

FRIDAY, 13TH FEBRUARY, 2015

The Parliament resumed at 9.30 a.m. pursuant to adjournment.

MADAM SPEAKER took the Chair and read the Prayer.

PRESENT

All Members were present, except the honourable Minister for Agriculture, Rural & Maritime Development and National Disaster Management; the honourable A.A. Maharaj; and the honourable Ratu V.M. Tagivetaua.

MINUTES

MADAM SPEAKER.- Secretary-General

SECRETARY-GENERAL.- Confirmation of Minutes

MADAM SPEAKER. - Leader of the Government in Parliament

HON. LEADER OF GOVERNMENT IN PARLIAMENT.- Thank you Madam Speaker, Madam Speaker, I move:

That the Minutes of the sitting of Parliament held on Thursday, 12th February, 2015 as previously circulated, be taken as read and be confirmed.

MADAM SPEAKER – do we have a seconder?

HON. CDR. S.T. KOROILAVESAU.- Madam Speaker, I beg to second the motion.

MADAM SPEAKER.- Thank you. The Parliament will now vote on the motion. Does any member oppose the motion? There being no opposition the motion is agreed to unanimously. Secretary-General

SECRETARY-GENERAL – Communications from the Chair

Motion agreed to.

COMMUNICATION FROM THE CHAIR

MADAM SPEAKER.- I welcome Honourable Members, to today's sitting. I also welcome our visitors in the public gallery and those joining us on television, the internet or on the radio.

Also, I wish to bring the honourable Members' attention as agreed in the Business Committee yesterday for 20 minute speeches. The warning bell will ring at the end of 15 minutes and then again at the 20th minute. , at the end of each speech. In the case of five minutes speeches, which is the reply to the Ministerial Statements, the warning bell will ring at four minutes, and then at five minutes for the end of the speech.

Now that all the Standing Committees are established, Members will be notified of the date of the first meetings. I encourage those in Standing Committees to take heed and ensure that all are present at the first meeting.

As the Whips have informed you, the first meeting of the five Standing Committees will take place on Monday, 16th February, 2015.

Thank you. Secretary-General.

SECRETARY-GENERAL – Oral Questions

MADAM SPEAKER – with oral questions I now invite the Hon. Ratu Isoa Tikoca to ask his question.

QUESTIONS & REPLIES

Oral Questions

West Papua Application to Join the MSG
(Question No. 29/2015)

HON. RATU I.D. TIKOCA: Madam Speaker the question is directed to the Hon. Minister for Foreign Affairs.

Can the Honourable Minister confirm if Fiji will support the application of West Papua to officially join the Melanesian Spearhead Group? Thank you Madam.

MADAM SPEAKER - The Hon. Minister for Foreign Affairs

HON. RATU I. KUBUABOLA (Minister for Foreign Affairs).- Thank you Madam Speaker, I would like to thank the honourable Member for this relevant question. Madam Speaker, I cannot confirm if Fiji will support the application of West Papua to be a member of the MSG. I am sure the honourable Member, being a former High Commissioner to MSG, knows very well the process, the process Madam Speaker, the application will be considered by the senior officials of the MSG, the Foreign Ministers, and then to the MSG leaders. This meeting will take place in Honiara, in July this year, so we have to follow that process. So Madam Speaker I cannot confirm whether Fiji will support the application of the West Papua. Thank you, Madam Speaker.

MADAM SPEAKER – Thank you. Supplementary question?

HON. V.R. GAVOKA.- Madam Speaker, a supplementary question. Having being in power for the last eight years, can Government give us an indication of what life is like in West Papua, in terms of our indigenous people?

HON. RATU I. KUBUABOA.- Madam Speaker, I think this is a new question, but I am willing to table a report that was, which came out of the MSG's Foreign Ministers visit to West Papua early last year. That might be able to help the honourable Member. I am willing to table that report. Thank you Madam Speaker.

MADAM SPEAKER.- Thank you. When that report is tabled, we will ensure that it is available to all those that will want to have a look at it. Supplementary question?

HON. RATU I.D. TIKOCA. – Madam Speaker, a supplementary question Madam Speaker. The interest of Melanesian countries to be part of the Melanesian Group places a lot of emphasis, in regards to the indigenous community and their development. Can you align that questions that I have raised earlier, what sort of good or returns that will come out of any member of the Melanesian countries joining the MSG?

MADAM SPEAKER – Thank you. Honourable Minister?

HON. RATU I. KUBUABOA.- Madam Speaker, I think again this is a new question. I thought the question in the Order Paper this morning is to the application of West Papua and whether Fiji would support this. I am not really sure what the question is, Madam Speaker, but I am willing to provide an answer at a later time. Thank you Madam Speaker

MADAM SPEAKER – Thank you.

HON. RATU I.D. TIKOCA.- I am raising the issue on the likelihood of any Melanesian country joining MSG and in this case, the West Papua. What advantages does it have? Maybe, that will assist all of us, whether we support or not?

MADAM SPEAKER – Its related to the second question and this is why ... (inaudible)

HON. RATU I. KUBUABOLA.- As I mentioned before, the application still have to be considered. We havn't even seen the application, all we have heard is in the radio and also in the newspaper. We haven't even seen the application of the West Papua. Thank you Madam Speaker.

MADAM SPEAKER.- Thank you honourable Minister, we will await the report that will be tabled by the Honourable Minister. Thank you. We will go on to the second oral question and I invite the Honourable Anare Vadei to ask question 30.

Merit Qualification Requirement – Job Evaluation Exercise
(Question No. 30/2015)

HON. A. VADEI asked the Government, upon notice:

Thank you Madam Speaker. I rise to raise the question on order paper raised under my name, 30 of 2015. The question is directed to the Minister of Education. The question is, would the honourable Minister inform Parliament if the Merit Qualification Requirement (MQR) approved under the 1993 Job Evaluation has been replaced by another evaluation matrix called the Promotion Matrix in the Ministry of Education?

MADAM SPEAKER – Thank you, Hon. Minister for Education

HON. DR. M. REDDY (Minister for Education, Heritage and Arts).- Madam Speaker, I would begin by thanking the honourable Member for asking this question. The answer to this question will settle once and for all, the lack of information, not only the Member has, but also the unions, because they have been writing to me about these things and misquoting some of the decisions that have been made, subsequent to that (JER) in 1993.

Madam Speaker, the JER in 1993 that they are referring to, is the agreement that was signed between the unions and the Public Service Commission. Subsequent to that agreement, in 2003, PSC Circular No. 3/2009 sent out on 13th February, 2009 asked for the implementation of the *Mercer Report*, that was the JER in 2003. Madam Speaker, Subsequent to that, then came the PSC Circular dated 29th, number 29, 533 issued on the 29th of May, 2009 instructing that the suspension of the implementation of the JER 2003. they're talking about JER 1993, Madam Speaker after that we had the JER 2003 which was to be implemented from 13th February, 2009 as stated in the PSC Circular No. 3 of 2009. After that, then we had PSC Circular issued out on 29th May, 2009 requiring the suspension of the implementation of the 2003 JER.

Then a Circular sent by PSC on 30th of January, 2013 stating the new MQR Madam Speaker. That's this circular. This one. They are still living in 1993. Madam Speaker, Then there was a circular provided in 2013 providing new selection criteria. Madam Speaker, that's this circular. Then subsequent to that Madam Speaker comes in the Constitution, which states, 2013 Constitution, which states Section 127(8) (b) which states,:

“The Permanent Secretary of each Ministry, with the agreement of the Minister responsible for the ministry, has the authority to determine all matters pertaining to the employment of all staff in the ministry, including –

- (a) the terms and conditions of employment;
- (b) the qualification requirements for appointment and the process to be followed for appointment, which must be an open, transparent and competitive selection process based on merit:...”

So Madam Speaker, the unions' and the honourable Member are still living in 1993. After that there was another JER which was a *Mercer Report* which was implemented by PSC. Subsequent to that, PSC then came out with two more circulars which determine o the New MQR as well as the Selection Criteria. That was followed by the 2013 Constitution which removed the authority from PSC and gave it to the Minister and the Permanent Secretary, allowing them to set the MQR and the Selection Criteria.

Madam Speaker, Despite all these, last year late, we decided to fix the anomalies found in the Promotion Criteria and we came up with a matrix, excel matrix where we give points to staff applicants based on the number of service, year of service, number of years of rural service, new qualifications that they have acquired additional points, any adverse HR report will get negative points and the previous rank. This matrix was extensively consulted with the unions and all of them – it is all minuted agreed overwhelmingly to support the new matrix. Despite all these, we still did consultations in good faith. Madam Speaker. Thank you.

MADAM SPEAKER – Thank you Hon. Minister

HON. J. DULAKIVERATA.- A supplementary question, Madam Speaker. I thank the honourable Minister for his explanation. Now that the appointment of staff have been delegated from PSC to the Ministry, who is responsible for appointing staff – the Minister or the Permanent Secretary? Thank you Madam Speaker.

MADAM SPEAKER – Thank you. Hon. Minister.

HON. DR. M. REDDY.- Madam Speaker, for the benefit of the honourable Member, again let me read the relevant clause, here 127 clause 8 :

“The Permanent Secretary of each Ministry, with the agreement of the Minister responsible for the ministry, has the authority to determine all matters pertaining to the employment of all staff in the ministry...”

MADAM SPEAKER. – Thank you. There being no other supplementary question, I thank you members. We will move on to the next question and I invited the Hon. Ratu Suliano Matanitobua to have the floor.

Tertiary Education Student Loan Scheme (TELS)
(Question No. 31/2015)

HON. RATU S. MATANITOBUA asked the Government, upon notice:

Thank you Honourable Speaker. Honourable Speaker I beg to ask question 31 of 2015... (in audible). The question is directed to the Minister of Education. Can the honourable Minister inform the House, if the proposed streamlining in place for the Tertiary Educational Student Loan Scheme will include the changing of terms of student loans?”

MADAM SPEAKER – Thank you. Hon. Minister for Education

HON. DR. M. REDDY (Minister for Education, Heritage and Arts).- Madam Speaker, I thank the Member for asking the question. Honourable Member. . The short answer to that question is no. Madam Speaker Let me outline the streamlining that has been ongoing from last year until now and why. The primary objective of the streamlining was to improve efficiency, provide full information of the students, and also reach out to those applicants who are outside Suva. These were the main streamlining that was undertaken.

One, the TELS Board last year implemented a new online complaint system so that students, parents and stakeholders can log onto the internet and go to the TELS homepage and make their complaint on that and the response will be made online as well as through email.

Number two, quite a bit of applications can be made on line now Madam Speaker, which was not at this particular time last year. For example, you can apply online, you can download bond forms, fill it up and then submit it to the TELS office. that’s now available. All full eligibility criteria, those data are on the homepage.

Number 3 , we now from this year, Madam Speaker, allowed 10 staff to be fully stationed at the Ministry of Education, Lautoka and Labasa offices so that students can go on to face interaction and also clarify some issues that they probably would want to have face to face dialogue. So that is now available as we speak via our Lautoka Education Office it’s a TELS staff and the Ministry of Education has provided the space free to them.

Madam Speaker, last year in November, the Ministry of Education discussed with TELS and organised jointly in different locations (Western and Labasa) for all Form 7 students to come to one location using our bus fare voucher, where TELS will go and address them on the opportunities and the

processes. In that roadshow, we also invited the tertiary providers to come and also provide their data on options and opportunities.

Madam Speaker Number five as part of the streamlining. The Finance Minister and the PM allowed honourable Prime Minister and the honourable Minister of Finance allowed for last year that if someone is not able to find a guarantor, then they can get statutory declaration signed by a JP, which would be accepted in lieu of the inability to get a guarantor. The guarantor income threshold was reduced this year from \$15,000 to \$10,000, so that we could get guarantors and also which said that if you cannot find two guarantors, you can then have, at least, one guarantor. That has been changed earlier this year.

Madam Speaker, this year also, last year in December last year, the TELS Board Decree was amended to remove the three VCs to be in the Board and instead get three members from outside. That has been done to ensure that there is no conflict of interest because they were the providers for TELS studies.

Madam Speaker, these were the main streamlining that was done this year and this is an ongoing exercise. As we find new problems, we will develop strategies to mitigate those problems. So, the answer is that, none of these will affect the terms of payment for the loan, except that what you have discussed with the board, that students are required upon completion of the programme within six months, to come back and start repaying.

The Board has said that assuming the student is not able to find employment, then every six months, students must provide a report to the TELS Board saying where they are, what they are doing, what applications they have made and they do not have a job. So, that is something that we need to constantly get report from. That is something that would have an implication of the loan repayment but not on the terms of repayment. Thank you Madam Speaker.

MADAM SPEAKER – The Hon. Prem Singh

HON. P. SINGH.- Supplementary question; removing the guarantee requirement of this loan is become very cumbersome.

MADAM SPEAKER – Hon Minister

HON. DR. M. REDDY.- Madam Speaker, let me repeat again, as I have said, the fifth point of streamlining is that, last year, the honourable Minister of Finance and the honourable Prime Minister allowed for, that if someone cannot find a guarantor, they can then get a statutory declaration signed by a JP.

HON. P. SINGH.- The question is; will you remove the requirement?

HON. DR. M. REDDY.- Madam Speaker, the response to that is “no”, because when dealing with loan repayments, we need to have a guarantor. However, there may be some people right in the interior who do not have someone willing to sign or be a guarantor.

HON. J. DULAKIVERATA.- Guarantee him a job and he will pay!

HON. DR. M. REDDY.- Madam Speaker, if someone like the honourable Prem Singh wants a child to get educated in the university, why should the child we Not have him find a guarantor? Why? Im saying Madam Speaker

HON. P. SINGH.- I thought we are all equal.

HON. DR. M. REDDY.- I am saying, what the honourable Prime Minister has done is to allow for those who cannot find a guarantor, yes.

MADAM SPEAKER –Thank you. The Hon. Tikoca

HON. RATU I.D. TIKOCA.- Sorry, Madam Speaker, just a question Will you be able to allow students who cannot make repayments to go abroad or are you going to stop them from going abroad?

MADAM SPEAKER – thank you Hon, Minister

HON. DR. M. REDDY.- Madam Speaker, that is why we need a guarantor. That is why we need a guarantor.

(Chorus of Interjections)

MADAM SPEAKER – Order. Supplementary question Hon. Matanitobua.

HON. RATU S. MATANITOBUA.-Thank you Honourable Speaker, can the Government provide this House a report on the Student Loan Scheme, including up-to-date repayment reports? Thank you Honourable Speaker.

HON. DR. M. REDDY.- Madam Speaker, that is a written question, and we will table the report.

MADAM SPEAKER.- A report will be tabled, honourable Member.

MADAM SPEAKER – Thank you. The Hon. Dulakiverata

HON. J. DULAKIVERATA.- Supplementary question. Madam Speaker, is there any concession on this loan if the student successfully obtains his diploma or degree, and if this loan can be interest free?

MADAM SPEAKER: Thank you. Hon. Minister

HON. DR. M. REDDY.- Madam Speaker, the primary objective of the loan scheme is to provide assistance so that the student can graduate and get a constant stream of income, and then repay it. So, there is no question of concession. Prior to that, there was nothing. So, no

HON. P. SINGH.- There was scholarship!

HON. RATU S.V. NANOVO.- Supplementary question. Madam Speaker, because the jobs are scarce and the unemployment rate is high, is the Government looking at including community service or voluntarism as a form of repayment of student loan?

MADAM SPEAKER: Thank you. Honourable Minister

HON. OPPOSITION MEMBER.- A good idea!

HON. DR. M. REDDY.- Madam Speaker, the idea is repaying. If you do a volunteer job, how can you repay.

HON. REAR ADMIRAL (RET'D) J.V. BAINIMARAMA.- They don't understand.

MADAM SPEAKER – Thank you. Hon. Kiliraki

HON. RATU K. KILIRAKI.- Thank you Madam Speaker. Supplementary question. Madam Speaker, TELS is available for those who do not qualify for Toppers. There is no qualification for the poor students. There is no qualification for the poor parents who cannot afford \$10,000 as the minimum guarantee. For that, since the Government's policy to offer poor people especially water, electricity, can this provision be extended to poor students by waiving, giving them a free scholarship and most importantly, also waiving the guarantor requirement? What I am saying is below poverty line and below \$10,000, so it is very difficult to solicit relatives to provide guarantees for these students, so what other avenues do students have to be able to access TELS?

HON. DR. M. REDDY.- Madam Speaker, may I again clarify that there is no requirement for guarantor for those who cannot get a guarantor. So, that answers the last question. Thank you.

MADAM SPEAKER – Thank you. There being no other supplementary question, I thank you all for your input. We will move on to the next oral question and I will invite the Leader of the Opposition to ask question 32.

George Speight - Current Status of Court Sentence
(Question No. 32/2015)

HON. RO T.V. KEPA asked the Government, upon notice:

Thank you Madam Speaker. Can I ask the question standing under my name, to the Minister for, to the Honourable Minister for Justice, Can the Minister inform this House of the current status of the sentence for George Speight and others, for their part in the 2000 *coup*? Thank you Honourable Speaker.

MADAM SPEAKER- Thank you. Hon. Minister for Justice.

HON. A. SAYED-KHAIYUM (Attorney General and Minister for Finance, Public Enterprises, Public Service and Communications).- Thank you Madam Speaker, I thank the honourable Leader of the Opposition for her question.

Madam Speaker, by way of facts or background, Mr. Ilikimi Naitini also known as George Speight, was sentenced by the honourable Justice Scott on 18th February, 2002. In his Judgment, Justice Scott convicted George Speight, after he pleaded guilty to the offence of treason, which at that time, carried a mandatory death sentence.

because George Speight pleaded guilty, there was obviously no need to have a trial to prove the guilt. Given his plea, he was sentenced to death by hanging. Given the then Constitutional provisions, the matter was referred to the Commission on the Prerogative of Mercy. An application for pardon was made to the Commission by George Speight's lawyers pursuant to Section 115(4)(b) of the then 1997 Constitution.

The Commission members consisted of the following members:

- 1) The former Attorney-General Mr. Qoriniasi Bale, as Chair

- 2) Mrs. Mavis Basawaiya, was a member; and
- 3) Mr. Akariva Nabati.

Also in attendance in that particular meeting, as we've gone through the Minutes, was a Mr. Zulfikar Sahu Khan, who was a legal adviser; Mrs. Sisilia Christopher, who was the Secretary and by invitation; and the then Solicitor General, Mr. Narendra Nand, was also in attendance also.

The Chairman (the former Attorney-General) emphasised to the Commission that Section 115(4) which outlined the powers of the Commission, he said to the Commission to take into account the declared intention of the then SDL Government. And He told the Commission that the intention of the then SDL Government was to abolish, was to abolish the death penalty and that Government would soon be moving a Bill to abolish the death penalty which he subsequently did by an expedited process. Very quickly it was brought in, and the SDL Government then removed the death penalty from the then Penal Code which is now the Crimes Decree, a lot better and a lot modernised.

The Commission then agreed to recommend to His Excellency the President at the time to substitute, to substitute the death penalty for one of life imprisonment. The President, on the advice of the Commission then sentenced George Speight, agreed that he should be sentenced to life imprisonment. So, the Commission has already dealt with George Speight's matter. The current situation in terms of the status, George Speight is currently serving a sentence for life as his matter has already been dealt with by the Commission and the Office of the President. That is the status.

In respect of the second half of the question where the honourable Leader of the Opposition talks about, "...the others..." I do not know who she is referring to. If the honourable Member wants to specify the individual names at a later date, I can give her the information regarding the others, but, that is the status of George Speight. Thank you Madam Speaker.

MADAM SPEAKER – Supplementary Question.

HON. RATU N.T. LALABALAVU.- A supplementary question, Madam Speaker. The Government has always harped about this equal citizenry as contained in the 2013 Constitution, and also given the fact that prisoners also have rights. Can the honourable Minister explain if the likes of George Speight still have a right to seek relief through the Prerogative of Mercy Madam Speaker? And if so, when will this Prerogative of Mercy be set in motion? Thank you Madam Speaker.

MADAM SPEAKER – Thank you. Hon Minister

HON. A. SAYED-KHAIYUM.- Thank you Madam Speaker, I thank the honourable Member for his question. As I highlighted, the Commission has already dealt with Mr. Speight's matter. People do not get two bites of the cherry. This matter has already been dealt with. In any case, regarding the current provisions in the Constitution regarding the Commission, Section 119 (3) states,

“On the petition of any convicted person....”

So, the convicted person, him or herself must make a petition, and then the Commission will assess the petition made by the convicted person.

MADAM SPEAKER- Thank you. Supplementary question Ro Teimumu

HON. RO T.V. KEPA.- Supplementary question. The honourable Attorney-General has asked who, "...the others..." are, can I mention here, 2 people Timoci Silatolu and Shane Stevens. And I speak on behalf of their families who have grown up without a father all these years. They have been given life , and have also been made to believe that their sentences has been served. My question is Honourable Madam Speaker is, will they be allowed out on parole? Is there anywhere in the Yellow Ribbon Community Policing, et cetera where they may be allowed out since they have been imprisoned for more than 13 or 14 years (I am not sure how many years) Honourable Speaker, and in terms of their human rights and equal citizenry?

MADAM SPEAKER – Thank you. Honourable Minister

HON. A. SAYED-KHAIYUM.- Madam Speaker, I thank the honourable Leader of the Opposition for that question. The Opposition needs to understand that there is a process to be followed in all of this. There is a process. They need to read the Constitution. If a person wants to petition, wants an early release or amendment or whatever the case may be, they need to follow the process, which has been laid out in the Constitution. It has been laid out in the Constitution and once the person makes the petition, it will be assessed by the Commission.

Madam Speaker Also on that point I would like to highlight to this Honourable House, and in particular for the information of the Opposition, one of the new provisions in the Constitution as has been included in other jurisdictions, that the Commission, when assessing petitions also allows the Commission to consider the views of the victims of any crime to help make a determination of whether pardon should be granted or not. This, Madam Speaker, in modern parlance is called, "Restorative Justice". So, there is that requirement also. Therefore, Madam Speaker, in terms of any petition, it must follow the proper process. Thank you Madam Speaker.

MADAM SPEAKER – Thank you. The Hon. Bulitavu

HON. M.D. BULITAVU.- Supplementary question Madam Speaker. I thank the Hon. Attorney-General for his answers this morning. My question this morning, . Can the honourable Minister confirm if the political prisoners, Nemani Valeniyasana and Rupeni Vosayaco have applied for official pardon during the Bainimarama-led Government?

MADAM SPEAKER- Thank you. Hon, Minister

HON. A. SAYED-KHAIYUM.- Madam Speaker, I note that the supplementary question is not a supplementary question, it is in fact a new question.

HON. M.D. BULITAVU.- It's related! Note, "...the others..."

HON. A. SAYED-KHAIYUM.- I suggest to the honourable Member, if he wants to file a substantive question, please do so in the normal manner, follow the process.

MADAM SPEAKER – Thank you. Hon. Karavaki. Hon. Karavaki you can stand up for a supplementary question

HON. S.D. KARAVAKI.- Madam Speaker, I thank the honourable Attorney-General for his answer. I would like clarification, the final sentence that was granted by His Excellency the President after the recommendation of the Prerogative of Mercy at the time, which is now called the Mercy Commission was that for George Speight to serve life in prison. . Would the honourable Attorney-

General explain whether that means that George Speight has to stay in prison and die in prison, or whether there is a period that he can be considered to be released from prison in his life time?

MADAM SPEAKER – Thank you. Hon Minister

HON. A. SAYED-KHAIYUM.- Thank you Madam Speaker, the question was in a different manner as was asked by the honourable Lalabalavu. Madam Speaker, the reality is this, George Speight was sentenced was given a death sentence.

HON. A.T. VADEI.- The Commission!

HON. A. SAYED-KHAIYUM.- And that was then by the Commission commuted to life sentence. So, the Commission has already dealt with this matter, and he is serving the sentence that was recommended by the Commission to His Excellency the President who agreed with the recommendation of the Commission, and that was for life sentence.

MADAM SPEAKER.- Thank you. We have had five supplementary questions already, and I think we will move on. Point of Order.

HON. RATU I.D. TIKOCA.- Point of order, Madam Speaker. I would want to relate the complexity of discussing issues at the meeting yesterday, and again this morning in your Office and the Secretary-General's Office. Most of our questions are being taken out for reasons only known to you, but no privileges or rights given to the honourable Members on this side of the House to express what the country needs to know. Since that is happening, can you please allow more supplementary questions for us please, Madam Speaker?

MADAM SPEAKER.- Thank you, honourable Member. You would have noted that usually only three supplementary questions are allowed, but on this particular issue, I have already allowed five supplementary questions. And I think relating to the initial question at hand, that question has now been adequately answered. Thank you. We will move on to the next oral question and that will be the 5th oral question and I invite the Hon. Ro Teimumu to take the floor.

Limitation of Liability for Prescribed Political Events Decree
(Question No. 33/2015)

HON. RO. T.V. KEPA asked the Government, upon notice:

Thank you Honourable Speaker. I stand to ask the question under my name of the Minister, the Honourable Minister for Justice. Can the Minister confirm if Government intends to present any amendment to Decree 18 of 2010 (Limitation of Liability for Prescribed Political Events Decree 2010) so that all coup perpetrators are treated the same? Thank you Honourable Speaker.

MADAM SPEAKER – thank you. Hon. Minister

HON. A. SAYED-KHAIYUM (Attorney General & Minister for Justice, Finance, Public Enterprises, Public Service and Communications).- Thank you Madam Speaker. Madam Speaker, the Constitution provision is very very clear and I thank the honourable Leader of the Opposition for this question.

Madam Speaker, we all are here because of the Constitution. We all have been elected under the Constitution. We have all sworn to uphold the Constitution. Section 156 (2) of the Constitution states, and I quote:

“Notwithstanding anything contained in this Constitution the limitation of liability for prescribed Political Events Decree 2010 shall in its entirety continue in existence and shall not be reviewed amended, altered, repealed or revoked by Parliament”.

HON. RATU I.D. TIKOCA.- Who wrote that? You?

HON. A. SAYED-KHAIYUM.- So Parliament itself cannot review, amend, alter, repeal, or revoke this particular decree. So, in short, Madam Speaker, Parliament does not have any jurisdiction to review this particular decree. Thank you Madam Speaker.

MADAM SPEAKER- Thank you. Honourable Member

HON. M. D. BULITAVU.- Thank you Madam Speaker. Madam Speaker, a supplementary question. Decree No. 18 that is in question talks about two *coups* - the 2000 and the 2006. The leader of the 2000 *coup* pleaded guilty in court. The leader of the 2006 *coup* admitted in this Parliament on Tuesday that he overthrew a civilian government. My question is, Madam Speaker; does this mean that the State is committed to place Members of the other side of Parliament above the due process of law?

MADAM SPEAKER – Hon. Minister

HON. A. SAYED-KHAIYUM.- Madam Speaker, Thank you Hon. Member for the question. I think you need to read the decree because it relates to certain events pertaining to the events of 2000 and post 5 December, 2006. So the decree is quite specific, Madam Speaker, in the event that it covers and also those people it covers.

MADAM SPEAKER – thank you. Hon Draunidalo

HON. ROKO T.T.S. DRAUNIDALO.- Madam Speaker, supplementary question. In light of the Attorney General’s apparent passion for restorative justice and equal citizenry, can he tell the House if Government has any intention of including the victims of 2006 *coup* in reparation?

HON. A. SAYED-KHAIYUM.- Sorry, I did not hear the last part. Including?

HON. ROKO T.T.S. DRAUNIDALO.- If the Government has any intention of including the victims of the 2006 *coup* (those who were wrongfully terminated from their employment, those who died under mysterious or unlawful circumstances) whether they would also be included in restorative justice?

MADAM SPEAKER – thank you. Hon. Minister

HON. A. SAYED-KHAIYUM.- Madam Speaker, to help understand this question, and I know where this question is going, if I could just tell a very short story.

When we went around Fiji to have the consultations on the draft Constitution Madam Speaker ...

HON. J. DULAKIVERATA.- Oh, when was that?

HON. A. SAYED-KHAIYUM.- ... we went to about 19 different locations Madam Speaker.

We were in the North-West of Viti Levu, and we had a gentleman who stood up and passionately, like some people on the other side, was arguing for the victims who suffered post 5th December, 2006. He was talking mainly about people whose services were perhaps, terminated and he said they must be given compensation. So I asked him the question “Do you feel the same way about the people who were victims of the 87 *coups*, the two *coups*, victims of 2000 and he said, “no” and I asked, why? He replied “because those three *coups* were good, this one was not good.”

HON. OPPOSITION MEMBERS.- (Chorus of interjections)

HON. A. SAYED-KHAIYUM.- You see Madam Speaker, the answer, the answer lies,

HON. OPPOSITION MEMBERS.- (Chorus of interjections)

MADAM SPEAKER.- Order

HON. A. SAYED-KHAIYUM - the answer Madam Speaker, as we set down and discussed with him, (this is the extent of the consultations, I sat and had discussions with him for about one hour) I said “you need to take a principled approach.”

So Madam Speaker, I am glad to say also that this person eventually did apply as a candidate to FijiFirst. But Madam Speaker the point is this, all the questions from the other side are simply focusing on the events of 5th December, 2006. Maybe some events of 2000, none of them referred to `87 because most of them support it. The reality Madam Speaker, is you need to distinguish yourself from them.

HON. OPPOSITION MEMBERS.- (Chorus of interjections)

MADAM SPEAKER.- Order!

HON. A. SAYED-KHAIYUM.- Madam Speaker, the point is this: the Constitution quite clearly prescribes the areas where there are limitations, quite clearly prescribes the areas where there are no limitations, in terms of the applications of the law. That is the answer Madam Speaker.

MADAM SPEAKER.- Thank you. There being no other supplementary questions we will move on to the next question and I will now invite the Hon. Aseri Radrodoro to take the floor.

Total Cost for the Replacement of the Denarau Bridge
(Question No. 34/2015)

HON A.M. RADRODRO asked the Government, upon notice:

Thank you Madam Speaker. The question that is listed on the order paper today is directed to the Minister for Infrastructure and Transport. Can the honourable Minister inform Parliament the total budgeted costs for the replacement of the Denarau Bridge, and if there is any financial contribution to this cost by hotels?

MADAM SPEAKER.- Thank you. Hon. Minister for Infrastructure and Transport

HON. LT. COL. P. TIKODUADUA (Minister for Infrastructure and Transport).- Thank you Madam Speaker, and I thank the honourable Member for his question in relation to the construction of the new Denarau Bridge.

Madam Speaker, I think we have heard on many occasions across the floor the importance of tourism to Fiji, as being the mainstay of our economy at this time. So it is very important to make sure that we provide as much support as we can to continue the success of this industry, and of course through this industry, many people benefit and also the whole of the nation benefits as well. Therefore, Government has made an undertaking to fully fund the construction of this new bridge, given the state of the current one which we are continuing to try and strand the pieces together, to keep it safe as it were, so that people can travel across it safely and making sure that we have access to what is perhaps, the jewel of the crown in our tourism industry.

So in answer to the honourable Member's question, it is at \$8.5 million, and the bridge is due to complete construction by the end of this year. Thank you Madam Speaker.

MADAM SPEAKER.- thank you. Supplementary question

HON. RATU N.T. LALABALAVU.- Supplementary question, Madam Speaker. I thank the honourable Minister for his answers to the question.

Madam Speaker, we are talking about Denarau here. The very Denarau that was being highlighted and pointed at by the FijiFirst Party against myself, and one of the former Minister for Lands, and the allegation of land being sold without the consent of the landowners. Now, we are talking about it here and the supplementary question that I would like to raise is Madam Speaker, since this development is also now serving the people of Yasawa, the Mamanucas and Malolos, including the tourists, they are now coming in through this to fix the bridge. The question that I would like to raise is Madam Speaker, they are now promoting Denarau heavily and since the acquisition of land only went as far as the embankments of the Nadi River (on this side of the island, on the Viti Levu side) who paid for the initial cost of the bridge?

HON. LT. COL. P. TIKODUADUA.- Madam Speaker, I think that is the whole point of the question as raised by the honourable Member because Government is funding the bridge that belongs to a private entity.

I have tried to explain in my earlier answer to the primary question that Denarau is an important and critical part of this development. Therefore, Government sees it fit to repair this bridge. Madam Speaker, , if you share a driveway with a neighbour and you happen to be the only one with the car, it is in your best interest to pay the driveway at your cost, which will benefit your neighbour because you are the one with the car. He will be benefiting from something that he is not going to share, it is part of your cost. In any event, as the matter has being raised by the honourable *Tui Cakau*, can you imagine, Madam Speaker, if all that land was still Native as it was not sold, can you imagine the benefit that the landowners would still have had, given all these arrangements that we have had? But you sold it, and it is all gone, all gone!

MADAM SPEAKER.- Thank you. Hon Member. Supplementary Question

HON. RATU I.D.TIKOCA. – . Last year, the Member from Nadroga actually requested your good self and, Madam Speaker, the chances of having the people living on the other side of the bridge to also have the same water supply that comes from the hotel. Would that be part of the bridging works,

so that the pipe can also be actually tied upon the bridge when it goes the other side and some water be provided to the families on the other side?

HON. CDR. S.T. KOROILAVESAU. – It is the same water system.

HON. RATU I.D. TIKOCA. – No, they are feeding themselves with tadpoles.

MADAM SPEAKER.- Hon. Minister

HON. RATU I.D. TIKOCA - Come on answer that.

HON. LT. COL. P. TIKODUADUA. – Thank you Madam Speaker, I have no doubt that the water system that gets into the island is attached to the bridge. So the water, as it comes from the main side of Viti Levu across to the island, we have to use the bridge to convey the water, the pipes I mean. Specifically, if you are referring to a community that is in need of water, we are always here to help, if they need water, please come along then we can help.

MADAM SPEAKER – thank you. Supplementary question

HON. A.T. VADEI. – Supplementary Question, Madam Speaker, in regards to liabilities, who is the real owner of that bridge now - the hotels or the Government?

MADAM SPEAKER – thank you. Hon. Minister

HON. LT. COL. P. TIKODUADUA. – Madam Speaker I thank the Hon. Member for his supplementary question, as I have alluded to earlier, Government is footing the total cost of this bridge, just as the liability on the infrastructure will be for Government.

MADAM SPEAKER – Thank you very much. We will now move on to the next question, it's a written question. Secretary-General.

SECRETARY-GENERAL – Written Questions

MADAM SPEAKER – I ask the Hon. Ratu Naiqama Lalabalavu to ask his written question.

Written Question

Schedule of Ferry Services in Savusavu (Question No. 35/2015)

HON. RATU N.T. LALABALAVU asked the Government, upon notice:

Thank you Madam Speaker, I rise to inform this House of the written questions as referenced 35 of 2015 in today's order paper. Thank you Madam.

MADAM SPEAKER – Thank you. Minister for Infrastructure and Transport

HON. LT. COL. P. TIKODUADUA (Minister for Infrastructure and Transport). – Thank you Madam Speaker, I thank the Hon Member for the question and Madam Speaker I invoke the provision

of Standing Order 45 (3) and do inform the House I will table my answer within the times specified that allowable within the Standing Orders.

MADAM SPEAKER – Thank you. The Hon. Viliame Gavoka to ask his written question.

Recent Lautoka Water Crisis
(Question No. 36/2015)

HON. V.R. GAVOKA asked the Government, upon notice:

Thank you Madam Speaker. The written question in my name 36 /2015 if the Minister of Infrastructure and Transport can make a note of this. Basically, Madam Speaker, people who have not , who were in the process of getting their meters did not get the water carted to them during the emergency, this is basically the question here Madam Speaker

MADAM SPEAKER – Thank you. Hon Minister for Infrastructure and Transport.

HON. LT. COL. P. TIKODUADUA. (Minister for Infrastructure and Transport).- Madam Speaker, at some point I thought that the honourable Member was asking an oral question, trying to push the ambit of what is allowable within the Standing Orders, but nevertheless, similarly and as previously mentioned for the other questions, I invoke the provisions of Standing Order 45 (3), to table the answer to this Parliament within the time which allowable within the Standing Orders.

MADAM SPEAKER – Thank you. I now ask Ratu Nanovo to ask his written question

OHS Complaint - Broken Sewer Pipe
(Question No. 37/2015)

HON. RATU S.V. NANOVO asked the Government, upon notice:

Thank you Madam Speaker, I rise to raise my written question number 37 of 2015 as stated in today's order paper.

MADAM SPEAKER – Thank you Hon. Member. Minister for Infrastructure and Transport.

HON. LT. COL. P. TIKODUADUA (Minister for Infrastructure and Transport).- Thank you Madam Speaker, similarly with the other questions that I have alluded to earlier, under the provision of the Standing Orders that I had mentioned earlier, I will table the answers in this House within the time which is allowable within the Standing Order. MADAM SPEAKER. –. I thank you all for your contribution to the question time and question time is now over. Secretary-General

SECRETARY-GENERAL – adjournment

MADAM SPEAKER – Leader of the Government in Parliament

ADJOURNMENT

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

That Parliament be adjourned until 9.30 a.m. on Monday 16th March, 2015. Thank you Madam Speaker

MADAM SPEAKER – Thank you. Is there a seconder?

HON. CDR S.T. KOROILAVESAU.- Madam Speaker, I beg to second the motion.

MADAM SPEAKER We will now vote on the motion to adjourn Parliament. Does any member oppose the motion to adjourn Parliament until 9.30 a.m. on Monday 16th March, 2015?

Thank you. Motion agreed to unanimously without any opposition.

MADAM SPEAKER.- Although Parliament will not be sitting until March 16th, we all know that the work of honourable Members does not stop just because Parliament is not sitting. I am sure you will be undertaking your constituency work and keeping in contact with people in all parts of Fiji.

On that note, the Parliament is now adjourned until 9.30 a.m. on Monday, 16th March, 2015.

The Parliament adjourned at 10.30 a.m.