

**MONDAY, 18<sup>TH</sup> MAY, 2015**

The House resumed at 9.55 a.m. pursuant to adjournment.

MADAM SPEAKER took the Chair and read the Prayer.

**PRESENT**

All the honourable Members were present, except the honourable Prime Minister and Minister for *iTaukei* Affairs and Sugar Industry; the honourable Minister for Foreign Affairs; the honourable Minister for Fisheries and Forests; the honourable Minister for Education, Heritage and Arts, the honourable Minister for Health and Medical Services; the honourable Assistant Minister for Youth and Sports; the honourable Viam Pillay and the honourable Lt. Col. Netani Rika.

**MINUTES**

HON. LEADER OF THE GOVERNMENT IN PARLIAMENT.-

Madam Speaker, before I move the motion, may I have the liberty to congratulate the Fiji Sevens Team for their win in the HSBC World Sevens Series.

(Applause)

It is a proud day for all Fijians and we wish to congratulate Ben Ryan and the team members.

Madam Speaker, I be to move:

That the Minutes of the sitting of Parliament held on Friday, 15<sup>th</sup> May, 2015 as previously circulated, be taken as read and be confirmed.

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

Question put.

Motion agreed to.

**POINT OF ORDER**

HON. M.D. BULITAVU.- Madam Speaker, I rise on Standing Order 133(2) which reads, and I quote:

“Parliament has the power to summon any person to appear before it for the purpose of giving evidence or providing information and, for this purpose, has the same powers as the High Court –

- (a) enforce the attendance of witnesses and examine them on oath, affirmation or otherwise; and
- (b) compel the production of documents or other materials or information as required for its proceedings.”

Madam Speaker, my point of order is on a matter arising from the *Uncorrected Copy of the Daily Hansard* of the last sitting, Friday, 15<sup>th</sup> May, 2015.

Oral Question 97 of 2015 on Friday’s Order Paper, under my name, was for the honourable and learned Attorney-General to inform the House on what is the work done by the Company, Pacific

Technologies Limited at the Government ITC; how much it has been paid; services rendered; and when they are expected to complete the work.

Madam Speaker, despite the honourable and learned Attorney-General's denial that Pacific Technologies is not based at ITC, he later admitted that the Government of Fiji entered into an agreement with Yalamanchili International, and Pacific Technologies Limited does the work under the agreement for Yalamanchili.

Madam Speaker, the honourable and learned Attorney-General established the following in his answers.

The Yalamanchili International was to provide a strategy and develop an overall blueprint, as under the agreement signed with the Government of Fiji on 28/ 9/2012.

MADAM SPEAKER.- Order! Thank you for that point of order. My ruling is this, that you may amend that section in the *Daily Hansard* and the *Daily Hansard* will be amended accordingly.

HON. M.D. BULITAVU.- Madam, I seek a ruling from you on this.

MADAM SPEAKER.- That is the ruling, that we will amend the *Daily Hansard*.

HON. M.D. BULITAVU.- It is not about the amendment of the ....

MADAM SPEAKER.- Because a point of order is when you have anything about the procedures and rules of the House. Obviously, you are talking about the Minutes of the last sitting and the *Daily Hansard* will not be confirmed until Members correct their mistake, if any, in the *Daily Hansard*, and we will amend it accordingly.

HON. M.D. BULITAVU.- Can I bring this issue back once it is amended, Madam Speaker – the actions that I seek from you.

MADAM SPEAKER.- You will do as the ruling that I have just made. We will amend the *Daily Hansard* according to the corrections that you are saying.

HON. A. SAYED-KHAIYUM.- Madam Speaker, if I could on that point of order just reinforce Madam Speaker what you said, because obviously we need to go through the *Hansard Report* ourselves. We have seven days to correct it, and we will also be giving our input as to whether the Hansard actually report it and correctly captured what was said.

MADAM SPEAKER.- That is exactly what I am saying. You have seven days to correct the *Daily Hansard*. We will take that on board. We will await your corrections on that, honourable Bulitavu.

## COMMUNICATIONS FROM THE CHAIR

### Acknowledgment of Visitors

MADAM SPEAKER.- I warmly welcome all of you joining us in the public gallery, and also a special welcome to the women from Lautoka who are here with us this morning. They are part of the Save Shirley Park Group.

(Applause)

Thank you for your presence.

Furthermore, I welcome other members of the public who are in the gallery today, and also those watching proceeding on television, on the internet and listening in on the radio. Thank you for taking interest in your Parliament.

I am sure there will be many congratulatory remarks as you have just heard around this theme. So let me also reiterate the congratulations to our Rugby Sevens Team. Although they lost out in the semi-finals last night, Fiji, has after nearly a decade, once again won the World Rugby Sevens Series.

We warmly congratulate Coach Ben Ryan and the boys.

#### Population Message

In 2013, the United Nations Population Fund conducted a global review of the implementation of the 1995 International Conference on Population and Development Programme of Action.

Regional findings reiterated the “very high” incidences of sexually transmitted infections and adolescent fertility rates. For Fiji, it has been as high as 55 per 100,000, among the 15 to 25 year olds, and that was in 2013.

There are numerous implications; these are alarm bells considering, for example the mode of transmission of HIV. If we were to think about this in economic terms, a productive workforce is one that requires good health. Girls who may be forced to abandon their education will not reach their full potential and will deprive our nation of a stronger human resource base.

### **PRESENTATION OF REPORTS**

MADAM SPEAKER.- I am advised that no Committee Reports will be presented today, under Standing Order 4, and we will move on to Item 5 in our Order Paper.

### **QUESTIONS AND REPLIES**

#### Oral Questions

Re-Deployment of Military Officers - Fiji Police & Civil Service  
(Question No. 103/2015)

HON. RATU I.D. TIKOCA asked the Government, upon notice:

Would the honourable Minister for Defence, National Security and Immigration clarify when the Military Officers working in the Fiji Police Force and Civil Service will be redeployed back to the RFMF?

HON. CAPT T.L. NATUVA (Minister for Defence, National Security and Immigration).- Madam Speaker, to answer the question, all RFMF personnel who are currently in the Civil Service have resigned from the RFMF, and are now being fully paid by their respective Ministries that they are in, except for Personal Staff Officers to the honourable Prime Minister, the bodyguards to the Ministers and there are four posts in the Ministry of Defence, where they have attached one Major, one senior NCO and two other ranks as part of the Ministry of Defence, as has been the practice in the past.

HON. N. NAWAIKULA.- Supplementary question, Madam Speaker. The honourable Minister explained that these people have resigned. In being employed in the Civil Service, do they follow the same process, whether they apply as any person or what; otherwise, they will have a conflict here. How did they become employed automatically when others are denied that privilege?

HON. CAPT. T.L. NATUVA.- Madam Speaker, they resigned and followed through the same process of advertising the posts, vacancies are advertised and then people applied for it and then go through the process of selection.

HON. M.R. LEAWERE.- Madam Speaker, these officers we believe, are renting in Government quarters, and would the honourable Minister inform the House as to whether they are paying market rents for these premises?

HON. CAPT. T.L. NATUVA.- I thank the honourable Member for the question. The conditions are the same as other civil servants and they pay the rent.

MADAM SPEAKER.- The honourable Leader of the Opposition.

HON. RO T.V. KEPÄ.- Madam Speaker, I note that the honourable Minister has stated that there are bodyguards for Ministers. After the Elections in September last year, we are now in a democracy, why would Ministers need bodyguards since this is supposed to be a safe country ...

HON. OPPOSITION MEMBERS.- Hear, hear!

HON. RO T.V. KEPÄ.- ...that we live in and we can travel peacefully day and night? So my question is, why would Ministers need bodyguards?

HON. CAPT. T.L. NATUVA.- Madam Speaker, I thank the honourable Leader of the Opposition. Having a bodyguard is a prerogative of all Ministers. Some do not need bodyguards and some have been the continuation of bodyguards in the past. So, it is up to the Ministers themselves. As you understand, there are only a few who have bodyguards. Not all of the Ministers have bodyguards at the moment and it is also part of the protocol to either have the Military people or the Police bodyguard.

MADAM SPEAKER.- That is the third and the last supplementary question. We will now move on to the next Oral Question.

Sponsorship of Government Programmes – Legislation of  
(Question No. 104/2015)

HON. S.V. RADRODRO asked the Government, upon notice:

In relation to sponsorship of Government programmes, events or initiatives by private organisations, can the honourable and learned Attorney-General and Minister for Finance, Public Enterprises, Public Service and Communications advise if any legislation is in place that facilitates this?

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

Madam Speaker, there is no specific legislation that stops or controls sponsorship of Government programmes *per se* but there is, of course, a restriction on advertising by tobacco companies, that includes in public space whether it is Government or in the private sector.

HON. S.V. RADRODRO.- Madam Speaker, a supplementary question. Can the honourable Minister advise what plans are in place to be able to address potential conflicts that may arise between the operations of the Government and the private sector?

HON. A. SAYED-KHAIYUM.- Madam Speaker, I hope the honourable Member would be a bit more specific but obviously, if there is any conflict of any interest that may arise, then if she means whether the sponsorship of a particular event by a hotel and therefore, we are going to stay in that hotel, obviously those conflicts would be avoided. The standard procedures need to be followed.

HON. N. NAWAIKULA.- Madam Speaker, the point that I wish to make is that, when you have a private company sponsoring a Government show, for example, there is likely to be conflict. It breeds corruption. You need definite guidelines otherwise, it will lead to favouritism.

My question is; does the honourable Minister agree that there needs to be standardisation – a measurement or a legislation to cover that?

HON. A. SAYED-KHAIYUM.- Thank you Madam Speaker. The honourable member, I refer him to the Constitution. There is a provision regarding the standards of what the PSC must follow and what civil servants must follow. That obviously also talks about specifically for the first time in any of the Fijian Constitutions, about how it needs to be corruption free.

In terms of conflicts arising, for example, the one that comes to mind that the Minister of Agriculture is interested in or is obviously, for example, the Agricultural Show. Crest Chicken is sponsoring that because obviously, they want more farmers to grow chickens. The Fijian Government does not buy chickens, so obviously there won't not be a conflict.

HON. N. NAWAIKULA.- Then Government gives sponsorship!

HON. A. SAYED-KHAIYUM.- If we were to go off and buy chickens from Crest Chicken at the expense of other chicken companies, then obviously, there will be a problem. But, these are the areas where private sector companies do come in, but I think the general guidelines obviously, rest ultimately under the Constitution. Should there be any corruption, of course, now we have FICAC, we have other mechanisms where these can brought up and indeed people can be reported within the system.

HON. RATU K. KILIRAKI.- Madam Speaker, best practice dictates that sponsorship arrangements should also be included in public authorities' annual reports. Can the honourable Minister advise if sponsorship arrangements have been declared or included in the annual reports published?

HON. A. SAYED-KHAIYUM.- Madam Speaker, that obviously, is a question that I need to go back and read the actual reports of companies, I can provide the information to him later on.

MADAM SPEAKER.- The information will be provided later. In respect of that, I can allow the third question from the honourable Mosese Bulitavu.

HON. M.D. BULITAVU.- Madam Speaker, there are instances where most of these civil servants have even gained few cents from the side in regards to their relationship with these private companies. I would not like to name names but when this sponsorships are sought from Government to sponsor a programme, there are issues in place ....

HON. S. VUNIVALU.- Question?

HON. M.D. BULITAVU.- I am coming to the question.

MADAM SPEAKER.- Order! Order!

I am not allowing that question to go through. You are making an allegation that should not be entertained in this Parliament. I will now move on to the next Oral Question.

Unlawful Termination – PWD Temporary & Permanent Appointments  
(Question No. 105/2015)

HON. M.D. BULITAVU asked the Government, upon notice:

Can the honourable Minister for Local Government, Housing, Environment, Infrastructure and Transport please inform the House on what the Ministry intends to do regarding the unlawful termination of PWD temporary and permanent appointments at the Joinery Department in Labasa?

HON. P.B. KUMAR (Minister for Local Government, Housing, Environment, Infrastructure and Transport).- Madam Speaker, at the outset, let me state that there was no unlawful termination of temporary and permanent workers in the Joinery Section of the Department of Works in Labasa.

Madam Speaker, what the Ministry intends to do, these workers who are temporary workers and as and when there is a project, these temporary workers can apply and they will be engaged in the workforce.

HON. M.D. BULITAVU.- Madam Speaker, a supplementary question. I can produce to the House their termination letters and confirmation letters that they are permanent workers. The question is; why did the Ministry not take the alternative as they being permanent workers, to give them redundancies or dismissal, to get an approval of redundancy from the Ministry of Labour and give them a package? Why did it take action to terminate them because they are permanent workers?

HON. P.B. KUMAR.- Madam Speaker, I had said that they were temporary workers. What else do I have to tell you?

HON. OPPOSITION MEMBER.- You don't have the answer!

HON. B. SINGH.- Madam Speaker, a supplementary question. Can the honourable Minister advise this Chamber as to whether they were Government wage earners?

HON. P.B. KUMAR.- Yes, they were paid weekly.

HON. A.M. RADRODRO.- Madam Speaker, in instances like this, there is always a redress that the employees had suffered in this process, would take their grievances to. On this particular case, they have been trying to seek redress in the Court as the honourable Minister has mentioned but they do not have any options. Can the honourable Minister inform this House as to what other forms of redress are available for these employees, temporary or permanent, that they can take their grievances to?

HON. P.B. KUMAR.- Madam Speaker, as I have said earlier on, these are temporary workers, as and when there are projects, they are very much invited to apply, to be engaged in the workforce.

As far as the re-address, I can tell you there has been nothing on my table, but I can tell you that much, if they can bring their grievances to me, I will look into it. Thank you, Madam Speaker.

HON. OPPOSITION MEMBERS.- Thank you!

MADAM SPEAKER.- Thank you. We will move on to the next oral question.

Current Status of National Security and Defence Review  
(Question No. 106/2015)

HON. S.B. VUNIVALU asked the Government, upon notice:

Could the honourable Minister for Defence, National Security and Immigration inform the House on the current status of the National Security and Defence Review?

HON. CAPT. T.L. NATUVA (Minister for Defence, National Security and Immigration).- Madam Speaker, I thank the honourable Member for the question. Before I answer the question, it would be remiss of me not to congratulate the Fiji Sevens Team for their success last night. As a keen supporter of Sevens and 15s Rugby, and President of the Naitasiri Rugby Union, I would like to congratulate them.

MADAM SPEAKER.- Thank you.

HON. CAPT. T.L. NATUVA.- Madam Speaker, to answer the question, the National Security and Defence Review is in line with Government's intention of ensuring that the Security, Law and Order sectors are firmly under democratic control, civilian oversight to fulfil Government development objectives.

Government's intention is to review the team, to be locally led, to ensure that the product is locally owned. The Review Team was appointed on 12<sup>th</sup> February, 2015 and consists of:

- 1) Chairman, Ambassador Commodore Teleni;
- 2) Member, Ambassador to the Republic of China, Major-General Iowane Naivalurua; and
- 3) Member, Lieutenant Colonel Jonisio Mara, Deputy Secretary for Defence.

The National Security and Defence Review is being conducted in four (4) phases, and we are near completion of Phase 2, and currently commencement of Phase 3.

- 1) Phase 1: Consultation and Dialogue
- 2) Phase 2: National Security Strategy Framework
- 3) Phase 3: Defence White Paper. There we have to produce the RFMF, Fiji Police and Immigration White Paper; and
- 4) Phase 4: Submission to Parliament. We are programming to submit that before September, this year.

The first Consultative Forum was held at the Grand Pacific Hotel on 20<sup>th</sup> February, 2015, and it was opened by the honourable Prime Minister, Rear Admiral (Ret'd) Josaia Voreqe Bainimarama, where all Government Ministries were invited.

The second Consultative Forum was held at the Novotel Hotel in Lami, from 24<sup>th</sup>-27<sup>th</sup> February, 2015, and it was co-hosted by the Ministry of Defence, the Asia-Pacific Centre for Securities Studies (APCSS) from Hawaii.

The third Consultative Forum was held at the Holiday Inn on 20<sup>th</sup> March, 2015, which centred for the private sector, academia, and civil society organisations.

Madam Speaker, the Review Team has been conducting public consultations in various centres in the Western and the Northern Divisions. The Team will cover the Central and Eastern Divisions before

the end of May. The Review is intended to be transparent and inclusive process, which engages Government, the private sector, the civil society and the community at large.

Consultation and dialogue covers a wide spectrum, where the Civil Societies, Academia, Public Sector, Religious Groups, Trade Unions, NGOs, Diplomatic Corps, International and Regional Bodies, the RFMF, Fiji Police Force and Immigration were consulted of the inclusive approach and the intent of Government.

Madam Speaker, the consultation process includes prominent citizens former Ambassadors, Police Commissioners and Military Commanders. The consultation and dialogue was basically to seek their opinions, perceptions and suggestions on the national security.

Madam Speaker, the outcomes of the consultative forums and the consultations are being collated, processed and analysed to form the basis of the National Security Outlook Report, which outlines Fiji strategic environments, threats and challenges we will face in the next 10-15 years.

An inter-agency team consisting of officials from the Ministry of Defence, Office of the Prime Minister, Police, Ministry of Finance and Immigration had just returned from the Asia Pacific Centre for Security Studies in Hawaii, where they spent around six weeks developing Fiji's new National Security Strategy. This Strategy will be consulted with all stakeholders before being finalised for presentation to Cabinet and Parliament.

The Review Committee are conducting regular updates of the National Security and Defence Council on its progress. All policy papers, including Fiji's National Security Strategy, and the Defence, Police, Immigration and Intelligence White Papers will be presented to this august House before September, 2015. Thank you, Madam Speaker.

HON. RATU S. NANOVO.- Supplementary question, Madam Speaker. Fiji is extremely vulnerable to expand in global networks of cybercrime, transnational organised crimes, terrorism and other illegal activities. Can the honourable Minister explain, what can Fiji do to prevent these crimes without curtailing the rights of the Fiji citizens, like allowing phone tapping, et cetera?

HON. CAPT. T.L. NATUVA.- Madam Speaker, I thank the honourable Member for the question. I also mentioned that there will be an Intelligence Strategy Paper and White Paper; that includes the cyber and terrorism. We will include them in that Strategy Paper.

HON. ROKO T.T.S. DRAUNIDALO.- Supplementary question to the honourable Minister. Will this Review Committee consider what some of us consider to be the biggest threat to national security in this country, and that is our *coup* culture? Is that also under review by this...

MADAM SPEAKER.- Please address the Speaker.

HON. ROKO T.T.S. DRAUNIDALO.- Madam Speaker, through you, ...

MADAM SPEAKER.- Thank you.

HON. ROKO T.T.S. DRAUNIDALO.- ...will this Committee also be looking into that, and in particular the provision in the Constitution which elevates the Military, Madam Speaker, to almost the supervisory role of the elected House? This is meant to be a helpful question for the Minister to consider, and whether this Review Committee is not one that will fold after September, but continue and include training on those various aspects so that we bar future *coups*?



HON. CAPT. T.L. NATUVA.- I thank the honourable Member for the question. During the consultation and also when it is brought to the House Committee in Parliament, there will be consultations of how they will set up the strategy, and your comments will be included in that. So, it will be open, and you will have your comments in that Paper.

HON. V.R. GAVOKA.- Supplementary question, Madam Speaker. I hope the dialogue will also include a priority or at the top of the list is the safety of our peacekeepers, because you promised their Report on the Golan Heights incident in February, Madam Speaker. We still have not seen it.

HON. CAPT. T.L. NATUVA.- Madam Speaker, the Paper also includes issues on peacekeeping, and security issues. I have to produce that Paper and I apologise for that. It is coming.

MADAM SPEAKER.- Thank you. That brings us to the end of the fourth question. I will now invite the honourable Alvik Maharaj to have the floor.

Challenges faced by Residential Homes in Fiji  
(Question No. 107/2015)

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

Can the honourable Minister for Women Children and Poverty Alleviation outline what are the challenges that are faced by the residential homes in Fiji and provide some strategies to ensure that residents are well nurtured during the care of the State?

HON. R.S. AKBAR (Minister for Women Children and Poverty Alleviation).- Madam Speaker, I rise to respond to the question raised by the honourable Member and I thank him for the question.

Madam Speaker, if I may inform the House that the Ministry for Women, Children and Poverty Alleviation is legislated by law to oversee the State care homes and other residential homes operated by other organisations in the country. The operations of these homes are always a challenge because of the increase in demand to provide for residential care, especially to the children who are abused or having been neglected of parental care.

Since the system sometimes takes too long to prosecute our cases, these children are once again victimised because they cannot return to their own homes due to the perpetrators still being around. However, getting the children to adapt to the home environment is a big challenge for the Ministry and many times, we have resistance from the children themselves who, despite their circumstances wish to stay with their own parents.

Of course, the other challenge is, we have children with special needs and disabilities, those who are mentally challenged and at the Homes, these children are kept with the normal children so that becomes a challenge for us. Of course, these children require fully trained care givers for the whole time they are under our care.

There is another challenge for us which is very sad is that, most of these children remain in these Homes because after they turn 18, they do not have a place to go to but because we are mandated to look after the welfare of children, these children are still kept within these homes and given access to education and other services.

Sometimes, our homes do not have the capacity to provide for full time care givers for children with special needs. If I may add on to that, currently we have nine residential homes for children that is spread across Fiji and I can name them; Dilkusha Home, St. Christopher's Home, Homes of Hope, the Juvenile

Rehabilitation Centre for Boys, the Pearly Gates Home, St. Bitha Safe Home and Orphanage, the Treasure House in Nadi, St. Mina's Home in Nadi, Veilomani Boys Home and Lomani Home. Two of these homes are under the care of the State, which is the Juvenile Rehabilitation Centre for the Boys and the Pearly Gates Home. The other seven are maintained by Faith based organisations.

Apparently, Madam Speaker, we have 168 children that resides in these homes mentioned above. The break down is; Dilkusha Girls Home, which works with the Methodist Church has 32 residences, we have the St. Christopher Children's Home assisted by the Anglican Church has 29 children, the Treasure House in conjunction with the Assemblies of God has 22 children. St. Mina's Orphanage works in conjunction with the Ministry's Optic Orthodox Church has 21 children, the Veilomani Boys in Ba run by the Methodist Church has 18 children, the St. Bitha Orphanage run by the Greek Orthodox Church has 14 children. The Boys Centre which is run by the State has 11 children at the moment, the Lomani Home run by the Gospel Church has nine children, the Pearly Gates Home assisted by the Christian Mission Fellowship.

Coming back to the next question, how do we ensure that these children are nurtured well during the time they are under the State care? Madam Speaker, we have the Juvenile Act, which requires that before any institution is approved to operate as a home for children, they must register their application with the Ministry. Of course, we have minimum standards and guidelines for residential care and we have nine standards all in all and they require, the first one includes the physical safety and protection of the children. The second standard looks at the emotional and psychological well-being of the resident, their continuous education and development, proper care and planning while in care, independent living preparations and having the right to qualified care givers.

Before the certification is given for any homes to operate, the Department carries out a comprehensive audit of the institution, to ensure that there is compliant to the standards and a clearance certificate is approved by the Minister.

In addition to this, we have quarterly institutional meetings between the homes and the Department to discuss any issue that may arise, to see how well we can improve the service delivery and they will have a programme for the residence of these homes. On the same note, the Government through the Department provides funding to these homes through its NGO grants in supporting them to meet the standards and to monitor the operations of these homes.

There is continuous monitoring by the Department with the Director of Social Welfare with the homes to ensure that the children are not exploited and of course, the minimum standards and the Standing Operating Procedures are maintained.

Each child that is placed in the Home has a care plan which is part of this minimum standard of operations and the Government in trying to ensure that these children are protected and cared for provide an annual funding of \$100 per child monthly. Additional funding through grant for the operations and administration of the homes are also provided.

Madam Speaker, another procedure that we have is, we do not allow photographing of any children while they are in the State care homes.

Finally, Madam Speaker, the care of children under these homes also comply with the Convention on the Rights of the Children and the establishment of the minimum standard for residential and endorsement by Cabinet safeguards the protection of children in these institutions likewise makes provision for ongoing improvement of care and protection of all children under these homes. Thank you.

HON. S.V. RADRODRO.- A supplementary question, Madam Speaker. I thank the honourable Minister for those comments concerning our children. I would like to ask the honourable Minister, what actions the Ministry is taking in regards to homes not complying with the minimum standards, particularly those with overcrowding and lack of resources in terms of nurturing the children in the homes. Thank you, Madam Speaker.

HON. R.S. AKBAR.- Madam Speaker, I thank the honourable Member for her question because it concerns the welfare of the children. The Director of Social Welfare, rightfully is the custodian of these homes has been going around recently issuing certificates of non-compliance to homes that I would like to name here. But yes, we have a monitoring programme in place, where we continuously visit with our whole team to see the operations of the home and as and when we see that a standard has not been complied to, we issue notices and then if there is a need for us to close homes, we will close homes to ensure that they provide the care that we expect these homes to provide for our children.

MADAM SPEAKER.- Thank you, I give the floor to the honourable Prem Singh.

HON. P. SINGH.- Thank you, Madam Speaker. I thank the honourable Minister for her elaborate answer to the question. The question is very broad based, I believe. The honourable Minister has specified her children's care; what is the status of the elderlies who are in homes and social welfare care?

HON. R.S. AKBAR.- Madam Speaker, if I can respond to that. The Ministry, at the moment, is legislated by law to oversee the residential care homes for children. The elderly homes come under the Ministry of Health but we do go in, as the Ministry responsible for Social Welfare, we do go and visit these homes and we talk with those in charge of running these homes to ensure that standards are set.

MADAM SPEAKER.- Thank you. Last supplementary question and I will give the floor to the honourable Lorna Eden.

HON. L. EDEN.- Thank you, Madam Speaker. Could the honourable Minister, please advise us how much the Government gives in grants to NGOs who assist with the caring of these children's homes?

HON. R.S. AKBAR.- Madam Speaker, Government through its budget, has an allocation of \$200,000, which we have recently disbursed to the NGOs, who have looked after these homes.

MADAM SPEAKER.- We will now move on to our sixth oral questions and I invite the honourable Balmindar Singh.

Ministry's Contribution to Safe Drinking Water for 2015  
(Question No. 108/2015)

HON. B. SINGH.- Thank you, Madam Speaker, may I also join my colleagues on this side in congratulating the Fiji Team for winning the HSBC World Seven Series title for 2015.

Madam Speaker, my question is directed to the honourable Minister for Lands and Mineral Resources, as follows:

Can the honourable Minister explain what is the nature and the extent of the Ministry's contribution this year to the provision of safe drinking water to Fijians, as stated in the Constitution?

HON. M. VUNIWAQA (Minister for Lands and Mineral Resources).- Madam Speaker, I thank the honourable Member for the question posed. The Department of Mineral Resources under the Ministry of

Lands carries out a very important task. One of the tasks that they carry out is the drilling of bore holes. This is to assist, especially rural communities access to clean drinking water.

For 2015, the Department has been allocated a budget of \$565,000. This is to assist in the drilling of boreholes in 20 settlements around Fiji. We have a target for the year and there has also been a budgetary allocation this year of \$2.6 million for the purchase of a new rig, to assist the Department in this important task. We are expecting this rig to get into the country around August this year. That will assist us a lot to reach our target of 20 for the year.

HON. V.R. GAVOKA.- Madam Speaker, a supplementary question.

MADAM SPEAKER.- Supplementary question, the honourable Viliame Gavoka.

HON. V.R. GAVOKA.- Madam Speaker, I thank the honourable Minister for those comments. In my maiden speech, I spoke about a settlement outside of Natadola on the environment, where they are drinking from water from a borehole which is full of toads. This is the village of Vusama. The honourable Minister grew up in that area, she understands where I am coming from. Has anything being done about the village of Vusama, Madam Speaker, or perhaps if she can have a formula established by Government on what Government can contribute and what the villagers can contribute, so that they get a proper borehole dug up for the water?

HON. M. VUNIWAQA.- Madam Speaker, how do we get this list of settlements to drill boreholes. It is usually through request from the settlement themselves. They write to us, asking us to come and drill a borehole in their community. What we do, we carry out a groundwater assessment, to see if there is a source of water in the area and we will gladly look into the specific use of Vusama in that regards.

As for the community contribution towards access to water, in previous years what normally happened is that, the community itself would provide the funding for pipe and a generator set – pump, to get the water out of the borehole to the homes. For this year, we piloted a new approach to see how far government can go in assisting those communities who do not have that kind of funding. Government has seen that where we only drill the holes, in some cases, this community because they did not have the funds to fund the rest of the reticulation, these boreholes have not been used. So, for a pilot project this year, the honourable Prime Minister through the relevant unit under his office, generously funded the pipes because a certain community could not really access the funds for that extra mile to their homes. Government in the bigger picture, is looking now at partners, possible partners that government could partner with, to ensure that the drilling of boreholes stops at the house with water coming from taps in residential homes.

MADAM SPEAKER.- Thank you, I give the floor to the honourable Anare Vadei.

HON. A. VADEI.- Thank you, Madam Speaker. I want to thank the honourable Minister for her response on this issue. There are some initiatives taken by Government that we do not have any legislation or information on the standard of water being used by our communities. The desalination plants that are being distributed in rural areas and the rain water being collected and being packed and sold locally; what is the stages of those drinking water, whether it is safe for drinking or safe to use for bathing?

HON. M. VUNIWAQA.- Madam Speaker, I can only speak in relation to the boreholes which the Department of Mineral Resources looks after, but generally for drinking water in Fiji, the honourable Member might want to target that question to the relevant Ministry; the Ministry for Infrastructure and Transport.

Madam Speaker, in relation to boreholes, the department also tests that water, like I said, we carry out a ground water assessment first. We have a lab, up at the Mineral Resources Department with the

necessary skill sets to determine that, that water is safe for drinking before we go ahead and drill boreholes for access to rural communities.

MADAM SPEAKER.- Thank you. Given that water is life, I will give the floor to the honourable Niko Nawaikula.

HON. N. NAWAIKULA.- Madam Speaker, you know in the villages we do not have the benefit of the doubts, you know, chlorine and all those. We have water but safe drinking water is a big question and we have a right under the Constitution to be provided safe drinking water. So what measure does the Government have, to ensure that the drinking water that are taken from the boreholes, from the hills where cattles are, to make sure that they are safe?

HON. M. VUNIWAQA.- Madam Speaker, there might be a misunderstanding of what borehole water is. Chlorinated water is what we get out of the water reticulation system. This is water that is extracted directly from source and like I said, again we carry out tests, to ensure that there are no foreign toxic materials that are in there before we go ahead and drill boreholes. Thank you, Madam Speaker.

MADAM SPEAKER.- Thank you, I will give the last question to the honourable Jiosefa Dulakiverata.

HON. J. DULAKIVERATA.- Thank you, Madam Speaker. I thank the honourable Minister for Lands and Mineral Resources for her explanation. I also understand that the Government leases big tracks of land for catchment areas for safe drinking water. Most of these areas, Madam Speaker, are grown with indigenous forests and by leasing these lands for catchment areas, the landowners are denied the right to harvest these trees.

My question to the honourable Minster is, if this fact is factored into the lease arrangements paid to the landowners?

HON. M. VUNIWAQA.- Madam Speaker, the norm is, if it is a commercial company or anybody for that matter, if they are going to reserve a buffer zone around an extraction point, that zone is normally leased out through normal lease conditions. If there is a case that the honourable Member was referring to where this has not happened, we would be happy if this is brought to our attention. Thank you, Madam Speaker.

MADAM SPEAKER.- Thank you. Honourable Members, I do thank you all very much for this vibrant session that we have just had. Question time is now over. We will now break for morning tea and come back at 11.30 a.m. You will note that we are breaking for morning tea but we will need to return as you have been informed that Government wishes to raise a matter of privilege. You have allowed it and therefore, the Members of Parliament are requested to return to hear this matter of privilege after morning tea.

The Parliament adjourned at 10.43 a.m.

The House resumed at 11.30 a.m.

MADAM SPEAKER.- In accordance with Standing Order 134 (1), I have been informed by the honourable and learned Attorney General that he wishes to raise a matter of privilege. I now call upon the Attorney General to have the floor.

### **BREACH OF PRIVILEGE**

HON. A. SAYED–KHAIYUM.- Thank you Madam Speaker, I now following the notification to you under Standing Order 134 (1), wish to raise the facts pertaining to this matter of privilege that I am raising under 134 (2).

Opposition Interjection: “Hearsay”

MADAM SPEAKER. – Thank you.

HON. A. SAYED–KHAIYUM .- Madam Speaker, I wish to raise, under 134 (2), matters that have been raised in the public domain, that includes scurrilous comments that have been made by the honourable Lalabalavu .....

MADAM SPEAKER.- Thank you the honourable Attorney General, you will move the motion after this, and then you will have 20 minutes to speak on it at this time. Right now, you have tabled your intention and I have decided that there has been a breach of privilege. I will now invite you to move your motion before you will speak on it.

HON. A. SAYED–KHAIYUM.- Thank you Madam Speaker. I now move the motion under 134 (2) (b).

Honourable Speaker, pursuant to Standing Order 134 (2) (b), and given the severity of the breach of privilege, and thereby no denial that such reflections were made about the honourable Speaker, I move that -

- A. Honourable Ratu Naiqama Lalabalavu, be cited for serious breach of privilege and contempt of Parliament;
- B. That the matter be now referred to the Privileges Committee under Standing Order 134 (2) (b), to determine the type of sanction for the breach; and
- C. That the Privileges Committee must meet today 18<sup>th</sup> May, 2015 and provide its recommendations to Parliament at the latest by Thursday 21<sup>st</sup> May, 2015 as to what sanctions should be imposed by Parliament against honourable Lalabalavu after which, such actions as deemed appropriate by Parliament shall be taken.

Thank you Madam Speaker, that is my motion.

Opposition Interjection: “I raise a point of order (Hon. S.D. KARAVAKI)”

MADAM SPEAKER: Do we have a seconder?

HON.LT. COL. I. B. SERUIRATU.– Madam Speaker, I beg to second the motion.

HON. S. D. KARAVAKI.– Point of Order. It is very important, Madam Speaker, that you first of all address that jurisdiction issue in this matter, before taking any decision on the progress of this issue. I rise, Madam Speaker, to raise the issue of jurisdiction.

According to the Standing Order, Madam Speaker, the privileges as was argued by the honourable and learned Attorney-General from the other side, when this same issue was raised by the honourable Draunidalo and, I believe you still to have rule on that matter, and the same matter as the issue of privilege, on the conduct of Members of Parliament (MPs) outside of the House as this opposed the conduct of MP's inside of the House.

Privileges, Madam Speaker, applies to the conduct of MPs inside of the House only, not outside of the House. That was the argument exactly being advanced by the honourable and learned Attorney-General last week. Madam Speaker, if I draw your attention to Section 149 of the Constitution,

MADAM SPEAKER: the motion that is being tabled right now is to refer this breach of privilege matter to the Privileges Committee. That is all that we are going to be debating now. Any discussions or debate on the issue ....

HON. S. D. KARAVAKI - What I am saying, Madam Speaker, you do not have the jurisdiction to even address that issue here, because it is an issue that happened outside of the House. That is what I am saying, Madam Speaker, you do not even have the jurisdiction to address that, and that is why I am referring here to Section 149 of the Constitution, which refers to conduct of MPs. The Attorney General can very well look at that, because there are mechanisms that need to be setup first under Section 149 of the Constitution.

Madam Speaker, can I just read the Code of Conduct under Section 149 of the Constitution. It deals with the conduct of Parliamentarians outside of the House, Madam Speaker, and that is not a matter that we should talk about over here. That is why I am raising this, Madam Speaker, because it is not even in the purview of your jurisdiction, to move this matter forward because it was not in the House. That is exactly what I am trying to advance here, Madam Speaker.

You see, Madam Speaker, in (b), the code of conduct is supposed to first of all set up an Accountability and Transparency Commission - that has not been set up according to my knowledge, and that has to be done by the Government first, because Section 149 (d) states, and I quote:

“to make provisions for the investigation of alleged breaches of the code of conduct and enforcement of the code by the Accountability and Transparency Commission, including through criminal and disciplinary proceedings, and provide for the removal from office of those officers who are found to be in breach of the code of conduct”

What happens outside, Madam Speaker, is not a breach of this Standing Order and therefore, privileges does not apply here, and that is where Section 149 of the Constitution comes in. I would like to submit and request, Madam Speaker, to make a ruling on this, to look at it properly, whether the Madam Speaker has the jurisdiction to deal with this or not.

That is all, Madam Speaker. Thank you.

MADAM SPEAKER. - Thank you. I will make my ruling on that at a later date.

HON. A. SAYED–KHAIYUM. – Madam Speaker, just a clarification to provide on what the honourable Karavaki has raised regarding the Code of Conduct by the Accountability and Transparency Commission and, privilege. They are totally two separate matters, two completely separate matters.

Opposition Interjection: “Yes it is, outside and inside, out and inside.”

HON. A.SAYED-KHAIYUM- Madam Speaker, in my motion, when I speak on the motion, I shall demonstrate how actions of Members of Parliament, in particular in relation to comments made by the speaker outside Parliament fall within privilege.

Opposition Interjection: “you can’t bring...”

HON. A. SAYED-KHAIYUM- So they are confusing the two. Accountability and Transparency Commission has to do with accountability in terms of their money matters in terms of corruption, in terms of declaration of assets. That is what they don’t not understand, Madam Speaker. Privilege is what is critical, Madam Speaker. They are confusing that.

MADAM SPEAKER.- I will now give the floor to the Attorney General to speak on this motion, but right now, I will hear your point of order.

HON. N. NAWAIKULA. – If you look at the motion that has been put forward by the honourable and learned Attorney General, number one, he is already asking the House to cite the honourable Member for breach of privilege. So he has already assumed that you have made a decision in relation to that.

HON. GOVERNMENT MEMBER.- She has!

HON. A. SAYED-KHAIYUM.- That’s what she said because you were not listening

HON. N. NAWAIKULA.- Not yet, Madam Speaker, because you have been wrongly advised. It very important, under Section 134, that you make your decision, which I beg you take time to do that because they have not advised you properly. They wanted to take one, pull one, and pick one over you, Madam Speaker, and that has come out from the notification of the Motion. And he asking, number 1, that the honourable Member be cited, so please if you can withdraw that decision, go back to your Chamber and make a written decision because, Madam Speaker it will be subject to review. We need that, and you need to look at jurisdiction – all those.

MADAM SPEAKER.- Order!

You should not be telling me to go back to my Chambers and look at all these. I have already made my decision.

HON. N. NAWAIKULA.- Madam Speaker, I am asking for a written ruling because they are already assuming that you have made a decision, that he has in breach, which is wrong.

MADAM SPEAKER.- I have made a decision, based on the statement that is going to be made by the honourable Minister that has raised this motion, I will give him time to speak on that motion now. The important issue to be discussed now is, whether yes or no, to refer this issue to the Privileges Committee.

HON. N. NAWAIKULA.- Let me clarify to that.

MADAM SPEAKER.- I now give the floor to the honourable and learned Attorney- General.  
Opposition Interjection: “Point of Order”

MADAM SPEAKER.- Point of Order!



HON. ROKO. T.T.S. DRAUNIDALO.- I want to take you back to some preliminary issues. Madam Speaker, on the first one, can you rule whether it is proper, if this issue of privilege has anything to do with you, that the Deputy Speaker to be in the chair

Secondly Madam Speaker, I think I had heard you (I am not sure whether I had correctly heard you had said that there was a *prima facie* case of privilege that you had already ruled on that Madam Speaker, before the preliminary requirements were met, Section 134 (2) “A member called upon by the Speaker to raise a matter of privilege must state briefly the facts the member wishes to ...” I do not think they had gone through those things before you made your ruling, if indeed you had made a ruling.

Madam Speaker, but I would like to take you back before that, whether it is proper and it is your ruling that it is proper that if this matter involves you, whether you should be in the chair or the Deputy Speaker.

MADAM SPEAKER.- The issue that we are debating now is whether, yes or no, to refer this issue to the Privileges Committee. That is all, any debate on it will be done later on in another sitting after the Privileges Committee have met.

That is all, and because that is the only issue, I am very comfortable sitting here just to make a decision on whether yes or no we refer this decision to the Privileges Committee. But before that, I will now give the floor to the honourable and learned Attorney-General...

Opposition Interjection: “Point of Order”

MADAM SPEAKER:.....to make his final statements before we make a decision on the issues as I have mentioned.

MADAM SPEAKER.- Point of Order!

HON. M.D BULITAVU.- Madam Speaker, I understand that you are trying to make a ruling whether to allow the matter to be taken to the Privileges Committee. But the evidence on how, that ruling will be decided for you to send this to the Privileges Committee as the words that is structured in the motion, like the honourable Ratu Naiqama Lalabalavu has already been found guilty and the honourable and learned Attorney General is trying to push for his sentence this week, that it has already been predetermined that he has been found guilty. It cannot be like that, Madam. Where is the evidence that he is to provide?

According to the newspaper, the honourable Prime Minister said “I heard” – it is hearsay. But if he did not say that for Madam Speaker to send this to the Privileges Committee.

MADAM SPEAKER.- The issue that has been brought up to me as a matter of urgency and that is according the Standing Order should be brought up to me one hour before the sitting, and this was done, and based on the information that I received, it could be a breach of privilege and this matter will be referred to the Privileges Committee. The evidence that you are talking about, I am sure the Privileges Committee will be able to find the evidence as you have mentioned and they will table it in Parliament. But this time, we just vote on whether to put it to the Privileges Committee or not and I will ask the honourable and learned Attorney General to just make his final statement.

HON.A. SAYED-KHAIYUM.- Madam Speaker, the motion that I have before the floor has three parts to it. One of the first part of the motion says, “that the Honourable Lalabalavu be cited for serious breach of privilege and contempt of Parliament.”

The second part of that is that “the matter be referred to the Privileges Committee under 134 (2) (b), to determine the type of sanction for the breach.”

And C, that the Privileges Committee must meet today and provide its recommendations to Parliament, at the latest by Thursday 21 May, 2015, as to what sanctions should be imposed by Parliament against honourable Lalabalavu after which such action as deemed inappropriate by Parliament should be taken.

That is the motion on the floor of the House, Madam Speaker.

So they are correct that, as ruled by you from what I understood, that you have established that there is a breach of privilege, and this is way we are following 134(2) (b), and I need to make that clear, that the serious breach has taken place and if I could now speak on the motion to establish why the serious breach has taken place.

MADAM SPEAKER.- You may speak on the motion.

HON. N. NAWAIKULA.- Would he asked to amend the motion, to read in accordance with, what Madam Speaker said, to be referred to the Privileges Committee to determine.

HON. A. SAYED-KHAIYUM.- Madam Speaker, I understood that you had ruled that there was a breach of privilege. 134(2)(b) had been fulfilled and therefore, in which case as it reads “the member who raised the matter or any other member may move a motion, without notice, based on the matter of privilege ....”

That is the motion on the floor Madam Speaker.

HON. N. NAWAIKULA.- That is not what Madam Speaker said.

HON. A. SAYED-KHAIYUM.- I seek clarification.

MADAM SPEAKER.- Thank you. This matter has gone beyond what we should be discussing at this time. In fact what we are discussing now should be in the debate at a later sitting. Right now, the only issue to make a decision on is whether to refer this issue to the Privileges Committee, and they will provide us a report on which today’s the debate at a later date.

So I do take your first and second points and that is correct, but now I would like the Members of the House to vote on whether to refer this to the Privileges Committee or not. Further debate will be done at a later sitting.

The question is, that this issue be referred to the Privileges Committee as has been mentioned in the motion and Parliament will now vote.

HON. A. SAYED-KHAIYUM.- Madam Speaker, on a matter of clarification. So basically, what we taking from this is that, the third part of my motion, that is, that it be referred to the Privileges Committee; the Privileges Committee meet today, provides its recommendation to Parliament, the latest by Thursday 21 May, 2015. Is that what it essentially is?

(Chorus of interjections from the Opposition)

MADAM SPEAKER.- Yes, this matter is an urgent issue

HON. A. SAYED-KHAIYUM.- Absolutely!

MADAM SPEAKER.- If it is going to be referred to the Privileges Committee, Parliament will then invite the Privileges Committee to sit as quickly as possible because we would like to have this issue dealt with before the end of this week, and therefore Parliament will make a ruling on when they will sit and will take into consideration the issue that you have mentioned.

Right now, let us vote. Shall we refer this to the Privileges Committee or not?

HON. ROKO T.T.S. RAUNIDALO.- Madam Speaker, I refer to 121 and this is what I had referred to earlier. What are we referring to the Privileges Committee?

Section 134(2) requires that the person who brings it, sets out the details to be referred to the Privileges Committee. What exactly are we referring to, Madam Speaker? Can we know, and I am seeking clarification, have amendments been made to the Attorney's Motion, in accordance with Section 105 of the Standing Orders, and if that is the case or not, could we have time to amend the motion, the Attorney and two Members of his Government and two Members of the Opposition, to agree to a Motion to be put to the Privileges Committee. We cannot be standing around in the dark, Madam Speaker. It is fundamental if someone is going to be accused of something, it has to be very clear.

MADAM SPEAKER. – Okay, we will then go back to the Order Paper that I have here in front of me. We will clarify this issue and given that it is very important therefore, the motion has been mentioned by the honourable and learned Attorney-General and I will now allow him to state briefly the facts on this issue.

HON. A. SAYED-KHAIYUM. – Thank you, Madam Speaker. Madam Speaker, it has been reported and we have also heard recordings of this, I have a copy of it here with me.

HON. M.D BULITAVU.- You were not there!

HON. A. SAYED-KHAIYUM.- Madam Speaker, if I could speak, because it is an important matter without interruptions or noise from the “peanut gallery”

(Laughter)

(Chorus of interjections from Members of the Opposition)

Madam Speaker the point is, the facts are these; that at a constituency meeting held on Thursday, 14 May at 20.15 the Penuele Methodist Church in Makoi, honourable Lalabalavu made to say the very least, abused and derogatory comments in the *iTaukei* language against the Honourable Speaker of the Parliament of Fiji.

Opposition Interjection: “ Wrong, Wrong.”

HON. M.D. BULITAVU.- You were not there, you were not there!

HON. A. SAYED-KHAIYUM.- Madam Speaker, as I have said I have a transcript and recording of what was said by honourable Lalabalavu against the Honourable Speaker in that meeting.

There is absolutely no doubt that these comments were made by honourable Lalabalavu. Indeed, Madam Speaker, SODELPA officers (showing newspaper articles) have confirmed and have said that these remarks were harmless, Mick Beddoes in today's papers, “*SODELPA Backs Ratu Naiqama*”.

Opposition Interjection: “OOhhhh” These are all evidence of the fact that SODELPA have agreed with the fact that the honourable Member made these comments.

(Chorus of interjections from Members of the Opposition)

And, Madam Speaker, have brushed it aside as comments that were made around the grog bowl, as comments that were said in jest.

Opposition Interjection: “Facts facts, these are not facts

HON. A. SAYED-KHAIYUM: This is reported in the newspapers.

Madam Speaker, I also had the privilege of speaking to the honourable Leader of Opposition yesterday evening after the Business Committee Meeting, in which I raised with her and I said to her, “what is happening, these comments being made?” She said these comments simply made in jest around the grog bowl. That's what she also said to me.

Madam Speaker, the Office of the Speaker is an independent and highly esteemed appointment of the Constitution of the Republic of Fiji.  
Chorus of interjection by Opposition.

It is an independent body and being the embodiment of Parliament, Madam Speaker.. It is an embodiment of Parliament, Madam Speaker and any reflections, on the character of the Speaker is an attack on the institution of Parliament as a whole.

Madam Speaker I am raising the ..... Chorus of interjection by Opposition.

HON. S.D.KARAVAKI.– A point of order, Madam Speaker. The Standing Order, Madam Speaker, only says that he must state the facts. He is speculating. When I stand up, he should sit down.

HON. A-SAYED-KHAIYUM – Hon Speaker will tell me, not you.

HON. S.D.KARAVAKI-Madam Speaker, please, you know this you know the protocol and that is what the Standing Order says when someone rises under the Standing Order, the other one should sit down. The honourable Member is not observing it. Thank you, Madam Speaker.

MADAM SPEAKER. – Thank you.

HON. S.D. KARAVAKI. – The Standing Order says that he must state the facts, he is not stating the facts, he is speculating. It is just simple, Madam Speaker, maybe the honourable Member should be requested just to state the facts. Thank you, Madam Speaker.

MADAM SPEAKER. – Thank you. I think the facts will be relayed to us after the Privilege Committee has gone through the whole details of it, right now, he is presenting the evidence of the facts that he is talking about and this is why I am allowing him to continue.

HON. N. NAWAIKULA. – Well that is it, that is the facts what more can you add to that. Unless you make allegations and....

MADAM SPEAKER. – What is the point of order?

HON. N. NAWAIKULA. - Point of Order, Madam Speaker is that, now that we have heard the fact you can, under Standing Order 127, refer this to the Privileges Committee without debate.

HON. MEMBER.- 134!

HON. N. NAWAIKULA.- On 134, let me read this out.

“The mandate of the Committee is to consider any question of privilege as may be referred to it by Parliament or the Speaker whether under Standing Order 134....”

which he started to pull a big one for him to make a decision. I am sorry for you, Madam Speaker, or otherwise means “yes, thank you, we have heard that, you refer this to the Privileges Committee, no debate”.

MADAM SPEAKER. – Thank you. You have just said that now he is stating the facts, he has not finished with all the facts that he is stating. I give the floor to the honourable and learned Attorney-General to continue.

HON. A. SAYED-KHAIYUM. – Madam Speaker, when presenting the facts, I have related to you the recording, I have related to you how it has been reported in the newspaper, I have also wished to, Madam Speaker, if they want to know the facts, I want to give you a transcript of what was said. With your permission, Madam Speaker.

MADAM SPEAKER. – I have ... you may.

HON. A. SAYED-KHAIYUM.– Thank you, Madam Speaker. The honourable Lalabalavu was asked a question about the Speaker of Parliament.

HON. OPPOSITION MEMBER.- By who?

HON. A. SAYED-KHAIYUM.– By a member of the public who was present Opposition at this constituency meeting and in response, Madam Speaker, there is a recording of this. He said in the vernacular is well “this one here or this person is really a *vutu sona*”. He mentioned those words.

Madam Speaker, with your permission also, he also then referred to you as to how you stood up when they stood up in Parliament and he made a joke of it. And then, Madam Speaker, he said “she is a *cavuka*” in other words “mentally retarded” or so. There were other comments that also were made in terms of your capacity, Madam Speaker.

Madam Speaker, I am relating to you the facts.

HON. M.D. BULITAVU.- Point of order!

MADAM SPEAKER. – Please continue with your facts. We will leave the point of order until late, otherwise you will never finish.

HON. A. SAYED-KHAIYUM.– Thank you, Madam Speaker. And in that, he went and commented about your ability, of the Speaker’s ability. Madam Speaker, these are the facts that are being recorded. These, Madam Speaker, will obviously be played to the Committee but what we are saying, given the fact that the facts are overwhelming, this is why it needs to go under 134 (2) (b). And this is why we put this motion.

These, Madam Speaker, together with the reportings, (show copies of newspaper articles) this is the public notice about the constituency meeting, this is the newspaper article “*SODELPA Backs Ratu Naiqama*”, this is the *Fiji Times* article that says “*Beddoes Remark Harmless*”.

In other words, Madam Speaker, the facts are, they are accepting the fact that they were made but they are simply saying it was said in jest. These are the facts, Madam Speaker, and I can then elucidate further, if you wish, after this has been ruled upon, as to why this is a breach of privilege.

MADAM SPEAKER. – Thank you.

HON. M.D. BULITAVU.- Point of order, Madam Speaker!

MADAM SPEAKER. – Point of Order.

HON. M.D.BULITAVU – Standing Order 48 - Inadmissible motions. Motions cannot be brought to this House, Madam Speaker, if it contains unbecoming or offensive expressions, or expressions or words that would not be permitted in debate. The motion contains statements of facts and names of persons that are not strictly necessary to render the notice.

All that, Madam Speaker, you have allowed this, this is wrong, Madam Speaker, it is not allowed. The motion is inadmissible, it cannot be brought to Parliament. It will likely to promote and provoke feelings of ill-will. The honourable Ratu Naiqama Lalabalavu is a chief and it will obviously - think nicely; you think nicely.

MADAM SPEAKER. – Thank you for your point of order. I did ask the honourable and learned Attorney-General to state facts that he has on the issue. He has stated the facts and I have allowed him to say the facts in whatever form it is. Therefore, we have now heard the facts, I will ask the honourable and learned Attorney-General to move his motion.

HON. A. SAYED-KHAIYUM.- Madam Speaker, before I move the motion do we have a ruling from you on 134 (2) (b)? Is that the case?

MADAM SPEAKER. – Yes I had mentioned that ruling before and I stand with that ruling.

HON. A. SAYED-KHAIYUM. – Thank you, Madam Speaker. Madam Speaker, the motion therefore, is for clarity sake, that pursuant to Standing Order 134 (2) (b) and given the severity of the breach of privilege and thereby no denial that such reflections were made about the honourable Speaker, I move that:

- A. The honourable Lalabalavu be cited for serious breach of privilege and contempt of Parliament;
- B. That the matter be referred to the Privileges Committee under Standing Order 134(2)(b), to determine the type of sanction for the breach; and
- C. That the Privileges Committee must meet today, 18th May, 2015, and provide its recommendations in Parliament at the latest by Thursday, 21<sup>st</sup> May, 2015, as to what sanction should be imposed by Parliament against honourable Lalabalavu, after which action as deemed appropriate by Parliament shall be taken.

That is my motion. Thank you very much Madam Speaker.

HON. N. NAWAIKULA.- Amend that motion in accordance with your advice.

MADAM SPEAKER. – We have heard the motion.

HON. COL. I.B. SERUIRATU.– Madam Speaker, I beg to second the motion.

HON. ROKO T.T.S. DRAUNIDALO. – Madam Speaker, we wish to amend the motion, Standing Order 105, and if you ask, we will put it in writing and give it to the Secretary-General.

MADAM SPEAKER. –I will have the motion now - the amendment to the motion.

HON. ROKO. T.T.S. DRAUNIDALO. – Madam Speaker, that this matter be put to the Privileges Committee, full Stop.

MADAM SPEAKER. – There is an amendment to this motion, that the motion be put to the Privileges Committee - full stop.

HON. S.B. VUNIVALU. – Point of Order, Madam Speaker. I want to remind honourable Members that this is an august House. What I have seen here is that some of the Members are excising their knowledge, in which they are using the laws of the High Court, Supreme Court or lower Court. This is not the place where there is a Judge, where there are lawyers and prosecutors ...

HON. M.D. BULITAVU.- Don't waste your time!

HON. S.B. VUNIVALU. –.It is not a waste of time.

HON. OPPOSITOIN MEMBER. – Talk to your boss!

MADAM SPEAKER.- What is the point of order?

HON. S.B. VUNIVALU. – My point of order is that, only some Members were excising their knowledge as lawyers in this august House.

(Chorus of interjections from the Opposition Members)

We are all being voted into this House.

HON. M.D. BULITAVU.- You want a lesson.

MADAM SPEAKER.- The question is, that this matter be put to the Privileges Committee, and the Privileges Committee will take into consideration numbers one and three, as has been relayed by the honourable Attorney-General. But, very seriously we will take into consideration the number one and three, which we will put as a Term of Reference for the Committee, to come up with before we debate this.

Therefore, I will now put the question to the vote and the question is: that this matter be referred to the Privileges Committee based on a term of reference that will be developed, also based on the facts that have been received this morning.

Question put.

Votes cast:

Ayes	-	23
Noes	-	6
Abstention	-	1
Not voted	-	20

Motion agreed to.

HON. RATU K. KILIRAKI. – Madam Speaker just a clarification. This is with reference to your welcome this morning in regards to the ladies from Lautoka. They have come all the way in anticipation of the presentation of the Shirley Park. Can this August House be able to inform them when this Report will be tabled? Thank you Madam Speaker.

HON. A. SAYED-KHAIYUM. – Point of Order Madam Speaker. Is that a question or is that a point of order? And normally when the matters have been referred to the Committee I think the Standing Orders point out that, that cannot be raised in Parliament until the Standing Committee tables it on the table. Thank you Madam Speaker.

(Chorus of interjections from Opposition Members)

MADAM SPEAKER. – Thank you, the rules are very clear, that we will not discuss anything further on this issue because it is still with the Standing Committee in charge. Therefore we have come to the end of our sitting today, and I thank you all for your contributions. The August House is now adjourned until 9.30 a.m. tomorrow morning.

The House adjourned at 12:07 p.m.