministry of Education, Heritage and Arts
2. University of the South Pacific (USP)
3. Sugar Research Institute of Fiji (SRIF)
4. Ministry of Agriculture (Koronivia Agriculture Research Station)
5. SODELPA Parliamentary Office
6. Fiji National University (FNU)

**Annexe D – Copy of the National Research Council Bill**

**Annexe E – PUBLIC NOTICE ADVERTISEMENTS CALLING FOR  
PUBLIC SUBMISSION ON THE NATIONAL RESEARCH COUNCIL BILL  
2016**



**Annexe F - Copies of Written Submissions Received by the  
Standing Committee on Social Affairs**