

THURSDAY, 21ST MAY, 2015

The House resumed at 10.00 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 Fisheries and Forests, and the honourable Minister for Education, Heritage and Arts; and the honourable Minister for Health and Medical Services.

MINUTES

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

That the Minutes of the sitting of Parliament held on Wednesday, 20th May, 2015 as previously circulated, be taken as read and be confirmed.

HON. S. PATEL.- Madam Speaker, I beg to second the motion.

Question put.

Motion agreed to.

POINT OF ORDER

HON. S.D. KARAVAKI.- Madam Speaker, I rise on a point of order, Madam Speaker to bring to your attention a statement that was given in this Honourable House by the honourable and learned Attorney-General which I believe, according to the information that I have received, believed to be not true. This is in regards to the information recorded in the *Uncorrected Copy of the Daily Hansard Report of Wednesday, 13th May, 2015*, a written reply to a question from the honourable Bulitavu regarding his office involvement with the FICAC, and he stated this:

“We do not give them any advice on what is the law, what is the assessment and what is the evidence – absolutely zero.”

I actually have evidence, Madam Speaker, that proves to the contrary that he had, on previous occasion, directed the Deputy Commissioner for FICAC of what to do and what not to do in a certain matter that was with FICAC. I therefore, submit, Madam Speaker ...

MADAM SPEAKER.- Order!

The Point of Order is clear as presented. Any debates on the issue will come at a later date, but thank you for your point of order. I invite the honourable Member to present the evidence to me, and I will make my ruling at a later date.

HON. S.D. KARAVAKI.- Thank you, Madam Speaker.

COMMUNICATION FROM THE CHAIR

Acknowledgment of Visitors

MADAM SPEAKER.- I warmly welcome all of you joining us in the public gallery; a very good morning and thank you for your presence here this morning. I also welcome those who are watching proceedings on television, on the internet and listening to the radio. Thank you for taking an interest in your Parliament.

PRESENTATION OF REPORTS OF COMMITTEES

Report of the Privileges Committee on Breach of Privileges by the Honourable Ratu Naiqama Lalabalavu

HON. R.N. NADALO.- A matter of privilege was raised with Madam Speaker, pursuant to Standing Order 134 (1) on Monday, 18th May, 2015, at the time appointed by the Standing Orders

HON. N. NAWAIKULA.- Point of order, Madam Speaker. Before that is tabled or the report is referred to, I wish to make a point of order.

Madam Speaker, I believe the point of order is under Standing Order 70, in which the decorum of this House rests squarely on your shoulder, and I seek the need or concern that if that does not happen, this House will fall into disarray. It will become a “Mickey Mouse” Parliament, and this is an example.

Before that Report is tabled, there is a need for you, Madam Speaker, to make the ruling, whether or not they have jurisdiction, and I say that, in view of what was said yesterday – your ruling, which means that their work is *ultra vires* totally, in view of this.

Now, it is common knowledge that words uttered outside of the House does not come within privilege. “Privilege”, as you have defined in this ruling is limited to within this House and within the Committees, otherwise, you are opening a floodgate. It would mean that if I say something in Lautoka, or in Buca, or in Saqani, it will come like this. It will come under someone who may be cited for privilege, and that is totally wrong. What is the implication of this ruling? It says that, and if you could allow me to read it.

MADAM SPEAKER.- Honourable Member, your point of order is taken.

HON. N. NAWAIKULA.- Yes, it is very clear and my point is that, you will need to make a ruling on the jurisdiction. It is *ultra vires*, given that you have limited privilege to hear and in the Committees. Outside – that is your own; that is a private matter to be taken to the Police.

MADAM SPEAKER.- Thank you, point of order is taken.

Any statements against the Speaker within this Parliament, that is very much in order. However, if should any Member take any issue about the Speaker for the authority of this institution, outside of Parliament into the community, then the authority of the Speaker will follow you to that community, and that is my Ruling.

MADAM SPEAKER. – Point of Order

HON. M.D. BULITAVU.- Madam Speaker, good morning. Any breach of privileges of Parliament committed by any person, I think that is in Standing Order 127 – Point of Order, and also in Section 73 of the Constitution.

Madam Speaker, it is clear that there is no law that will establish that an attack on you, outside of Parliament, that breaches our privileges. There is no law - in the Constitution and in the Standing Orders.

MADAM SPEAKER.- Thank you, your point of order is taken. Before I make a ruling, let me just hear this point of order.

HON. A. SAYED-KHAIYUM.- Madam Speaker, on a point of order. The fact is, all Members on both sides of the House will have the opportunity to argue their points after the Committee has tabled its Report. I understand it has been listed for the *Order Paper* for today, and the matter can be debated then.

The points that they are raising in fact have already been raised by the Members who were in the Privileges Committee regarding these very points of view, and in fact, they of course, Madam Speaker, can be debated.

I thank the honourable Nawaikula in the fact that he said that if you do not have control, this place will become a “Mickey Mouse” place. I wonder; who is the Mickey Mouse in all of this!

HON. OPPOSITION MEMBERS.- You!

HON. A. SAYED-KHAIYUM.- Madam Speaker, in order to have some form of order or decorum, we need to follow the procedures. So the fact is, Madam Speaker, we have to have the Report tabled, and we can argue and debate this later.

HON. N. NAWAIKULA.- Madam Speaker, point of order. Allow me to stand under Standing Order 133.

MADAM SPEAKER.- Let me just make a ruling on these point of orders that have been submitted. You will have plenty of time to debate over this at a later time today, when a debate is made on this on the Committee’s Report. Right now, let us allow the Chairman of the Committee to table the Report.

The Chairman of the Committee, please continue.

HON. R.N. NADALO.- Madam Speaker, at the time appointed by the Standing Orders, the honourable and learned Attorney-General and Minister for Finance, Public Service and Communications moved a motion on that matter and Madam Speaker put the question to Parliament for a vote. A vote was resolved in the affirmative and the matter was subsequently referred to the Privileges Committee. The Committee was given a timeline to report back to Parliament no later than 21st May, 2015. A very broad Term of Reference was prepared by the secretariat upon the direction of Madam Speaker. A Work Plan was adopted at the first meeting and members had to deal with very strict timeline during the second week of the two weeks sitting.

This Report differs from the Standing Committee, in that the proceedings were held in camera, minutes and the verbatim notes, and most of most of other written documents generated remain confidential and therefore, do not form part of this report. I thank all honourable Members of the Committee for the hard work and determination shown and respectfully submit this Report to Parliament.

MADAM SPEAKER.- Thank you. Please hand the Report to the Secretary-General.

(Report of the Privileges Committee handed to the Secretary-General)

QUESTIONS AND REPLIESUrgent Oral QuestionMove to Change the Fiji Flag
(Question No. 3/2015)

MADAM SPEAKER.- Honourable Members, I have accepted an oral urgent question, pursuant to Standing Order 43. This will become the first oral question for today and as a result, Question No. 124/2015 will be omitted from today's Order Paper. I now call upon the honourable Jiosefa Dulakiverata to ask his urgent oral question.

HON. J. DULAKIVERA.- Thank you, Madam Speaker. Madam Speaker, I rise to ask my urgent oral question, having satisfied the requirements of Standing Order 43. Allow me some latitude to explain the basis of my urgent question.

Madam Speaker, in this very House on 9th February, 2015, the Honourable Prime Minister stood in this House and spoke about the Government's vision to change the Fiji flag. The people of Fiji, in fact, about 1,900 to be exact, responded to the Prime Minister's speech in this House through a petition, asking that your noble self immediately organise a Parliamentary Standing Committee to look into the request for the referendum on the change of the Fiji flag. This petition was tabled in this House on 12th February, 2015 and sent to the Standing Committee on Justice, Law and Human Rights.

Madam Speaker, on 22nd February, 2015, the Prime Minister issued a statement through the Department of Information saying that the Executive arm of the State will change the Fiji flag, and that they had planned to stage a Committee and provide a platform for a competition for a new flag design.

Madam Speaker, on 1st May, 2015, the SODELPA Youths provided 7,000 reproductions of the current Fiji flag to the Fiji Flag Committee and to my knowledge, this was a message to the Executive, by the youths of Fiji that they did not support the move to change the Fiji flag.

Madam Speaker, Government is continuing with its new Fiji flag campaign and have a preconceived outcome, although the Standing Committee you have appointed to rule on this issue of a referendum on the need to change the flag have yet to even meet on the issue.

Madam Speaker, this is the highest Court of the land and we are elected officials and have the mandate of the people. We cannot be sidelined for a show case of political agendas, watch the people's voice being stifled because of party politics. According to Section 74 of the Constitution and Standing Order 112, the power of the Standing Committee is very clear.

Madam Speaker, I move that I ask this question to the honourable Acting Prime Minister. Can the Acting Prime Minister inform the House as to why has his Government decided to undermine and dishonour the independent work and appointment by the Speaker of the House, and the Fijian Parliamentary Standing Committee on Justice, Law and Human Rights in continuing to plan, organise and actively move for a change for the Fiji flag before the Standing Committee has met and delivered its report to this House. Thank you, Madam Speaker.

HON A. SAYED-KHAIYUM.- Madam Speaker, I would like to firstly, before I answer the question, also to state some facts. The petition was referred to, not a Committee created by you but a Committee under the Standing Orders; the Justice, Law and Human Rights Committee. It was created

under the Standing Orders, it is not a Select Committee; it is a Standing Committee. Standing Orders says that there are about six Standing Committees, so it is there.

Madam Speaker, the reality is this; petitions can be presented, no problem. Petitions can be referred to a particular Standing Committee, wherever it is relevant. For example, there are a couple of petitions that were presented yesterday pertaining to, for example, the lease payment in Vaturu Dam which was referred to the Natural Resources Committee. That does not mean that we stop using the Vaturu Dam water.

Madam Speaker, in the same way, when the honourable Prime Minister announced the fact that the Government, the elected Government, is going to make a change to the flag and put in place a Committee, the work continues. The petition has a life of its own. Just because a petition is tabled in this House does not mean that all Government work should stop in relation to any policy decision that has been made. If, for example, Madam Speaker, there are petitioners like I said on the Vaturu Dam, there is a petition for example, regarding some issues that were raised regarding GPH; it does not mean that GPH will stop operating. GPH operates.

Madam Speaker, I think this is a fairly superfluous question. It is not in any way undermining the Standing Committee. The Standing Committee has a life of its own. It can deal with the petition on its own but the executive work of the government must continue. The government cannot be beholden to petitions. Let me also remind the House, Madam Speaker, that there were 1,400 submissions that were received in terms of people making submissions for the new design. The 7,000 designs they are talking about, they are not new designs, they really need to read the English language.

(Chorus of interjections)

Madam Speaker, there are submissions for a new design so they need to put in new design. The Flag Committee is already constituted, they had their meeting yesterday, they will have another meeting today and their work will continue, just as the petition before the select committee will continue. Thank you Madam Speaker.

MADAM SPEAKER.- A supplementary question, the Honourable Tupou Draunidalo.

HON. ROKO T.T.S. DRAUNIDALO.- Actually, Madam Speaker, it is a point of order under Standing Order 134 – Privilege, which requires that I must briefly state the facts under 134(2). The facts, Madam Speaker, is we have just heard an admission from the acting Prime Minister that what they did, obstructed the work of this House under the Standing Orders. That is a matter of privilege, it is *prima facie* and the definition of privilege is widely accepted to be also obstruction of the work of Parliament. The work of Parliament, Madam Speaker, is carried out through committees, whether they be standing or select. Clearly, we have just heard an admission of obstruction of the work of the Committee of this House. That is *prima facie* and in accordance with the decision that the Chair has made to the other matter that has been referred to privilege, facts were briefly stated in that manner and here I am not bringing to you hearsay evidence, Madam Speaker; we have just heard an admission. I ask under Standing Order 134(2), Madam Speaker, that this matter be referred to the Privileges Committee.

MADAM SPEAKER.- I will invite the honourable Acting Prime Minister to make a comment on that before I make a ruling.

HON. A. SAYED-KHAIYUM.- Madam Speaker, as I said, the work of the Committee still goes ahead. The petition is before the Committee, no one is stopping the Committee from going ahead and looking at the merits of the petition. So, how can that be an obstruction of their work? It is very simple.

HON. M.D. BULITAVU.- And why is the committee not meeting?

HON. A. SAYED-KHAIYUM.- It is very simple. It is not a question of obstructing them. We have not said, "The Committee shall not meet"; we have not said, "The Committee shall not look at this petition." It is as simple as that so, how has there been a breach of privilege? The work of the executive must continue.

MADAM SPEAKER.- The issue mentioned is that the directive that has been given would be obstructing the work of the Committee and very clearly the work of the Committee is not being obstructed; it is continuing. With that respect, my ruling is that we return to the *status quo* and that the work of the Committee will continue while the work of the Government continues as well.

HON. ROKO T.T.S. DRAUNIDALO.- Madam Speaker, I rise under Standing Order 134(2). The work of the Committee will be rendered useless. By the time the report comes, the flag has changed, Madam Speaker. That will make a mockery of this institution. It will make a mockery of us. Madam Speaker, and no words uttered here or uttered outside will compare to obstructing and making us look like idiots doing a report that will be rendered useless. By the time the report comes, the flag has changed, Madam Speaker. Admission.

HON. A. SAYED-KHAIYUM.- I can do a response to that, Madam Speaker.

HON. RATU I.D. TIKOCA.- We have heard enough from you.

HON. A. SAYED-KHAIYUM.- I can only smile at Honourable Tikoca's interjections all the time.

HON. RATU I.D. TIKOCA.- Smiling back at you.

HON. A. SAYED-KHAIYUM.- I have never seen you smile at me, honourable Member.

The point of the matter is, as we have reiterated, it does not make us look like idiots. I do not know who Honourable Draunidalo is speaking on behalf of, but the point is, Madam Speaker, the petition is before the Committee. In her statement herself, she is in fact pre-judging the outcome of the Committee's statement. That is what she is doing. She is pre-judging the outcome of the Committee.

(Chorus of interjections)

She is pre-judging it. She is pre-judging that the Committee will rule in a particular manner which will be contradictory to what the Flag Committee may decide; that is what she is doing. So, this is why I am saying, the mixing of the two does not bode well. They have their own life, they carry on with their petition, the Executive carries on with its own work.

MADAM SPEAKER.- Thank you for your response, Honourable and learned Attorney-General, you have taken the words out of my mouth, particularly on this thing - pre-judging the issue.

HON. N. NAWAIKULA.- Madam Speaker, my view is that this is a total disrespect to the House.

MADAM SPEAKER.- Is that a supplementary question or point of order?

HON. N. NAWAIKULA.- Yes. When that continues and there is a decision here in this House, how do you reconcile this? How do you reconcile continuing, with the decision already here? Because otherwise from us, it is very obvious; it is a total disrespect to this House. So how do you reconcile that continuing, with a decision that is being made - a simple matter of courtesy?

HON. A. SAYED-KHAIYUM.- Madam Speaker, now the matter has been downgraded from privilege to a matter of discourtesy. That is what it has boiled down to. Again, I do not think that they are really sure of what they are in fact trying to imply. But again, I just want to reiterate, Madam Speaker, the Executive work will continue, the Standing Committee's work will continue.

Madam Speaker, I draw the attention, I am sure numerous parliaments both in this House and in the Veiuto have had petitions presented to it. But that has not meant that the Government of that day has been beholden to petitions and that is the position.

HON. DR. B.C. PRASAD.- Madam Speaker, a point of order. This is a very important point of order and I beg to differ with the Honourable Acting Prime Minister when he is giving examples of the Grand Pacific Hotel (GPH). That is a petition about working conditions. So his example that GPH will not stop or it should continue, that is a very different matter. Madam Speaker, the point of order here is that when a petition is presented to this Parliament which says that before we decide on the flag, we should have a referendum then the issue is very different. It means that the Standing Committee and you quite rightly, Madam Speaker, referred that petition to the Standing Committee because the Standing Committee will then come out with a report to say what they have found out as a result of that petition. And only after the recommendation of the Standing Committee, Madam Speaker, then the Executive arm will continue with the work.

For example, the work of the Public Accounts Committee. We have presented a report, we have made recommendations, it is now up to the Government, the Executive arm of the Government, to accept those recommendations or not. Similarly, Madam Speaker, when the report from the Standing Committee comes to Parliament, and says as the Acting Prime Minister says or whatever it says, "go ahead without the referendum" or otherwise, then Madam Speaker, the work on the flag will make sense. Otherwise, if there is a petition to Parliament on something which people want to oppose, what the Acting Prime Minister is saying that the work can continue, the decision can be made, and when the report of the Committee comes back to Parliament, it makes no sense. I think that is the main point of the point of order, Madam Speaker.

HON. A. SAYED-KHAIYUM.- Madam Speaker, the logic of the honourable Leader of the National Federation Party, he used the Public Accounts Committee. For example, the Public Accounts Committee may recommend

HON. RATU I.D. TIKOCA.- He makes no sense of everything.

HON. M.D. BULITAVU.- Senseless.

HON. RATU I.D. TIKOCA.- Theatrics.

HON. A. SAYED-KHAIYUM.- That's my word.

HON. RATU I.D. TIKOCA.- That's you.

HON. A. SAYED-KHAIYUM.- The honourable Dr. Prasad as chair, basically recommends that if a particular process or ministry has a number of problems, it does not mean that the work of the Ministry should stop. That is the logic. He is saying that we table the report and the Government will come back to it, et cetera, but the work of the Ministry must continue. This is precisely the point. They might find flaws with it in the Public Accounts Committee issue, but obviously audited account issues and the thorough addressing of those issues that may be raised is a separate matter, but the work does not stop; very simple.

MADAM SPEAKER.- Is that a supplementary question?

HON. A. SUDHAKAR.- It is a point of order, Madam Speaker. I am the Chairman of the Committee that is currently under attack in this House and it is embarrassing to me when an honourable Member says that, “we all look like idiots if the honourable Acting Prime Minister is obstructing.” Now, the honourable Member was required to produce brief facts and in her facts she has failed to state how the honourable Acting Prime Minister has obstructed the work of the Committee. There is no obstruction to the work of the Committee and I speak on behalf of the Deputy Chair (honourable Karavaki), honourable Nawaikula, honourable Lorna Eden and honourable Iliesa Delana. I am the Chair of the Committee that has been, to some extent, been ridiculed here that my work has been obstructed. It looks like honourable Bulitavu probably has other ideas, but I have a problem if someone calls me an idiot, and if he does not have a problem with that, I could call him that too but that is beside the point.

My point of order is this, I can answer the supplementary question on whether the honourable Acting Prime has obstructed the work of the Committee. The answer will be no, because there is no obstruction.

HON. M.D. BULITAVU.- How do you know?

HON. A. SUDHAKAR.- I am the Chairman, I am telling you there is no obstruction.

(Chorus of interjections)

I had mentioned earlier, the Opposition probably believes in Hollywood scripts and that is why they are trying to tell the House. I am the Chair of the Committee, and I would like to inform this Parliament that there is no obstruction to the work of the Committee. In fact, we will be sitting soon and I have had discussions with the Deputy Chair that we will be starting the work on that soon.

MADAM SPEAKER.- It looks as if we are building on to the robust debate once the report of the Committee is debated in the House, and I would like to conclude on that particular question.

We will now move on to the second Oral Question.

Oral Questions

Counter-Terrorism Measures (Question No. 123/2015)

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

Would the honourable Minister for Defence, National Security and Immigration clarify what counter terrorism measures are in place to address any terrorism and related acts in Fiji?

HON. CAPT. T.L. NATUVA (Minister for Defence, National Security and Immigration).- Madam Speaker, I rise to respond to the question asked by the honourable Member.

Madam Speaker, the National Security and Defence Council (NSDC) formerly known as the National Security Council, has been meeting regularly to discuss issues of importance to our national security and defence. Combating terrorism has been one of the main issues of discussions during these meetings.

In its first meeting conducted in 2015, the Ministry of Defence was tasked with the strengthening of the counter terrorism efforts, including the legal platform to deter terrorism, right down to our operational capability and capacity.

Madam Speaker, further to the NSDC, the Counter Terrorism Official Group, a group of senior officials from our defence, law and order and border security agencies formed in 2006, meets monthly under the Ministry of Defence to exchange information, intelligence and provide relevant operational expertise in developing responses to the threat of terrorism.

For the information of this august Chamber, in 2008, Fiji became one of the only four countries to fully ratify United Nations Security Council Resolution 1373 – Threats to International Peace and Security Caused by Terrorist Acts, which is the criminalisation of terror acts against civil aviation, maritime platform both fixed and mobile, using of plastic explosives, acts against diplomatically protected persons and the financing of terror amongst other protocols.

In 2010, the Fijian Government endorsed the Counter Terrorism Strategy which has provided the overarching strategic and policy guidelines for our Anti-Terror efforts to date. This document is currently being reviewed, in line with the ongoing National Security and Defence Review.

The legal platform for our Counter-Terrorism efforts provided under the Public Order Amendments Decree 2012 which defines terrorism under Section 2, as the use of violent actions done with the intention of intimidating the public or a section thereof, compelling a Government or an international body not to perform or to perform an act whereby actions are done with the intention of furthering political, religious, ideological course by intimidating the Fijian Government or our society.

Government has also inserted a provision regarding terrorism under Part 3(a) of the Public Order Amendments Decree 2012 basically criminalising the act of terrorism, including the acts of harbouring, providing any form of assistance including the act of providing weapons to terrorists.

The Ministry of Defence has developed a Draft Counter Terrorism Plan which will be finalised once the reviewed legislative framework is in place. The finalising of this Plan would ensure that all Government stakeholders who are required to combat an act of terrorism or respond to an act of terrorism are fully aware of what is required of them.

The Fiji Police Force already has a cell known as the Counter Terrorism Unit that looks into suspected terrorist activities in the country. However, this Unit is restricted by legislative powers in conducting pre-emptive operations which hopefully, will be addressed by amendments to the Public Order Amendments Decree, 2012.

The Fiji Police Force, including Immigration, Customs and Biosecurity and the Financial Intelligence Unit (FIU) are responsible for gathering information in intelligence surrounding suspected terror activities and conducting investigations. The Republic of Fiji Military Forces in its designated role under Section 131(2) of the 2013 Constitution to ensure Fiji's defence and security at all times, will provide armed response to acts of terrorism. Fiji, at this point in time, has a robust mechanism in place to monitor and detect terror financing through the Financial Intelligence Unit (FIU) placed with the Reserve Bank of Fiji (RBF).

Regular training of our officers is conducted at all levels in the field of assessing terror threats locally and abroad for all stakeholders involved in our counter terrorism efforts. Furthermore, Fiji has access to the UN Consolidated List under UNSCR1267 which is *Al Qaeda* and associated individual and entities which is regularly updated with the insertion of names of suspected and confirmed terrorists or terrorist-

related entities which are provided to our FIU, border security agencies and Police to enter in their respective database for monitoring purposes.

Fiji also regularly engages with our strategic partners to receive and share information on suspected terrorists and groups to ensure that these scourges never reach our shores. However, Madam Speaker, no one country can play a full 100 per cent protection against the threat of terrorism, and we have been seeing terrible effects of terrorism in USA, Australia, the UK, France, India and Indonesia, to mention a few. These are big governments with the resources and latest technology available to them to detect, deter and respond to terrorism. We can say that the Government is doing its best with the resources we have, and leveraging our strategic partnership to be fully aware of any pending terror threats that may occur.

Madam Speaker, let me conclude by stating that the threat for terrorism in Fiji is currently rated to be low.

Thank you, Madam Speaker.

HON. RATU I.D. TIKOCA.- Madam Speaker, a supplementary question; have you considered or can you inform this Parliament that on handing over control of our entry and exit points through divestment of shares to your foreign partners amounting to about \$500 million (that is what you are working on), namely; the Suva Wharf, Lautoka Wharf and the international airport, is a wise decision in terms of the national security of our nation or is money so important to you that the security of your own people is the last of your options?

HON. A. SAYED-KHAIYUM.- Madam Speaker, I rise on a point of order.

Madam Speaker, this question has been referred to previously in this House. I understand that the honourable Bulitavu had asked this question. He knows, he had mentioned this in the divestment of the shares of AFL whether Biosecurity, et cetera, would be compromised. I am suggesting that it is also public enterprises question, Madam Speaker, and if that could be addressed to the Minister for Public Enterprises regarding how the divestment of shares would, in any way, affect the security, protocols at these points of entry.

HON. RATU I.D. TIKOCA.- Madam Speaker, security is what I know, but you do not know!

(Honourable Member referring to the honourable Attorney-General)

I understand that very well.

MADAM SPEAKER.- Order! Please do not point at the honourable Member.

HON. RATU I.D. TIKOCA.- That, Madam Speaker, is an opening where terrorists would come in if we do not control our entry and exit points, and that is directed to the honourable Minister for Defence. He should answer that question. He is deviating from the security issues that control and keep the people of Fiji safe. So, I beg, Madam Speaker, that the honourable Minister for Defence answer my questions.

HON. COL. I.B. SERUIRATU.- Madam Speaker, I rise on a point of order.

Madam Speaker, that is a hypothetical question. He is inferring ...

HON. RATU I.D. TIKOCA.- ...that the Defence Minister answer my question. Thank you.

HON. COL. I.B. SERUIRATU.- Point of Order, Madam Speaker. That is a hypothetical question. He is inferring, how can you link the sale of shares to terrorism?

HON. RATU I.D. TIKOCA.- Listen!

HON. I.B. SERUIRATU.- That is my Point of Order, Madam Speaker.

HON. RATU I.D. TIKOCA.- Let me clarify. A Point of Order, Madam Speaker, just to clarify because they cannot understand. You are supposed to talk on security. Does he know?

MADAM SPEAKER.- The onus is on the honourable Minister, if he wants to answer that question or not. It has been mentioned that question can be diverted to another Minister to answer.

HON. CAPT T.L. NATUVA.- We have in place at the moment all our security forces; Police Force, the Biosecurity, Immigration and everyone to monitor the activities of terrorism. That is what we are doing at the moment. But, your question is totally different. You have just come up with a hypothetical question of trying to determine...

HON. RATU I.D. TIKOCA.- Point of Order!

HON. CAPT. T.L. NATUVA.- ... that there is a threat in opening up Fiji for people ...

HON. RATU I.D. TIKOCA.- Point of Order!

HON. CAPT. T.L. NATUVA.- ... to come and invest.

HON. RATU I.D. TIKOCA.- Point of Order! I need to clarify this. When you have majority shares in a company, you control. So, whatever comes, the security administration, logistics, raising funds or whatever you do at your entry and exit points, you control because you own the shares. So, if you divest those shares to your foreign partners, they will control that, and most of the decision making they could control. That is why I am asking that question.

HON. A. SAYED-KHAIYUM.- Madam Speaker, a Point of Order. Maybe, security is a forte of the honourable Member, but probably commercial realism is not a forte of his.

Madam Speaker, the reality is this. In Fiji today, at the moment, there are private companies that are operating that do not have any government shares. Yet, they have to abide by the laws of Fiji. The laws take precedence. Statutes take precedence. Statute takes precedence.

(Murmuring from Hon. Ratu I.D Tikoca)

.....Statutes take precedence, Madam Speaker, over any private ownership. And, he is also assuming, Madam Speaker, that all these divestment will only go to foreigners. But, that is beside the point.

HON. N. NAWAIKULA.- What is your Point of Order?

HON. A. SAYED-KHAIYUM.- The Point of Order is that, he is delving in an area which is digressing from the main substantive question. He is delving in an area of topic in which he is making assumptions of which he has no knowledge about. Just because he had private ownership, you still have requirements by the law.

HON. RATU I.D. TIKOCA.- A Point of Order!

HON. A. SAYED-KHAIYUM.- So, for example, just because a company is privately owned, the law says you have to file a tax return. In the same way, you have airports operating in Australia...

HON. RATU I.D. TIKOCA.- Point of Order, Madam Speaker.

HON. A. SAYED-KHAIYUM.- ... that is privately owned, Madam Speaker, where Immigration, Customs, Biosecurity also operate. Thank you, Madam Speaker.

HON. M.D. BULITAVU.- Point of Order, Madam Speaker. My Point of Order is just to clarify what honourable Tikoca has just said. I think it has been taken in the wrong context by my learned and honourable friend.

MADAM SPEAKER.- May I remind the Members that Point of Order is really on the rules and procedures of the House, and not on the issue that is being discussed. What is your Point of Order?

HON. M.D. BULITAVU.- My Point of Order, Madam, the honourable Member has a valid point, and the honourable Minister has to answer that. It is a relevant question.

MADAM SPEAKER.- Thank you. That is clear.

HON. N. NAWAIKULA.- Madam Speaker, this is a supplementary question, it is not a Point of Order.

(Laughter)

MADAM SPEAKER.- Thank you. I am relieved that at last we have a supplementary question, and I think all the issues regarding the Point of Order has been adequately answered, and a lot of information shared. We will not delve any further on the issue of that Point of Order. Supplementary question, I hope is not related to that the Point of Order.

HON. N. NAWAIKULA.- No, Madam Speaker. Is the Minister aware of recruiting process by ISIS and Al Qaeda in Fiji, and if so, can the Minister tell us how many of our locals, young people have been recruited into this organisation?

MADAM SPEAKER.- Thank you. Honourable Minister.

HON. M. VUNIWAQA.- Point of Order.

MADAM SPEAKER.- Point of Order.

HON. M. VUNIWAQA.- That is a new question.

HON. N. NAWAIKULA.- Give him the benefit!. Answer it.

MADAM SPEAKER.- I agree, that is a totally new question.

HON. N. NAWAIKULA.- We are on terrorism.

MADAM SPEAKER.- Thank you.

HON. M.D. BULITAVU.- Supplementary question, Madam Speaker.

MADAM SPEAKER.- Is that a supplementary question?

HON. M.D. BULITAVU.- Yes, Madam. I thank the honourable Minister for explaining the measures that are in place, the assessments on how they are working with other countries in order to identify people who could be terrorists coming into our countries.

HON. S. PATEL.- What is your question?

HON. M.D. BULITAVU.- It is coming, listen! The Counter Terrorism Unit within the Fiji Police and all that, that is good. My question to the honourable Minister, when these investors come in, say for example, to Investment Fiji, when was the last time the Security Council did a check as a terrorism measure with those investors?

HON. OPPOSITION MEMBERS.- Hear! Hear!

HON. M.D. BULITAVU.- When was the last time the National Security Council checked with Investment Fiji, or whether that check is still being done now or has it stopped?

HON. F.S. KOYA.- Point of Order, Madam Speaker.

MADAM SPEAKER.- Point of Order.

HON. F.S. KOYA.- Madam Speaker, anything to do with Investment Fiji should be addressed to me.

HON. RATU I.D. TIKOCA.- That is on security.

HON. F.S. KOYA.- Madam Speaker, the question involves Investment Fiji, and what measures are taken by Investment Fiji when investors come into the country. That question should be rightfully addressed to me.

HON. RATU I.D. TIKOCA.- It is a national security issue.

MADAM SPEAKER.- Order! The honourable Minister would like to respond.

HON. RATU I.D. TIKOCA.- Yes.

HON. CAPT. T.L. NATUVA.- For every investor coming to Fiji, due diligence is conducted, and that also includes, if there are any acts of terrorism, money laundering or anything like that. We are doing that. Thank you.

MADAM SPEAKER.- Thank you. There being no other supplementary question, we will move on to the next oral question and I invite the honourable Tupou Draunidalo to have the floor.

Exploration Licence Status – Mining at the Mouth of the Sigatoka River
(Question No. 125/2015)

HON. ROKO T.T.S. DRAUNIDALO asked the Government, upon notice;

Would the honourable Minister for Lands and Mineral Resources advise as to the status of the Exploration Licenses for the mining at the mouth of the Sigatoka River?

HON. M. VUNIWAQA (Minister for Lands and Mineral Resources).- Madam Speaker, I rise to answer the question posed.

Exploration license for the mouth of the Sigatoka River, there was one in existence, but that expired earlier this year. There is now an application for renewal, and the Department of Mineral Resources is undertaking due diligence in relation to that application.

MADAM SPEAKER.- Thank you.

HON. DR. B.C. PRASAD.- Supplementary, Madam Speaker.

MADAM SPEAKER.- Supplementary.

HON. DR. B.C. PRASAD.- As part of that application, Madam Speaker, can the Minister inform the House whether an Environmental Impact Assessment has been undertaken, or is being undertaken, and if it has been undertaken, what is the assessment?

HON. M. VUNIWAQA.- As I said, Madam Speaker, the license has expired. For applications for Special Prospecting Licenses (SPL), our requirement is the Environmental Impact Assessment that is usually done before the issuance of a license. For renewals, of course, the existing Environmental Impact Assessment may have to be updated. That is all part of due diligence, if any renewal is to take place.

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

MADAM SPEAKER.- Supplementary question.

HON. V.R. GAVOKA.- Madam Speaker, I ask the Minister, would this be similar to the mining at the mouth of the Ba River? I ask this because, Madam Speaker, we should know the environmental impact of that before we touch Sigatoka, and I believe, after Sigatoka, it will be the Rewa River. What are we going to be left with when all this thing is done, Madam Speaker? We need to know what the implications are at this time.

HON. OPPOSITION MEMBER.- They will be left high and dry.

MADAM SPEAKER.- Thank you. Honourable Minister?

HON. M. VUNIWAQA.- This is a new question, anyway. All applications for SPL, they undergo the same procedures. As for the divulgence of the Environmental Impact Assessment, the Department can surely look into that if the honourable Member is very concerned.

HON. M.D. BULITAVU.- Supplementary question.

MADAM SPEAKER.- Supplementary question, honourable Bilitavu.

HON. M.D. BULITAVU.- My question will be related, and allow me, Madam Speaker.

When exploration licenses are given for them to explore, you will get a special mining license once the Department of Mines says that you have the samples and the real minerals are there. The question is, when these companies, like there is mining at one site, and they are going to the second site, what processes are in place? According to the Auditor-General's Report, Madam Speaker, most of these companies do not fill the relevant forms. They do not give their financial standings. How can they be given another license when they are not even...

HON. A. SAYED-KHAIYUM.- Question?

HON. M.D. BULITAVU... complying with the standards?

MADAM SPEAKER.- Thank you for your question. The honourable Minister.

HON. M. VUNIWAQA.- Madam Speaker, we are now moving to mining licences this is different from the original question, but with mining licences there are also procedures in place to be followed. If the honourable Member is aware of a particular case where procedures were not being followed I would like to know as well.

MADAM SPEAKER.- Thank you. That is the last of the three supplementary questions allowable on this question. I will now move on to the fourth oral question and invite the honourable Semi Koroilavesau to have the floor.

HON. CDR. S.T. KOROILAVESAU.- Madam Speaker, before I ask my question I would like to refer to honourable Sanjit Patels' comment on Tuesday, when he referred to the 19th May, 2000 event. I would like to remind our honourable Members that when we utter a word or do any action within our Parliament we must consider that this will be recorded in history and it will be for the benefit of our future generations as recorded. We should take an initiative to look up at the clock, look at the date and the time and make sure that what you do, you will be proud of when it comes to our future generation.

(Applause)

Madam Speaker, if I may quote from the Bible, it says the word of God is like a double edged sword. Which means it cuts forward and also cuts backward.

MADAM SPEAKER.- Thank you. Your question please.

Improvement of Service Delivery in the Fiji Police Force
(Question No. 126/2015)

HON. CDR. S.T. KOROILAVESAU ask the Government, upon notice:

Can the Minister inform the House what measures have been taken by the Fiji Police Force to improve its service delivery?

HON. CAPT. T.L. NATUVA (Minister for Immigration, National Security and Defence).- Madam Speaker, this is going to be a very difficult question to answer but I will try to answer the question.

The Commissioner of Police continues to prioritise the area of service delivery as he views his customers as his stakeholders who are important members in the fight against crime. I would like to identify the measures that have been taken.

First, training of its officers of all ranks of the Force at the Fiji Police Academy as well as the training of cadres in the various policing divisions.

The recent internal recruitment. We may be aware that we have about 2000 Special Constables. The intent is to have these Special Constables go through the whole process of being trained and at the moment there are 120 under training, Special Constables. This is being done for the up skilling of officers

who are already serving in the Force but have no formal training. This is a source of priority area as most of them are front line officers serving our communities.

Madam Speaker, officers have been directed to ensure reports are attended to promptly as the issue of poor response has been one of the many contributors of complaints against the Police. Providing feedback to complaints in a timely manner has also been enforced to officers as this is another contributor of complaints against Police.

The existence of (what we have now) an Internal Affairs Unit which is directly under the watchful eye and command of the Commissioner's Office, ensures that all complaints received against police services and officers are investigated by an independent unit. Before this establishment some of the investigations were not done properly and now that we have the Internal Affairs Unit most of the investigations are done under the watchful eye of the Commissioner.

Madam Speaker, recently the issue of alleged police brutality was highlighted in the media and last week Station Officers from the four police divisions attended a two day workshop generously facilitated by the International Committee of the Red Cross, focussing on International Policing Standards and exercise of police power.

We are going through a transition and we are conducting training to uplift the standard of performance of our police officers. This will enable Station Officers to better monitor the work of officers under their command and ensure they execute their duties within the confines of the law.

The publication of contact numbers for the Divisional Police Commanders and the Division Command Centres enables members of the public to call their respective Division Commanders directly if they are not satisfied (later on I will give you their numbers), with the services rendered by officers at their police station and community posts.

Madam Speaker, the Commissioner of Police has just recently conducted the first of a series of public *talanoa* sessions in the Northern Division, where he was accompanied by members of elite core team to interact with the public on issues regarding police complaints.

The Commissioner of Police also engaged the media to address issues as this has been the trend lately, where members of the public who have not been happy with the Fiji Police services have opted to voice their concerns, purely out of frustration that officers have not been dealing with their complaints seriously. Madam Speaker there are many challenges facing the Fiji Police Force however, this is not an excuse for poor service delivery as all Fijians have high expectation on what is required of any police officer irrespective of rank.

As I mentioned before we are going through a transition and we are conducting the training and we would like to lift the standard to international standard. The Commissioner of Police remains focused on improving the areas mentioned and also has an open door policy with any member of the public who is not satisfied with the services rendered by the Fiji Police Force.

Before I conclude Madam Speaker, I would like to mention here that the free toll line number of the Police is 132777 for any complaints or assistance. The Police Divisional Commissioners numbers are - in the North 9905827, Commander Eastern is 9905846, Commander Western is 9905216, and the Southern Division is 9905802. If you are not satisfied with the services provided by 132777 you can call the Divisional Police Commanders directly.

MADAM SPEAKER.- Supplementary question Dr. Biman Prasad.

HON. DR. B.C. PRASARD.- I thank the honourable Minister for his elaborate answer in respect to how he thinks the services are being improved within the Police Department. Let me just ask him a very specific question. I understand that the Police Department now leases their vehicles and if you listen to the Radio Talk Back Show, Madam Speaker, you will hear almost everyday complaints about police not being able to attend to complaints because they do not have vehicles. And there was also a police officer, a police representative on a Radio Talk Back Show who admitted that because vehicles are leased and when leased vehicles go for repair, police stations or police departments or officers wanting to attend to complaints do not have vehicles.

So, can the Minister inform the House how will he or what are his plans to address the shortage of vehicles and also timely attendance to complaints from the public.

MADAM SPEAKER.- Thank you, honourable Minister.

HON. CAPT. T.L. NATUVA.- Madam Speaker, in regards to the vehicles issue, we are in consultation with the Minister of Finance and we have mentioned to him the number of vehicles that we are lacking, as we would like to provide vehicles to the police stations. Priority is now given to the rural areas for every Police Post to have a police vehicle and I hope that very soon, we are going to provide, we are planning, at least, about more than 30 vehicles, but the process is in place so please bear with us.

MADAM SPEAKER. – Thank you, I give the floor to the Hon. Viliame Gavoka.

HON. V. GAVOKA. – Madam Speaker, interesting about the other side, the honourable Member from Kadavu quotes from the Bible his side applauds, when our side quotes from the Bible, that side scoffs.

(Laughter)

Madam Speaker, for the Police, the report by the honourable Minister is welcomed, the morale of the police is very important. We believe the total well-being of the fraternity of the Police is very important so to keep the morale high. Can I ask the Honourable Minister, we are getting representation from people who retired last year, who are still waiting for their final payout, where are we on that?

HON. CAPT. T.L. NATUVA. – Madam Speaker, it is a new question but I have to answer it anyway.

It has been finalized and the last list I received this week that the payments will be done immediately of about \$3,300,000.00 but the Department is also working on the payment of outstanding Police Constables overtime. That is another \$3,000,000.00 or \$4,000,000.00 and also the allowances for Police Officers, those are the pending ones that we are working on.

So, I think by the end of this month everything will be paid: outstanding job evaluation exercise, outstanding payment to be done to the Police Officers in regards to Police Constables for their overtime. I thank you.

MADAM SPEAKER. – Thank you I now give the floor the last supplementary question to the Hon. Mikaele Leawere.

HON. M.R. LEAWARE. – Madam Speaker, given the nature of work, I would like to ask the Minister for Defence, are there plans to establish counsellor positions in all divisions, in order to assist them with their work? Thank you Madam Speaker.

MADAM SPEAKER. – Thank you Hon. Minister. Sorry can you repeat your question please.

HON. M.R. LEAWERE. – Counselling services and positions to be established in the Police force to assist Police Officers in terms of their workload.

MADAM SPEAKER. – Sorry, the first part of your question was not very clear, can you just repeat the whole question.

HON. M.R. LEAWERE. – Thank you Madam Speaker. Given the nature of the work of the Police, are there plans to establish counsellor positions in the Police Force, in terms of relaxation, counselling, psychological and all those kind of things. Madam Speaker.

HON. CAPT. T.L. NATUVA. – I thank the honourable Member for the question, as I mentioned before, we are doing the training programme for all officers and counselling is part of it. As I mentioned that Red Cross was part of our training, I mentioned in my answering the question and that consultation with Red Cross are in place for them to be trained to counsel.

As I mentioned before, we were going through a transition period, what was then before and now and then we are trying to uplift the standard of our Police Officers to international standard and counselling is also involved. I thank you.

MADAM SPEAKER. – Thank you since the question is to do with public importance I will allow another question. I invite the hon. Ratu Lalabalavu to ask his question.

HON. RATU N.T. LALABALAVU. – Thank you Madam Speaker. I thank the honourable Minister for his reply to the questions that have been raised, regarding the improvement of the Police Force service delivery.

The question that I would like to raise is, this is in regard to the role of the *vanua*, the communities, Madam Speaker. We have been playing our part here, especially the eradication of marijuana and all that and we have aired our views and decisions to the Police Force, and yet when anything happens, the community or *vanua* are still being asked to play their role but we have made our decisions especially how best can the Police Force. The question that I would like to raise Madam Speaker is how best can the Police Force follow up with some of the decisions that we have made, like to stop people from growing marijuana or being involved with marijuana in the province of Cakaudrove, we have chiefs have decided that those who are not registered in the VKB here be moved across to another place if they heavily involved in this. Because it brings a bad image of the whole *vanua* and the province, Madam Speaker, so how can the Police force improve on their services by ensuring that whatever decision the '*vanua*' has made can be taken through, because most of the time it says the village by-laws are not effective, are not legal, so what is the measures then that you have to improve your service delivery?

HON. CAPT T L. NATUVA. – I thank the honourable member for the question. At the moment, we are doing a review of the community policing. To answer the question, the Police Officers are working on what is legal. Any issues in regards to the *vanua* is the *vanua* authority, the Police Officers cannot act on that if it can be legalized I do not know, I am not a lawyer, I do not know how to do it. But that is the catch.

What has been done at the moment is that the honourable Member mentioned something about the demarcation of villages, I think it should be completed very soon and where the by-laws will be in place. The Government is in the process of doing that but until and unless the *vanua* authority, the police officers are only acting on what is the legal authority. That is the catch that we would not be able to facilitate, Honourable Member.

Department of National Trade Measurement & Standards
(Question No. 127/ 2015)

HON. R. NADALO asked the Government, upon notice:

Madam Speaker, can the honourable Minister for Industry, Trade and Tourism inform the House, what is the importance of the Department of National Trade Measurement and Standards in ensuring consumer protection and fair competition in the market?

HON. F.S. KOYA (Minister for Industry, Trade and Tourism).- Madam Speaker, firstly I wish to thank the honourable Nadalo for asking, it is quite an important question. This question is actually very relevant to everyone, everyone including all the members in this House and the general population. As we are all consumers, and we all want a fair deal and value for our money, Madam Speaker. Firstly, the Fijian government has been committed to the protection of consumers in ensuring that they get a fair deal and most importantly that there is a level playing field in the market place.

Madam Speaker, this important commitment of the government, Fijian government is materialized by my Ministry through the Department of National Trade Measurement and Standards. Obviously this Department is heavily involved had a high profile that is very important for the general population.

Madam Speaker, the Department actually protects consumers from unsafe and poor quality products and creates favourable conditions for exchange of goods, Madam Speaker. The Department through the National and Trade Measurement Decree 1989 and the related regulations called the Trade Standards and Quality Control Decree of 1992 has the mandate to ensure consumer protection, Madam Speaker, and a fair level playing field.

Madam Speaker, firstly, the Department undertakes the verification and certification of all weighing and measuring instruments used for trade or commerce. Most people do not realise the importance of this particular Department, and its roles in our daily lives. Measurements and standards, Madam Speaker, are very important part of our lives. From the minute you wake up everything is dependent on the accuracy of measurement of the machines and products we utilise to make our lives easier. In addition to these products being made according to a particular standard, Madam Speaker, for example, most people depend on an alarm clock to wake up in the morning, hence the alarm clock needs to be set to a local time set and the seconds and minute count need to be measured against internationally recognised settings. The toothpaste that you use in the morning, Madam Speaker needs to be of a particular weight and contain the ingredients as stated on the tube, and that toothpaste is manufactured to a standard that will serve the purpose it is for.

Madam Speaker, the weight of the bread that we eat in the mornings or any pre-packed food items, the odometer of the car, Madam Speaker, the taxi meter, the service station fuel pump, the weighing machine at the airport, the breathalyser machine, the speed radars, the most recent inclusion, Madam Speaker, is the water meter. The weight of sugar, salt, tea, rice, flour even the number of sheets in toilet paper rolls, to name a few.

Furthermore, Madam Speaker, the Department through the Trades Standard and Quality Control Office, develops and adopts a National and International standards in order to raise levels of quality Madam Speaker, safety, reliability and efficiency in the products and services we use. For example, with respect to fuel standards, Madam Speaker, it regulates the level of sulphur in the fuel, bottle water standards to regulate the safety and quality of the bottled mineral water that we actually drink. Building materials, those standards are also looked after too, Madam Speaker.

Madam Speaker, the role is not limited to setting standards, it is also for protection of consumers and the Department has powers to declare goods dangerous. If the goods are found to cause harm and the user and his injury cannot be avoided by safety standards, for example, selective ban on certain types of fireworks, Madam Speaker, happens quite often, and the ban on certain brand of instant shower heaters as it did not meet the minimum requirements. Soft yoyo balls, lead soda cans, Madam Speaker, and cup jelly, to name a few.

Madam Speaker while through the enforcement of the laws, the Department protects consumers they also ensure fair trading by eliminating the use short of measure to obtain commercial advantage over the competitors in the market place, and through patent of approval and certification that eliminates all sorts of manufacturing and sale of mini trade measuring standards that are not fit for purpose, and would not meet internationally recognized standards. In totality, Madam Speaker, the economy benefits domestically from consumer confidence and internationally from trade reputation through a consistent and reliable system, Madam Speaker.

Madam Speaker, furthermore, the Government is able to have full collection of taxes that are based on measurement, for example, tariffs on imported fuel tax and extraction of water are based on a measurement, Madam Speaker.

Madam Speaker, the Department by virtue of the powers, vested by the laws can take action against non-compliance also with the laws and officers can institute legal proceedings. I hope that is being informative Madam Speaker, I thank you.

HON. P. SINGH. – Supplementary Question. Whilst maintaining standards is one thing. I would like to ask the Honourable Minister, is there any standards prescribed in the importation of these machines in line with maintaining the National Trade Measurement Policy?

HON. F.S. KOYA. – Thank you Madam Speaker. Is it reference to water machines? Could you please repeat the question?

HON. P. SINGH. – Thank you, Madam Speaker, whilst maintaining the standards is one thing. What I am trying to ask the Honourable Minister is this, that any standard prescribed in the importation of these machines to ensure that we maintain the national trade measurement.

HON. F.S. KOYA. – Thank you, Madam Speaker. With all the machines that are bought into the country, this is what the Department is there for. They go through the standards that are required in order to be sufficiently able, capable and calculate what is necessary, so if a machine is bought in, it will obviously yes, it is tested for a particular purpose. For example, we normally do measurements for fuel, et cetera, they are properly certified and tested before they are put to use.

MADAM SPEAKER. – Thank you I give the floor to the Honourable Balmindar Singh.

HON. B. SINGH. – Madam Speaker, my question is directed to the Honourable Minister for ensuring of accuracy, transparency and consumer confidence. Does the Department certify water meters?

HON. F.S. KOYA. – Thank you Madam Speaker. In 2011 Cabinet endorsed the Department of National Trade Measurement of Standards to undertake testing and certification of water meters which naturally disqualifies the Water Authority of Fiji from doing that. This decision was to allow an independent competent agency to undertake the verification and thus ensuring accuracy, transparency and consumer confidence and minimizing wastage and laws to create economic efficiency as it allowed the Water Authority to concentrate on its actual core responsibility. However, just a little bit further, Madam

Speaker, the Department actually acquired a new water meter test bench which as I speak, is being installed and officers will be trained from Monday.

MADAM SPEAKER.- I now give the floor to the Honourable Anare Vadei to ask his supplementary question.

HON. A.T. VADEI. - Thank you, Madam Speaker, I believe the Department has been conducting the testing of FEA test bench which certifies all FEA meters used by consumers in Fiji. My question is; why is the Ministry using a low accuracy instrument to test that test bench for FEA, and what guarantee to the consumers that they are using the competent meters for their household?

HON. F.S. KOYA. - Madam Speaker, anything and everything that is done at the Department of Standards is competent in accordance with our rules and regulations, and as I said earlier, we are currently in the process of review, and a lot has been done to even make the standards even better.

MADAM SPEAKER. - Thank you, that brings the end to our fifth oral question and I will now give the floor to the Honourable Alvik Maharaj.

Fatalities on Vessel MV Betsy Ross
(Question No. 128/2015)

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

With reference to most of the unfortunate dual work fatalities that occurred in February this year, inside the foreign registered trading vessel, *MV Betsy Ross*, which was berthed out at sea, at Draunibota in Lami. Can the Honourable Minister for Employment, Productivity and Industrial Relations update the House on what the Ministry is doing to address the breaches of Fijian OHS Laws in these fatality cases?

HON. MAJOR-GENERAL (RET'D) J.K. KONROTE (Minister for Employment, Productivity and Industrial Relations).- Madam Speaker, before I answer the question, let me give the august House a quick brief of what happened.

The vessel referred to, the *MV Betsy Ross*, is a South African registered trading vessel which came to Fiji, arriving from Tonga at the beginning of the year. It is owned and operated by a South African, who is a citizen of the United Kingdom named Shane Fepuck. On arrival in Suva, Mr. Fepuck contracted and employed four Fijians, on a temporary to assist in the general maintenance work and refit of the vessel.

Madam Speaker, regrettably on the morning of Thursday the 19th of February this year, a Fijian and one of the South African crew members died on board the vessel, whilst engaged in trying to clean and repaint part of the hull.

Madam Speaker, the initial investigation conducted by the ministries, occupational health and safety officials with the collaboration and assistance of the Police, the Health, the National Fire Authority and the Fiji Maritime and Safety inspectors confirm that the cause of death of the two workers could have been attributed to the inhalation of toxic fumes possibly from a combination of the paint and the removing solvents which the men were using in a very confined space in the vessels hull.

Madam Speaker, the OHS inspectors also confirmed that the men were not wearing or using the correct and suitable equipment for working under such circumstances.

Madam Speaker, this tragedy could have been avoided if the owner of the vessel, Mr. Paul Karak and the crew had taken the necessary precautions steps to ensure that the deceased were properly equipped to carry out their work.

Madam Speaker, the National OHS Service of the Ministry is responsible for the promotion of OHS Enforcement of the Health and Safety at Work Act, 1996 and its subsidiary legislations and the Workmen's Compensation Act, Cap. 98.

The activities of the National OHS Service are based on the concept of duty of care, principles and promotes a pro-active OHS Risk Management Council emphasising the creed that "... those who create the risks in the workplace are those who work with them have the primary responsibility to solve them rather than rely on OHS Inspectors to prescribe the remedies as encouraged in the former statutory and administration arrangements under the former Factories Act".

Madam Speaker, the Ministry aims to promote and maintain a working environment which is healthy and safe to both workers and employers and directly contributes to improve productivity. This is achieved by improving OHS Awareness through training of OHS Committees and OHS representatives, Joint OHS Partnership Projects, development of OHS Regulations and Codes of Practice, OHS audits, investigations and enforcement initiatives.

Madam Speaker, as we meet, I have on the ground right throughout the country OHS inspectors who regularly visit job sites and factories to ensure that the regulations are complied with and to assist as required.

MADAM SPEAKER.- Thank you. There being no supplementary questions, I thank you all. Question time is over and we will now break for morning tea.

The Parliament adjourned at 11.22 a.m.

The Parliament resumed at 11.50 a.m.

MADAM SPEAKER.- We will move onto the second item in the Order Paper.

The Honourable Attorney General & Minister for Finance & Public Enterprises, Public Service & Communications to move his motion.

GOVERNMENT GUARANTEE – FIJI DEVELOPMENT BANK

HON. A. SAYED-KHAIYUM.- Madam Speaker, pursuant to Standing Orders 131 and for the purpose of Section 145 (1) of the Constitution of the Republic of Fiji, I move that:

Parliament approves that the Government guarantee the issue of \$110 million to Fiji Development Bank for short and long term bonds, promissory notes, term deposits and other short term borrowings effective from the date of approval to 31 December, 2015.

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

MADAM SPEAKER.- This is a motion under Standing Order 131 which requires to be passed by a majority of all Members, that is 26 votes in favour of the motion.

MADAM SPEAKER. – I now call upon the Honourable Attorney General to have the floor.

HON. A. SAYED-KHAIYUM.- Madam Speaker, the Fiji Development Bank (FDB) was established under the provisions of the Fiji Development Bank Act Cap. 214, that means you open up a business on 1st July 1967. The FDB's functions is in Section 5 of the Act and I quote, "... is to facilitate and stimulate the promotion and development of natural resources, transportation and other industries and enterprises in Fiji, in the discharge of these functions, FDB shall give special consideration and priority to the economic development of the rural and agricultural sectors of the economy of Fiji."

In other words, Madam Speaker, the FDB has a discretion mission to provide development to finance for projects which contribute to the advancement of Fiji's economy and help improve the country's quality of life. In discharge of this above function, FDB under Section 16 of the Act may raise funds through the issue of bonds, promissory notes, term loans and other interest bearing instruments. The repayment of such borrowings may be guaranteed by the Government in accordance with Section 16(3) of the Act.

Madam Speaker, just by way of background, the FDB through other Governments and of course through the Bainimarama Government has been receiving Government guarantees, and I can go back, for the past 15 years. So, for example, in 2001 there is a Government guarantee of \$77.5 million. In 2006, \$105 million, in 2010, \$130 million and this year, of course, what is before the House is a guarantee of \$110 million.

Madam Speaker, as at 30th June, 2014, FDB had a total of 3,843 loan accounts with a total loan portfolio of \$339 million approximately. In terms of the dollar value of lending a substantial quantum is directed towards the Agriculture and Real Estate Sector which accounts to approximately 19 per cent each in those areas, followed by the Building and Construction & Manufacturing Sectors.

In line with the existing Government policy, the number of loan accounts for the agricultural sector constitutes 52.7 per cent of total loan accounts as at June 2014. Overall the focal sectors which is agriculture, manufacturing, electricity, gas, public enterprises represent more than 73 per cent on the total number of loan accounts and 49 per cent on the total value of the loan portfolio. As a result of this

guarantee, FDB will be able to continue facilitation and implementation of these policies as mandated under the Act, by lending to essential sectors of the economy, particularly resource based sectors including agriculture, mining, quarrying, manufacturing, transport, communications, storage, small and micro-enterprises, wholesale, retail, hotels and professional business services.

It also ensures that FDB borrowings are guaranteed by Government therefore reducing the perceived risk associated with such borrowings. This will make FDB's instruments more attractive to investors and be able to get better interest rate when they go out to the market. It should conversely reduce the cost of interest for FDB. It also ensures that FDB's proposed term deposits are guaranteed by Government which will again build investor confidence.

The borrowing forecast for 2015, Madam Speaker, for the last three years FDB's borrowing of Government guarantee request average round about \$115 million annually. The FDB's total outflow for 2015 is forecasted at \$172.77 million, in other words, money going out.

Now, in respect of the total inflows, we are expecting \$62.77 million, while the total outflow is \$172 million, leaving a shortfall of \$110 million which is what Government is requesting that this honourable House guarantee. This shortfall, of course, will be financed to the issuance of bonds, promissory notes, short term borrowings and term deposits.

Madam Speaker, in 2014 FDB had obtained a Government guarantee cover of \$120 million for its borrowings, this year the guarantee being sought is less than that. This obviously has provided FDB the flexibility to optimise its borrow mix aimed at reducing FDB's cost of borrowings and achieving optimum maturity profile structure. The FDB's outstanding liability is guaranteed by Government as at 31st October, 2014. Madam Speaker, it stood at a \$139.15 million of which bonds accounted for \$98.15 million or 71 per cent, promissory notes at \$41 million or 29 per cent of the guarantee. The FDB's current average lending rate and cost of borrowing as at 31st October, 2014 are, lending rate is 6.8 per cent, and borrowing is 2.27 per cent which equates to a margin of approximately 4.5 per cent, which is where FDB gets its margin.

Madam Speaker, the FDB has a proven strong track records as there had been no Government guarantee calls to date. Showing that this is being managed in a prudentially sustainable manner. To mitigate risk exposure and protect Government's wider financial interest, it is proposed that FDB pay a guarantee fee of 0.075 per cent. This should equate to Government receiving about \$82,500, and subject to FDB realising the full extent of the guarantee. Madam Speaker, the guarantee that we are seeking this afternoon from this Honourable House was approved by Cabinet on 27th February, 2015 and I now again cite the motion that a Government guarantee, the issue of \$110 million to FDB for short term bonds, promissory notes, term deposits and other short term borrowings effective from date of approval to 31st December, 2015.

MADAM SPEAKER. – Thank you. I now give the floor to the Honourable Ratu Sela Nanovo.

HON. RATU S.V. NANOVO. – Madam Speaker, I think all of us do appreciate the task and the roles that FDB has been playing throughout the past years up to now, and all these years we do understand that they do come around to Parliament requesting Government guarantee to assist them in funding their operations. As a former employee of FDB, I could recall that at one time we were working towards becoming a full commercial bank. I think, if we look at the move that was once initiated at that time, that will enable the Government to reduce its Government guarantee towards FDB, if it is given the full commercial licence to operate just like any other commercial bank that is operating in Fiji.

On that note, Madam Speaker, I do go along, but in order to reduce the Government guarantee in years ahead of us, I propose to this august House, if we can allow FDB to fully operate as a commercial bank.

HON. DR. B.C. PRASAD. – Madam Speaker, I rise to contribute to this motion. Government guarantee, Madam Speaker, is not a new thing to support the economic objectives of different entities that Government guarantees their loans to. In this particular case, Madam Speaker, as pointed out by the Honourable Acting Prime Minister, that FDB has a role, there are specific objectives. Madam Speaker, before I say a little bit more about it, I think Standing Order 131(2)(a) states, and I quote:

“Where directed by resolution of Parliament, the Minister responsible for Finance must present to the Parliament information concerning any particular loan or guarantee given by the Government, including all information necessary to show:

- a) The extent of the total indebtedness of the Government by way of principal and accumulated interest (actual or potential)...”

I think the Honourable Acting Prime Minister has answered part (b) of that, but I was just wondering if we should have that whole information as of today with respect to the total of Government indebtedness principal and accumulated interest payment, because Madam Speaker, these are very important information for the people of this country. We have a situation where, as the Honourable Acting Prime Minister pointed out, the Government has been able to reduce the debt to GDP ratio to about 47.8 per cent. But I also read comments by the Deputy Governor of the Reserve Bank, Madam Speaker, where he said the debt to GDP ratio is 50 per cent. So maybe the Honourable Minister of Finance would like check those figures.

Madam Speaker, the important thing here for us to look at this particular issue, Government guarantees are not necessarily debt but there can be serious liability to the Government. As the Honourable Minister of Finance pointed out that in the event that these entities that we as Parliament and taxpayers of this country would guarantee, if they are in a situation where they are not able to meet the obligation then obviously contingent liabilities can be serious issues for us. I also would like to say, Madam Speaker that these guarantees should be looked at in totality.

We should also look at our indebtedness. Madam Speaker, about 30 per cent of people’s income goes to funding Government’s expenditure in terms of taxes and other fees, fines and levies but also, Madam Speaker, Government’s borrowing to finance the expenditure. So not only, Madam Speaker, the current generation which funds through taxes and all that, the future generations are also funding current expenditure, and that is why any consideration for Government guarantees or Government borrowing is a very important issue and a national issue for the country.

I noticed, Madam Speaker, that this is Government’s own projection for 2016, that Government of course would need close to about \$500 million to pay the global bond, re-borrowing which Government has to pay with interest next year. Again, Madam Speaker, the Government’s own assessment shows that on average, they would need about \$400 million per year from 2017 onwards right up to 2020 to meet the repayment of principal and interest.

That is why, Madam Speaker, I think it is very important for us have that information in front of us so that we are fully informed as to the extent of Government indebtedness, the ability of Government to service some of these debts and also in the event, it may not be the case in FDB and as the Honourable Acting Prime Minister quite rightly pointed out, FDB has played a very important role. He has given figures to suggest that 52 per cent of the lending also is for agriculture and I think that is important and perhaps, FDB needs to push a little bit more in terms of more enterprising activities in the agricultural

sector, and not just concentrate on the thing that they have done in the past; the usual loans to sugarcane farmers and the ones that also had been established over a long period of time.

I know, Madam Speaker, FDB as an organisation, in fact, that is where I had my first job many years ago, can play a very important role to promote small scale agriculture. I remember there was a focus by FDB to provide loans to very small and medium sized farmers and especially, Madam Speaker, in the non-sugar crop sectors where we will have a lot of potential in the future. So, Madam Speaker, I think, I will stop there but I think that information on total Government indebtedness, our ability to meet the principal and interest to payments and what might be the trend over the next five or six years would be very important for this House.

HON. A. SAYED-KHAIYUM.- Point of order. Madam Speaker, more of a clarification than anything else. My reading of Section 131 and 132 is this, 131 states:

“For the purpose of section 145(1) of the Constitution, the Parliament authorises the giving of a guarantee by the Government by a majority of all members, voting in favor of a motion that the Government act as a guarantor to the person named in the motion”, which is in this case, this is the motion that has been put on the floor on Standing Order 131(1).

The Honourable Leader of the National Federation Party is referring to subsection 2 of the Standing Orders where it states: “Where directed by a resolution of Parliament...” There is no resolution, there is no motion in respect of subsection 2. The motion is under 131(1), that is the motion, so that is what is being debated, Madam Speaker, under 131(1).

MADAM SPEAKER.- Thank you. I now give the floor to the Honourable Niko Nawaikula.

HON. N. NAWAIKULA.- In terms of my contribution, I will be asking this side of the House to oppose this for the basic reason that we understand and we are familiar with statutory authorities coming here to ask for a guarantee, but we need more information. If it is asking for guarantee, then it must justify why the Government should guarantee them. One of the important criteria is that for its public service, is it doing its public service or what it was supposed to achieve?

If one looks at FDB, FDB was established for a primary reason. If the Government wanted a bank, which FDB is now operating as, it would have established a bank, but there was a specific reason for FDB and that is to finance the development in the rural areas and the local communities. You will see, Madam Speaker, that now FDB has retracted from all these because of the risks. It was tasked by Government to take on this risk and it has taken its hands off that, for example, it is now giving loans to native reserve leases, it is very reluctant to give out loans over native land. It is now concentrating on activities from where banks should be, it is funding investors who come here to do that. So, does it deserve to have the guarantee? It does not. And we have just heard that it is now moving to become a fully commercial bank and it should operate just like a bank.

(Inaudible interjection)

HON.N. NAWAIKULA.- He was there, you weren't there.

(Inaudible interjection)

HON. N. NAWAIKULA.- That is where it is moving. So the House must be fully informed of the justification; does it need our guarantee and we do not have that here. The Government is only coming here because it has the mandate, because it knows with a vote it will have the numbers. If one looks at the performance of FDB, it does not deserve the State's guarantee.

MADAM SPEAKER.- Thank you.

HON. M.D. BULITAVU.- Point of order. Madam Speaker, the intention of the Honourable and learned Attorney-General is very clear, if he wants to exercise the voting power, that is in 131(1) of the Standing Orders and being the Parliament, Opposition and Government, we need further information, even to enable us to vote. We do not have sufficient information from what he has delivered today that will allow us to make the basis of our vote.

MADAM SPEAKER.- Thank you. I would like the Honourable Attorney-General to respond to that.

HON. A. SAYED-KHAIYUM.- Thank you Madam Speaker, could I respond to some of the other issues that had been raised by the honourable Members from the other side?

Madam Speaker, the issue is very simple. Under 131, you put the motion and you debate the motion. The reality is, I think, there seems to be some confusion. We have Honourable Nanovo saying that it should be going to a commercial bank, Honourable Nawaikula is saying it should not be. Madam Speaker, I completely agree with Honourable Nawaikula, on one of this rare occasions where he is saying that the FDB had lost its way. I have cited the mandate, the Bainimarama Government is bringing it back to its path.

Let me tell the House, FDB prior to 5th December, 2006 was funding Momi Bay, through an investor from New Zealand who did not have the funds, came and borrowed from FDB and FNPF and that investor now, I understand, is in prison.

So Madam Speaker, I completely agree with honourable Nawaikula. We have, Madam Speaker, for the information of this House, about six weeks or so, requested the Asian Development Bank to re-look at FDB because we wanted FDB to actually become what it says it is; a development bank. Not a commercial bank, we do not want it to become a commercial bank. The commercial realities unfortunately are such, Madam Speaker, if there were loans given to commercial enterprises prior to 5th December, 2006 or in any period before that and there is a refocus, we obviously suddenly cannot shut down those loans. They have to be paid back and then we will be able to recover our money, but the way forward, and I completely agree with Honourable Nawaikula, we need to have it focused as a development bank. That is the path we are going to take and that is the Government policy. There is agricultural loans that have been given, over 50 per cent of the loans, I understand, the portfolio is in the agricultural sector, it needs to be increased. I completely agree with Honourable Prasad, that it should not be simply giving crop liens and what have you on a small-time basis, it must become more involved.

I completely agree with Honourable Nawaikula, it must have the fortitude and the strength to be able to take *iTaukei* land leases as security; I completely agree with all of that. That is the focus on which we are on and that is the path that we are taking. That is why it is so critical that we approve this guarantee because it is for the development of Fiji, and in particular development of rural dwellers. That is the focus of FDB, Madam Speaker, and I completely agree with the fact that his pointing out about the interest rates. We have given all that information, Madam Speaker. I had given out the portfolio and the guarantees that were given from 2001, I have given that information.

By actually objecting to this, we are stifling a development bank, no one in this House should actually stifle a development bank. We now have for the first time a commercial bank that is completely Fijian-owned – HFC. That has a life of its own, that deals in the commercial area. The FDB must deal with this area in terms of development banks.

HON. ROKO T.T.S. DRAUNIDALO.- Point of order, Madam Speaker.

MADAM SPEAKER.- Point of Order.

HON. ROKO T.T.S. DRAUNIDALO.- ... he moves a motion and debate ensues then at the end then he gets a write of reply. I did not think the debate had ended.

MADAM SPEAKER.- No, I asked him to respond to what has just being tabled and there is still provision for write of reply, if he wishes, but he has responded to the comments that have been made earlier.

HON. M.D. BULITAVU.- Can I get a ruling from you, Madam Speaker, because we need those documents and evidence to convince us even to enter into a vote. At the end, the Honourable and learned Attorney-General wants to put this to a vote. So, we need a ruling from you, Madam Speaker. All he is saying is; what are the plans and all that, but we need what is concrete there.

MADAM SPEAKER.- Thank you and my ruling will be that the Honourable Attorney-General has given information to the question at hand, but should there be further information, there is provision of write of reply that he can respond to it. I now invite the Honourable Attorney-General to represent his write of reply before we put his to a vote. Thank you.

HON. A.M. RADRODRO.- Madam Speaker, can I just reply to the motion?

MADAM SPEAKER.- Sure.

HON. A.M. RADRODRO.- Madam Speaker, with the limited information given by the Honourable Minister of Finance and also regrettably that he is also agreeing to some of the views that has been expressed from this side of the House, because what is needed here is going to be an added burden to the taxpayers - \$110 million of guarantee given to the Fiji Development Bank. He has also agreed that there are also areas of improvement within the bank; so why the \$110 million? That is the information that we need. Why do we need to provide \$110 million, why not \$100 million and also the percentages of the areas of loaning by the FDB?

It will be interesting to see how many of those are corporate entities, how many of those are individuals in the respective areas especially in the agriculture area; dalo farming and ginger. We have yet to get information from that, so \$110 million for what? We need additional information in the motion that has been presented.

Also, Madam Speaker, on the motion, if FDB continues to get guarantees as being alluded to by the Honourable and learned Attorney General and the Minister of Finance, does that not reflect poor management? Do we need to change the management, the board, as probably he is aware that he had appointed most of them? Why do we need to continue funding institutions that have not been performing as being expected?

Madam Speaker, on the interest rates, he said something about the interest rate of 6.8 per cent given to customers. I beg to differ on that information because currently customers are paying 8 per cent. The interesting information would be; how many of the FDB customers have been written-off for non-payment of loan? That is the information that we need. If you can provide us those information, at least it can guide us to ensure that what we are voting for today is not going to be an added burden to the taxpayers of this nation.

HON. LT. COL. I.B. SERUIRATU.- Madam Speaker, thank you for the opportunity to contribute.

The FDB like any other bank has got its systems and processes in place as well, and they do the due diligence for every application. There are risks involved in business and in life and these risks can be mitigated, reduced or transferred. But the big question that we have here is, again going back what the Honourable Member has just referred to, it is a question of depriving the people or the added burden. The incidence of poverty is high in rural Fiji. There is a reform system in place and the FDB is a part of this, but are we going to be overwhelmed by this and forget the people that we really need to assist as well?

Incidence of poverty is high amongst rural women and rural youths and we talk about unemployment, their livelihood is agriculture. If we approve this loan, if we support this motion then the very people that voted for us, the very people that want to be assisted are going to get this assistance. Deprivation is one side of the question but let us work on assisting the people who need that assistance, and that is the crux of the motion, Madam Speaker. There is a board in place, there are systems in place, let them deal with that. But this is just a simple matter of approving so that the necessary assistance can be rendered.

MADAM SPEAKER.- Thank you.

HON. ROKO T.T.S. DRAUNIDALO. – Thank you, Madam Speaker, a small contribution from me.

In fact, what the Constitution and the Standing Orders require us to do is to sign off on this guarantee; the Parliament. It is requiring our endorsement to guarantee \$110 million. It has been done in the past, we hear from the Honourable Minister, but before we sign off to anything, that is all we are asking. Can we have more details? Because we have heard from the Honourable Minister that the borrowing rate is 2.7 per cent, the lending rate is 6.8 per cent and, then we have heard from my Honourable colleague that the lending rate will be 8 per cent. Perhaps that could be clarified.

However, instead of going to and fro, we ask for more information as has already been requested by my honourable colleagues because we are signing off, and this is what these provisions are asking us to do; the whole Parliament is to sign off to \$110 million of guarantee, it is not a light thing. I can only recall the gross mismanagement in the past, that we found out only way too late. Now that we have the opportunity, perhaps the honourable Minister might just want to be more helpful and then we will give the endorsement if it is in order, that is all. It is not a matter to fight over. We are just requesting more information so that we give the sign off and, that no one comes later in time in this Parliament and says to us, “Why did you sign off to this, this, this and the other without asking for information?”

MADAM SPEAKER. - Thank you very much, Honourable Members. You have heard the pros and cons to this motion and the onus is on you to vote for or against it. The Parliament will now vote. I hear objections.

I will now give the floor to the Honourable and learned Attorney General for his write of reply.

HON. A. SAYED-KHAIYUM. - I have the right to reply, I am the mover of the motion.

Madam Speaker, the information that the honourable Members on the other side are requesting is readily available from FDB. If they were so concerned about FDB previously and they thought it was in dire straits, why did they not ask it in question time since last year? Why did they not do it?

(Chorus of interjections)

HON. A. SAYED-KHAIYUM.- It is not about lack of transparency.

As the honourable Leader of Government has pointed out, the issue that we are deciding is that by guaranteeing this \$110 million, it does not mean we are giving \$110 million, we are actually guaranteeing. In the event that FDB is not able to fulfil its requirements or obligations under the promissory notes, the bonds. To-date, FDB has not defaulted nor has it been to call on those guarantees.

Madam Speaker, as the Honourable Leader of Government, who is also the Minister for Agriculture has pointed out, the decision before the floor, will actually determine how fast and how quickly we can respond to the demands that are being placed on the FDB by the rural people and the agricultural sector. The Honourable Minister of Agriculture, for example, is carrying out a number of projects in the rural areas that will lead to sustain livelihoods, empowerment of our people and create industry in the agricultural sector.

Regarding interest rate, Madam Speaker, of course, as I have highlighted to you, that when we talk about interest rate, in the same way, if one goes to a commercial bank, they will not say, "My interest rate is 6 per cent"; obviously it varies. We always talk about the average interest rate, that is applicable and in this particular instance, there is a short fall. The amount of money that it pays and the amount of money it lends on, and that is the issue before the floor. That is why they have to raise those bonds to meet the shortfall, in terms of outflows and the inflows. It is as simple as that, Madam Speaker.

If the honourable Members want further information, I am quite happy, you can ask us, we can write to you but do not let that be an impediment to the passing of this guarantee, because this guarantee, Madam Speakers, is a lifeline to the FDB to be able to carry that out. It is very simple as that, Madam Speaker.

MADAM SPEAKER. - Thank you for your right to reply but I will follow procedures and ask - does any honourable Member oppose the Honourable and learned Attorney General's motion.

HON. OPPOSITION MEMBERS.- We all.

MADAM SPEAKER.- In that case the Parliament will now vote on the motion.

Question put.

Votes cast

Ayes:	27
Noes:	11
Not voted:	10
Abstained:	1

Motion agreed to.

GOVERNMENT GUARANTEE – FIJI SUGAR CORPORATION

HON. A. SAYED-KHAIYUM.- Madam Speaker, pursuant to Standing Order 131 and for the purposes of Section 145 (1) of the Constitution of the Republic of Fiji, I move:

That Parliament approves the extension of Government guarantee of FJ\$120 million to Fiji Sugar Corporation (FSC) from 1 June, 2015 to 31 May, 2020, which expires on 31 May, 2015.

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

HON. A. SAYED-KHAIYUM.- Madam Speaker, Government on 18th March, 2010 had approved the Government guarantee of FJ\$120 million to FSC. This guarantee was later renewed for three years in the Cabinet meeting of 3 July, 2012, which now expires on 31 May, 2015, which is this month. FSC sought Government's assistance to extend this guarantee to 31 May, 2020.

Extension has been sought to renew the ANZ pre-export facility. This is a testimony to the renewed confidence the international commercial banks, such as ANZ, having FSC's reform programme.

FSC's strategy has been to manage itself, to short and medium-term borrowings and the ANZ pre export facility, without Government's direct fund injection. Major capital investments other than the normal sugar manufacturing capital costs shall be funded independent of this guarantee.

As part of FSC's strategy to be self-sufficient and to manage its future cash flows without Government direct funding, in other words, directly from Budget's support and reduce reliance on just raw sugar exports, the industry is embarking on diversifying into other products, such as electricity, ethanol, refined and specialised sugars to better manage the revenue and cash flow risks.

In fact, the FSC should have embarked on this diversification programme probably decades ago. We should have had a sugar refinery company decades ago. This merely depicts the lack of foresight and goodwill of the past governments.

Previous governments, Madam Speaker, solely relied on the premium receipts of raw sugar because we receive subsidies. Hence, the drop in raw sugar prices is having a detrimental impact on FSC's revenue base. More broadly, diversifying the revenue base would position FSC to offer better prices to farmers.

The justification of the guarantee, Madam Speaker, is that by giving the Government guarantee, ANZ will offer the pre-export facility for another three years. The extension of this Government guarantee is critical to meet FSC's day to day operations, swift payment of cane proceeds to farmers, assist in sugar related capital upgrade works and refinancing of maturing debts. While a significant improvement was noted in FSC's mill efficiency, it recorded a 33 per cent reduction in the sugar export price for the 2014 crop, compared to the previous season. This was the result of the current world market price for sugar at around US15 cents a pound. This has created significant cash flow issue for FSC and requires funding for cash shortfalls.

The converging of the price offered by the EU, which we have been receiving through the Cotonou Agreement to the world market prices, poses a significant challenge to FSC. Against this backdrop, FSC paid a record price of \$88.49 per tonne for the 2013 crop.

FSC was able to achieve break even cash flow from operations in the last financial year, with the better export price. However, earnings from future operations will not be sufficient to cover all cash flow outflows until 2018. In the meantime, of course, the diversification will quickly take place, through the assistance of this funding. This mainly attributes to the expected reduction in the export price for our sugar from the 2014 season and thereafter. This of course is reflected in the projected cash flow.

The guarantee would provide leverage to FSC to borrow in case of any intermittent cash flows without dependent on Government for funding. As at 31 March, 2015, domestic borrowings secured by Government guarantee is \$FJ29.75 million. The balance of \$FJ90.25 million would be used to renew the ANZ pre-export facility and for any other urgent financing needs.

The sugar industry, Madam Speaker, is important to Fiji's economy as its contribution now has dropped significantly at 1.7 per cent of GDP, generates about eight per cent of total export with a total foreign earnings of \$159.6 million, based on the provisional data from the RBF. Unlike many other export oriented industries, most production inputs are domestic and have a high visual impact and cross sectorial linkages. It also has a very level of employment because most of the farms are not mechanised.

FSC recorded a positive Earnings Before Interest Tax Depreciation and Amortisation (EBDA) of \$FJ5.9 million to the year ended 31 May, 2014, against the negative \$1.8 million for the year ending 2013, and is projective a negative EBDA of around \$2 million for the financial year 2015, after allowing for 33 per cent reduction in the world sugar export prices.

This is a much improved financial position of the company, compared to where it was some years back. It is critical that FSC continues to grow its EBDA to alternative income to just raw sugar. Net profit records for the financial year 2014 is \$FJ6.95 million, compared to \$FJ6.25 million in 2013 and \$1.85 million in 2012.

FSC catch for a deficit for financial year 31 May 2015 is estimated at around \$FJ33.8 million, excluding Government's loan repayment and redemption of the bonds.

The current policy, Madam Speaker of Government will provide guarantee in exceptional circumstances and with a guarantee fee. However, because of the importance of the sugarcane industry and the fact that it employs by some estimates close to \$FJ200,000 fijians, FSC has been exempted from paying the guarantee fee, which is against sought in this motion, Madam Speaker.

Currently, FSC has an existing Government guarantee of \$50.4 million for loan from the Exim Bank of India. This guarantee is in relation to the mill upgrade programme, carried out under the supervision of the Sugar Technology Mission of India, prior to 5th December, 2006, when the engagement took place and some of the arrangements were put in place then. Borrowings from Government stand at \$FJ173.8 million.

Madam Speaker, as a study means, what we have done also, we have asked FSC to provide quarterly reports on the status of the Government guarantee utilisation, develop more and stronger partnerships with the private sector and continue to work with the Ministry of Industry and Trade to source alternative markets because the reality is, the quota system that we have, the preferential pricing that we have is now slowly being wound down because of the policies taken by the European Union and to engage in more public relation exercise with farmers and other related stakeholders about reforms underway to keep the sugarcane industry viable and sustainable.

Madam Speaker, the extension of the \$120 million guarantee to FSC was approved by Cabinet on 31 March, 2015. I have now much pleasure in recommending this motion to the floor. Thank you, Madam Speaker.

SUSPENSION OF STANDING ORDERS

HON. LT. COL. I.B. SERUIRATU.- Madam Speaker, I rise on a point of order.

Madam Speaker, I beg to move that Standing Order 23(1) be suspended to allow the House to complete the debate on the current motion.

MADAM SPEAKER.- Given that we will have a long session after lunch, we really would like to complete this motion before lunch and we will give you enough time to look through the report before lunch time.

MADAM SPEAKER.- Do we have a seconder?

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

Question put.

Motion agreed to.

**DEBATE ON THE MOTION OF GOVERNMENT GUARANTEE –
FIJI SUGAR CORPORATION**

HON. DR. B.C. PRASAD.- Madam Speaker, I rise to contribute to the motion. Madam Speaker, I think this is a very serious issue before this Parliament. This Government and the government before the September 14th elections, has only talked about Fiji Sugar Corporation. They have continued to put money into FSC, concentrated on reforming the Fiji Sugar Corporation and they forgot about the farmers. They forgot about the farmers, Madam Speaker, and this is why this guarantee by Parliament has to be scrutinised very, very seriously before we can agree to this.

Madam Speaker, there are serious questions about the management of Fiji Sugar Corporation and I raise that issue in this Parliament. This organisation is managed by an executive chairman. This Government being the majority shareholder has not been able to get a full time CEO and an independent board. These are serious questions about the management of the organisation and let me say this, we have not heard Annual Reports from this organisation for 2012, 2013 and 2014, although we have been promised that they will have the AGM and we will be provided with that.

Madam Speaker, also, if we are looking at Fiji Sugar Corporation, we cannot divorce that organisation from what is happening in the industry in totality. It is a shame, it is sad that in the last several years, we have not concentrated on how to raise production, how to raise efficiency, how to build confidence of farmers in the industry.

Let me give an example. We are now at a situation where we will see the end of the new quota in 2017. The forecast price has seen a reduction to about \$73 and the situation for the farmers is green. The Prime Minister himself in a meeting in London admitted that and he talked about how serious the industry is going to be in terms of the struggle after 2017.

The average cost of production, Madam Speaker, is about \$45. These include all farm harvesting and delivery costs. For 2013, Madam Speaker, farmers received less than \$89 per tonne and if you remove the cost of production of \$45, the net income that farmers get from a tonne of cane is \$44. 70 per cent of farmers produce an average of about 200 tonnes of cane, but no doubt, this has fallen to about 150 tonnes last year. We only had a little over 13,000 cane farmers in this country. If you look at the real active farmers, it would be less than 13,000. So, when we are looking at the Fiji Sugar Corporation, we ought to look at how the farm level activity is going to support the operations of the Fiji Sugar Corporation.

The Honourable and learned Attorney-General is right, when he talks about diversification. They should have done this many years ago, I agree with him entirely. But, Madam Speaker, if you are getting into diversification with sugar cane, not just sugar out of sugar cane but other products, then you have to have farmers who can produce sugar cane. There needs to be sugar cane produced. If farmers are not going to produce sugar cane, FSC is not going to be of any help. This is why, Madam Speaker, FSC's focus and they should have been in the future work out strategies to support farm level efficiency and activity.

Madam Speaker, this is why in the previous session, a call for Government to look at a minimum guarantee, because we need to build confidence, not in FSC. I mean that is something we own and

Government is planning to take over the minority share and become 100 per cent share here. But that is not the point in this issue. We need to look at how we can bring back confidence of the sugar cane farmers in this country and before we look at this guarantee for the Fiji Sugar Corporation, this august House must debate all the details about the Fiji Sugar Corporation, its performance over the last several years, we need to look at the Annual Reports of 2012, 2013 and 2014. We need to have a very clear view about where that organisation is. We all want the sugar industry to survive, we all know that 200,000 people in this country depend on the industry. That is a fact. We all know that but what we want, Madam Speaker, before we agree to this guarantee, is a detail analysis of the management of the Fiji Sugar Corporation, the finances of the Corporation, the details of what they have done over the last two or three years in terms of the Annual Reports and that information should be provided to Parliament because then only as a Parliament, we will be responding to the wishes of the people of this county for good scrutiny of what we do here, Madam Speaker.

I urge the honourable Finance Minister to think about that, to bring those information, we all want to support the sugar industry. We all want to support FSC as an efficient organisation but if we have an organisation which has not been able to find a full time CEO over the so many years and we are coming here to agree to further guarantee. If this management cannot produce Annual Reports on time, Madam Speaker, then they should not be there. This is why, Madam Speaker, it is very, very important for this Parliament to have much more robust detail on the basis of the information that should be provided to us.

Madam Speaker, let me conclude by also saying this, it is a pity that the Government does not see fit to have a joint Parliamentary Committee on Sugar. It is the most important industry in the country and is on the verge of collapse, Madam Speaker, and we want to support this industry. We want to develop a bipartisan approach to solving this industry's problems. We want to get the farmers to have confidence.

HON. P.B. KUMAR.- The farmers do not want you.

HON. DR. B.C. PRASAD.- You have no idea about bipartisan, honourable Member.

Madam Speaker, the honourable Member probably forgot the NFP tutelage that he received over so many years about bipartisan.

(Laughter)

Let me tell the Government side, Madam Speaker, that the people of this country want a Standing Committee on Sugar. When we suggested that, the Government rejected that, but we got a lot of feedback; overwhelming view among the farmers that we need a bipartisan approach to resolve this.

HON. S. PATEL.- We also got feedbacks, that is why they did not vote you.

HON. DR. B.C. PRASAD.- That is FijiFirst feedback.

Madam Speaker, that is the most important issue in this debate. We have no issues about Government guaranteeing organisations like FSC, but before we do that, we need some serious debate, we need some serious information. I mean Government should not hide this information. We have not had annual reports for three years.

HON. S. PATEL.- We are not hiding anything, stop assuming.

HON. DR. B.C. PRASAD.- And it is only when we raise this issue in Parliament, that the Honourable Prime Minister comes out and says, "okay, we will have the annual general meeting and we will have the annual report."

MADAM SPEAKER.- Honourable Member, the honourable Prime Minister is not here to defend himself, please refrain from involving him in the debate.

HON. A. SAYED-KHAIYUM.- Point of order. I need to correct the honourable Member, for the record because his question on that was, “is it correct that the AGM as announced by the Executive Chairman of FSC in FBC will be held or not?”; that was your question. You said that the honourable Prime Minister said only after you asked that question did he go running for the AGM. That is not correct, Madam Speaker. The honourable Member is misrepresenting the facts.

HON. CAPT. T.L. NATUVA.- Do not make up stories.

MADAM SPEAKER.- You still have a few minutes, honourable Member.

HON. DR. B.C. PRASAD.- Madam Speaker, if I can correct that, the honourable Prime Minister did talk about the annual report in reference to what we said in our earlier discussion in this Parliament. So the issue of annual reports remains, Madam Speaker, as an important consideration as we discuss this issue now.

Madam Speaker, once again let me say this to the Government, that we need a bipartisan approach in resolving the problems of this industry. It is an important industry, we will have serious issues after 2017, and if we do not take a bipartisan approach, this is one thing on which they can have a bipartisan approach, Madam Speaker. If it is beyond some of the Government Members, then help the sugar industry.

HON. COL. I.B. SERUIRATU.- Madam Speaker, if I can contribute as well. It is good to have bipartisan agreements but tough decisions have to be made at some stage as well. Let us look at the history of the sugar industry in Fiji, heavily politicised. It is important to Fiji; 250,000 families are dependent on the sugar industry. It makes a significant contribution to our GDP. Those tough decisions have to be made at some stage so that we salvage it. It is not on the verge of collapse, it was collapsing.

(Chorus of interjections)

The Bainimarama Government came up with solutions to salvage the sugar industry; that needs to be clarified.

HON. RATU I.D. TIKOCA.- You have never achieved it, waste of money.

HON. COL. I.B. SERUIRATU.- Farmers are important. Government has done a lot for our farmers. Again, I keep saying, farmers have to take responsibility and ownership as well. We can improve farmers' income, we have to go economies of scale, better husbandry practices; this is a sugarcane farmer giving you information. I know the assistance that is going to the sugar industry. Fertilisers have been subsidised all these years. New initiatives, this has never been done before. We have the Fair Trade Agreement in place and farmers have been given extra income. Labasa alone, \$4 million ...

HON. CDR. S.T. KOROILAVESAU.- Tell them!

HON. COL. I.B. SERUIRATU.- ... and that is not controlled by FSC, it is under the farmers who organise themselves.

HON. P. SINGH.- No credit to the Government.

HON. A. SAYED-KHAIYUM.- We facilitated it.

HON. COL. I.B. SERUIRATU.- That, Madam Speaker, tells us that a lot has been given to our farmers in terms of assistance that they need.

The revival of the Extension Services within FSC, they are important in the value chain. We need the Extension Services. Extension Services have been revived and hopefully with this, there will be a significant increase in the cane production level.

We have brought in an expert from Mauritius, nurseries have been in place, Madam Speaker, in all the sugarcane belt areas.

HON. R.S. AKBAR.- Tell them.

HON. COL. I.B. SERUIRATU.- We have an expert from Mauritius working with our farmer, to assist them in producing good cane qualities and of course, good husbandry practices as well.

Madam Speaker, the FSC is so important to all of us because without the market, the farmers will suffer. Farmers are important, but FSC, as an entity, has to survive. The executive chairman, Madam Speaker, the reports, as assured by the Honourable Prime Minister, will be tabled and that is when ...

HON. OPPOSITION MEMBERS.- When?

HON. COL. I.B. SERUIRATU.- ... the executive chairman and the board can come under the scrutiny of all stakeholders.

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

MADAM SPEAKER.- Is there a point of order?

No, point of order, thank you. I give the floor to the Honourable Nawaikula.

HON. N. NAWAIKULA.- Madam Speaker, thank you for the time. I have heard the explanation given by the honourable and learned Attorney-General; these are recent. They are not justifications for the House to give this guarantee because if he gives this guarantee, it will be like flogging a dead horse. This industry has been dead for a long time. Imagine, no CEO, no annual report; the most basic thing that will tell you whether a company is alive or dead. It has been dead for eight years.

HON. P.B. KUMAR.- Breathing.

HON. ROKO T.T.S. DRAUNIDALO.- On life support.

HON. N. NAWAIKULA.- Breathing, but it is dead.

If you do not have an annual report, you are dead. Why come here and ask for a guarantee when you cannot even produce your annual report? How is this House to be guided by your performance? You have nothing to show. Nothing! You cannot appoint a CEO, which is very basic. So, you are dead, you are a dead industry and you are coming here to ask for a guarantee, for what? To guarantee your non-performance.

(Laughter)

You have not performed. Period. No annual report, no CEO, that is what you are revealing, and if you want the House to say yes, you must provide justification. How; eight years of improvement, where are the improvements? Extension of GDP – GDP has been there. Will the GDP be improved? There has been no improvement in production, there has been no extension. You go to TLTB and they will say, “This one is finished, this one is finished, this one is finished.” How will this guarantee translate to your improvement when you cannot even show us in the last eight years that you have improved? So the fundamental thing is that, here you have a company, and this is simply to try to push it up; push up that company which does not have a positive effect on the individuals (farmers). That is why you should come here to tell us; how many are employed, by this guarantee, that will translate to how many more to be employed, by giving us this guarantee, we are at this level of production, by giving us this guarantee, this is what production will have in the next years. That is far more important. So what do you have to show to this House? You have nothing. Nothing, no CEO; that has to be tomorrow, I would like to see that in the papers, there has been no CEO for so many years. No annual reports. So how do you judge your performance?

HON. P. B. KUMAR.- Madam Speaker, point of order.

HON. M.D. BULITAVU.- What order?

HON. P.B. KUMAR.- The Honourable Prime Minister has assured this House on the presentation of the report and the AGM. These honourable Member keeps on saying, “where is the report?”

The honourable Prime Minister has assured this House on the presentation of the reports in the AGM, yet those honourable Members keep asking; “Where is the report? I want the ruling on that.”

(Chorus of interjections)

MADAM SPEAKER.- Order! Order!

There has been ongoing repetition of the same issues over and over again. It looks as if we have finished with any more substantive issues that need to be raised. I thank you for your presentation and I will now give the floor to the Honourable Gavoka.

HON. V.R. GAVOKA.- Madam Speaker, like the Honourable Minister for Agriculture, I was also a cane farmer.

HON. COL. I.B. SERUIRATU.- A former cane farmer?

HON. V.R. GAVOKA.- I intend to get back into it, Madam Speaker.

(Chorus of interjections)

Madam Speaker, I love to hear the words “salvage FSC” but anyway, I started in 2007 and it will be soon 2016, so how long will this salvage take, Madam Speaker?

MADAM SPEAKER.- Order! Order!

The honourable Nawaikula, what word did you use just now?

HON. N. NAWAIKULA.- Eight years.

MADAM SPEAKER.- Oh, I apologise for that.

HON. N. NAWAIKULA.- Madam Speaker, that is the time they have been in Government, and they have been talking about salvaging, but nothing.

MADAM SPEAKER.- Thank you.
(Laughter)

You may continue, Honourable Gavoka.

HON. V.R. GAVOKA.- Madam Speaker, more importantly, as outlined by my colleague, the honourable leader of the National Federation Party (NFP), we need to produce cane. It is very simple economics, you have to produce to make it.

The naked eye, Madam Speaker, if you drive through the Western Division, it will tell you there is very little cane. A lot of land that used to grow cane are lying fallow, nothing grows on them. What I would like to see, Madam Speaker, a bipartisan approach that the Honourable Dr. Prasad has been suggesting, it has to be taken seriously. The farmer must sit with the landowners and agree on the terms and conditions to farm the land.

It must take on a sense of urgency similar to ALTA, what our parents did back in 1967. ALTA, Madam Speaker, changed the entire landscape of cane growing in the Western Division. We were part of it. What we saw, the growth of Sigatoka Town, Nadi, Ba, Tavua, just because of ALTA legislation that made it possible. Today, Madam Speaker, I do not see Government applying itself in bringing the farmer and the landlord together, to get a similar programme in place. If anything, please let us take this bipartisan approach seriously, we can do it, there is goodwill in this country, there is now parliamentary democracy so let us get all committed together – parliamentary bipartisan approach. Get the farmers and landowners together and get the sugar industry to start growing again, Madam Speaker.

Madam Speaker, on a subject of guarantees, they are contingencies. We need to be very, very careful because in financial statements, they can be known as “off the balance sheets” item. In many countries, they have been caught with their contingencies because they gave too much of it and they forgot about it until they got caught so it just needs to be treated very, very seriously. We have just guaranteed FDB, they are going to guarantee FSC, what else is there? We need, Madam Speaker, to be told one day exactly the contingencies that is out there that may come and haunt us in the future, Madam Speaker.

MADAM SPEAKER.- I give the floor to the Honourable Ashneel Sudhakar.

HON. A. SUDHAKAR.- Madam Speaker, unlike my colleague, Honourable Gavoka, who was a cane farmer, I am a current cane farmer, just like my colleague, the Honourable Viam Pillay. Before coming to Parliament on Sunday, I was in actually on my cane farm, planting.

Madam Speaker, we have heard in this House a while ago, about some mention of flogging of a dead horse. Let me ask the honourable Members; who is responsible for this dying horse? Who was in power from 2001 to 2006 when majority of the cane leases in this country were expiring?

A number of people living in the squatter areas here – from Labasa, Bulabula in Ba, from Luvu Settlement in Lautoka, from Sigatoka. What are they doing in these squatter settlements? It is because their cane leases were not renewed and have expired.

(Chorus of interjections)

MADAM SPEAKER.- Order! Order!

Only until the Honourable Prime Minister came to power, then the leases were renewed. Madam Speaker, 75 per cent of the cane leases were renewed under the Bainimarama Government, the FijiFirst Government and that is the reason why the sugar industry is on the verge of recovery. It is recovering.

The sugarcane industry, for the first time, is in very good hands. It is in the hands of ... It is recovering.

(Chorus of interjections)

This Parliament already heard that it used to be 13 tonnes of cane for one tonne of sugar. It is now about seven or eight tonnes.

HON. OPPOSITION MEMBERS.- Oh, Oh!

HON. A. SUDHAKAR.- It is a sign of improved. The horse is not dead yet. We will save that horse.

HON. GOVT. MEMBERS.- Hear! Hear!

HON. A. SUDHAKAR.- If the Bainimarama Government, the FijiFirst Government will save that horse. Now, this Government, Madam Speaker, is very serious about the sugar industry. There are about 18,000 to 20,000 farmers directly related to the sugar industry, there is about 200,000 people of this country, who are directly or indirectly linked to the sugar industry. If this horse is not saved as you are saying, what will happen to the 200,000 people? This is the only Government that has:

- 1) renewed the leases;
- 2) improved the railway system; in the sugarcane industry, you must plant, deliver to the mill and;
- 3) you must mill the sugarcane to produce sugar.

If this Government does not guarantee the loan, if FSC does not produce, all we will have is cane juice which will be mixed with our tea.

HON. GOVT. MEMBER.- Listen to him, listen!

HON. A. SUDHAKAR.- What will we do with the cane juice?

(Chorus of interjections)

The issue here is, we must understand ...

(Chorus of interjections)

MADAM SPEAKER.- Order!

HON. M.D. BULITAVU.- Madam Speaker, I rise on a point of order. The honourable Member is just wasting our time. It is the repetitive of trying to convince us to vote yes

(Laughter)

But what we are referring is are the documents, the books, Madam Speaker.

Madam Speaker, my point of order is that, we need a ruling from you. What the honourable Leader of Government in Business mentioned, that they need to make tough decisions. It was done during the unelected period. Now, we have a Parliament, we have a democracy. We work on a bipartisan.

MADAM SPEAKER.- Order! Order!

HON. M.D. BULITAVU.- We need a ruling from you, Madam Speaker. So, remove the idea

MADAM SPEAKER.- What is your point of order?

HON. M.D. BULITAVU.- I need a ruling from you, Madam Speaker, that there is insufficient information with us, and with that information, we can form a committee – a bipartisan committee, and we look into it. I need a ruling on that. It is a point of order, I need a ruling!

MADAM SPEAKER.- Order! Order!

The Honourable Sudhakar, we have a lot of information coming. My ruling is, please continue.

HON. A. SUDHAKAR.- Madam Speaker, I was in the middle of my presentation when I was accused of wasting time. Through you, Madam Speaker, may I ask the honourable Member; how many plants of cane has he planted in his life?

(Laughter)

HON. M.D. BULITAVU.- Can I answer?

HON. A. SUDHAKAR.- Yes, yes. I plant cane on 9 acres of land.

(Laughter)

Madam Speaker, the lease was on the verge of expiring and it was only renewed when that great man came into power. Had he not been there, I would have probably been living in the squatter settlement in Valelevu or somewhere.

Now, let me continue, it is not wasting time, Honourable Bulitavu. If you listen, you will learn something.

Madam Speaker, the Government is guaranteeing this finance to FSC to enable FSC to improve its mill and its functions, so that they can mill the cane it produces.

(Chorus of interjections)

I am talking to the Speaker, through her, and I am looking this side because Honourable Karavaki is moving that way.

HON. N. NAWAIKULA.- Address the Speaker.

HON.A. SUDHAKAR.- I am talking to the Speaker.

What I am saying, Madam Speaker, is that we have heard from both sides of the House. The Opposition is telling us that they do not want this loan to be guaranteed.

HON. OPPOSITION MEMBERS.- No.

HON. A. SUDHAKAR.- We will see that on the votes. Now, the Government side is adamant

HON. P. SINGH.- Madam Speaker, the honourable Member is misrepresenting Parliament. The Opposition is not trying to derail that guarantee. What we are raising here is some valid points for the Government of the day to take cognisance of the fact that the horse, unlike my friend who is standing on his feet, is on its back.

(Laughter)

MADAM SPEAKER.- Thank you. Please, focus on the issue at hand.

HON. A. SUDHAKAR.- Thank you, Madam Speaker. I am not derailed, but because of the interjections, let me rephrase.

What I am saying is that, we have heard in this House this morning that the Government is adamant that FSC's loan should be guaranteed, and the Opposition is asking for facts or asking for some information which is supposedly going to help them. The information is here. We are giving them information. If they listen to us properly, what the Attorney-General and the Leader of Government in Parliament has said so far, and also what this canefarmer is currently telling you....

MADAM SPEAKER.- Please, give us information.

HON. A. SUDHAKAR.- Yes. The information is this, that FSC, the Company needs this finance to allow it improve its facilities to mill the cane.

HON. N. NAWAIKULA.- Production has gone down!

HON. A. SUDHAKAR.- Production has gone down because of the non-renewal of leases. They are not farmers anymore in Labasa and Ba.

(Chorus of interjections from Opposition Members)

MADAM SPEAKER.- Honourable Member, do not respond to interjections. Just focus on the issue at hand.

HON. A. SUDHAKAR.- Madam Speaker, let me continue.

I will now conclude on this information, that if the mill is not given the finances they need and if it is not allowed to mill, then what are we going to do with this cane that we produce? We cannot load the cane on ships and send to Singapore for milling? We need the mills. Therefore, Madam Speaker, I will support the Government's proposition that this finance for FSC should be supported, and the mills should be allocated that support of this Parliament to allow it to mill properly. Thank you, Madam Speaker.

HON. ROKO T.T.S. DRAUNIDALO.- Thank you, Madam Speaker. Just continuing on, this request for more information to justify us signing of this guarantee, I was very pleased to hear the Minister say, 'Mauritius', and that the expert in this field is going to come from Mauritius.

Madam Speaker, the reason why Mauritius has the economy that it has, they developed their sugar industry about 10 years ago, and the expert sits next to me, the Professor of Economics, but the foundation of all of their economic success, Madam Speaker, has been good governance and political stability. They are a country without the Military, and they have no *coups*.

Madam Speaker, in spite of these allegations that leases were not renewed, and the period that the so-called leases were not renewed, yield was more than doubled, I think, of production, and it halved between 2006 and 2014. Sugar gets a lot of members of the National Federation Party very excited, and I have been getting text messages while this debate has ensued from members of the public, and one was that I inform you, Madam Speaker, that the honourable Sudhakar's contribution on this, the horse is not alive and it is not about flogging a dead horse. In the last eight years, they put the horse into a coma.

(Laughter)

MADAM SPEAKER.- Please, continue.

HON. ROKO T.T.S. DRAUNIDALO.- Madam Speaker, on this issue of good governance as the foundation for justification of approving this guarantee, I only need to remind the House, I do not have to go deeper into it, everyone knows that the Government that was in power for the last eight years turned down \$300 million from the European Union (EU) in 2009, that could have gone to really help the farmers and the industry at a critical time. It would not have gone into a coma had we got into that.

Madam Speaker, on the last point about good governance, and the topic that is before us, and justification of guaranteeing this loan because we do not want to be questioned later, 'why did you agree to it or why did you not have these fundamentals in place?'

There is the issue that this loan to FSC is from the ANZ Bank, whose CEO has just been given the biggest political appointment in this country, and that is to be the Chair, I believe of the Public Service Commission Board. I believe there would be conflict of issues there. Madam Speaker, it is issues that we raise for the benefit of the Government. They have the power, and this is what the Parliament of this country is being asked to sign off to, when these ticking issues are around for all to see, and we do not want to resolve it.

Again, Madam Speaker, it is an issue of 'wereubiubi' and getting straight to approval without proper information.

MADAM SPEAKER.- Thank you. I think we have had enough debate on this matter. Point of Order?

HON. P. SINGH.- Madam Speaker, I would like to make a contribution on the motion.

Madam Speaker, thank you for giving me time. I will just confine it to the issue on the motion, as rightly pointed out by the Acting Prime Minister that there is an existing guarantee, and this Parliament needs to endorse that the guarantee continues because if otherwise, its life will end, and thereby putting FSC into a cash flow problem. I think that is the issue here, and FSC for the last 10 years is riddled with cash flow problems.

Let me say to this House, Madam Speaker, and particularly to my friends, that the Government has come in to help FSC on many occasions by injecting cash grants, and had that not happened with previous governments, the sugar industry indeed would have been steering death. I believe in the last couple of years, the Government had injected something like \$220 million on FSC alone.

Madam Speaker, on the issue of extending this guarantee, yes, the issue has been raised in this House, and let me just put it into perspective. First, is the expiry of land leases, which started expiring in 1997 where we had 49 expired leases. It was then the Rabuka Government which automatically renewed with NLTB all 49. That was the courage of the Government then, because leases continued to expire. As

we speak here, there are leases expiring out there and they are not being renewed. These are impediments, Madam Speaker.

HON. P. SINGH.- And, on politics in the sugar industry, let me remind the Government that in 2006, when they dismantled the Sugar Cane Growers Council because of politics in the industry, that is what the claim, what did we have? We had the industry producing 3.2 million tonnes of cane, and when supposedly with taking out politics, in 2013, it came down to 1.5 million.

(Chorus of interjections from Opposition Members)

HON. P. SINGH.- Last year, we had 1.8 million. So, which was better, having politics in there or not, as we go by the commercialisation into arguing that point? These are the facts, Madam Speaker. We cannot derail a process on its merits and demerits alone. There are many factors which affect this.

Now, when one talks about the Sugar Industry, not only the Government side, many people out there feel that the FSC is the Industry alone. They forget that there are stakeholders, and the biggest stakeholders are farmers who on a sharing formula receive 70 per cent of the cane proceeds, and the FSC receives 30 per cent. Now, the question is, if this is guaranteed in its own form if it is extended, then the question arises, Madam Speaker, what is the exposure of this guarantee? How much of this has already been provisioned? How much of it is already classed as impaired? These are some pertinent questions we put to the Government, that we just cannot guarantee something, as alluded to earlier by our colleagues, which was not producing the desired results.

What I am saying, Madam Speaker, is that, we do not oppose this guarantee. What we are saying is, with this guarantee is an extension of guarantee, the guarantee is already there it is an extension because its life is expiring. What we are saying, Madam Speaker, is, that there are certain things attached to these guarantees. Government instead of bailing out FSC all the time, as we know the FSC was insolvent. This is why it was kicked out of the stock exchange and remains out of it until today. For all the good reasons, the Government came on board, salvaged it by injecting cash. How long are we going to do that? When will FSC stand on its feet? Then the honourable Members who spoke, provided Government with some answers, on how we can go about it - a bipartisan approach, having an independent Chief Executive, an independent Board, so these are some of the framework that needs to be addressed before FSC will come on line as a commercial entity.

Madam Speaker, I totally agree with the Acting Prime Minister when he said, “that we need to diversify” and to this effect, the only tangible thing I can see happening is, there is a line of trading provided by the Government of India to the tune of \$70 million for the Cogeneration project which will be based at the Rarawai Mill. Madam Speaker, a Cogeneration project is a new type of diversification that we are venturing into. It is uncharted waters for us at this point in time, and there has been no consultation on this in the industry. So, what we are saying is, if you want to get the industry back on its feet, there needs to be more consultations. The biggest stakeholders (farmers) need to be consulted, although it is a commercial decision, FSC is a commercial entity, but the money. The money will be provided by the industry itself, whether it is sustainable or not. We do not want to have another white elephant out there in Rarawai Mill, just as we had this and other things in the Fiji Sugar Commission.

Madam Speaker, the other question is, when we pose a question to the Acting Prime Minister, how much of \$350 million will be to salvage or revive the sugar industry? Is it part of the revival process? And the guarantee that we are trying to extend today, it is all about financing FSC, its cash flow, and we have two payments to be made to the farmers. As alluded to earlier by one of my colleague that sugar forecast price has been dismal to say the least, because it has come down to \$73.00 and with this background figures in mind, the very function or the core function of FSC has been to produce raw sugar

and this diversification we are talking about, is it going to take us to the next level and how it's going to be because it is all about money. Are we going to continue guaranteeing this establishment?

These are some of the issues that comes to mind. But sugar industry as it is, it caters for something like 200,000 directly or indirectly which depend on the survival of these people.

Madam Speaker, the sugar industry is not what it used to be 20 years ago. The very structure of the sugar industry's life is dependent on weather, it is dependent on a lot of factors and the factors of production include labours, availability of land and the macroeconomic that are attached with it. And if we are going to continue micro managing the affairs of FSC with these guarantees then when will FSC stand on its own feet? So, Madam Speaker, the extension of this guarantee is needed, but with this we need to really look at the whole industry in a holistic way.

MADAM SPEAKER.- Thank you. I will now invite the Honourable Acting Prime Minister for his right of reply.

HON. A. SAYED-KHAIYUM.- Thank you, Madam Speaker, I thank honourable Prem Singh for actually acknowledging that this guarantee is needed. It is needed, Madam Speaker.

Just very, very quickly, obviously a number of points that have been raised. Some of them salient, many of them in-salient, but Madam Speaker when we talk about deals, we also need to talk about TCTS (Total Cane to Total Sugar).

In 2010, it requires 13.5 million tonnes of cane to make one tonne of sugar. In 2014, we now require only 8.1 million tonnes of cane to make 1 tonne of sugar. Obviously, the yield has gone up, yes, the in production input have decreased. In the discussion, has other people commenting I pointed to Honourable Niko Nawaikula which he laughed at and hid behind Honourable Lalabalavu, Madam Speaker, because it was during him term also at iTLTB when substantial section or substantial parts of leases that were expiring. I am not saying he was solely responsible for it. It was not a long time ago, in the 90s, Madam Speaker, when vast tracts of land leases that were expiring sugar cane leases were not renewed, and it was at that point in time, a matter of policy, where a lot of them, in fact they went specifically not to renew it because it was seen as a political issue. It was turned into an ethnic issue. That's what we are getting away from, Madam Speaker.

Under the Bainimarama Government we started this Committee call CBUL (Committee for Bare Utilisation of Land) in which we encouraged land owners to renew expiring land leases. And in fact the Government until today subsidises those renewals by paying to landowners without any poundage being taken off by iTLTB an additional 4 per cent. So in other words they are getting 10 per cent for renewal of leases and from different years the success rate has varied for 70 per cent to 80 per centiles. That is what has been done for the farmers.

Subsidy for fertilizers has continued for sugar cane farmers. In fact, we have now extended to *dalo* or *dalo* farmers, ginger and rice farmers and couple of others, that is what we have done.

What has the farmers also received? They have received allocation of funds in the budgetary support, direct budgetary support for planting more land to assist them, to plant more land for sugar cane farms.

So obviously, Madam Speaker, there are various areas that do need to be improved. No problem with that suggestion and in fact there is a recognition of that suggestion by having this guarantee needed to provide these improvements. The TCTS has improved, we are now fixing the railway system. There was in fact a Deloitte's Report done. An independent study done by a third party, to point out many of the

issues that were wrong with the sugarcane industry *per-se* and Madam Speaker, that was in fact put in place.

Madam Speaker, when they talk about Fiji Sugar Corporation, they forget to tell you that there are other shareholders in Fiji Sugar Corporation. It was listed on the stock exchange, one can question whether they should. A substantial minority, Madam Speaker. Government had about in the high sixties, FNPF, Fijian Holdings and Y.P. Reddy. These are the three four key shareholders in Fiji Sugar Corporation. Did any of them put any money into Fiji Sugar Corporation by direct budgetary support? No one did, except the Fijian Government.

In one particular year, there was a funding of \$125 million. If FSC was not financially sound, if there was negligence in terms of financial management, would a reputable international banking organisation offer this particular facility? No, these banks are one of the most conservative, conservative of institutions and they have then gone into this area because of the changes that have taken place in FSC, Madam Speaker.

Institutions, Madam Speaker, do not simply give a loan just because there is Government guarantee, they do not like to call upon guarantees, but they actually see the viability of the actual organisation itself. Numerous other amenities have been given to farmers, for example provision of tractors, et cetera.

Madam Speaker, we have gone down the path about the annual accounts, they will be presented at the AGM, it is going to be held very soon, this question has already been answered on the floor.

Madam Speaker, the issue here is this. There is obviously an enormous amount of anomaly in the way the sugarcane industry was run in Fiji.

HON. N. NAWAIKULA.- The issue is non-performance.

HON. A. SAYED-KHAIYUM.- Madam Speaker, there were mills that were being operated in Fiji. If you walked into those mills, you would that they will be coming to Charles Dickens novel of industrialised Europe or England in the 1800s. The conditions in which the workers worked in those mills were atrocious - the higher rates of accidents. Now those mills have been upgraded. There is a huge question mark over the STM; renewal that was done through the Indian-funded STM. Now in some of the instances, a lot of the upgrades that were put in place in fact were not needed. A lot of the upgrades that were put in place in fact were dodgy, that had to go through a period of fixing it up.

Of course, FSC is important, you need a mill to crush the sugarcane to make sugar, and you need that. So obviously, we need to improve the efficiency within the mill itself, and that is being done, the upgrade is being done.

This guarantee does also allow for early cane payments to farmers, in the event that the funds do not come. Before, we essentially had to wait for the funds to come, now with this facility, farmers can be paid earlier. Now with this facility, any upgrades that is needed to the mills, any emergency funds needed, these breakages, et cetera, they do not have to come running to Government with a cap in their hands "please, give us money" because Y.P. Reddy, Fijian Holdings, FNPF would not give them the money.

So with these funds readily available, and as I have said, that it leads to efficiency. We cannot be sitting here, Madam Speaker, and saying, "give us this report, give us that report". The annual reports will come along, only then will we approve the guarantee because the livelihood is very important. Those reports will come, Madam Speaker, the AGM will be held and those annual reports will be tabled. I can point out many instances of many statutory bodies in previous governments where the annual reports were five, six, seven years delayed. That, Madam Speaker, is reality.

Madam Speaker, also, as far as FSC is concerned, it is dealing with legacy issues, the share price of FSC had fallen below zero cents. It is now above that, and I do not have any specific figures, but I understand, it is close to 10 cents a share. So Madam Speaker, I can provide information to the House.

I would urge, Madam Speaker, that this House approves this guarantee because these funds are critical for FSC to access, which is Government guarantee, to be able to ensure that the legacy issues are addressed, that there is continuation of the upgrades in the mills, that the farmers will be catered for, in conjunction with all the other facilities that have been provided for farmers, and will bring about that confidence, and will bring about the change that is required. As the honourable Minister for Agriculture did point out with diversification, we now have, for example, two milk chillers in the Western Division; Ba and Lautoka. These cane farmers are also now producing milk through the cows that they have. They have collected about 4,000 litres of milk a week, supplementing their income, Madam Speaker. This is what Fiji requires. We need to diversify, we cannot just simply rely on sugarcane or just one crop, *dalo* or ginger, and we need to diversify.

In order to assist, Madam Speaker, sugarcane, which is a high level of engagement of the Fijian people, we need to ensure that it continues to get this facility, it is able to meet the challenges that will be faced, Madam Speaker, with the quota system, the preferred pricing that will be taken away, for us to be able to stand on our feet and diversify.

MADAM SPEAKER.- That marks the end of the debate and the Parliament will now vote on the motion.

HON. M.D. BULITAVU.- Madam Speaker, point of order. Now that all the information has been on the floor, will you be able to make a ruling whether it is sufficient for us to take a vote? I need a ruling.

MADAM SPEAKER.- My ruling is that Parliament will now vote.

Question put.

Votes cast:

Ayes: 27

Noes: 10

Not voted: 12

Motion agreed to.

I thank you very much for your indulgence, honourable Members. We will now suspend for lunch. We will give 2 hours lunch break so that you have time to look at the report that is going to be debated after lunch. That means that we will return to the House at 3.30 p.m.

The House adjourned at 1.31 p.m.

The House resumed at 4.10 p.m.

MADAM SPEAKER.- Thank you honourable members, you may be seated. I welcome you all to this afternoon session and a very warm welcome as well to the guests in the gallery.

We will go on to item number seven (7) in today's *Order Paper*.

SECRETARY GENERAL – Motion by Government.

POINT OF ORDER

HON. RATU I.D. TIKOCA.- I rise on a point of order, Standing Order 48 (a) (b) (c) and (d). I have been informed by our Business Committee Members that my motion filed with you yesterday for a "Vote of No Confidence" on the Acting Prime Minister, honourable Aiyaz Sayed-Khaiyum will not appear on the Order Paper for this Friday, 22nd May, 2015.

My reading of the above Standing Orders is that your powers with regard to inadmissible motion is subject to Standing Orders 48 (a), (b), (c) and (d).

I wish to state that my motion for a Vote of No Confidence on the Acting Prime Minister is not contrary to Standing Order 48 (a), (b), (c) and (d) and is based on facts and information that prove that he is not a fit, proper to be an Acting Prime Minister. I have got it all here. I therefore, request that I submit my evidences to you and your good office for your determination and ruling. Thank you, Madam Speaker.

MADAM SPEAKER.- I thank you very much honourable Ratu Isoa Tikoca for that point of order.

The Business Committee had deliberated on the issue and we had made a ruling on that or a decision on it that the motion be reworded and that this will be included in tomorrow's Order Paper.

BREACH OF PRIVILEGE & CONTEMPT OF PARLIAMENT – HON. RATU N.T. LALABALAVU

MADAM SPEAKER – We now on to motion by Government and I give the floor to honourable Attorney General, Minister for Finance, Public Enterprises, Public Service & Communications to move his motion.

HON. A. SAYED-KHAIYUM.- Madam Speaker, having received the Report of the Privileges Committee, I move:

That pursuant to Standing Order 134(3):

- (a) this honourable Parliament cite the honourable Ratu Naiqama Lalabalavu for serious breach of privilege and hold the honourable Ratu Naiqama Lalabalavu is in contempt of this honourable Parliament;
- (b) the honourable Ratu Naiqama Lalabalavu must be suspended from Parliament for two years, with immediate effect from 21 May, 2015;

(Chorus of interjections from Opposition Members)

- (c) that during the period of suspension, the honourable Ratu Naiqama Lalabalavu must not be allowed to enter the Parliamentary precincts, including the Opposition Office;
- (d) the honourable Ratu Naiqama Lalabalavu must issue a public apology in writing to the honourable Madam Speaker;
- (e) that immediately upon his suspension, honourable Ratu Naiqama Lalabalavu must be ordered to leave the Parliamentary precincts, must remain outside the Parliamentary precincts during the period of his suspension;(f) that if the honourable Ratu Naiqama Lalabalavu fails to comply, necessary enforcement measures must be imposed to ensure compliance.

Madam Speaker, I move that this motion now be debated and voted upon immediately.

POINT OF ORDER

HON. N. NAWAIKULA- I rise on a point of order, Madam Speaker. My point of order is that the motion and the prayers as it is drafted is totally out of order.

The Standing Order, on the mandate of the Privileges Committee does not extend that power to asking or requesting these kind of prayers.

If I refer to Standing Order 127, the only power that the Privileges Committee has is to recommend - that is it, and the Standing Order defines the extent of the penalty, the procedure that should be followed in relation to that.

I know that the two years is taken out of the Privileges Act, but that is a crime, that is if Madam Speaker chooses to take it to the Police, but it does not apply here. We must work within the Standing Orders and what it says.

The Standing Orders is very clear. Standing Order 76 is that the Members may vote only once that recommendation is submitted. My reading of the Orders tells me that it is then upon you, Madam Speaker, to decide and the only thing that the Standing Order allows you to do is to name the person and once you make that name, then it falls back on the House to decide the suspension; whether or not to suspend and if you have that majority then it is clearly defined there within Standing Order 76(3) what may be done. Three days, if not three days, but the extent that you can go to is one month. So, I am asking if that Standing Order, if the prayers and the motion can be amended to bring it in line with the Standing Orders of the Parliament. Madam Speaker, you can do that under Standing Order 51, to amend it, to bring it in line and it basically goes as far as the recommendations. If you look at the reports, there are two reports there, so you cannot say that, that is unanimous. That is my point, Madam Speaker.

The thing that I said, I want to go back, because in the morning I said, if you, Madam Speaker, do not get hold of this, this House will be reduced to shame. It will become a Mickey Mouse Parliament and that is where it is heading. The honourable and learned Attorney-General attempted that on the first day, to push in these kind of prayers which were totally out of order and he is doing it again now. He is doing that because he knows that they have the mandate and if we go into vote on this, they will have it and that will be a shame on this House, when we decide on the sanction to be dished out on the privilege depends on the vote, other than what is prescribed within the Standing Orders. The motion is that, you name, after you name then you put it to us whether to suspend. If it is unanimous, it is very clear, three days, one week or one month. That is totally out of order and I am asking you to act within the powers under Standing Order 51, to make an amendment, to make the prayers consistent with the powers of this House as defined under the Standing Orders. I beg, you, please.

HON. A. SAYED-KHAIYUM.- Madam Speaker, if I could provide some clarification. Standing Order 76 is about gross misconduct within Parliament....

HON. N. NAWAIKULA.- Outside Parliament, where is the authority?

MADAM SPEAKER.- Order! Order!

Everyone listened to your point of order, let us listen to the honourable and learned Attorney-General's point of order which he has not completed.

Please continue, honourable Minister.

HON. A. SAYED-KHAIYUM.- Madam Speaker, you may recall when this matter was raised before this august House, it was raised under Standing Order 134. It was raising matters of privilege which is different to matters of gross misconduct in Parliament. That is the point of difference.

Madam Speaker, under Section 134(3), if I could read that. It states, and I quote:

“The Speaker may interrupt the business of Parliament during a sitting, except during a vote, if a matter of privilege that requires immediate attention arises...”

This is why I raised it on that day. It was then in your decision, Madam Speaker, you said that it must be referred to the Privileges Committee. Now, it has come back, then it says and I quote:

“Any member may then move, without notice or a seconder, a motion based on the matter of privilege, and the motion is debated immediately. If such a matter arises during a vote, the vote must be completed before the Speaker may interrupt and a motion is moved”.

So, the fact is under Standing Order 134(3), a Member has the ability to move a motion and in a motion as we will see tomorrow, there will be motions moved by the other side, you can put in your prayers, as the honourable Member says, regarding matters from the motion.

My motion, Madam Speaker, says having received, I am not saying that there is no minority view in the report, I am not denying that. Nor did we say that there is a unanimous decision. There is a majority decision and I have said in my motion, as I have said, Madam Speaker, the reality is that the Opposition needs to understand. This is Parliamentary democracy, this is how it works. Having received, Madam Speaker, my motion says “Having received the Report of the Privileges Committee, I moved pursuant to Standing Order 134(3) and I put that motion on the floor.”

HON. N. NAWAIKULA.- Madam Speaker, point of order. Exactly, he agrees with me, he has to move that motion, if you read that properly, Madam Speaker. Let me take you back to Standing Order 134(2), it says and I quote

“...The Speaker must then decide (either immediately or after)...”

“(a) whether there has been a breach...” (that is not the case here), but we acted on subsection (2), where there is a breach of privilege in which the Member raised it in the Privileges Committee. That has been done and it comes back here - we debate, not under those prayers. We debate to refer it to the Speaker to make her decision in accordance with Standing Order 134(2).

It is alright, what I am against is the prayers. The prayers are totally out of order because it should be left to the Speaker. That is very clear in my view, Madam Speaker, under Standing Order 134(2), because otherwise if we put it on vote, let us forget about everything else. If we put it on vote, you are going to win, we know that, you have the mandate but it will make this House look shameful. That must not happen. The integrity and the decorum of this House must remain in the hands of the Speaker and not in the votes.

HON. A. SAYED-KHAIYUM.- Madam Speaker, it is very ironic that the honourable Member is saying that the integrity and the decorum all rests with the Speaker when the subject matter in question is the actual denigration of the Speaker. That is the subject, this is the irony of it all. That is the irony that they are saying it now rests with you when the privilege and the contempt issue is about an attack on you. But now when it suites them, and is not you personally, Madam Speaker, it is the position of the Speaker and this is being the point continuously, Madam Speaker, that we have argued. They have also said what is the authority, there are numerous authorities, they need to read the footnotes in the submission that we have made. The authority is there that when you make reflections on the Speaker, we are now getting into substantive argument, even if it is outside, it is subject to contempt. It can be referred to the Privileges Committee and there are numerous authorities on that.

HON. N. NAWAIKULA.- Madam Speaker, I move that he amends his motion.

MADAM SPEAKER.- Order!

We had debated the same issue when the motion was first tabled in Parliament and that Parliament had agreed that this motion be referred to the Privileges Committee. This has been followed and the Privileges Committee is now ready to table the report in this Parliament and my ruling is that, we will continue with the debate on this particular motion this afternoon. If there are issues to be raised, there is a time for debate.

HON. ROKO T.T.S. DRAUNIDALO.- A point of order, Madam Speaker. The motion says a motion – breach of privileges/contempt. If you look at Standing Order 76(5), there is a clear indication there, Madam Speaker, that contempt is separate and distinct from privilege. Punishment for privilege and disorderly conduct, Madam Speaker, the two are separate and this motion is confusing the two, I do not know whether it is deliberate or it is a real confusion. We ask you, Madam Speaker, on that Standing Order to clarify for us in a ruling whether privilege and contempt merge because we read it, they are separate things, the privileges are clearly spelt out the privilege of Parliament, Members of Parliament clearly spelt out in this Standing Orders and the issue of contempt that comes from Common Law. That is when breaches have occurred and orders have been made and they are disobeyed. That is when contempt comes in, Madam Speaker. They are separate things, we ask you to rule on whether we are dealing with breach of privilege or with contempt and with all due respect, reflections on the Speaker is a matter privilege not contempt unless it has been breached and disobeyed.

MADAM SPEAKER.- Thank you, honourable Member, and because it is an issue that has been debated by both sides of Parliament, before I make a ruling, I will give the floor to the honourable Attorney-General.

HON. A. SAYED-KHAIYUM.- Madam Speaker, I think there is, in fact, an attempt to obfuscate issues and if you read Section 76, it talks about gross disorderly conduct in Parliament. So, for example, if a Member starts jumping up and down, and maybe swearing or punching somebody, that can be gross misconduct.

It can then also be then taken on to be contemptuous of the Parliament itself. It moves on to another level. So, it is not just the gross disorderly conduct in Parliament but whether your actions in fact also is contemptuous of Parliament. That is the reason why contempt is mentioned.

If you look at the various issues pertaining to privilege, Madam Speaker, this is why we put “contempt” because if you look at the case law and from Australia and New Zealand and various other places, contempt is in terms of how you hold the parliamentary institution; whether it be in contemptuous or be it not. Now if you look at other cases in other jurisdictions, when issues of contempt have arisen, they have also been referred to the Privileges Committee. That is what it also shows. So, this is why we put privileges/contempt, so it is contempt in terms of whether there are certain privileges you are given, and whether you have actually breached it and whether that actual breach of the privilege is contemptuous or not. That is the issue, Madam Speaker.

As the honourable Draunidalo has mentioned that contempt can only arise if you are given certain orders and then you do not follow it. That is not necessarily true.

HON. N. NAWAIKULA.- Because contempt is disobeying an order.

HON. A. SAYED-KHAIYUM.- For example, Madam Speaker, people have been brought to court for being contemptuous of the court because they made comments about the court, not because they have not necessarily followed orders, I accept. In some instances when orders are given and you do not follow it, that is contempt.

However, it is also contempt when you actually make scurrilous comments about judges. That is also contempt, not because they have not followed any orders but because they make comments about the institution which is represented by the judge. It is exactly the same situation in this, where you actually do not necessarily have orders, but where comments have been made about the Speaker which is the representative of the Legislature. So, contempt is not simply a question of not following orders, contempt is the respect for the very institution that we are talking about, Madam Speaker. It is quite clear, it is clear as daylight.

MADAM SPEAKER..- Thank you very much.

There is a lot of legal terms that have been used on this and I really need to just put my thoughts together and put something down, and then I will make a ruling on that. So, with the indulgence of honourable Members, if you can give me a few a minutes to put my thoughts together on this before I make a ruling.

The House adjourned at 4.28 p.m.

The House resumed at 4.52 p.m.

COMMUNICATION FROM THE CHAIR

Point of Order – Hon. N. Nawaikula

MADAM SPEAKER.- Honourable Members, I have now made my ruling on the matter.

Firstly, in relation to the point of order raised by the honourable Niko Nawaikula, I wish to advise the House that Standing Order 76 relates to the naming of a Member and suspension for gross disorderly conduct. That is quite a separate matter to the motion before the House.

Parliamentary Privilege & Contempt

I now wish to deal with the issue of Parliamentary privilege and contempt. Contempt and breach of privilege are not synonymous terms, although they are often used as such. The power of the House to punish for contempt is a general power similar to that possessed by the courts, and it is not restricted to the punishment of breaches of their acknowledged privileges.

It has been said that all breaches of privileges amount to contempt, but contempt does not necessarily amount to a breach or privilege. It is for the House to determine whether a contempt has been committed in a particular instance, following an examination of all the issues relating to a matter. The Privileges Committee has, in this instance, conducted the examination.

Honourable Members, I, therefore, rule that the debate on the motion should proceed.

HON. S.D. KARAVAKI.- Madam Speaker, I rise on a point or order. Just before we resumed with the debate, it seems the Report is not a consensus one, it is a majority Report. Would it be proper, Madam Speaker, for all honourable Members of this honourable House listen to the recording before we can go into the debate because we would have totally different knowledge about what we are talking about here today. If that can be taken into account and considered so that the whole House can listen to the recording before we resume debate.

That is all I would like to raise, Madam Speaker.

MADAM SPEAKER.- We have all the trust on the Privileges Committee and they have listened to all the evidence at hand, and they have made their decision as per the report on that. However, before we continue, my ruling is that, we will not listen to the recording that the Privileges Committee has already listened to.

However, looking at the time that is available to us, I would like to ask the Leader of the Government in Parliament to move a motion for an extension of the sitting.

SUSPENSION OF STANDING ORDERS

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

That Standing Orders 23(1) be suspended so as to allow the House to complete today's business as listed in today's Order Paper.

HON. S. PATEL.- Mr. Speaker, Sir, I beg to second the motion.

Question put.

Motion agreed to.

**BREACH OF PRIVILEGE & CONTEMPT OF PARLIAMENT
– HON. RATU N.T. LALABALAVU - RESUMPTION OF DEBATE ON**

HON. ROKO T.T.S. DRAUNIDALO.- Madam Speaker, I rise on a point of order, Standing Order 18(2)(a), that your powers include ensuring the rights and privileges of all Members. Also, Standing Order 18(3)(b), your powers include to secure the honour and dignity of Parliament. It is trite law, Madam Speaker, all over the Common Law world, that in order to have a fair hearing of anything, not only must there be a hearing that is fair in its process, but also be seen to be fair.

Under this, Madam Speaker, I am asking you to rule on whether or not it is proper for you to sit when a matter before the House and the definition of conflict of interest that has been given previously in this House by the honourable and learned Attorney-General is too restrictive. It is not whether you have a pecuniary, it has got nothing to do with that, Madam Speaker.

MADAM SPEAKER.- Thank you.

HON. ROKO T.T.S. DRAUNIDALO.- The subject matter of the House concerns you and with respect, in order for the public to see fairness and justice being meted out here, when someone else has called the highest court of the land, that, Madam Speaker, you will recuse yourself from this hearing, henceforth.

MADAM SPEAKER.- I thank you for your point of order. I wish to remind Members that this motion as you had said, is a very serious matter. I, therefore, ask the honourable Members to ensure that the debate is conducted in a dignified, orderly and respectful manner, and in accordance with the Standing Orders and the traditions and standards expected of the House of Parliament.

I, therefore, wish to advise Members that although this motion arises from comments made outside the House regarding the Speaker, it is my view that I have no personal conflict of interest in the matter, and therefore, will chair the proceedings.

HON. N. NAWAIKULA.- Madam Speaker, I wish to raise a point of order. Really, it does not come out of your ruling. It arises under Standing Order 134(2), and this motion has been filed under Standing Order 134(2)(b). My submission was that, because I am concerned about the prayers. We already know that we are going to lose, and if the prayers go through, the honourable Member will be out for two years.

Madam Speaker, the point I wish to raise is that, only the Speaker can make a decision on whether or not there has been a breach of prejudice under Section 134(a), (b) and (c), which means that that motion has to be amended to read that: “It has to be debated and deferred to you, Madam Speaker.” Could you make a ruling on that, please?

MADAM SPEAKER.- Could I hear the other point of order before I make a ruling?

HON. F.S. KOYA.- Madam Speaker, the actual part to punish for contempt in such a case, it actually inheres in the House. You will not decide, Madam Speaker, with respect to the actual punishment, it is the House that decides, because the power to punish for contempt inheres in this particular House. The power is exercisable, Madam Speaker by the House itself.

HON. N. NAWAIKULA.- It is not in the motion.

HON. F.S. KOYA.- Madam Speaker, it may not be in the motion but the authority is there too. Madam Speaker, your learned Members, they were part and parcel of the Privileges Committee and have also access to that very information.

MADAM SPEAKER.- Thank you, I have received a request from the Opposition to give time to discuss amendments to the motion. But before I give that time, we would like to first hear from the honourable and learned Attorney-General on the motion.

HON. A. SAYED-KHAIYUM.- Madam Speaker, this motion is moved because of the following. The matter was referred to the Privileges Committee to consider any question of privilege in this case, however we have recommended that there has been breach of contempt, a reflection on the Speaker, we hold, Madam Speaker, is a question of privilege that includes contempt in such instances amount to contempt, if reflections are made on the Speaker and has to be dealt with by Parliament as you have rightly pointed out. It is well established parliamentary principle that reflections on the Speaker inside or outside Parliament are amongst other things regarded as contempt of Parliament. There are numerous authorities on that and we have submitted that. I am fundamentally reading from our Report.

In context of Fiji, the case of *Anand Babla versus Dewakar Prasad and the Attorney-General* addresses reflections on the Speaker made outside Parliament. In that case, Mr. Babla was a member of the House of Representatives had written a letter to the Secretary-General to Parliament seeking answers to questions relating to various payments made to amongst other things, or amongst other persons, the Speaker. The Secretary-General gave Mr. Babla a response that was unfavourable to him. Following that, he took his claims and allegations outside the Parliament to *Fiji Times* which received front page publicity. Mr. Babla was later suspended from the House for two sittings after the Privileges Committee found him to be in contempt of Parliament.

The fact that the statements were made outside Parliament, sets the precedent in Fiji that such statements in particular, reflections on the Speaker warrant an investigation by the Privileges Committee. In New Zealand, Madam Speaker, the Privileges Committee in reporting on a question of privilege concerning a reflection on the Speaker refused to consider reasons why the attack was, before it had been made, and confined itself to a consideration on whether such an attack had been made. In light of this, Madam Speaker, it is clear that the Committee and indeed Parliament must only consider whether such an attack had been made.

I now go onto the analysis of the evidence that was presented before the Committee and also reports that had come out in the media. On Thursday, 14th May, 2015, SODELPA held a public constituency meeting which I am going to refer to as the SODELPA meeting at the Penueli Methodist Church in Makoi. At the SODELPA meeting, honourable Ratu Lalabalavu made scurrilous and derogatory statements in the *iTaukei* language against the honourable Speaker of Parliament.

Madam Speaker, Communications Fiji Limited, which also presented the recording and the Director of News at Communications Fiji Limited, Mr. Vijay Narayan, together with his reporter who was present on that night, appeared before the Committee also. They provided audio recording of the scurrilous and derogatory statements made by the honourable Ratu Lalabalavu at the SODELPA meeting against the honourable Speaker. It is an undeniable fact that the scurrilous and derogatory statements were made by honourable Ratu Lalabalavu.

According to the audio recording, it is clear from our assessment that honourable Lalabalavu referred to the honourable Speaker as, I will repeat the word, we all know it and with your permission if I can, *vutusona*. The *iTaukei* term is extremely obscene and gravely offensive, as it literally means anal sex. Following that statement, honourable Ratu Lalabalavu then referred to the honourable Speaker as, and I

again seek your permission, Madam Speaker, *cavuka*. This means retarded or mentally challenged when he had mocked her by saying that she stood up when the Opposition side stood up during a particular sitting. In all these instances, Madam Speaker, his reflections on the honourable Speaker drew laughter from the audience, immediately after these were uttered. In addition, honourable Ratu Lalabalavu stated that the standards of this Parliament was much lower than the ones before. He also questioned the honourable Speaker's impartiality by referring her to as a former member of FijiFirst.

When summoned by the Committee to give his evidence, the honourable Ratu Lalabalavu was evasive about what had actually transpired at the SODELPA meeting. He also stated that the slurs in the *iTaukei* language may not have been necessarily directed at the honourable Speaker. Honourable Ratu Lalabalavu also submitted that the manner in which the slurs were said did not mean they were abusive as such, especially since the honourable Speaker is also a member of the Tovata Confederacy.

According to honourable Ratu Lalabalavu, that is the relationship of the *Vanua* and in the context of the *Vanua*, that is how they engage in such a cultural setting; that was his submission. However, Madam Speaker, the fact is this. That this meeting was a public meeting for which a permit had been obtained. The fact is that, this was not a cultural gathering of the Tovata Confederacy, this was a public meeting by SODELPA which they had advertised as a constituency meeting in which all members of the public were invited. It was not limited to the members of the Tovata Confederacy, it was covered by media for all Fijians. By making such scurrilous and offensive statements, the honourable Ratu Lalabalavu has failed to uphold his expected duties in demeanour as a Member of Parliament.

No Member, Madam Speaker, must be allowed to attack the Office of the honourable Speaker, anywhere and at any time; whether it is at a public meeting or at a meeting held in a cultural setting. As such, honourable Ratu Lalabalavu should have distinguished his role as a Member of Parliament and as a paramount chief in the Tovata Confederacy. Therefore, honourable Ratu Lalabalavu's demeanour and conduct at the SODELPA meeting should have been reflective or representative of a senior Member of Parliament, which he is.

The audio recordings undeniably shows that the question posed to honourable Ratu Lalabalavu was regarding the honourable Speaker. Moreover, there is a continuous pattern of denigration against the honourable Speaker, not just the slurs, based on this, it must be noted that honourable Ratu Lalabalavu was indeed referring to the honourable Speaker. It must also be noted that honourable Ratu Lalabalavu was unapologetic about the words and statements uttered by him against the honourable Speaker.

Given the audio recording by CFL and the evasive nature of honourable Ratu Lalabalavu's submissions, the credibility of the submissions made by honourable Ratu Lalabalavu is highly questionable. It must be noted that the Speaker is an independent and highly esteemed office, under Section 77 of the Constitution of the Republic of Fiji. It states amongst other things that the Speaker serves to secure the honour and dignity of Parliament, and I quote from the New Zealand case, "it is cited as being the embodiment of Parliament, reflections upon the Speaker's character or conduct directly attack the very institution of Parliament itself. An attack against the Speaker is an attack against the institution of Parliament as a whole.

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

HON. A. SAYED-KHAIYUM.- Madam Speaker, in the same way, there is, if you attack the Judiciary, Madam Speaker,

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

HON. RATU I.D. TIKOCA.- Point of Order!

HON. A. SAYED-KHAIYUM.- ... a Judge, whether you meet in the street, whether they meet a judge in the court....

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

HON. A. SAYED-KHAIYUM.-..., Madam Speaker, the fact is, it is still Contempt of Court...

HON. RATU I.D. TIKOCA.- Point of Order!

HON. A. SAYED-KHAIYUM.- ... because the Judge represents the institution of the Judiciary.

MADAM SPEAKER.- Thank you. I will take the Point of Order.

HON. M.D. BULITAVU.- Madam, in the interest of all fairness, and in the principle of natural justice, the honourable and learned Attorney-General is reading out all the recommendations on what Government has established in the Committee. In the interest of that, because this is just a book, and all their assessments are there. Can you give a ruling that the audio be played here, Madam, so that we can hear and prove on what he said. Can you play the audio in all fairness, Madam Speaker?

MADAM SPEAKER.- Thank you. I have already made the ruling...

HON. RATU I.D. TIKOCA.- In all fairness.

MADAM SPEAKER.- ... on that, and we have all the faith on the members of the Privileges Committee. They have heard the recording, and that is sufficient to put

(Chorus of interjections by Opposition Members)

MADAM SPEAKER.- ...it on record, and therefore...

HON. M.D. BULITAVU.- We have to decide!

MADAM SPEAKER.- ... my decision is that the recording will not be heard in this House.

HON. RATU I.D. TIKOCA.- Very unfair!

HON. M.D. BULITAVU.- Madam, can we decide on our vote.

MADAM SPEAKER.- Honourable Attorney-General, can you continue.

HON. A. SAYED-KHAIYUM.- As I was mentioning, Madam Speaker, if you want to attack a Judge, irrespective of whether they like the ruling of the judge or not, you will be held in Contempt of Court.

Madam Speaker, in New Zealand, there have been reflections on the Speaker which have resulted in Contempt of the House. For example, there have been instances where for example, Members attack the character or conduct of the Speaker. The Speaker was accused in a newspaper article on racial prejudice. A Member wrote a newspaper article criticising the manner in which the Speaker was presiding over the House. A Member in a radio interview advocated the replacement of the Speaker, and accused the Speaker of weakness.

The fact, Madam Speaker, that the honourable Lalabalavu made this scurrilous derogatory statements is contemptuous. A distinction, Madam Speaker, however must be made between a Member of Parliament making comments about another Member of Parliament, as opposed to a Member of Parliament making comments about the Speaker. Whilst a Member of Parliament may criticise another Member of Parliament, *albeit* maintaining decorum and honourable Members or even if for example, a Member of Parliament at the SODELPA Meeting or FijiFirst meeting made a comment against another Member of Parliament from the other side. That is a completely different matter because the Speaker is not being attacked. No Member, however, Madam Speaker, is allowed to attack the Speaker, because the Speaker represents the third or one of the three Arms of the State, which is Legislature.

(Chorus of interjections by Opposition Members)

HON. A. SAYED-KHAIYUM.- Madam Speaker, in the same way, you do not make an attack on His Excellency the President. We do not make an attack on members of the judiciary. We do not make an attack on the Speaker. Now, these three Offices represent the three Arms of the State; the Executive, Judiciary and the Legislature.

Madam Speaker, their distinction must be made, and I know some Members on the other side talked about the exchanges between Members of Parliament. There are many instances, I have seen Members from the other side verbalise comments that may be derogatory, may be swear words, but we let it go. They may be obviously, in certain public meetings, where they may actually swear at one of us, and I know it happened in the campaigns, but we let it go, because they are between Members of Parliaments. The distinction that we are trying to draw, Madam Speaker, is that the Speaker is held in a very different position, because the Speaker is the embodiment of Parliament.

Now, Madam Speaker, this, in Fiji becomes even more critical that the position of the Speaker is protected. We have had a history of coups, and in two particular instances, Madam Speaker, in 1987 and 2000, the Legislature was directly and physically attacked. We had, Madam Speaker, in this Chamber soldiers walked in and fired shots, where Members of the then Parliament were taken off and held captive. In 2000, Madam Speaker, a group of men stormed the Parliament in Veiuto, where the Members and the then Prime Minister and his Cabinet Ministers were held captive for 56 days. There were all sorts of shenanigans that went on in Parliament. All sorts of shenanigans went on inside Parliament House itself.

The sanctity of Parliament, Madam Speaker, was physically breached. If we are going to allow and want to now, in this new democracy of ours, uphold and stop the coup-culture, as I know the honourable Draunidalo is always talking about, then we must always protect those institutions. We must protect those institutions and how best to protect those institutions, Madam Speaker, is amongst other things is not let any taint of doubt be reflected upon those people who reflect or uphold those institutions, and in this case, it is the Speaker.

Madam Speaker, the reality is this. The scurrilous attack made by the honourable Lalabalavu on the Office of the Speaker is not the example we want to set as a standard of acceptable pattern of behaviour for Members of Parliament, and equally for the Fijian population, because it will undermine the very institution which the Constitution, and which we all need to protect to ensure that there is sustained Parliamentary democracy, and respect Madam Speaker for this very critical Arm of the State. Submissions were made at the hearing by honourable Lalabalavu, that because it was said, there was a derogatory comment but in the end, he said, well we must set forbearance for the Speaker. He could have made those statements in the first place. If someone had asked him to say, 'well, what do you think of the Speaker', he could have said, 'well look, she is new, let us obey her, and let us all work together', which he did in the end. He did not have to attack or make fun of the Speaker. That is the issue, Madam Speaker.

It is also critical that our children, Madam Speaker, the younger population which are more than one-third of the voters in the last Election, below the age of 32 years, I understand, are not exposed to this type of denigration as the norm, nor see that this Parliament is condoning such behaviour, in particular by senior a Member of Parliament and someone who holds a particular social status in our society. That is very critical, Madam Speaker.

Madam Speaker, the fact that this scurrilous reflections were made against the Speaker, who is currently a female, and the first one to hold such a position brings into question whether the honourable Member would have made such a scurrilous attack and ridicule the Speaker, had the Speaker not been a female. Indeed, Madam Speaker, questions have been raised in the public space about this issue with the Women's Crisis Centre already making strong public statements on this matter, and asking that Parliament must deal with this severely.

To state the obvious, Madam Speaker, to overcome patriarchal notions of society, the conduct of relationships and patterns of behaviour must always be addressed, and must be addressed by this august House, Madam Speaker. This is why it is even more so important that we send a strong message that such behaviour will not be tolerated nor condoned. As Parliamentarians, we must send a very strong message that any reflection on the Speaker's character or conduct is denigration against the institution of Parliament and must not be condoned at all.

As highlighted in the Babla case, Madam Speaker, Mr. Babla did not use any foul words and yet was suspended from this House for two Sittings. The matter currently before the Committee is unprecedented. It is unprecedented. We look far and wide whether in other jurisdictions people had made such kind of comments about the Speaker and this conduct is far more severe and gruesome, Madam Speaker, than the matter in the Babla case.

It should also be noted, as honourable Nawaikula had pointed out that under Section 20(h) of the Parliamentary Powers and Privileges Act, Cap 5, 'Any person who utters or publishes any false or scandalous, slender or liable on Parliament upon any Member in his or her as such commits an offence, and such an offence warrants amongst other things imprisonment for maximum of two years'. Honourable Lalabalavu had viciously and scandalised and attacked the honourable Speaker and made a mockery of the institution of Parliament, and an important arm of this constitutional system of Government. It was vicious and scandalous, it would be difficult to find such contempt in our jurisdictions, Madam Speaker.

Madam Speaker, given the above, the Privileges Committee has recommended by the three Members, strongly recommends that honourable Lalabalavu, as I said in my Motion, is suspended from Parliament for at least two years of the term of Parliament with immediate effect from 21st May, 2015. During the period of suspension, he is not allowed to enter the Parliament precincts including the Opposition Office. He must also issue a public apology in writing to the honourable Speaker. Immediately upon his suspension, he must be ordered to leave the precincts of Parliament and to remain outside of the Parliament precincts. If he fails to comply, necessary enforcement measures must be imposed to ensure compliance. Thank you, Madam Speaker.

MADAM SPEAKER.- Thank you. As I had mentioned before, the members of the Opposition had approached me in my Chambers, and they would like to suspend the Sitting and be given 20 minutes to deliberate on the issue, and we will meet again after that. The time now is 1721hrs, we will meet at 1745hrs.

The Parliament adjourned at 5.21 p.m.

The Parliament resumed at 6.00 p.m.

MADAM SPEAKER.- Thank you honourable Members, you may be seated.

Honourable Members, you have heard the motion and the Opposition have had their deliberation and they have proposed an amendment to the Motion. Therefore, I will now invite debate. I will now invite the honourable Tupou Draunidalo to table the amendment to the Motion.

HON. ROKO T.T.S. DRAUNIDALO.- Thank you, Madam Speaker, could I at least get a clarification. I propose to stick to the original Motion and then at the end of that put the amendment to the motion.

MADAM SPEAKER.- I would like you to propose the amendment first and then the debate will be open to both the motion and the amendment.

HON. ROKO T.T.S. DRAUNIDALO.- If it pleases you, Madam. I move as an amendment that all words after “a” that be omitted and the following words be inserted:

“the Parliament determine whether or not the honourable Ratu Naiqama Lalabalavu breached parliamentary privilege and if the Parliament finds that the honourable Ratu Naiqama Lalabalavu breached privileges that he be asked to withdraw his comments and apologise to the House”.

MADAM SPEAKER.- Thank you. Honourable Members, you now have the amendment before you. I will now open the debate. The debate will be on both the motion and the amendment. But firstly, do we have a seconder to that amendment?

HON. DR. B.C. PRASAD.- Thank you Madam Speaker, I beg to second the Motion.

MADAM SPEAKER.- Thank you. The debate is now open. The honourable Tupou Draunidalo.

HON. ROKO T.T.S. DRAUNIDALO.- Thank you, Madam Speaker. At the outset, in speaking to the motion and the proposed amendment motion, we refer again to the ruling on privilege by you on the morning of 20th May, 2015 in which you ruled that all matters of privilege are contained to the parliamentary precinct and that is this building and this does not include the Members constituency visits.

We, therefore, submit, Madam Speaker, that if privileges do not extend outside of the House then any alleged act of breach outside of the House is not breach of privilege.

The powers and privileges of the Speaker, Madam, derived from the House. Your powers, Madam Speaker, comes from all of us in this House we have all been elected here. And through your ruling, you have limited those privileges to this Parliamentary precinct and so we re-iterate again Madam Speaker that therefore, in accordance with your ruling made yesterday that matters of privilege are contained in this Parliamentary precinct and privileges whether it be ours as Members or yours, as Speaker of the House, do not travel outside of this Parliamentary precinct.

If, by some reason, Madam Speaker, it was on this occasion it did travel out of Parliamentary precinct the opposition Members have made their views clearly known that we did not find a breach of privilege by the honourable Ratu Naiqama Lalabalavu.

Madam Speaker, there were other preliminary issues that we wanted to be ironed out and that included the standard of proof to be met in deciding whether or not there was a breach of privilege and the

government had in their view said that the standard of proof ought to be balance of probabilities, the civil standard of proof.

We, in the Opposition, Madam Speaker, do not agree with that. We believe that the charges carrying penalties like breaches of Parliamentary privilege and now it is come to our attention that the Government proposes very serious and heavy censure in the form of two years suspension. That the breach can only be proven by the higher standard of proof, a criminal burden and that is beyond reasonable doubt.

On the evidence, Madam Speaker, regarding the use of the word and I am sorry, I am going to use this word a few times “*vutusona*” the opposition members believe that the quality and state of the recording in itself raises doubts about its accuracy and veracity. Further the recording was made by Communications Fiji Limited and the recording has not been made public. The Opposition Members believe that in the interest of fairness and justice such a recording ought to be subjected to expert forensic scrutiny, especially if it is to meet the burden of proof of beyond reasonable doubt.

Madam Speaker, I do not say these things lightly. If any Member of this House, any of us were to be accused of such serious offences, carrying such serious penalty, I think each and every one of us would expect minimum amount of justice and fairness and this is what it entails.

The honourable Ratu Naiqama Lalabalavu clearly said in his answers to the Committee that his speech in the recording was an answer to his elder, a gentleman from Vanuabalavu and not an answer to a woman whose voice is in the recording. However, Madam Speaker, if the recording is to be accepted as evidence, we clearly heard the words “*ratou qo*” precede the word “*vutosona*”. Further a male voice says “*vinaka*” immediately prior to the honourable Ratu Naiqama Lalabalavu’s speech, where he is alleged to have made references to the Speaker.

Any person, Madam Speaker, familiar with the *iTaukei* language will agree that the word “*ratou*” is a reference to many, and not just one person. The honourable Member himself (and the verbatim report shows this) said in answer to questions that he was not referring to the Speaker when he used the words that are complained of. And that if he was swearing at the Speaker, Madam Speaker, he would have used the word “*o koya o na Speaker*” to precede the word complained of.

The Government Members, Madam Speaker, referred to two answers from the Hon. Ratu Naiqama Lalabalavu to say that he had admitted directing his speech to the Speaker. With respect, Madam Speaker, we disagree.

We say that both the honourable Attorney-General and the honourable Koya’s questions contain statements of admission to directing the speech to the Speaker, immediately before asking whether or not the honourable Ratu Naiqama Lalabalavu uttered the words complained of. That is, we say that the statement in question from both honourable Members should have been two questions. First; “did you utter those words?” and second; “were your words directed at the Speaker?”

In his answers, Madam Speaker, the honourable Ratu Naiqama Lalabalavu clearly was answering the question of whether he uttered the words complained of. The honourable Member has never denied this. More importantly, Madam Speaker, the honourable Member does not ever, in any part of his answers, admit that he directed that part of his speech and to the contrary, the verbatim will show that he denied this. And with respect, the words “*ratou qo*” in the recording confirms this. No one else, Madam Speaker, gave evidence to contradict this.

We, therefore, respectfully submit that there is no evidence that the honourable Ratu Naiqama Lalabalavu directed that part of his speech to the Speaker. It has not been proven that he did on either burden of proof whether it be the lesser one on the balance of probabilities because he said, Madam

Speaker, that he was not referring to you and the use of “*ratou go*” in the recording is clear and certainly, not the higher burden of proof of beyond reasonable doubt.

Madam Speaker, on the use of the word ‘*cavuka*’, we submit that the honourable Member did not say; “*o koya e cavuka*” or “*na Speaker e “cavuka*”. He did not say that, Madam Speaker.

From the verbatim, the honourable Ratu Naiqama Lalabalavu clearly says that there were many questions that evening about the Speaker and that he responded in the way he did to one placate the general mood towards the Speaker from the audience.

The comments made must be taken in that context and it is clear from the discussion that the honourable Ratu Naiqama Lalabalavu does an honourable public duty, Madam Speaker, of describing some instances, and that in those instances the actions of the Speaker had been like or akin to. And this he said, to express understanding with the onslaught of questions that were directed regarding the Speaker.

Immediately before the honourable member placates the audience as he goes to great length to ask the public for forbearance as the Speaker is only one of us and that she is new to the job and it will take time and so spiritual forbearance is required. The honourable member has described his speech as “*vosa ni vakadre*” translated chiefly council of wisdom and restraint to those present. It was in response, Madam Speaker, as we have said to the onslaught that came directed towards the Speaker.

The honourable Attorney had described the speech by the honourable Member as a series of attacks on the Speaker. With respect, nothing could be further from the truth, Madam Speaker. This is one of the reasons why we want this recording played to the House as a matter of fairness so that those who understand the context would be able to gain what went on that evening. We say that the words spoken was that of the wise council of restraint and forbearance, and understanding from a paramount chief to the political supporters of the SODELPA political party, that included his subjects and elders.

With due respect, Madam Speaker, we say very strongly that there has been no breach of privilege or any reflections of you to breach privilege by the honourable Member on either standard of proof. Just as importantly, Madam Speaker, due to the lack of consensus in the Committee, again we urge you that all Members of this House that will be deliberating and making decisions on this very great issue of whether to suspend one of us for two years, Madam Speaker. Minimum justice requires that the recording be played.

Again, Madam Speaker on the issue of sanctions without prejudice, if the House finds that the honourable Member has been in breach of privilege in reflecting on the Speaker, then the House ought to note that the usual practice is to ask the Member to withdraw and that is the end of the matter. I believe, Madam Speaker the case quoted by the Government, the honourable member as he then was, Babla that also occurred. That was what happened at the first instance. When he went beyond that after having been dealt with fairly, that was when he was suspended, I believe, for two sittings, I am subject to correction.

Even the authority submitted by the Government members, Madam Speaker, and that is this case of Anand Babla, if he then was bears this out. We, therefore, submit that if there is any breach found, the honourable Ratu Naiqama Lalabalavu be asked to withdraw the comments he made and that be the end of the matter.

We submit to the House that the Standing Orders 75 and 76 contain penalties that deal with grossly disorderly conduct. Those are not like words either, Madam Speaker, and further, the Standing Orders clearly differentiates between punishment for breach and punishment for contempt, which we believe again is not an issue in this matter. We have attached case laws when we made submissions with this report to show that courts of law will interfere with our decisions, if we do not abide by our own rules.

As for the nature of reflections on the Speaker, Madam Speaker, we submit that the Speaker cannot be compared to a member of the judiciary. Members of the judiciary arbitrates disputes between private and public litigants and requires a standard of protection from more powerful sources, to enable them to freely adjudicate. And we have referred, Madam Speaker, to the case of Mr. Mahendra Pal Chaudry, the former Prime Minister in 1998. There he was found to have been in contempt with judiciary who we say, requires its greater protection because of what they do from powerful forces. And the Chief Justice, I believe, he was Chief Justice then, fined him \$500 and that was the end of the matter. Speaker, in contrast derives powers from the Members of the House and this House, Madam Speaker, is the House of Politics.

This is the House of free speech, Madam Speaker that evolves to protect free speech and representation as a safeguard from authoritarian rule of the King and nobility in England. The Speaker embodies the House to protect our privileges and not to curtail it. And Madam Speaker there are authorities in Australia from the Australian Parliament, and I wish to table this, it talks about two cases that I wish to refer to, a *Magra case 1913*, a member was suspended from the service of the House for a statement made outside of the House which reflected on the Speaker. The member was suspended for the remainder of the session unless he sooner unreservedly retracts the words uttered by him at Ballarat, and reflecting on the Speaker and apologises to the House.

Madam Speaker, in the case of *Wilson Tuckey*, the honourable member as he then was in 1987, a member was suspended for seven sitting days including the day of suspension following remarks critical of the Speaker made outside the House. Again, Madam Speaker, this authority, I wish to table this for distribution to the Members. Those cases dealt with when privilege is accepted to be reflections made outside of the House. But we go back to the very basic premise, Madam Speaker, you yourself have restricted us to just here, and therefore we say your privilege does not extend outside of this precinct or any reflections on you. That is your ruling, Madam Speaker, and I ask you to abide by it. Thank you.

MADAM SPEAKER.- Thank you. I call upon the Honourable Minister for Lands.

HON. M. VUNIWAQA.- Madam Speaker, on the point of the ruling that was made yesterday, I got a bit confused at the end of the submissions made, two cases were referred to, Australian Authorities, where statements made against the Speaker outside of the House were taken to be within the ages of privilege. The submission that were made that tried to restrict you, Madam Speaker, to the ruling you made yesterday which you clarified this morning that where the statements are made against the Speaker outside the House, it can also attract the penalties that are being argued here.

Madam Speaker, I have had an opportunity to read the report of the Privileges Committee. I have had an opportunity to read the media articles about the incident we are discussing here. It is a sad day for Fiji, for Parliamentary Democracy in Fiji, it is a sad day for women and the advancement of women's rights in this country.

Not so long ago, just a couple of months ago, we were celebrating the appointment of Fiji's first female Speaker, your appointment Madam Speaker. It was a day that we celebrated as a country. The meaning of it, young girls going to school now in Fiji can actually aspire to the position of Speaker of the Parliament of Fiji as something that can happen. It is an opportunity, an aspiration, something they can actually grow up and become one day.

What is saddening Madam Speaker, is the way that the words uttered and have been treated by the Opposition, by SODELPA Members in the media on Monday that the words uttered, and I quote "they were said in jest, they are harmless, it is a non-event is what was stated. It was said around the grog bowl by a senior Member of Parliament and should therefore, be okay. It is politically okay to say such things really Madam Speaker? Are those words less demeaning just because it has been said by a senior Member

of Parliament? Are they less demeaning because they are said outside of this august House - I think not, and I definitely know that on this side of the House, we do not think that because a senior Member of Parliament uttered those words and they were uttered outside of this House, they are less demeaning than what they really are. I know that derogatory remarks have become part of the political mudslinging, done by some Opposition Members. They personally attack Members, our relatives, our loved ones on social media. It is a norm but we take it, it is part of politics. We learn to take it, we take it with our stride but when those attacks are targeted at you, Madam Speaker, the embodiment of this Parliament in this country, that is a different matter altogether.

One of the words uttered "*cavuka*" this is a word that can only be targeted at women. It is a description of what could be the most traumatic event in a mother's life - post natal depression, it is a sexist remark. It is a remark this august House should not sit idly by and accept. It is a remark that we should be all ashamed of, as Members of this august House, for after all, this House is here to protect gender equality, it should respect gender sensitivities as decisions that we make here impact on all Fijians equally, and not only a cross section of our society.

It is for those reasons Madam Speaker, if there is any event where this august House should come down very harshly on its Members, it is this one, because the very sanctity of this august House is being attacked by one of its own, and a senior Member at that. Thank you Madam Speaker.

HON. M.D BULITAVU.- Madam Speaker, I rise to make my contribution on the motion that is before the House. It is very hard for me of course to defend my chief in this occasion. Being a political leader and a mentor who has contributed even to my political career and me to be here.

Madam Speaker, you have heard from Members from the other side and you will be hearing from others who will speak after me. Madam Speaker, at the end of the day, it will in your hands. You will have to make a ruling on what has to be done to this very serious decision that perhaps, will be the first you will make to our new Parliament. The last time I stood here, Madam Speaker, when this was the Supreme Court, I came as an accused person, but today to plea for my chief.

Madam Speaker, you will remember that I raised a point of order back on Monday when I requested the honourable Attorney General to withdraw from being a Member of the Committee. With due respect of your ruling Madam Speaker, I accept your ruling in totality that you should be there, according to your ruling. But when the honourable Attorney General delivered the Report, when he moved the motion, it was evident that there was an intention that he was trying to justify the guilt that has been alleged in offence.

Firstly, Madam Speaker, let me refer you to page 7 of the Brief Committee Report submission by Government at paragraph 1.4 to differentiate between *Anand Babala Case* from the honourable Ratu Naiqama Lalabalavu's case. In *Anand Babla Case*, he knew his statement was being recorded, and took his claims and allegations about the Speaker of the Parliament to the media. The honourable Ratu Lalabalavu's case is different because he did not know he was being recorded and did not vent his dissatisfaction on the Speaker's acts or omissions on the issues that were discussed in Parliament. The issues that came from the media were issues that were raised at Penueli, it did not arise from what was discussed in this Parliament. Differentiate that, Madam Speaker, please

Secondly Madam Speaker, Communication Fiji Limited's intention to record was for its voice publication as news. The honourable Ratu Naiqama Lalabalavu's statement was never published for public, instead it became a public knowledge when the Government made an issue out of it. The Government deliberately allowed this mole of an issue into a mountain, Madam Speaker.

Thirdly, Madam Speaker, the audio recorded is inadmissible evidence for being hearsay, recorded without the knowledge of honourable Ratu Naiqama Lalabalavu and the recording obtained by illegal

means without an order of a Magistrate or Judge in apprehension of to the committing of an offence, there was no order nor did the Committee ask for those orders from the reporters to allow them legally to obtain that recording – that is inadmissible, Madam Speaker.

Fourthly, Madam Speaker, honourable Ratu Naiqama Lalabalavu did not reflect upon your character, or conduct, allegations that he did must be proven that the honourable Ratu Naiqama Lalabalavu said (sorry to say this Madam Speaker) and I quote: The Speaker is a “*vutu sona*” and “*cavuka*”. There was no evidence, he did say expression. No evidence was called on to suggest the meanings of the specific words used and their literal and generous meaning in the context of the question asked, interjections by those present and responses by the honourable Ratu Naiqama. If thorough investigation perhaps, Madam Speaker, needs to be done because a membership of this august House is at risk to be suspended for 2 years.

Madam Speaker, I would like to refer you to page 9 and that is paragraph 1.8, those instances were published in the mass media, and in this case Communications Fiji Limited did not publish the alleged slurs, Government did. Assuming that it did happen, Government like Communication Fiji Limited, should have protected the Office of the Speaker by not publishing it in Parliament for public to hear and see, this is an assumption.

Lastly, Madam Speaker, do look at page 11, paragraph 2.6, the offence that is told to be committed under Section 20 (h) of the Parliamentary Powers and Privileges Act, Cap 5.

First, I do not see any authority for prosecution against honourable Ratu Naiqama Lalabalavu, pursuant to Section 32 of the Parliamentary Powers and Privileges Act. No prosecution for an offence under the Act shall (mandatory) be instituted without the written authority of the Attorney-General and the consent of the Speaker. No written authority was part of the report that the Committee produced. There was no written authority, according to the law. Therefore, penalties for the alleged offences committed by the honourable Ratu Naiqama Lalabalavu cannot inlaw be issued against the honourable Member, because the prosecution was constituted without the sanction in writing by the Attorney-General for your consent, Madam Speaker.

That is why Madam Speaker, you should have recused yourself, in due respect, because the allegations involve yourself. Madam you cannot consent to the prosecution involving yourself as a party to the case, appreciation of bias lacks, Madam Speaker.

The recommendation of Government in the report is totally baseless, wrong and abuse of process which cannot establish the elements that is there, that the attack was done on you Madam Speaker.

Madam Speaker, I would like you to test the evidence, the way the law, its consequences and perhaps, in another sitting after you are confident Madam Speaker, then deliver your ruling. Thank you.

MADAM SPEAKER. – Thank you, the honourable Rosy Akbar.

HON. R.S. AKBAR. – Madam Speaker I rise in this August House to support the motion from the Government side, and add my contributions to it.

On the offset, Madam Speaker, let me express my deepest concern on the reported abusive remarks made by honourable Ratu Naiqama Lalabalavu to the Speaker of this august House, though it be outside Parliament.

Madam Speaker, after the 2014 Elections, Fiji celebrated the restoration of democracy in the country, and for the first time in Fiji’s history, a woman Speaker of Parliament was elected, and at the

same time Fiji saw the highest representation of women in Parliament. That was a cause for women in Fiji to celebrate, and of course, this achievement was celebrated locally and internationally regarding Fiji's achievements in advancing the women.

Madam Speaker, despite this achievements I am saddened to say that many women in this country continue to fight for equality, justice and recognitions within their homes, communities and work places. This arises from the fact, Madam Speaker, for the simple reason being the mindset that exists within our patriarchal societies; whether it be homes, communities and institutions. Every day women continue to fight for their rights when they are disrespected and undermined by male counterparts; whether it be their spouses, employers, or colleagues.

Madam Speaker I have a question here, if the Speaker was a male would the Speaker be subjected to such derogatory comments? While coming to addressing the issue at hand, Madam Speaker, I must say and I repeat, the Speaker of Parliament holds a very esteemed position in our constitutional system of government, in which Parliament is the supreme law making body, a verbal attack, a derogatory comment made against the Speaker is an attack on every women in this august House and every women in this nation. Indeed for a fact, these offensive remarks, Madam Speaker, is made against your position as Speaker who is a female and the first one to hold such a position.

As a Minister responsible for Women's Affairs, I am appalled that a senior male Member of the Opposition would show such disrespect for the Speaker of Parliament by using such abusive and derogatory remarks, even outside Parliament as debated. Madam Speaker, it is really shocking and saddening to note that the honourable Member has not only undermined the Fijian Parliamentary System of governance, but also has shown his lack of respect for women leaders in Fiji. What astonishes me is the fact that these comments were made at a church hall, in a public meeting. Such behaviour from a senior Member of this august House reveals a demeaning and a demoralising attitude towards a woman leader.

Madam Speaker is this the kind of example we want to leave to our young generations, who will be our future leaders? Is this the kind of service we want to offer to the women of Fiji by undermining and being abusive to them, just because they are women? If anything, I would strongly like to see the women leaders in this very House, seated among us and those on numerous occasions have spoken strongly about the need for gender advancement, gender equality and women empowerment denounce these actions.

I implore to the honourable Leader of Opposition, the honourable Ro Teimumu Kepa, Member of Parliament honourable Salote Radrodro and honourable Roko Tupou Draunidalo, in their capacities as women MPs, to rise up and condemn this irresponsible and disrespectful behaviour from honourable Lalabalavu.

Madam Speaker, if I can reiterate, Fiji's well known women's NGO, the Fiji Women's Crisis Centre, has come out very strongly and condemned the derogatory remarks and the use of foul language against the Speaker, and I urge all women's NGO's in Fiji to call for severe actions to be taken against such irresponsible and thoughtless behaviour, not only now but in future, and not only comments made within the boundaries of this House but across families, communities and the nation as a whole.

The very disrespect for women is one of the reasons why women are deterred from taking up higher positions because they face similar challenges in their homes, communities and organisations. We should not, and we must not, and we will not allow such derogatory remarks be made in public forums whether it is against the Speaker of the House, or any women in Fiji.

Just last week, we had a debate that we should not let things be swept under the carpet, and Madam Speaker, I think this is one issue that should not be swept under the carpet. The question is; for how long women have to put up with this kind of injustice and discrimination in our society? Is it right for men to

make derogatory comments in public forums demeaning a women's status. We cannot just let this incident be swept under the carpet. We have to ensure that such injustice and disrespect against women is dealt with, not only at grassroots level, family levels but within this august House as well. If we are to set example of a nation that truly values women, recognises and promotes women's leadership at every level, then let us start from this very Parliament. We cannot just be seen advocating about women's rights and empowerment at community level when the very principles are not met and respected within and outside this august House and outside this House.

We need to reiterate a stern message to our communities and our institutions, and that we will not, we should not, and we must not tolerate and condone any derogatory attitudes towards our women, and we must start it with you Madam Speaker.

On this note if I may come back, we had an issue about media freedom as to why media freedom is important, as I have heard from the honourable Member on the side that the honourable Lalabalavu was not aware that the meeting was being recorded. Madam Speaker, when we hold meetings, when we go for functions, the media is free to record what we say, so is it going to be a fact that when the media is, then we will restrain ourselves? We will not say things that we are not supposed to say against anyone, especially you, or if you aware that the media is there than we will restrain ourselves, that should not be the case.

The fact, Madam Speaker, I think this is not about the swearing. The fact is that we could have avoided coming here, the fact is that SODELPA in the papers said it was said in jest when they and the honourable Member had the opportunity to withdraw and apologise unfortunately that did not happen and that is the very reason why we are here. Many at times we have debated on motions, and I believe this is a motion that we are going to debate and have a robust one, and we will be allowed to say our part and from the side of the Government, I think in regards to the motion that is presented I support the Government's motion. Thank you.

MADAM SPEAKER. – Thank you. The honourable Dr. Biman Prasad.

HON. DR. B.C. PRASAD. – Madam Speaker. I rise to speak on the motion, both on the motion by the Government and also the amendment to the motion.

Madam Speaker, the two honourable Ministers from the other side have spoken and I agree with them that we should celebrate Madam Speaker's appointment as the first women Speaker, and we should also celebrate the first women Leader of the Opposition the honourable Ro Teimumu Kepa and all the women who have been elected into this Parliament deserve to be congratulated and supported. There are many other women Madam Speaker, our mothers, our sisters in the villages, in the settlements, and many other women in this country who have done so well, who are shining examples of members of our society, who provide us hope for the future, and Madam Speaker, gender equality, gender sensitivity, in everything that we do including Madam Speaker as Members of Parliament is very important and we support that Madam Speaker. However, I think the honourable Ministers, though I have a lot of respect for both of them, have side-tracked from the real issue before us Madam Speaker.

And, I do agree with the honourable Minister when she said that we could have avoided coming to this House and debating this issue. In fact, we should have never, never got to the stage where we had to utter that word, which our children our mother and sisters did not listen, but they came to listen to from honourable Members of Parliament. This is why, Madam Speaker, the National Federation Party has always believed in politics of moderation.

This House, as the honourable member said, is a house of politics, Madam Speaker. We should always avoid saying things that would create ill-will, create issues, but Madam Speaker these things

happen in every society. Politics, Madam Speaker, in plural societies, always requires leaders to be sensitive, moderate and deal with issues if it is highly sensitive, it could be highly defamatory, derogatory and scurrilous as the honourable and learned Attorney-General talked about. But, Madam Speaker, there is always a chance for leaders, like us in this Parliament, to deal with this issue in a way that can promote our ability to deal with these issues.

Madam Speaker, I find the motion in light of the findings, both from the Government side and the Privilege Committee, and also from the Opposition side, and I must say Madam Speaker that it is, if someone is reading this report, Madam Speaker, and if that person is concerned about establishing beyond reasonable doubt, Madam Speaker, whether someone has done something and, in this case, whether honourable Lalabalavu has committed a breach of privilege. For that to be established Madam Speaker, you need to exhaust all the processes, all the evidence before the Committee, and that is why Madam Speaker, I think your ruling on not allowing the honourable Members of the Parliament to listen to the recording itself may short-change honourable Lalabalavu in terms of him, Madam Speaker, getting a honest and a proper hearing. I also think Madam Speaker that the motion by the Government, based on what has been presented before us by both the Government and the Opposition Members, Madam Speaker and based on that, I find the motion by the Government highly irresponsible, at least in terms of the sanctions, and Madam Speaker insensitive as well.

Apart from being extremely harsh, Madam Speaker and I would urge Government Members and indeed all honourable Members in this Parliament Madam Speaker, that even if we establish or even if we believe that the honourable Lalabalavu did say something which may be been interpreted by those in the Privileges Committee, by the media, by women's group, Madam Speaker, even then the penalty, the sanction that we are proposing in this motion Madam Speaker, is extremely harsh.

I would also want to say that as Members of Parliament, as law makers, our responsibility is to make sure that any decision that we make (this is why we have debate in this Chamber), Madam Speaker. This is why we debate about the budget, this is why we bring motions, this is why we ask for more information and Madam Speaker, even when it involves one of our own Members of Parliament, we should really make sure that we exhaust all the avenues, look at all the evidence in the best possible way, and in this particular case because the sanctions that are being proposed are extremely harsh, we should apply these standards that the Courts should apply, Madam Speaker, in terms of establishing beyond reasonable doubt.

The Honourable Lalabalavu deserves that benefit of doubt and proving beyond reasonable doubt, Madam Speaker, is what is needed at this point in time, and this is why, Madam Speaker, the Opposition amendment to the motion by the Government is a very important one.

Let me, before I conclude, Madam Speaker, say this to all the honourable members and especially honourable Members in the Government side, that, let this be a conscience vote on this motion Madam Speaker, both the Government motion and the amendment motion.

As honourable Members of this Parliament, let us take out that partisan approach to this motion because it is about dealing with a Member of Parliament, the honourable Member of Parliament who is sitting here and let all of us in our own conscience, Madam Speaker based on what has been provided by the Government side, the Opposition side decide on the vote as conscience vote and not as party vote or Government vote.

Again, Madam Speaker, before I conclude I would say this again, this motion that the Government has brought, Madam Speaker, carries extremely harsh penalties. When I say this, Madam Speaker, I do not discount any of the points that the two honourable Ministers from the other side made about, how we should respect your office, women in this country, women leaders in this country, our mothers and sisters and our daughters without discounting that at all. In fact, I think the honourable Minister is extremely

correct in identifying issues and I am very pleased that she, along with women groups in this country advocate this very strongly, Madam Speaker, that should not be taken away.

However, what is in front of us, Madam Speaker is a motion which is really not about women per se, which is not about gender equality, which is not about the role of women in this country, in our economy, in our society. It is about a Member of Parliament and his right to get the best hearing, get the best judgement in terms of whether he has committed a breach of privilege. That is the matter before us, Madam Speaker. I would urge all honourable Members to keep that in mind and I hope that we all vote with our conscience, based on what is before us. Thank you, Madam Speaker.

MADAM SPEAKER - I give the floor to the Honourable Faiyaz Siddiq Koya.

HON. F.S. KOYA.- Madam Speaker, the amendment to the motion that has been presented by the Honourable Draunidalo is worded such that it says, "That the parliament determine whether or not the honourable Ratu Naiqama Lalabalavu breached Parliamentary privilege and if the Parliament finds that Ratu Naiqama Lalabalavu breached privileges that he be asked to withdraw his comments and apologise to the House".

Right at the outset, Madam Speaker, I think that everyone is quite aware of the Anand Babla case, in that one maybe it has been termed as an offence, it was not even as serious, he was actually suspended from the House. In this particular motion, what has been sort is that he be merely asked to apologise. In my opinion, Madam Speaker, that is not enough.

There are couple of things, Madam Speaker, that were raised by the Honourable Draunidalo, one with respect to the burden of proof that is required before the Privileges Committee to establish whether the contempt occurred or not.

Madam Speaker, there are quite a few parliaments around the globe, and the general practice in parliament, when a matter goes before the Privilege Committee, the practice is, that the civil standard of proof applies, it is not the criminal burden of proof, where you have to prove beyond a reasonable doubt.

Madam Speaker, with respect to other comments that were made and the questions that were asked to Honourable Ratu Naiqama Lalabalavu, the question was not loaded, the question was not disguised, the question was simply put in the form that there were words uttered on that night to the Speaker of the House and those words were, and the words were spelt out more than enough in this House and to that, he agreed, Madam Speaker, the verbatim reports will show that. He agreed that he did so and there were other issues raised regarding the context in which it was said.

Madam Speaker, they cannot say, even if for a moment they decided to take that into isolation and say; "Let's remove that first proportion like Honourable Draunidalo had pointed out it, that it was an old man. Maybe, it was subject to some mischief, et cetera. He agreed that that was his voice, nothing was raised then.

The whole subject of the conversation at that time, Madam Speaker, was your good self. There was no other person being spoken about, it was not being spoken in general terms, it was to do with you, Madam Speaker, the whole entire conversation. Only at the end, as the Honourable Attorney-General pointed out earlier on.

Madam Speaker, as I say, the whole subject of the conversation was your good self. Now, we have heard enough this morning with respect to this matter.

Madam Speaker, I also wish to raise a point regarding a privilege that was raised by the honourable Draunidalo, and with respect to your ruling. I think, Madam Speaker, the *Babla Case* speaks for itself. It was a comment made about the Speaker outside of the House. It was outside of the House; that is enough authority for us to say that this is a comment that was made outside the House, and it was a comment made about the Speaker.

What is being asked, Madam Speaker, is that it be restricted to this House and it does not apply outside. Well that is not correct, Madam Speaker, if it does not apply outside then, we are free to call you all that we want to. That is not true, that should never be allowed,

HON. N. NAWAIKULA.- That's a private remedy.

HON. F.S. KOYA.- Not a private remedy.

Madam Speaker, I think the law speaks for itself. It is quite clear and as a matter of fact, it is really quite simple. All the authorities around the world say the same thing. There are six particular cases that have been referred to by the honourable Attorney-General time and time again to say that any reflections upon the Speaker outside of the House have been dealt with by suspension, and some have been varied in terms of the degree of what has been spoken, Madam Speaker.

Madam Speaker, in terms of the publishing et cetera that was talked about, this was an actual public hearing. There was a meeting that was asked for by the SODELPA Party, it was a public forum, at a public forum as rightfully pointed out, the media is present all the time. They record and they leave. The Honourable Bilitavu actually pointed out that no, it was not actually published. That is incorrect, Madam Speaker, if he had bothered to go and look at *FijiVillage*, it was reported.

In any event, Madam Speaker, I think the authorities also spell out, it is not about what was said, but it is actually about whether it was said or not. It was said and there is an admission on the part of Honourable Ratu Naiqama Lalabalavu that he actually said it. It is not being misconstrued, Madam Speaker, at the hearing we are all to be fair and we have been fair, and it is not fair to say that this side of the House is misconstruing this or trying to disguise the question, it was not put like that, not at all, Madam Speaker.

Madam Speaker, you are a shining example to the women of this country, and in terms of equal opportunities, in terms of education, employment and profession under the law which has translated in places in Parliament, I am proud to say that women in Fiji are treated with the uttermost of respect and nothing else.

This cannot go the way they are asking for in this particular motion, Madam Speaker, it absolutely cannot. It requires a particular kind of punishment, it is the words that were used are quite vulgar, whether you understand the *iTaukei* language fully or whether you understand it slightly, like some of us do, it is still vulgar, Madam Speaker, even if it was not you or if it was any Speaker, the same rules would apply.

Madam Speaker, as I said earlier, they have many examples in such occasions where it has actually occurred overseas, and the privilege issues outside the House really will keep on going about it all the time, it has actually been dealt with and it is confirmed that if you utter these words outside the House, you will be punished especially if you cast reflections on the Speaker.

Madam Speaker, we are very proud of you, we are very proud that you lead this honourable House. You are an example of what a Fijian Parliament is and what the system is. Yes, I hope we are, and I really do hope we are. You have led a very honourable and respected life, Madam Speaker, and we will not allow anyone to tarnish that.

Madam Speaker, I must also say that I do not support the motion that has been filed by the Honourable Draunidalo but I support the motion that has been filed on our behalf.

HON. S.D. KARAVAKI.- Madam Speaker, I rise to contribute to the motion before the House. The motion that was introduced by the Government and also the motion requesting for the amendment to the motion. I would say this from the beginning, Madam Speaker, today is a day of judgment. It is not a judgment to the Honourable Ratu Lalabalavu. He has already had his judgment. Today, Madam Speaker, is a day of judgment to every honourable Member that sits in this House. It is a judgment that we stand before the Almighty God.

Madam Speaker, before I decided to stand for the Elections, I had resolved this in my mind that I would never be a politician but instead I would be a reformer; to direct things towards the value of God. As I sat and listened to the contributions tonight, I was actually praying, asking whether I should rise or not because Madam Speaker, I know that all the words that we utter or speak, whether they are good or bad, God will judge us one day. Therefore, Madam Speaker, as I rise tonight and think about the evidence that was presented, that is why I had requested for the House to listen to the audio because that is the fact. Once we start to distort the facts, we have moved away from the platform of truth and it reminds me of the words of the Apostle Peter in which he says in *Acts chapter 10 verse 34*, "...that God is no respecter of person"

As we come before this Chamber tonight, Madam Speaker, it really touched me when the truth is distorted because all our decisions should be based on the truth. It should not be based on any other values or beings or any other thing that we may try to bring up. It must be based on the truth. We have a nation, the sovereignty of our nation is at stake. It is not at stake because of the intrusion of enemies from outside. It is at stake because of the path that we will choose to take in discussing what decisions we should make; whether we are reflecting our views on the basis of truth where the virtues and truth are based on or whether we put it aside and go towards our alienations to who we are and what we should be. That is my fear, Madam Speaker.

As a sovereign nation, we have made this Constitution. This Constitution gives us the right to make our own laws, even the laws that regulates our conduct, the privilege and the penalties that should be imposed if there is anyone that does not follow. This is where our sovereignty comes from and we made our laws, we have our Standing Orders, which we have started to follow after re-joining and becoming a democracy again.

Madam Speaker, there are countries that we consult their authorities, and we have heard their Standing Orders. They have incorporated and inserted the new avenues so that they can address all parts of their responsibilities. But we have a new one and we are starting to change it and embrace the changes that we will go through and accommodating it in there so that it controls all our conduct. But we still have this, Madam Speaker.

As we talk about Britain, Britain has unfettered powers in their House. Australia and New Zealand, although written, they have put into place some control into their Standing Orders and rules of Parliaments. This they have done in the past for so long, that has controlled them in the administration of their Houses. We have Australia and New Zealand, we have heard today the referral to the authorities in Australia and New Zealand. They also have their Standing Orders and that is where their decisions and authorities have come from. But where there is nothing in here in the Standing Order and they look for other justified means and we have heard the cases that was referred to in Australia. Two cases, one that the Honourable Draunidalo had referred to – seven days was the penalty given. The other one was two days the penalty given.

Madam Speaker, I am very saddened with the distortion of truth as I listened to the tape, it clearly stated the words “*ratou*” and the words we are talking about. I did not hear it when I listened to that tape in the first instance, I could very easily think of that. I thought of that and said “okay, we can pass over that” because it was not being referred to the Speaker. But it has been construed with whatever intention, I do not know, but the Almighty knows about it. He reads everything in our minds and as we sit in this House, these are the values that I was referring to.

With your permission, Madam Speaker, let me read from Deuteronomy 28. This is because as we sit in this House, we want God to bless this nation and we are the ones, as we perform our duties, we should perform it to the standard that God will be pleased with us and bestow his blessings on us. This what he says from verse 1. It states and I quote:

“It shall come to pass if thou shall harken diligently unto the voice of the Lord thy God. To observe and to do all his commandments which I have commanded thee this day. That the Lord thy God will set thee on high above all nations of the earth and all these blessings shall come on thee and overtake thee if thou shall harken unto the voice of the Lord thy God”.

We have a very responsible part to play in this House, Madam Speaker. We must put aside the issue of gender, we must put aside the issue of politics but look to the truth because that is the basis of all that we are looking for in this nation. This is what will happen if we do not adhere to this. I will read verse 15. It says and I quote:

“But it shall come to pass if thou will not harken unto the voice of the Lord thy God. To observe to do all his commandments and statutes which I command thee this day that all these curses shall come upon thee and overtake thee”. That is why, Madam Speaker, I take this very seriously.

We sit over here as the decision making body of the whole nation. For what that nation will become tomorrow, the days beyond that and the years to come will depend on the values that we uphold.”

Madam Speaker, I did not see the way that the Government is talking about the audio and what happened, because in my understanding of the Fijian vernacular, it also makes us, Madam Speaker, sometimes we look like that, because the rules we have made in the Standing Orders is quite new to us. We are conducting ourselves in a way that we stand also the Speaker stands up to control us. Sometimes we can say justly because that, “*ae e vaka tiko na lialia o keda*”. That is exactly what was said. It is nothing that was malicious or something that was liable, Madam Speaker, towards you. There was nothing about that. I hope this is not to be taken as a gender issue because the very basis of our decision-making should be on the truth. Despite who we are, we must always, Madam Speaker, let God increase and let us decrease.

HON. L. EDEN.- Madam Speaker, I thank the Honourable Karavaki for his quotes from the Holy Bible. I am a god-fearing person, Madam Speaker, and I think that if we all were, then we would not be sitting here at 7.15 p.m. tonight.

Madam Speaker, I, too wish to voice my concern regarding the deteriorating behaviour of some of our parliamentarians, in particular, to this incident at hand. Madam Speaker, I am truly saddened and disappointed that the honourable Member whom I have always regarded as a senior statesmen of our country has stooped so low as to attack you, Madam Speaker, publicly.

It was very a proud moment back in September last year when you, our first female Speaker was sworn in, and also the first female Leader of the Opposition also sworn in; a very proud moment for all in Fiji and especially for women across the nation. Fiji was and still is very proud that we have a good

percentage of women in this honourable House, much more than our fellow Pacific Island countries, and to accept this vicious and contemptuous attack as jest or just a joke is simply not on. Madam Speaker, we all have been voted to do our very best to take our nation forward, however, it seems there are a select few who are on a mission to drag us all through the dirtiest possible mud.

Madam Speaker, the entire nation is watching us, not only in this House but everywhere we go, and not only watching but obviously listening as well. Even my children, Madam Speaker, are appalled at the mudslinging. It has to stop, Madam Speaker, and respect, honour and sensible behaviour needs to take precedence. I shudder to think what the children from ISN School took home as stories last week, let alone our young adults from the University of the South Pacific. On one hand, Fiji has a zero tolerance of abuse on women and on the other hand we have our very own honourable Members of Parliament abusing women and calling it their privilege. Something is very wrong with this picture, Madam Speaker.

Madam Speaker, not too long ago, the word “hypocrite” was hurled at me from across the other side; was it necessary, was it justified? I think not, Madam Speaker. It is a fact that women are a minority in this House but we are strong respectable women and should be treated as such, and I challenge our female colleagues from the Opposition to stand with us today.

Madam Speaker, I joined you on a tour a couple weeks back of the Australian Parliament in Canberra. We witnessed both Houses in action and not once did I hear any swears or derogatory words directed at anyone, least of the all speakers, one of who was a woman. Yes, their debates were boisterous and yes, they were vibrant, even to the extent that 19 of them had been sent out during one sitting for an hour. However, Madam Speaker, they were always civil. Although most of us are new to Parliament, there are a few including the honourable Member who have had the honour of serving in the past and they, of all people, should be leading by example. Basic common sense and respect should prevail at all times.

Madam Speaker, please bring decorum back to all our parliamentarians as a matter of urgency. I support this motion and say that we will not and should not support this type of behaviour under the guise of privilege.

HON. RATU N.T. LALABALAVU.- Madam Speaker, while I have been sitting and listening and I have been instructed not to say anything but just await judgement. But, Madam Speaker, I have asked the honourable Leader of the Opposition if I could make my bit as well, so the honourable Members and especially your good office, Madam Speaker, would be able to listen to what I am trying to say here. Not really, to try and defend myself but to straighten all which I feel that has been said by honourable Members of that side of the House that has painted this picture of me.

Madam Speaker, from the outset, I would like to say that I never denied to saying these comments. But, Madam Speaker, when I sat in the hearing of the Privileges Committee, the honourable Deputy Speaker being in the Chair asked me if I wanted to speak in the English or in the native Fijian vernacular. I asked if I could speak in the native Fijian vernacular simply because, Madam Speaker, the recording that they are basing their arguments from is recorded wholly in the native Fijian vernacular. So we had translators, one translator translating to the Acting Prime Minister who is a member of the Committee and the honourable Minister for Industry, Trade and Tourism.

From the outset I said when they played the recording and it was only the voice of a female that was raising questions about you, Madam Speaker. That was not the only question as alluded to by the honourable Minister for Trade, that that evening was solely an attack on you, Madam Speaker. No. Why I am saying this, soon after the recording, what they played to me, I asked, “what about the closing address; what about the other people who asked me questions? It is not being played here?”

Madam Speaker, since it is in the vernacular, all I can say is when we listen, we do not make judgements from the first few parts of the speech, we need to take the full context of what transpired and went on in that meeting. Only then, Madam Speaker, would one be able to get a full picture of where I was coming from and what was being said in that meeting. It was said when I indicated to the honourable Deputy Speaker, that this is not the full recording that is supposed to be played here of what happened on Thursday night last week.

Madam Speaker, before I attended this hearing, it was on Friday morning last week, when the House rose for tea, the same FM96 journalist stopped me on the steps towards the Opposition Office and asked me a question that I wish to raise here. He asked; “Sir, you mentioned in your closing address that the Prime Minister was good”. He asked; “Can I record this?” I replied; “Why?” He said; “I want this to go out in the news”, this is the same journalist, the young gentleman from FM96. What I told him, Madam Speaker, and honourable Members of the House that SODELPA Members and officials are not judgmental. No one is bad. That is all I want to say.

He then asked me; “Can I record this?” I said; “Sure. You record and play it.” The only gist of my closing address which was not played to the Committee Members was, as apart from my advice, to bear with what is happening. That was partly recorded in the recording that was being played and which I feel, has been downplayed by the other side in their recommendations of their findings.

What I said, “The Speaker is a lady, she is one of us. She is new to the position, let us give her time.” If you may allow me, Madam Speaker, if I may allow me Madam Speaker to say what I said in the vernacular – *Sa gauna ni vosota vakadede `go. Meda vosota sara vakadede. Qo sa i lakolako vou. E vinaka cake go mai na bera na Veidigidigi.* We are in a democracy now, it is much much better than where we were before the Elections. So, let us try and persevere. That was part of my closing address, Madam Speaker, including my words of counselling to the people who were there, majority of them from the Tovata to say; “You are one of us, let us give her time”. I even quoted what the delegation from New Zealand told us when they visited the Opposition Office, Madam Speaker. It comes with experience and experience comes with time. Let us give the Speaker, time. Let us give the honourable Prime Minister, time. That is the very gist of the advice that they gave, Madam Speaker.

As to what the Honourable Koya had alluded to, that that evening was solely based on the attacks that were done towards your goodself, Madam Speaker, I can only say that the honourable Member is basing that from what he heard and that was only from the voice of one female. No other voices were heard.

There were questions raised about TELS, Madam Speaker. I asked Honourable Leawere to give his bit on that because that is his forte. On the royalties and the decision by the Government on the QVS and ACS schools, I asked Honourable Kiliraki to make comments on those. That was never played in the recording. All those were never played, Madam Speaker. Only what was being said that I uttered was being played. I feel that is the basis of the decision that is being recommended by the Government side.

Madam Speaker, in reply to the comments raised by the honourable Minister for Women, and the Assistant Minister, Honourable Eden about ridiculing women, me being a senior Member of this august Parliament, doing this is so bad. It does not give a good reflection of who I am. I would like to put it to your good self, Madam Speaker, in my traditional position, I happen to be the patron of the Soqosoqo Vakamarama of Cakaudrove. Women in my clan hold positions in running the affairs of my clan. Women in the *tikina* of Cakaudrove *Qoliqoli*, they run the scholarships programme that I lead when I sit amongst them.

I walk the talk, Madam Speaker, I lead here, trying to help the women. It is not an easy thing to undertake, especially in view of our culture. It takes time, it is like hitting a brick wall, when all of a

sudden we try to combat gender inequality and issues, et cetera. The empowerment of women alone takes time, Madam Speaker. This is because of our culture. Madam Speaker, based on what has been said, I ask the honourable Deputy Speaker; “Please, listen to the tone of my voice. Listen to the words that I uttered, especially the context in which it is being said. Then and only then will it give you a proper perspective of what I was saying”. I even told them, Madam Speaker, and it is sad that they never indicated that in their report that where the honourable Speaker hails from, they use these kinds of interactions. The islands of Nayau and Lakeba and many other villages, this is how they speak and interact.

It does not mean in the Fijian context that I was swearing at you, Madam Speaker, no, because that is so far from the truth. I am not here to defend myself, all I am trying to say is, say the truth, so at least, when I sit and you make your decision, Madam Speaker, and the honourable Members of Parliament, my conscience is clear because I have said and delivered what was supposed to have been also included in the report. That is why, given your decision that the recording will not be played, there are two reports coming from this Committee. This is, from my experience, this is the first time for me to see two reports coming from a Parliamentary Committee, but that is it, Madam Speaker. If only you had allowed the playing of the record, then you would realise that it was the only voice of one lady, not of what I said, especially in regards to you, protecting your good self, giving you the opportunity/chance of support that we needed to support you with; that was part of the record that was not played. Anything else apart from that, none.

Secondly, what was being asked of me by the same journalist who recorded that immediately after Parliament rose on Friday for morning for tea, “You said that the Prime Minister was good.” I want to repeat this because the attack on me is as though I used that SODELPA meeting and I was asked; “why did they laugh?” Because these are members of SODELPA. In the Fijian context, you need to come down to their level and roll with them before you properly give them your good advice. But in so doing, Madam Speaker, maybe as I had indicated to your good office, Madam when I was asked by the honourable Leader of the Opposition to visit your good office and say what I had to say, especially to apologise to your good self in case it reached you and there was a different interpretation of what I had said. I gave my apologies to you, Madam Speaker, before I went and sat at the hearing. I had also informed the Members of the Committee of it because Honourable Seruiratu asked me there as well; “Where do you draw line on this? Don’t you regret what you said?” I said; “I regretted, not what I said but the way it has been misinterpreted and twisted out of context – part of what I had actually said and it is difficult when all these is being done in the *i Taukei* vernacular and here we are trying to adjudicate on the same thing in English language. We’re trying to make the interpretations and translations of that and that could lead to many interpretations and translations.

That is all, Madam Speaker that I would like to raise and I await your good judgment on that.

HON. V. BHATNAGAR.- Madam Speaker, I rise to raise my concerns in regards to the derogatory comments made by Honourable Ratu Lalalabalavu during their party constituency meeting last week. And it is even more appalling when the principle party administrator commented that the passing remark was made in jest. This statement in itself is proof that the derogatory remark was made, because they have said that it was made in jest, so where is the doubt?

Madam Speaker, it would appear that the constituency the SODELPA meeting was held not to discuss serious matters but was held just in jest. The use of such offensive words and belittling the office of the honourable Speaker, the highest authority in the Parliament should not be tolerated. I would like to remind this august House that we are representatives of the nation and we are the voice of the people. As such, we must be exemplary beings for our people and this nation. We, the representatives of the people have a moral obligation and responsibility to uphold the highest ethical principles and to relay to each other in a manner that is becoming of such exemplary beings. We as citizens of the country and Members of Parliament have committed ourselves to the constitution of this land and in the preamble that commits us to the recognition and protection of human rights and respect for human dignity.

In addition, the promotion of gender equity and gender equality commands equivalent respect to be given to Madam Speaker. If we as leaders of communities and societies cannot observe...

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

HON. V. BHATNAGAR.- ... respect for gender for equity and equality, how can we motivate our community to do so? The leaders

MADAM SPEAKER.- I will just take that point of order and I will come back to you.

HON. M.D. BULITAVU.- Madam Speaker, the contribution by the honourable Members of the Government are baseless. They are trying to sensationalise....

MADAM SPEAKER.- What is your point of order? Point of order is on the procedures of the House.

HON. M.D. BULITAVU.- It is not relevant.

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

HON. M.D BULITAVU.- It is not relevant to what is here. Madam Speaker, it was in Fijian and how can she understand?

MADAM SPEAKER.- Obviously, that is not a point of order. Honourable, Assistant Minister for Health and Medical Services, please continue.

HON. V. BHATNAGAR.- Thank you, Madam Speaker. We leaders should lead by example and ensure that Fiji as a nation learns to respect all its women.

Madam Speaker, I remembered in the House he is addressed as “honourable Member” but what if their deeds and actions are not so honourable? Denigrating a lady speaker in a public meeting, I ask this House, is that an honourable deed? Do such Members deserve to be pegged honourable? Let us not in our ambition and blindness abdicate the respect of our colleagues and particularly the Speaker, the Speaker as the head of Parliament remains the chair that all Parliamentarians must respect.

Madam Speaker, we cannot have any Member of this august House to conduct his or herself in a manner that would bring disrespect to the Office of the Speaker. Let us remind ourselves that even when we are outside the Parliament, our actions directly impact on workings of Parliament and in fact, demonstrate the principles that we hold dear. Swearing and using foul and offensive language to refer to the Madam Speaker, in public meetings, nor anywhere must not be entertained and those who bear to utter these words must be brought to answer. We simply do not condone such behaviour, neither inside nor outside the Parliament and I hope, Madam Speaker, that justice will prevail. I support the motion from our side of the House.

HON. RO. T.V. KEPA.- Madam Speaker, first of all I would like to say that I salute all the women in this House, beginning with yourself, Madam Speaker, and these very efficient women who are here from morning until this evening everyday throughout the sittings and the women from both sides (Government and Opposition). It was through hard work and determination, they have been able to be here in the House with all of us.

Madam Speaker, that is why we asked from the outset, if there could be a recording because there are some of us who are sitting here today, hearing from both sides of the House, not having heard the recording, so what we are hearing from the honourable Members is what they are saying, I am sure many of them have not also heard the recording. So, what the actual words were, what the context was, who said what to who, a lot of it is hearsay. So, we have before us a motion that is of great gravity, Madam Speaker, and I am not speaking just about the motion and what we are hearing in my case, it is hearsay. It is on the person and we have also be aware, Madam Speaker, that it is also on the *vanua* and on the *matanitu*. So, we have to be aware of that when we are here, Madam Speaker, deliberating on this motion.

Madam Speaker, the text messages, e-mails, the people that are watching, those in the public gallery, we all want a proper resolution on this motion. So, what happens inside the House very much will have an implication outside of it. So, when making a decision on which way we would want to vote on this motion, I think the honourable leader of the National Federation Party has already asked if it could be a conscience vote; that we vote on what is right. Honourable Karavaki has quoted from *Deuteronomy*, that at the end of the day, we are here for a purpose and we are here to ensure that what is right prevails. We do not go along with sensationalising something that is out of proportion to what actually happened.

This case, Madam Speaker, that we have here before us, how it is treated in this motion, others have spoken about it, it is a very harsh penalty that they are putting on this. We hear of the Babla case – two sittings he was suspended for. Here we have two years, why, Madam Speaker? Where is the justice in this? There will be other cases that will come to this House, how we judge on this one, Madam Speaker, will have implications on other cases that would be brought before the House. So, it is not just this particular one, Madam Speaker, there are others that will come here and we have to make sure that the yardstick we use here tonight will also be used on the other cases.

Madam Speaker, we had believed that from September last year after the Elections, there was a democracy, there was progress and we would want to go along with this democracy and the progress that we have come through so far. It is not easy. The other side have had eight years of dictatorship and for them to be able to go through the democracy is not easy, and that is what we have told people, Madam Speaker. So, for all of us, it is a learning process as we go along, but we have to bring before the House issues that will progress us, not curtail us and retard the growth and development of this very young Parliament and the relationships that we are trying to foster here.

Madam Speaker, I am asking the honourable Members who are here in this House, you do what is right. You do what your conscience tells you and I am hoping that at the end of this, that justice is served. Today and in the future when we have other cases coming before this Parliament, that we also do what is right. I would look again at the amendment to this motion that the Parliament determines whether or not the Honourable Ratu Naiqama Lalabalavu breached Parliamentary privilege, and if the Parliament finds that the honourable Ratu Naiqama Lalabalavu breached privileges, that he be asked to withdraw his comments and apologise to the House.

That is what I am standing here for, Madam Speaker, is to appeal to both sides of the House that we vote with our conscience, and we do what is right not only for today, but also for tomorrow in this nation.

Thank you, Madam Speaker.

MADAM SPEAKER.- I now give the floor to the honourable Dr. Brij Lal, who stood up first.

HON. DR. B. LAL.- Thank you, Madam Speaker. I rise to talk in support of the Motion by the Government side. We are all citizens of Fiji. Fiji has been rated as the happiest nation on this earth. The people here are always smiling, laughing and enjoying their lives. Let us maintain it that way.

Madam Speaker, the Speaker holds the most respected Chair in this august House. The Speaker is no ordinary person. The Speaker deserves all the respect. As Parliamentarians, everyone looks at us as the light, as the beacon and as the captain. We have to demonstrate our true values and virtues that we have learnt from our religions, parents and from our teachers. We cannot do anything less than display a perfect role model. Use of derogatory words cannot and should not come from any Member of Parliament. It is through the trust and faith of the people that have voted for us, that we are sitting in this House. Our actions should not portray a poor image on our voters, on our communities and the people of this country. When we are speaking, we must first understand what we are saying, whom we are speaking to, and what message it portrays to others. We must always be very careful that anything that we are doing, the whole world is watching us.

Madam Speaker, I am reminded of a very short story. There was a shop in the back streets of a town. Every morning, the people lined up to buy bread and newspaper. There was a customer who would come, throw the coin on the counter and say, 'newspaper'. But the shopkeeper came very politely, handed him the newspaper. The people watched that for two weeks, and they asked the shopkeeper, 'why are you so polite to him when he is so rude?' What I want to tell the people is, what type of legacy do we want to leave behind? We want to be like the shopkeeper or like that rude customer? It is said that, you are strong when you know your weakness. You are beautiful when you appreciate your flaws. You are wise when you learn from your mistakes. We do not condone any derogatory remarks made by any Member of Parliament.

Madam Speaker, I support the Motion from the Government side. Thank you.

MADAM SPEAKER.- Thank you. I now give the floor to the honourable Niko Nawaikula.

HON. N. NAWAIKULA.- Madam Speaker, before I start, I seek some clarification, and this is by way of a Point of Order. I had previously asked for a ruling on my belief that Standing Order 134 gives the prerogative to the Speaker, and the Speaker alone to decide, and not by vote. Before I proceed, I need clarification on that, what is the Speaker's view in relation to that, Madam Speaker?

MADAM SPEAKER.- Are you referring to the Motion?

HON. N. NAWAIKULA.- In relation to this Motion, it is going to be voted, or will it be referred....

MADAM SPEAKER.- Procedures warrant that it is going to be voted.

HON. N. NAWAIKULA.- Very well.

That being the case, Madam Speaker, I wish to say that at the end of all these, we will be asked by way of a show of hands to decide on two matters. Firstly, that the amendment is to go in by which, if agreed, then the honourable Member, the *Turaga na Tui Cakau* will be asked to make an apology for being found implicated. Alternatively, if that does not carry, then we will go and vote to the next Motion, the prayers being that he be sighted, that he be reprimanded, that he be made to apologise and suspended for two years. I wish to say that at the outset, we can almost say that, that will happen, because of the numbers, and that is where I wish to address this House on the danger of doing that.

I understand, Madam Speaker, you had made a ruling to say that privileges extends outside in relation to utterances that are made against the Speaker. I respect that, but I disagree entirely, because I know that privilege must be contained within, and I have warned, I have cautioned, if we do not do this, our House will be reduced to shame. I say that with good reason because to implicate someone, and remember, a person has a fundamental right to a fair trial, and we replicate the need for fairness in everything we do, including attendances to the Committee and coming here. That is the reason why I

asked the Honourable and learned Attorney-General to recuse himself, having filed the complaint. And that is the reason why we have asked the honourable Speaker to recuse yourselves because justice must only be done, but it must also be seen to be done.

HON. A.A. MAHARAJ.- Point of order!

MADAM SPEAKER.- Point of Order! I will take the Point of Order.

HON. A.A. MAHARAJ.- Madam Speaker, the honourable Member is talking on the proceedings of the Parliament and not actually giving his speech on the Motion put forward by the Government.

MADAM SPEAKER.- In consideration of that Point of Order, please continue.

HON. N. NAWAIKULA.- Madam Speaker, my point is, I am pointing out the dangers, and I want to raise the concern of us implicating someone by show of hands, and that is very relevant before you cast your vote. To recap, I had said the dangers of that is, that justice might not be done, but must also be seen to be done. When we do that, when we go to court, there are stringent guidelines that are required, that you should look into before you implicate someone. For example, in terms of evidence, you need to look at the evidence. We have not had the benefit of looking at the evidence. You need to scrutinise the evidence. You test the evidence by cross-examination. Evidence must be primary, it must not be secondary. These are very important guidelines to give a fair trial or fair implication, which we are being denied here because it has been moved, and I maintain my view....

MADAM SPEAKER.- Order! Please, stop referring to an issue I have already made a ruling on.

HON. N. NAWAIKULA.- Yes, this is the issue. This is the issue, Madam Speaker.

MADAM SPEAKER.- I have made a ruling on that particular issue. Please, continue with your statement, outside of that?

HON. N. NAWAIKULA.- I respect that. And, what is to be voted on is that, whether he will have to be suspended for two years? How are you going to address that? By doing this, Madam Speaker, we will be sacrificing the truth, because the truth will not be decided by rationale provision., it will be decided by show of hands because the show of hands is all for political mileage. We will be sacrificing justice to the person implicated. He can never receive justice by a show of hands, and the danger is, from now on the picture that we will paint is exactly this. After this, there will come another one, and another one, and that will reduce ourselves to shame. It will not be a Parliamentary democracy, it will be a parliamentary dictatorship where the other side is using its mandate to coerce and to get whatever points that he wants.

That is my contribution, Madam Speaker.

MADAM SPEAKER.- Thank you.

HON. MAJOR-GENERAL (RET'D) J.K. KONROTE.- Madam Speaker, I rise to have my comments to the debate that is ongoing about the motion that is before the House.

At the outset, Madam Speaker, let me say how very concerned and deeply saddened I am, after having sat here for the last couple of days and most of the days, I listened to the exchanges across the floor about the issue. Why am I saying this, Madam Speaker, is because the sanctity, integrity and the dignity of this House is being put to question; it is being challenged, and more importantly, your status as the Speaker of the House. What are the people of Fiji thinking about this House right now?

Madam Speaker, allow me to refer the attention of the House to a letter that was published in one of the *dailies* in the beginning of this week, and if I may read the concerns expressed by this gentleman, and it reads:

“Currently, the relationship between the ruling party and the opposition appears to be a fractured one. Insults continue to be hurled from all angles, and from the outskirts, I believe it is certainly child display. It is about time they start showing respect for each other and most importantly restoring the dignity of Parliament. Great leaders cannot lead by being poor examples. For the sake of our nation, show us respect and leadership.”

Madam Speaker, I salute the gentleman who had the moral courage to put that in the press. I believe and I think he voices the concerns and perception of the people of Fiji about this august House.

Today, on two occasions, Members of this august House refer to this Parliament as a “Mickey Mouse” Parliament. I am greatly offended by that, and let me assure everyone that I think this House is not a “Mickey House.” It is a Parliament of Fiji and we should all take pride of the fact that we have been elected by the people to be responsible Parliamentarians. We have been addressed as honourable Members – are we leading by example?

Madam Speaker, the character of our beloved nation, Fiji is reflected by the way we behave as representatives of the people. It is reflected by the way we interact and debate issues in this House. Let us show more respect towards one another.

The colleague of mine, the honourable Dr. Brij Lal mentioned the magic word “legacy”. A question I would like to pose to this august House is, what legacy are we going to leave behind to our children and our grandchildren and future generations of this nation? Are we going to be remembered by as a group of Parliamentarians who worked together, in a bipartisan manner, to take this country forward, or are we going to be remembered as the group of Parliamentarians who could not agree on being more accommodative, more tolerant, for the sake of the nation?

The Member across the floor, the honourable and learned Karavaki, spoke about the truth. Madam Speaker, I am not a pastor like him, but I am a devout Christian, I fear God and I believe in the truth that he is talking about and allow me to also quote from the *Holy Bible* because he likes to quote from the *Holy Bible*. He was quoting from the Old Testament, but I will quote from the New Testament.

According to the *Gospel of John* Chapter 14 vs 6, Jesus spoke about the truth that he has spoken about. He said “I am the way, the truth and the life. No one comes to the Father, but through me.”

Indeed, we are talking about the truth here, Madam Speaker. The truth is that, after 17th September, last year, we were voted into power. I would like to plea and urge our honourable colleagues from the other side of the House; let us work together, let us stop dwelling about the past, let us shake off the shackles and yoke of distrust, enmity and envy forever for the sake of the nation.

A lot of people have mentioned that the country is watching us. Indeed as we debate issues tonight, I am sure our folks back at home and the world are watching us.

Let us be more respectable towards one another. The honourable Leader of the Opposition talked about doing what is right. Madam Speaker, honourable colleagues, we have an obligation to serve this nation, to the best of our ability and do what is right. I have no doubt that this side of the House will do what is right. Thank you, Madam Speaker.

HON. V.R. GAVOKA.- Madam Speaker, we are a nation of great diversity. Our differences is a gift. I am saddened today, Madam Speaker, that we are addressing this issue and ignoring the cultural context of the evening. That is why, Madam Speaker, there is a danger. We have always said from the beginning, this constitution is deeply flawed, in that it has not recognised this gift that we have – the differences that we have.

Madam Speaker, the meeting that evening was held in three places – in Penueli, Raiwaqa and Nauluvatu and let us be very clear about this that we did not initiate the dialogue concerning the Office of the Speaker – we did not, lest anyone believes that we went out there, determined to denigrate the Office of the Speaker - we did not. It came from the speakers, from the members, and what I find admirable about the honourable *Tui Cakau*, was that, towards the end of the evening, he was able to recover the situation as a paramount chief does in any traditional setting, extolling the people, “We have heard what you said, its work in progress, let us support the Speaker and the Prime Minister.” That is what is missing from the transcript, that is material to this dialogue today.

What we should ask ourselves is that, what happened in the evening in its totality? Madam Speaker, listening to the honourable *Tui Cakau*, the situation was such that the Office of the Speaker was kept in its integrity by the words of wisdom from him as a paramount chief. Madam Speaker, this is what you normally call “*na vosa ni vakadre*”. It happens in every setting in this country. In every *iTaukei* village after a meeting, the chief gives “*na vosa ni vakadre*.” Madam Speaker, from the beginning of the meeting to the end, I believe, Parliament was a winner. I believe the Office of the Speaker stood firm because of the words of wisdom from the honourable *Tui Cakau*.

Madam Speaker, what is critical here is that word “*o ratou*”, and here I would like to ask the honourable Lt. Col. Seruiratu that if you listen to this, to the tone of this “*o ratou*, that is a chiefly delivery, that you see in a setting like that day.

When people say that it was not a *iTaukei* meeting, it was a political meeting. Madam Speaker, there is a fine line between the two. Let me tell you what happened that day. We sat down, there was prayer, there was a *sevusevu* and because the paramount chief is there, it is very difficult to discern between the two. You play it as you go along. The honourable *Tui Cakau* did remarkably well. He knew the onslaught, the questions that were coming through, he was able to diffuse it in his own way, lightening the tone of the conversation, but towards the end, he extolled the people of that area to give you the support and to give the Prime Minister the support.

Madam Speaker, we had the New Zealand delegation who visited us, and when they spoke to us they said “be patient, it is work in progress.” Madam Speaker, our Parliament is work in progress. You have all our support. It was shown by the honourable Ratu Naiqama on that day, when he spoke as a paramount chief and told the people “give the support to the Speaker” and indeed, he went beyond that and said “also support the Prime Minister.” So, I am saddened, and I only wish that you would look at this and factor in the cultural context of the evening. It was not just a political meeting, a public one, it is a fine line between the two, but I think given what was accomplish that day, the day was a victory for Parliament. A victory because the honourable *Tui Cakau* stood up for you as well as the Prime Minister, Madam Speaker.

HON. A. SUDHAKAR.- Thank you, Madam Speaker, for allowing me to add to this debate this evening.

Madam Speaker, just two weeks ago, the people of Fiji and the people around the world celebrated Mother’s day. We were all, in our respective villages and homes, celebrating with our mothers, cooking, preparing the *lovo*, and giving them her the respect that she deserves.

Madam Speaker, you are the mother of this Parliament, you are the mother of all the Parliamentarians sitting here. We see you as the motherly figure, and it deeply saddens me to see the gift that your position has given you under two weeks of mother's day. Those two words that have been uttered are so disrespectful that I do not wish to repeat them here, as has been deliberated by the honourable and learned Attorney-General and the honourable Minister for Lands.

Madam Speaker, it makes me hang my head in shame that those two things were said about you. But in fact, it makes me sink deeper in shame when I see the Members of the Opposition trying to shamelessly protect that statement. If anything, everyone should have apologised on behalf of the honourable Member, but they are saying that it was not said in this context, it was not said in that context, what he is in fact doing is compounding a felony. You are in fact, trying to save or divert the course of justice- compounding a felony.

Madam Speaker, every morning when we do our prayers here in this Parliament, when you walk in, we all stand in your respect, we all respect you, we all stand up and when we pray, we stopped at "Amen" but the members of the Opposition say "*Emeni Jisu*".

HON. M.D. BULITAVU.- What is wrong with that?

HON. A. SUDHAKAR.- Well, there is nothing wrong with that. The Members say "*Emeni Jisu*". Jesus Christ is also a son of the holy mother of God, mother Mary. He must be asking his mother now, did I die 2,000 years ago for this; to hear this kind of words uttered against another mother, another lady?

Madam Speaker, as I said earlier, it deeply saddens me. With your permission, Madam Speaker, may I quote a paragraph from my maiden speech which I made in this Parliament on the day I first appeared here:

"I for one have observed the politics and governance of Fiji since childhood. Believe me what I recall of previous Parliaments is not very pleasant. All I remember from those days is unnecessarily heated arguments, racial discrimination, religious intolerance, corruption, scams, bad investment in infrastructure and alike. A lot of racial slurs were exchanged, racial, religious, class, gender and other prejudicial surfaced in Parliament. MPs were swearing at each other, people were not discussing issues of national interest but wasting time insulting each other.

Madam Speaker, the Parliament is the highest institution on land. It commands and deserves our respect and we have to give it just that. Mistakes have been made in the past, they should not be repeated. We have to show our people that we have learnt from our history and evolved as better people since the events of '87 and 2000."

It saddens me to see that we have not evolved. We are again back to where we were – square one. In fact, we have gone a step further, we have started insulting the Speaker.

Madam, Speaker, let me quote from the case of, there have been numerous references that the words spoken were outside of this Parliament, and not inside the Parliament.

Madam Speaker, your position is akin to a High Court Judge. In the case of *Chief Registrar versus Kini Maraiwai and Rajendra Chaudhry*, Rajendra Chaudhry was charged for Unsatisfactory Professional Conduct and the facts were that Rajendra Chaudhry showed discourtesy to the High Court Judge namely, Justice Daniel Gounder, in a letter to the Chief Registrar. When he was summoned before the Tribunal, in his submission before the Commissioner, Chaudhry submitted there is conduct when outside Court and not inside Court, therefore he is not guilty.

At paragraph 52 of his ruling, Commissioner Justice Paul Madigan stated that Chaudhry's submissions are as breathtakingly audacious as they are misconceived. Chaudhry's submission taken to its logical extent would mean that to insult or abuse a Judge in the street would not be a breach of rule again discourtesy. Such a position is untenable.

Rajendra Chaudhry's behaviour was held to be discourteous in the extreme to Justice Gounder by Commissioner Paul Madigan, albeit the words were written, not even said outside of the court and he was suspended for five years from practice.

HON. M.D. BULITAVU.- That is the Court!

HON. A. SUDHAKAR.- Exactly, what I am saying is, that, it does not matter whether the words were spoken inside Parliament or outside Parliament, the respect that you deserve is there, and it is in the cases, they have mentioned the cases.

HON. N. NAWAIKULA.- That was dismissed in the Appeal.

HON. A. SUDHAKAR.- It was reduced to three years, check your facts.

Madam Speaker, with these words, I stand here in support of the motion that the Government has brought in and I do not support the motion to amend that motion.

HON. P. SINGH.- Madam Speaker, I stand in support of the amendment to the motion and I will be very brief.

Firstly to all my honourable women colleagues in this House, and to you, Madam Speaker, and to the entire nation, our mothers and sisters, I say that we have never shattered from our support to them and they have continued to be our beacon of hope.

On those note, I would like to say that one swallow does not make a summer. One utterance by the honourable Member, and I salute the honourable Member, he is not denying that he did not say so the whole amendment is based on the fact that if the honourable Lalabalavu is sighted, then he should be punished in accordance with the Standing Orders - that is our role here.

We cannot import, or derive punishment from outside. There has been case authorities referred, and I would like to refer the Government Members to the authority of Anand Babla and Dewakar Prasad. Madam Speaker, in that case, what we failed to recognise is that, Anand Babla was given a chance to withdraw his statement and when he refused, then only he was suspended.

So, just as we highlight this case authorities, we should read the context in its entirety, and not just pick and choose to our suiting. As I have said, honourable Ratu Lalabalavu has never denied that he did not utter those words, so that leads to the other question, and this is what the Opposition is trying to put to the Government that those words, in what context were they used? I would not want to go into the Report of the Committee because the Committee did not present a report. What it did was give us two sets of views. It is not a report, Madam Speaker.

As the report had recommended, a consolidated report, if that had recommended the punishment that would have been a different matter. So all I am saying, Madam Speaker, is that if there is punishment, it should be based on the Standing Orders, and nothing else.

Madam Speaker, just a word of advice to all our Members, and I take queue from our learned Minister for Employment and Productivity when he said, "What legacy we are living behind".

Madam, it is for us to decide what legacy we leave behind for our children and for our future generations. We are dealing with one of our colleagues and it is one of those references, and repeatedly at the cost of repetition, it has been alluded to this House that those comments were not directed at you. But in a context where free media, that is what we are talking about has put out or reported a news item, just picking on these specifics with the intention of malice. And this is where Madam, I would urge the Members here that since honourable Lalabalavu has apologised the amended motion be considered in light of that.

MADAM SPEAKER.- I now give the floor to the honourable Salote Radrodro.

HON. S.V. RADRODRO.- I thank you Madam Speaker. I know it has been a long evening, but thank you for giving me the opportunity to contribute to the debate.

As we know, the report was given to us late this afternoon. Many of us that was the first time we looked at the report and the report, like Honourable Singh had mentioned, had two parts to it. Madam Speaker, in life's journey when we are faced with a situation like this we draw from our work experience. And as a former civil servant, I am struggling to reconcile my work experience in the executive as one that administer the disciplinary process in the Civil Service and what we are faced with tonight.

First of all, I ask, in the Civil Service we have the Legislation, the Public Service Act which we draw from to establish the Code of Conduct and we have the disciplinary processes and the penalties. And I am struggling with that, in terms of the breach of privileges as the motion tabled by the other side of the House, in particular the penalty.

With work experience, the penalty is sort of aligned with the offence and it is stated in the Code of Conduct or in the disciplinary process. In the absence of that Madam Speaker, I am struggling as to where the two years is being drawn from. We hear the debate in terms of the severity of the offence. In my view they do not match, the penalty is very harsh and in the absence of the legislation, in the absence of the Code of Conduct, the Standing Order is clear on the penalty and which we have deviated from quite seriously.

Also Madam Speaker, we have heard that the honourable Ratu Naiqama Lalabalavu has apologised and Madam Speaker, in a country like Fiji or in a country that have come through, or in transition from a military regime into a democratic process, I would urge us to look at reconciliation. And usually reconciliation is something that is established in a country that is transition into democracy like Fiji and I would urge us and urge you, Madam Speaker, that we look at it in that light of reconciliation in trying to move Fiji forward.

We are in the very early stages of our democracy and this is what we need. We need reconciliation and we need truth to be able to take us forward into the future. We are almost just into 10 months and we have the four years to take the country forward. And I would implore this august House that we take a step back and look at this seriously, to be able work together. Because I believe in bi-partisan, particularly because we are still in transition into our democracy, we need to work together and having to discuss, or to come up with this issue that we are faced with in the very early stages of our democracy, it will not encourage reconciliation.

Madam Speaker, I beg you that in light of Ratu Naiqama's apology that we look at it from that perspective. Our Lord Jesus Christ forgave us for our sins and he died on the cross for that.

Madam Speaker, to conclude I support the amendment, the amendment to the motion as from this side of the House.

Thank you Madam Speaker.

MADAM SPEAKER.- Thank you. I think that brings the debate to an end and I will now ask the honourable Attorney General to give his right of reply.

HON. A. SAYED-KHAIYUM.- Sorry Madam Speaker, are there other speakers or do you want me to take the floor.

MADAM SPEAKER.- No, I have ruled there is nobody else so I am giving you your right of reply.

HON. A. SAYED-KHAIYUM.- I think the honourable Seruiratu wanted to speak.

MADAM SPEAKER.- Sorry, I did not see him but I will give you the floor.

HON. LT. COL. I.B. SERUIRATU.- Thank you, Madam Speaker, it has been a long day, but I would like to contribute as well. This is a very unfortunate situation that we are going through. The first thing that I want to ask is; where is the leadership? If leadership had taken responsibility we would not have come this far. Leadership took it lightly.

In leadership, Madam Speaker, we have what we call our moments of loneliness, and that is where we, Government are currently in now. It is a very difficult situation for us, one we are talking a colleague, a friend, a relative, a chief. It is difficult, but we are going through that moment of loneliness. Why? As I have said it is about a colleague, it is about a friend. But we have also the expectations of other people, crying that justice be done.

On the other hand, Madam Speaker, in these moments of loneliness it is not only about now, it is about the new Fiji that we want to build - a better Fiji. A better Fiji for everyone and in that better Fiji, we want to protect this very institute.

I have heard the tapes, and we can argue about the contents of the tapes. I did mention in the hearing that we have enough evidence to prove that there was a breach, that there was a contempt.

What has been said mostly by the Honourable Lalabalavu and of course, the Honourable Gavoka this can be mitigating factors, but we have enough evidence apart from the swear words, and of course we appreciate that there were words of encouragement and counselling at the end of the session. But words were also said about the sooner we change the Speaker, the better. She is one of them, the FijiFirst.” It is a direct attack on the Speaker, and that is enough evidence, apart from the swear words, that contempt has been made.

I did mention the other day that I am not a lawyer, but we did study law as young officers in the Military. In prosecution, the two main elements that you want to prove for a case is what we call *actus rea* and *mens rea*. *Actus*, the act, the contempt, yes, we have enough evidence, but whether it was deliberate in the context, he understands as an *iTaukei*. We understand. Probably, there was no deliberate attempt. Again, I can say that that can be used as a matter of fact for mitigation because as an example, Madam Speaker, we may exchange few blows here. I hit him, he falls down and may be his head hits and edge of the table and he dies. *Actus*, yes, I caused his death. Did I mean it or was it deliberate? Then, that is probably what can be used in the mitigation.

Madam Speaker, wisdom, wisdom, wisdom. We are icons. There are people who look up to us. Again, I say this with conviction, it is difficult. If it was another Member, we would have finished already.

But I am speaking as an *iTaukei*, I am speaking from the bottom of my heart; that justice also needs to be done.

The motion that we have and the sanctions

HON. N. NAWAIKUL.A.- Is based on what?

HON. LT. COL. I.B. SERUIRATU.- Deterrence is essential when we are looking at what we have, and that is why Government is again saying that we, unfortunately, have to deal with this because there has not been any attempt by SODELPA to solve this. Thank you, Madam Speaker.

MADAM SPEAKER.- Now, I will give the floor to the Honourable Attorney-General to give his right of reply.

HON. A. SAYED-KHAIYUM.- Madam Speaker, I rise to speak on the motion that was put by this side of Parliament.

Madam Speaker, I would like to re-echo the sentiments of Honourable Seruiratu, that this matter has not been taken lightly. This matter is not a political matter, Madam Speaker, contrary to the laughter from the other side, it is not a political matter.

Madam Speaker, this matter has, in fact, dragged on before any motion brought before this Parliament and Honourable Seruiratu has hit the nail on the head. There was an opportunity to correct the mistake. There was an opportunity to have some form of restitution, but that did not take place. In fact, on the contrary, Madam Speaker, it was in the *dailies* that they are alright with it.

The whole argument of cultural relativism has been brought about, and if most people, who know about cultural relativism and we also just opposed that against patriarchy, they will always hide again behind cultural relativism. Let me give an example, Madam Speaker.

As a prosecutor, when there is 'no drop' policy on rape, in the DPP's Office, Madam Speaker, there are many people who defile young girls and then try to use '*bulubulu*' as a means of getting out of it. Government had a policy of ensuring there is a 'no drop' policy. Those prosecutions did take place.

Defilement of young girls is a big problem. So, the question is; where and how do they draw the line on this? I will tell you where the line is to be drawn, Madam Speaker, is when you are a Member of Parliament, first and foremost. Therefore, you must ensure that you conduct yourself in and out of Parliament as a Member of Parliament. As the Honourable Seruiratu has mentioned, it is a difficult position to be in because if we are truly serious about ensuring the legitimacy of parliamentary democracy and having the institution protected, not what happened in Veiuto in 2000, when all sorts of shenanigans took place on the floor of the House in the 56 days, when that Mace went missing for a while. That was what happened, because there was a low level of respect for that Legislature, for that parliamentary institution. So, if we are to build strong democracy, Madam Speaker, we have to make some tough decisions, and maybe, this is one of them.

Madam Speaker, they are verbalising things. I have seen Members from the other side, even swear at me some times by verbalising it. I have seen it. He is telling me now, you will be next.

Madam Speaker, these are interchanges that do take place, some of them borderline of being quite over the top but we actually take it. Honourable Bilitavu and I exchanged quite a lot, and we laugh at the end of it. However, Madam Speaker, we cannot do that with you. We do not verbalise things at you. You are different, Madam Speaker, because it is not you, because you are Dr. Jiko Luveni, it is because you are

the Speaker of this Parliament and the Speaker of this Parliament must be protected. If tomorrow you are not here, Madam Speaker, and Honourable Salote Radrodro becomes the Speaker, we will have exactly the same position, or if Honourable Bulitavu becomes Speaker, will have exactly the same position. So, it is the institution that we are protecting and it is very critical at this juncture in our history – political, constitutional, legislative history and as Honourable Salote Radrodro talked about that we are in a state of transition. Normally, in a state of transition, what you normally try to do, is you prop up the edifices of democracy, of the rule of law, of the executive, and you must always protect it. That is what we all should be in this Parliament talking about, how to protect these edifices and we should be united in that and even though if one of those people are amongst ourselves who are trying to bring down that edifice.

There has been assertions made that maybe, there is a conflict of interest. I never met Honourable Ratu Lalabalavu before this Parliament met. I have nothing against him, I do not even know him. I have only seen him in the dailies. I do not gain anything from him leaving the House, in fact, it is quite sad that will happen, if the motion gets carried. That, Madam Speaker, is the position that we are in.

Again, Madam Speaker, we cannot again, as the comments have been made from the other side, sacrifice the sanctity and dignity of the Speaker and this Parliament on the altar of political expediency. It is not about political expediency, again, it is about protecting the institution. I know there has always been said about some of the honourable Members have mentioned about women protection, that we are all for it. Yes, Madam Speaker, but that is a skin deep issue, it is just on the surface. The skin deep notions of patriarchy that flows to us in our language, in the way we conduct ourselves, our behaviour, how we speak to people, how we interpret our scriptures or our books, whatever the case may be, is a deep-rooted issue. It is the issue of power relations, it is the issue of how do we converse and talk about others within society, if you take a gender approach to it.

So, Madam Speaker, again like I said, that there has been some distractions raised about while you had ruled about Parliamentary Privilege, whether it exists only inside, and whether it extends to outside. But, Madam Speaker, that ruling that you had given, from what I recall, there was an issue raised about when these meetings were held, and I note that the meeting that Honourable Lalabalavu was at, Honourable Gavoka was not there. He spoke as if he was there, in this public notice.

Madam Speaker, again I raise the motion about the privilege issue. You had ruled because there was a question that was asked of you, whether privilege extended to outside this House, and whether they needed a permit or not. And you had ruled on that basis, that it did not, and therefore they needed a permit. That does not therefore mean there is a contradiction if the jurisprudence is already developed, that reflections of the Speaker outside of the House can also be held to be contemptible. They are two completely separate matters.

Madam Speaker, again the issue about, that at the end of the speech, and I have heard the audio, till the end of the speech, we had someone translate it. Madam Speaker, yes, the Honourable Lalabalavu did mention things about forbearance. I completely agree with that, but the problem is this, why did he not just say that upfront? Knowing full well he is a Member of Parliament, knowing full well that you represent the dignity of this institution, why did he not, if there were questions, or if he was being hackled, or there were people who prejudiced about your role, why could not he simply say to them, “Look, just bear with her. She is learning, and we will get on with the job, soon it will all be fine.” Why did we have to go through this stage of ridicule? Forget the swear words. That state of ridicule and undermining your position and then go on to say, ‘well, it is okay’.

Again, Madam Speaker, their argument of cultural relativism. You cannot have cultural relativism argument whenever it suits you. You cannot pick and choose when you like it or when you apply it. We are Members of Parliament. This entire edifice, this entire parliamentary system is not indigenous to Fiji,

but we have adopted it. So, if we have adopted it, there are certain rules that go with it, and we need to adhere to it. These are the rules and based on these rules, this is why I presented this motion.

Thank you, Madam Speaker.

MADAM SPEAKER.- Thank you. That brings to the end the debate on this motion. The Parliament will now vote.

HON. ROKO T.T.S. DRAUNIDALO.- Madam Speaker, I need to reply on the comments made to the amended motion. It is my motion.

MADAM SPEAKER.- Alright, I will give you the floor.

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

Again, Madam Speaker, I reiterate that this is a very serious matter, and I am actually quite annoyed that there were some laughter in the Chamber while we were discussing this.

What is before us in the substantive motion is to suspend a Member, one of our colleagues, someone who has been sent here by thousands of Fijians to represent them in this House. We must not treat that lightly, Madam Speaker, and we wish to suspend this honourable Member for two years, when authorities from comparable jurisdictions in the Common Law talk about days; two days, three days, seven days as the extreme end of censure for similar things.

Let us go over that again, Madam Speaker. This honourable Member, one of the few sent here by thousands of Fijians. Are we going to treat this lightly and if we do by just voting and giving such excessive censure to comments that have not even been allowed to be played here so that people can properly pass judgement? Are we going to treat that lightly? Those thousands of Fijians who have sent their Member, who is also I believe their paramount chief, most of the votes would have been from Cakaudrove. Madam Speaker, is that we are telling them, if we are going to treat this matter in this way – “We do not care about you thousands of Fijians, who sent your Member to Parliament. We will treat this lightly. We are going to pass judgement without hearing the recording. We are going to let the complainant sit in adjudication, and sit in the Committee that does the fact finding. We are going to let the Speaker, who is the subject matter of this sit and deliberate. We are going to twist and turn the truth. We are going to twist the rules and privilege, and the rulings.”

Madam Speaker, that is what we are saying to these thousands of Fijians who have sent this honourable Member to Parliament. If we treat it lightly, we are telling them, “You are not equal in the equal citizenry of Fiji. You are not to be treated fairly. You do not matter to us.” That is why, Madam Speaker, I urge every Member of this House to consider this carefully. I certainly did not get anywhere near as many votes as the honourable Member, and I am embarrassed if we are to sit in judgement lightly of those thousands of Fijians, Madam Speaker.

Madam Speaker, I ask again, because the censure is so serious, two years, in the context, and from the Common Law examples that have been given, I ask that this matter be taken a little bit more seriously.

As to the issue of decorum and our legacy, and what we are teaching the young children, Madam Speaker, I just wish for some consistency. If a Member stands up in this House and says, “Because of my *coup*, the three of you are here” or makes gestures with his microphone, two women who are looking at him or to say, “Keep quiet or I will throw this bottle at you.” Madam Speaker, let us have some consistency when we pass judgement.

On the issue of SODELPA having to take leadership on this issue, Madam Speaker, you have heard from the honourable Leader of the Opposition and the honourable Member that they did come to your Office right away to try and discuss these issues. Madam Speaker, they did not take it lightly. The allegations were serious and they treated it as such.

Madam Speaker, on the issue about women; making derogatory comments about women. I would like to believe that women of Fiji are women of substance. Women of substance do not need lies to feel good about themselves. Lies told on their behalf, women of Fiji are too substantive for flimsy things like that, things that are dizzy. In fact, it is offensive to me as woman to hear that it is now good for us that someone be censured in the way that we are doing today, where the recording is not played before we pass judgement. I, as a woman am offended that that is the level to which we are to stoop, to feel good about ourselves. It is not correct, and I think many women in this country would agree.

MADAM SPEAKER.- Order, please! Do not comment on the ruling that I have already made. You have done that so many times. Please refrain from it.

HON. ROKO T.T.S. DRAUNIDALO.- Madam Speaker, on the issue of the *coup* culture that has been raised, and about strengthening institutions. If this Constitution, which the other side of the House implemented before the Elections said something different, Madam Speaker, we then would believe them about wanting to strengthen the institutions. But, this Constitution, Madam Speaker, protects Decrees that have ouster clauses, basically taking judicial powers out of the hands of judges – “You cannot adjudicate on this. You cannot adjudicate on that.” Where is the respect for the judiciary in that, Madam Speaker, as an institution that is pivotal to our democracy?

Then we have the Media Decree, another important institution for a democratic government; stifling free speech protected by this Constitution, Madam Speaker. Where is the strengthening of the institution in that?

As for Parliament, Madam Speaker, I urge all honourable Members to read Section 46 of this Constitution and cross refer that, compare that. .

Section 46 talks about Parliament and its powers to Section 131 - the military institution which has executed all *coups*.

Madam Speaker, you can see in the comparison that Parliament is comparison to the military is denigrated by this Constitution. So this Constitution causes much greater offence to this institution by having that place up in Nabua to have this power.

Section 131(2), and I quote:

“It shall be the overall responsibility of the Republic of Fiji Military Forces to ensure at all times the security, defence and well-being of Fiji and all Fijians.”

That is a clause you expect, Madam Speaker, to be given under legislative authority (us here), if we were in our proper context, but it is not.

Again, Madam Speaker, as my colleague, the honourable Karavaki has said, “talk about the truth and honesty”, and the FijiFirst Government likes to boast that they are about the new Fiji, democratic Fiji - all the principles of good governance, then I do not see how they can pass judgement on an honourable Member on such a serious censure of two years, sent here by thousands people without even the basic of hearing the recording.

There is nothing new, strengthening of institution about that, Madam Speaker, it just takes us right back to the dark ages. I therefore, read the amended motion again:

“That the Parliament determine whether or not the honourable Ratu Naiqama Lalabalavu breached Parliamentary privilege and if the Parliament finds that the honourable Ratu Naiqama Lalabalavu breached privileges that he be asked to withdraw his comments and apologise to the House.”

Madam Speaker, I believe we cannot properly pass judgement on the motion for the censure of two years, if an overwhelming majority of this House has not even heard the recording. How can you interpret words, interpret context when you have not heard it? It is basic, Madam Speaker, and I thank you.

MADAM SPEAKER.- I thank honourable Members for such a vast debate. The procedure will be, we will vote on the amended motion by the honourable Roko Tupou Draunidalo, and then we will vote on the motion that was tabled by the honourable and learned Attorney-General.

Question on amendment put.

Votes cast:

Ayes: 18

Noes: 25

Not Voted: 4

Abstained: 2

Motion lost.

We will now vote on the original motion, the motion that is before you - from (a) to (f).

HON. M.D. BULITAVU.- Point of order, Madam Speaker. Standing Order 127 (2):

“The mandate of the Committee is to –

- (a) bring to the attention of parliament any breach of privileges of Parliament committed by any person;”

Madam Speaker, the Report that we are about to vote on contains two views, and I think there has to be some wisdom exercised on this. In that, I will refer you, Madam Speaker, to Standing Order 80, that you are the supreme authority and you control and administer this Parliament. And in that, under Standing Order 20, there are additional powers in you, Madam Speaker, that you can invoke because the deliberation has just finished (one whole day), to give you time to at least make a ruling on what will be the right pathway to follow - whether to take a vote or to defer your ruling to another sitting day.

My suggestions to you, Madam Speaker, and I think you must suspend this motion until we go past the seven days period where we will be able to edit the Hansard, so we can go through that with the evidences then I think you will be in a clear position.

I seek a ruling on that, to be guided with wisdom so that your decision on what we will do today will not affect the Office of the Speaker.

MADAM SPEAKER.- The fact that you all voted for the first motion, and that 18 voted “ayes”, it means that you had accepted the procedures that I had presented and you have voted for a motion.

We will now vote on the original motion that have been presented.

Question on original motion put.

Votes cast:

Ayes: 27

Noes: 18

Not Voted: 4

Motion agreed to.

I thank you all very much. I will not read to you those motions, it is already there.

The House is now adjourned until 9.30 tomorrow morning.

The House adjourned at 8.48 p.m.