

WEDNESDAY, 10TH FEBRUARY, 2016

The House met at 9.30 a.m. pursuant to adjournment.

MADAM SPEAKER took the Chair and read the Prayer.

PRESENT

All the Honourable Members were present, except the Hon. Minister for Industry and Trade, the Hon. Minister for Foreign Affairs, the Hon. Prof. B.C. Prasad, the Hon. Roko T.T.S. Draunidalo, the Hon. P. Singh and the Hon. Ratu N.T. Lalabalavu.

MINUTES

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

That the Minutes of the sitting of Parliament held on Tuesday, 9th February, 2016 as previously circulated, be taken as read and be confirmed.

HON. A. SUDHAKAR.- Madam Speaker, I second the motion.

Question put.

Motion agreed to.

COMMUNICATIONS FROM THE CHAIR

MADAM SPEAKER.- I welcome all Honourable Members to another sitting day. I also wish to warmly welcome the members of the public joining us in the gallery and those watching proceedings on television, in the internet and listening to the radio. Thank you for taking interest in your Parliament.

House Committee Meeting

I wish to remind Honourable Members of the House Committee that we will be meeting today during the suspension of proceedings for lunch. The meeting will be in the Small Committee Room (SCR). Honourable Members are encouraged to raise any issues in relation to their welfare and the provision of amenities with their representatives.

Debate on Bills 11/2016, 14/2016, 16/2016 not reflected in the Order Paper

For the information of Honourable Members, there are some items of business which will be dealt with today that are not in the Order Paper before you. The first is the debate on three of the Bills tabled yesterday, namely the:

1. Employment Relations (Amendment) Bill 2016;
2. Public Service (Amendment) Bill 2016; and
3. Companies (Amendment) Bill 2016.

These insertions were necessitated by the respective resolutions of Parliament yesterday when these Bills were tabled. They will be dealt with directly after the Ministerial Statements, pursuant to Standing Order 34(5). Government business takes precedence from Monday to Thursday.

Notice is also given to the Business Committee on the introduction of two more Bills under Standing Order 51 and these will also be dealt with directly after the communications Thank you.

I now call upon the Hon. Attorney-General to move his motion.

REGISTRATION OF SKILLED PROFESSIONALS BILL 2016

HON. A. SAYED-KHAIYUM.- Thank you and good morning, Madam Speaker.

Madam Speaker, pursuant to Standing Order 51, I move that the:

- a) Registration of Skilled Professionals Bill 2016 be considered by Parliament without delay;
- b) Bill must not be referred to a Standing Committee or other Committee of Parliament; and
- c) Bill must be debated and voted upon by Parliament on Thursday, 11th February, 2016,

and that one hour be given to debate the Bill with the right of reply given to me as the Member moving this motion. Thank you, Madam Speaker.

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

MADAM SPEAKER.- I now call upon the Honourable Attorney-General and Minister of Finance, Public Enterprises, Civil Service and Communications to have the floor.

HON. A. SAYED-KHAIYUM.- Thank you, Madam Speaker.

Madam Speaker, in Fiji today, a number of professions and professionals are regulated by statutes, for instance, doctors and dentists are regulated by the Medical and Dental Practitioner's Decree, 2010; optometrists and dispensing opticians are regulated by the Optometrists and Dispensing Optician Decree; nurses and midwives are regulated by the Nursing Decree, 2011; allied health practitioners are regulated by the Allied Health Practitioners Decree 2011 and various other professions are regulated by different laws.

These statutes predominantly, Madam Speaker, had created counsels or professional councils, boards and associations that actually register all licensed professionals.

Most of these professions, like previously in the Law society where you had the Law Society that actually used to take out disciplinary action against complaints by other lawyers.

It was another group of lawyers who used to actually deal with the complaints and as a result of that, we saw over 300 cases pending for a long period of time. This is why the

Independent Legal Services Commission was created where independently a body could assess complaints against lawyers which provided a lot of solace to ordinary Fijians.

Similarly, we now have a situation, Madam Speaker, that even when a professional from overseas wants to come and practice in Fiji, sometimes it will be for a short period of time, the requirement set by these counsels are very onerous.

Let me give you a case in point, Madam Speaker, Ba Vision, which is an NGO that is in fact funded by a number of business people, et cetera has a Surgery where they carry out cataract surgeries. They bring in a lot of highly qualified people from the USA and they come in a span of two or three days, they carry out about 60 to 80 cataract surgeries. They are quite very intricate surgeries, although it lasts only ten minutes and many people, in fact, have now been given their eyesight. All of it is done for free. The entire thing is funded by this NGO. They need, for example, ophthalmologists and optometrists to work there fulltime, but many of these people who are coming from overseas to be based there in Ba, which many people do not necessarily want to go to, to spend a long period of time, the professionals because they are enticed by the bigger cities and towns, the council is not allowing them to come in or the conditions that they put on, they said, "they have to come and practice locally in Fiji, being attached to another local practitioner before they can be allowed to go off and practice on their own.", even though some of these people have 10, 15, 20 years of qualification. So, this is one case in point, Madam Speaker.

We also, of course, Madam Speaker, have a shortage of professionals in many areas in Fiji. Many professionals, for example, there is a shortage of pharmacists in Fiji at the moment. They do not necessarily want to go and open a 24-hour service in Rakiraki. No one wants to go to Kadavu because it seems to be not very lucrative, but there are many people who would if they were given the opportunity from outside of Fiji.

Madam Speaker, therefore it is necessary to provide an enabling environment and what this law does, it creates the condition where it sets up a Committee where people can apply to this Committee. This Bill or law will fall directly under the Prime Minister's Office. Appeals from any of the decisions made by this Committee rests with the Prime Minister's Office and indeed the Prime Minister has carriage of the matter and this is to facilitate the bringing in of professionals who otherwise would not be allowed to practice simply because they have been put on some very onerous provisions. This, of course, is not to say, Madam Speaker, that we are bringing quacks. These needs to be very highly trained professional people but some of the impediments being put by the local councils obviously are stopping them from coming and practising.

The Bill, Madam Speaker, Clause 1 provides the outline.

Clause 2 establishes the skilled, professionals evaluation committee, which consists of certain permanent secretaries, this part also allows for the powers and functions of the committee.

Part 3 of the Bill provides the process of applying for special registration. Under this part, a foreign professional can apply with a prescribed fee to the Committee for special registration. The Committee will assess the application, including any supporting documentation and determine whether the individual is a skilled professional or not. They, of course, can refer to professional standards, determine whether it is in the public interest for the professional to be employed in Fiji as a skilled professional and either approve or reject the application.

If the Committee approves an application, the Committee will issue a written directive to the Director of Immigration, and also to the professional body concerned, if relevant. Because sometimes there are no professional bodies that may be relevant. Then, of course, upon the payment of the fee, there is a Certificate of Registration given. They have to comply with these two directives. If, for example, they are aggrieved by the decision of the Committee, they can appeal to the Hon. Prime Minister and the Prime Minister also has the powers to make the regulations. Whenever there is any inconsistency between this new Act and any other written law, this Act will prevail.

Madam Speaker, this is brought under Section 51 because we actually have at the moment, Ba Vision is stuck. We are actually getting emails from USA saying, "We want to come and carry out cataract surgeries, but your Council is not allowing these people to come in" and the Council is not budging. We have a number of other situations where people are being stopped from coming and practising in Fiji. We have a shortage of speech therapists, as I have said. There are many other highly specialised areas of medical treatment and therapy that we do not have in Fiji, and we need to be able to bring in these people to provide the relevant quality of services that needs to be available to ordinary Fijians.

Madam Speaker, this is the gist of this particular Bill which we are saying that it must be referred for debate and voting tomorrow.

Thank you, Madam Speaker.

MADAM SPEAKER.- Thank you. The floor is now open for debate.

HON. M.D. BULITAVU.- Madam Speaker, the Opposition has reservations because of Standing Orders 51 which I think it is a very important matter. We agree in terms of the need for high quality medical services and the capacity that is not there in our country in regards to advanced technological methods of surgery and medical services that are required now, but what is also important is for our local people to have their say in regards to this and whether the Committee should be at the Prime Minister's Office, et cetera. That is why this particular Bill needs to go through the normal process of Standing Order 84 for the Parliamentary Committee to, at least, conduct further public consultation on this because there could be other opposing views into this as to every good idea, there will always be two conflicting ideas.

That is the stand of the Opposition, we object the motion before the House.

MADAM SPEAKER.- Thank you. Honourable Nawaikula.

HON. N. NAWAIKULA.- Madam Speaker, with your leave, I think it is critical for us to decide whether we need this House or not? This House is a House of legislators, and the public must see, everything is necessary, everything is urgent but due process is critical. The people must know that we are making laws in this House, laws that guarantee accountability and transparency, and those are the reasons why the passage of the Bills are made in such a way.

You read it first. After reading it, you take it back to the Committee. You give an opportunity to the public to give their views. Then you come back and you debate on its policy. Then, you go through each paragraph. However, Standing Order 51 applications takes all those away. We might as well be a dictatorship. There is no need for this House, it totally takes it away. We can understand the need, the urgency of anything, but due process, the public must see that we are making laws on their behalf.

On that basis, I oppose the motion.

MADAM SPEAKER.- Thank you. Honourable Karavaki.

HON. S.D. KARAVAKI.- Madam Speaker, can I briefly add on to that. The very words of explanation by the learned Attorney-General gives this House a very clear understanding on how to approach this Bill. It has been explained that the Council is not giving in, it is not budging. There is a very clear indication that there are issues that must be discussed, there are issues that must be widely canvassed in this House before a decision is made, and the solution is not the introduction of a Bill to override or subdue any request for dialogue and discussion in that way.

It is not the solution, Madam Speaker, the solution is basically to talk to the Council. If the Council is not budging, there must be a reason why they are not budging in the very words given by the learned Attorney-General.

Madam Speaker, it is a sad day if this is the way that we will approach things. If someone is opposing anything, next thing we find a Bill coming into Parliament to take over the situation. That should not be the case for this nation. It is a nation that we look at, there is a lot of prosperity and prospects that we have in this country, and this is not the way to approach it. This is not a Bill, Madam Speaker, to bring under Standing Order 51.

Of course, there are differences, Madam Speaker, and that can be clearly discussed and resolved in the Committee. Let this Council come in and say why they are opposing it. It is a good thing, of course. Why are they opposing it? We must hear them, and of course, the solution is there with them, but it is not to be done in this way that every time there is a disagreement, we have a Bill to come and override it and subdue all those who are coming with their views which may be the very solution that we are looking for. That is why I am opposing this Bill to be processed under Standing Order 51, Madam Speaker.

MADAM SPEAKER.- There being no other comments, I give the floor to the Hon. Attorney-General for his right of reply.

HON. A. SAYED-KHAIYUM.- Madam Speaker, Bills are not presented in this House at a drop of a hat. This issue has actually been lingering on for nearly two years. Year in and year out, an NGO like Ba Vision has been having problems with the Council. It is not done at a drop of a hat, nor is it being done just because there is one point of disagreement, but this, as you also know, Madam Speaker, as I highlighted in the presentation of this motion, is that the Committee will obviously put Fiji's interest first. It is one of the things that they need to look at, which includes, as Hon. Bilitavu has spoken about, the development of our own people as well. I mean, we are now giving scholarships in specific areas of study; doctoring, nursing, allied medical services, forestry, marine scientists. These are the areas we need to build local capacities and which we do not have, and we are focussing on those areas. However, in the interim, we cannot have our people go without these services. It is very, very critical nor has it been done overnight.

This issue with Ba Vision, for example, has been lingering on for ages. We have people coming to the Hon. Prime Minister's Office saying, "There is a shortage of pharmacists, we want to set up a 12-hour pharmacy in Rakiraki", but there are not enough pharmacists to service that place. People are willing to invest, but there is not enough people. If, for example, you go and buy an MRI machine, you train people, guess what? Some of them migrate. There are not enough skilled people to run these basic machines. These are the kinds of issues, Madam Speaker, that we are facing as a country. These are the human resource issues that we are trying to address.

The fact of the matter is, we have been through this process, we have had consultations, in the same way, Hon. Karavaki would know and as I had highlighted earlier on, that the issue with the Law Society lingered on for years. The very fact that you had a closed-shop approach where a lawyer, my friend would get a complaint against him, and if I am sitting on the Peer Review to discipline them, guess what happens to that? In the same way, if you are a professional and you are sitting on the Council to give a licence to a foreigner who may come in, do you feel threatened? Is there an arm's length distance in decision-making because you feel threatened they may take over some of your business? That is what is happening, Madam Speaker. It is a closed-shop approach, and this Bill has actually come about after a long period of negotiations and discussions. So, this is why we are putting it forward and it is, of course, for the benefit of ordinary Fijians.

Thank you, Madam Speaker.

MADAM SPEAKER.- Thank you. The Parliament will now vote.

The question is that pursuant to Standing Order 51 that the:

- a) Registration of Skilled Professionals Bill 2016 be considered by Parliament without delay;
- b) Bill must not be referred to a Standing Committee or other committee of Parliament; and
- c) Bill must be debated and voted upon by Parliament today and that one hour be given to the debate

with the right of reply given to the Hon. Attorney-General as the Member moving this motion.

Does any Member oppose the motion?

(Chorus of "yes" and "noes")

MADAM SPEAKER.- There being opposition, Parliament will vote on the motion.

Votes cast:

Ayes:	30
Noes:	12
Not voted:	8

Motion agreed to.

MADAM SPEAKER.- I now call upon the Hon. Attorney-General to move his second motion.

DIPLOMATIC MISSIONS AND INTERNATIONAL ORGANISATION BILL 2016

HON. A. SAYED-KHAIYUM.- Thank you. Madam Speaker, pursuant to Standing Order 51, I move that the:

- a) Diplomatic Missions and International Organisation Bill 2016 be considered by Parliament without delay;

- b) Bill must not be referred to a Standing Committee or other Committee of Parliament;
- c) Bill must be debated and voted upon by Parliament on Thursday, 11th February, 2016, but that one hour be given to debate the Bill with the right of reply given to me as Member moving this motion.

MADAM SPEAKER.- Thank you. Do we have a seconder?

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

MADAM SPEAKER.- Can I call on the Hon. Attorney-General and Minister for Finance, Public Enterprises, Civil Service and Communications to have the floor.

HON. A. SAYED-KHAIYUM.- Thank you. Madam Speaker. Again, this Bill has an urgency. The Diplomatic Missions and International Organisations Bill 2016 stems from the need to have a separate law in Fiji that will deal with all international organisations, diplomatic missions and other international bodies in an expeditious and efficient manner. A law that will give these organisations confidence in coming to Fiji and setting up their Missions' offices and headquarters here.

Madam Speaker, this law is envisaged to address the above issues by showing the States of diplomatic missions, international organisations and other international bodies intending to be based in Fiji, that the Fijian Government recognises and will uphold their privileges and immunities including those of their employee and members of the family of their employees.

Madam Speaker, as the Hon. Karavaki said, we are on a road of prosperity, and prosperity stems from the fact that we have very good laws in place, there is confidence in the country, and also a lot of international organisations are showing a lot of interest to base their offices in Fiji, not just to service Fiji but the rest of the Pacific Island countries.

The Hon. Prime Minister last year on his visits overseas also got the interest of FAO, and you have, for example the Korean Agency (KOIKA) that wants to set up their Aid Agency for the Pacific in Fiji. We have other organisations that are also interested, the Ministry of Agriculture is talking to a number of international organisations, in particular, the agricultural sector in looking at setting up offices in Fiji. We have had a number of issues in the past, Madam Speaker, where because of the bureaucratic structure with the existing, very rudimentary Diplomatic and Immunities Act, that is a very old Act that exists, this Act does not seek to supersede it per se but the idea is to have the processing of these applications done very quickly and handled by the highest office in the country, in respect of the government or the executive which is the Prime Minister's Office.

Madam Speaker, also we have now a number of employees coming in from the UN, UNDP, UNICEF, ILO et cetera that bring in families also. We need the processing of their applications done in an expeditious manner. We want them also because we need to be mindful of our laws in respect of who we are allowing in our country, so this law for example, provides for them to declare who is the actual applicant, who are the members of the family, but at the same time once they make the statutory declaration, it is processed efficiently and effectively.

Madam Speaker, we have had a number of organisations, their entire processing has taken about eight or nine years in the past. We want those days to be gone, and what this law does, Madam

Speaker, it creates clear rules and removes ambiguity for international organisations diplomatic missions.

Madam Speaker, by way of background also, we recently dug up some information because there were issues raised about taxes. As you know recently we passed the new tax laws, for example, back in the 1970s when the UN came to set up a mission, the then Prime Minister, Ratu Sir Kamisese Mara gave an undertaking that the UN Offices would actually be funded by the Fijian Government, that there would be blanket tax exemptions. The issue was, are those blanket tax exemptions only for foreigners or locals too? So far it has been treated that locals also get tax exemptions, those who work for UN Agencies.

There are other organisations, some of them have been related to the UN that have come in subsequently, and those tax exemptions have not been applied to them. What this law does, Madam Speaker, it sets out a clear pathway as to how the agreements will all work. It sets out a clear pathway that Cabinet needs to approve all agreements.

There are certain international organisations, Madam Speaker, which the law refers to which under international convention, we are bound to do certain things. So, under certain treaties, we are bound to say, "Well they will be tax exempt" or "we will fund them"; that we cannot negate nor can we renege from that.

There are other organisations that we can negotiate with our bilateral agreements. So, this Bill, Madam Speaker, puts all of that into clarity. It provides a pure pathway for that. Various negotiations have been held, we have had the UN, the head of the UNDP Osnat Lubrani has visited our office on a number of occasions telling us about some of the issues, and I think it can also be said that they have also suggested that if Fiji is not going to be receptive or modern enough to accept changes that are taking place with the UN system, they can look at other countries for relocation. That has also being said to us. In fact some of the international organisations have said that they would relocate if we do not pay certain amenities because other countries are wanting them to go to their country because they see that as huge kudos for their countries, because the spill over and the multiplier effect is quite enormous. You can imagine where if you have an UN Agency and that 20 to 30 people, they will obviously go and rent local homes, they will hire local people to work for them, they will pay other taxes within the country of their use, they buy food et cetera. So, there is a multiplier effect on the economy.

We do not want to lose that ground, Madam Speaker, but at the same time, we want them to remain within the ambit of the law in Fiji. This is what this law does, and this is why it is an urgency because the UN has actually complained to us about some of the inefficiencies that are built-in within the existing law.

Clause 1 of the Bill, Madam Speaker, provides for the short title, of course.

Clause 3 of the Bill provides that the following may be exempt from any tax, tariff levy or duty imposed by FRCA, specified herein, a mission to the extent specified under the Diplomatic Privileges and Immunities Act; an international organisation which of course has to be an agreement between the Government of Fiji and the international organisation itself; an international body or a convention to which Fiji has signed up to.

Clause 4 also talks about the ability to enter and reside in Fiji, the work in Fiji, the visa permits, all of these will now be handled through the Prime Minister's Office once they make their declarations

so they have a one-stop shop, and of course any approval that needs to be made by Cabinet will be done by the Prime Minister's Office, as you know it is located in the same office.

Madam Speaker, it also sets out the new statutory declaration that needs to be signed by these individuals who will come and work in Fiji, who will be their spouses, who will be the people who have come as their dependents, who will come as their children et cetera, and the application is then processed on that basis.

Madam Speaker, it also then says that if, for example, a statutory declaration is made and is knowingly wrong, there are obviously consequences to, because we have seen in the past, sometimes people get snuck into the system when they are not supposed to be in Fiji. We have to be also mindful on the flipside.

Madam Speaker, this is what the Bill does, it is urgent because we need to address this very real concern raised by the UNDP with us. As you know the UNDP is also helping this Parliament, there are various people who come under this scheme, we need to be able to play a facilitating role and we urge Parliament to vote on this motion. Thank you, Madam Speaker.

MADAM SPEAKER.- Thank you. The floor is open for debate.

HON. M.D. BULITAVU.- Thank you. Madam Speaker, our reservation will be just based again on the procedure that was followed according to Standing Order 51. We understand that there has been some negotiations according to the mover of the motion, the Hon. Attorney-General with UNDP. But again, Madam Speaker, the importance of this particular Bill is whether these States that have their diplomats here in Fiji to reserve their sovereignty. What this Bill is trying to pose from my understanding at this point of time, it is creating a culture where, "when in Rome do the way the Romans do." It sets out the rules for them to operate here.

I think the Hon. Attorney-General has stated with regards to tax some of the benefits that were there, there are recent cases too, Madam Speaker, in regards to diplomats committing crimes in Fiji. These will be the rules but it is better, Madam Speaker, I have not heard anything from the Attorney-General this morning whether these rules do apply to countries where we have our embassies and their related applications there that we should also adopt here.

Madam Speaker, again I would like the Attorney General to re-consider his position and come back through Standing Order 84 for more consultations on this and we hear from the different embassies here rather than taking only the perspective of the United Nations. Thank you.

MADAM SPEAKER.- Thank you. Hon. Nawaikula.

HON. N. NAWAIKULA.- The reason given by the Attorney-General is that the UN is complaining. The UN is complaining because of our efficiency and therefore that fulfils the requirements of this being urgent under Standing Order 51. I am sure of all organisations, the UN would not want this to stifle due process. The UN would not want the passage of this Bill to overcome what the UN stands for, which is democracy and the UN would not want it to be done at the expense of this House doing away with what it guarantees - transparency and accountability.

MADAM SPEAKER.- Thank you. I give the floor to the Hon. Ratu Isoa Tikoca.

HON. RATU I.D. TIKOCA.- Thank you, Madam Speaker. Last year, we continued to emphasise the importance of the sovereignty of this nation. So much that we are selling abroad that

they are depicting and telling us what to do and that is what is happening all the time. You cannot control this sovereignty anymore, by the way in which you are dealings are doing overseas. They are controlling us and they are telling us what to do. So, if that is the case and which is the case, I am requesting that this be dealt with at the Committee level so that we can hear the concerned people about what is happening and how you are forcing these Bills down our throats. Thank you.

MADAM SPEAKER.- Thank you. I give the floor to the Hon. Karavaki.

HON. S.D. KARAVAKI.- Thank you Madam Speaker. I can clearly understand now why we are having too many Bills being brought in under Section 51, including this one here. I think there is a big confusion with the Government. They are really confused.

(Honourable Members interjected)

Now we hear their explanation , Madam Speaker, the urgency of getting this Bill through because of the needs and the requirements that are there by the UN. The confusion, Madam Speaker, is that many Bills, in fact the ERP Amendment we had already gone through that one, there had been delays. The Government was not really wanting to comply with what the UN was wanting the Government to do, but this one, we are coming in this manner, very hasty to comply with it. This is why I say, I can see a big confusion in here, a big confusion, Madam Speaker, and I believe this is a Bill that should not be brought in this way also under Section 51. Let it get through in the proper way but you see the Government has been using its numbers in here to get all these done according to their ways, but we must think about how things should be done and done properly in a just way and manner. That is why this House is here, for all the people and we have to be a part of the global family, well we must make sure that we maintain a consistent manner of approach. What we need to do, we do it, not we just do what we want, and what we do not want, we do not want to do it and there will always be difficulties that will follow.

Madam Speaker, I stand to remind the Government, please, do not bring their confusion into this House. Follow the proper pathway and I submit, Madam Speaker, that this Bill should be brought under Section 84. Thank you, Madam Speaker.

MADAM SPEAKER.- Thank you. I now give the floor to the Hon. Gavoka.

HON. V.R. GAVOKA.- Thank you, Madam Speaker. I know we are beginning to sound like broken records, but we have said over and over again, short cuts in the Standing Order is only limited to certain Bills. We agree during the Appropriation Bill, the Consequential Bills can be brought in, in this manner. We have said so many times, cut back on the usage of Standing Order 51. We have said it many times and it has been said in the Business Committee and I believe and I thought there were some general understanding, there was an undertaking made by Government that they would reduce the number of Bills coming in through Standing Order 51.

If they continue to do it, I agree with my colleague Hon. Karavaki, there is huge confusion. Remember, Madam Speaker, when you spoke about the reduction of the sittings to four weeks. We asked the Government, “have you looked at the workload of this Parliament?” When you hear the Hon. Attorney General coming up with all the items that need to be covered, he talks about a huge workload. A lot of work to be done in the many aspects of the Bill.

So, why did you want us to sit for only four weeks in one year if you have this much work to be done?

HON. GOVERNMENT MEMBER.- Efficiency.

HON. V.R. GAVOKA.- Efficiency? Madam Speaker, if there is so much work to be done, why did they come up with only four weeks of sittings?

Last year, we sat for almost eight to 10 weeks and now they have reduced it to four weeks. The people of Fiji must know that the shortcuts in fast tracking the Bills is fine under certain circumstances, but not all Bills must come under Standing Order 51 in this manner, Madam Speaker.

Madam Speaker, like I said, we will continue to say this over and belabour the points that we need to follow proper processes. It is a new Parliament, let us not use short cuts all the time. Thank you, Madam Speaker.

MADAM SPEAKER.- Thank you. Just before I call on the Hon. Attorney-General for his right of reply because it is to do with Parliament, please for a period of 12 months (from January to December or even from September to September) there are six sittings of one week each and there are additional two sittings of one day each and that is to respond to the President's Address and also on the Budget Address. So, please, it is six weeks of one week each and then two other days that means there are eight sittings in one year or in the period of 12 months.

I now give the floor to the Hon. Attorney-General.

HON. A. SAYED-KHAIYUM.- Thank you, Madam Speaker.

Madam Speaker, I understand that today in the media the Opposition Members were quoted as saying as to why they are wearing black. All of them seem to have very different reasons as to why they are wearing black. Today, some of them have their flags flying, some of the flags are lying on their desks, there is none on the floor yet.

(Laughter)

The Hon. Leader of the Opposition's flag is lying down on the table. That Madam Speaker, is confusion.

(Laughter)

That is confusion, Madam Speaker, not to what they are claiming.

MADAM SPEAKER.- Point of order.

HON. RATU I.D.TIKOCA.- Madam Speaker, we are sharing this black together with the Prime Minister.

(Laughter)

MADAM SPEAKER.- I suppose you do not want a ruling from the Speaker on that which means that point of order really did not qualify.

HON. A. SAYED-KHAIYUM.- That is another reason now, that is another reason.

Madam Speaker, let me put this into perspective. Fiji has now unprecedented economic growth rate and poverty levels have gone down. Madam Speaker, one of the major reasons why that has happened.

HON. N. NAWAIKULA.- Point of order. Irrelevance under Standing Order 51.

MADAM SPEAKER.- You may continue, Hon. Attorney-General.

HON. A. SAYED-KHAIYUM.- Thank you, Madam Speaker. As I was saying, Madam Speaker, I mean it is very, very hard for them to digest the facts, but the point is this, the one of the fundamental reasons is because of the quick decisions that were made by the Government. The Government was able to respond quickly to situations. It was able to provide the legal framework, it was able to respond to situations on the ground, not sit for eight or nine months, twiddle their thumbs, and then come up with some report. That is the reason, Madam Speaker, why we have this economic growth rate. It builds in confidence, we are able to react to situations on the ground.

So, Madam Speaker, they talk about due process. This is not subverting due process. When you subvert due process, it means you go outside of something that is already stated. It is already stated in the Standing Orders that Standing Order 51 can be brought about. That is the process, it does not set limitations. We have, Madam Speaker, to a system, now started giving reasons as to why it has been brought under Standing Order 51.

Madam Speaker, they objected yesterday to three amendments, even though it was so basic or rudimentary, it was simply because it is brought under Standing Order 51. They are not being efficient. We have Hon. Nawaikula objecting to a two-month Committee's sitting period saying that it is not enough. Madam Speaker, the point is that, we have services that are required by the ordinary Fijians and this work has been put in train for the past two years, he does not take into account, Madam Speaker.

(Hon. Member interjected)

HON. A. SAYED-KHAIYUM.- Darth Vader is speaking again, Madam Speaker.

The reality is, we tabled nine or 10 Bills yesterday and all of them were for first reading. They can be focusing on that, Madam Speaker.

HON. N. NAWAIKULA. - Point of Order, Madam Speaker.

MADAM SPEAKER.- I have not given you the floor yet.

Hon. Nawaikula, you may have the floor.

HON. N. NAWAIKULA.- I submit that the term "Darth Vader" is unparliamentary. Could he be asked to retract that statement?

MADAM SPEAKER.- I did not hear the term.

HON. N. NAWAIKULA.- He called the Honourable Member that name "Darth Vader" from *Star Wars*, very well known. Could he be asked to retract that?

MADAM SPEAKER.- Hon. Attorney-General.

HON. RATU I.D. TIKOCA.- Do you want me to call your name?

MADAM SPEAKER.- I agree, please.

(Chorus of interjections)

HON. N. NAWAIKULA.- Please retract it and apologise.

MADAM SPEAKER.- Hon. Attorney-General, did you call....

HON. A. SAYED-KHAIYUM.- I called him the “Darth Vader” voice is speaking again.

(Chorus of interjections)

HON. N. NAWAIKULA.- Could you retract that? Can you apologise?

HON. A. SAYED-KHAIYUM.- Last year, Madam Speaker...

MADAM SPEAKER.- Order! Please can you...

HON. A. SAYED-KHAIYUM.- I will refrain from saying “Darth Vader”.

Madam Speaker, the reality is this, yesterday we tabled nine or 10 Bills.

MADAM SPEAKER.- Just before we continue, please frivolous interjections are disorderly. We would like to hear the Hon. Attorney-General’s speech.

HON. N. NAWAIKULA.- Can he talk on the issue here?

HON. MEMBER.- He is talking on the issue.

(Hon. Members interjected)

HON. J.V. BAINIMARAMA.- That is the problem with you, you do not understand what is happening around you.

(Hon. Members interjected)

MADAM SPEAKER.- Do you need a speaker here or....

(Chorus of interjections)

MADAM SPEAKER.- Order!

Hon. Attorney-General, you have the floor.

HON. A. SAYED-KHAIYUM.- Madam Speaker, I am speaking on what they have raised. They talk about Bills only being brought under Standing Order 51 and I am pointing out to them that the Bills were brought yesterday for first reading. Madam Speaker, nine or ten Bills were brought, it is not that all the Bills are being brought under Standing Order 51, we have said the Bills that need to be brought about quickly. They do not have a sense of urgency, we have a sense of urgency. We are

actually putting Bills for first reading also, that is the reality, Madam Speaker, and we have stated specifically the reasons and they go back to my....

(Hon. Member interjected)

Madam Speaker, I get continuously interrupted by Hon. Ratu Tikoca.

HON. J.V. BAINIMARAMA.- Can we get rid of these people, please? (Pointing to the Opposition)

HON. RATU. I.D. TIKOCA.- It is the order of this honourable House when we interject, we interject. Are you creating some new things here, like you are trying to do all the time?

HON. J.V. BAINIMARAMA.- What is your point of order?

HON. RATU. I.D. TIKOCA.- I interject because that is the order of the House. That is why we do these things.

MADAM SPEAKER.-Thank you. You may resume your seat but as I had mentioned, frivolous interjections are disorderly. You may interject but not in such a way that we are not able to hear the Honourable Member that has the call. Please allow the Honourable Members of Parliament and even those who are watching on TV to hear the Hon. Attorney-General who has the floor right now.

Hon. Attorney-General, please you may continue.

HON. A. SAYED-KHAIYUM.- Thank you, Madam Speaker. As I was saying that Bills are being presented in this Parliament for first reading, and there are a few Bills that are being presented under Standing Order 51. This Bill requires it to be brought under Standing Order 51, it is a Bill that will be debated tomorrow for one hour, Madam Speaker, and I think that is ample time for the Honourable Members to focus all their energy and attention to that Bill and be able to contribute positively to this particular Bill.

Madam Speaker, I move that we now vote on this motion.

MADAM SPEAKER.- Thank you.

The question is, pursuant to Standing Order 51 that the Diplomatic Missions and International Organisations Bill 2016 be considered by Parliament without delay. That the:

- a) Bill must not be referred to a Standing Committee or other Committee of Parliament; and
- b) Bill must be debated and voted upon by Parliament on Thursday, 11th February, 2016 and that one hour be given to debate the Bill

with the right of reply given to the Hon. Attorney-General as the Member moving this motion.

Does any Member oppose the motion?

(Chorus of “yes” and “noes”)

MADAM SPEAKER.- There being opposition, Parliament will vote on the motion.

Votes cast:

Ayes:	30
Noes:	13
Not Voted:	7

Motion agreed to.

PRESENTATION OF REPORTS OF COMMITTEES

Report on the University of the South Pacific 2013 Annual Report

MADAM SPEAKER.- I now call upon the Chairperson of the Standing Committees on Social Affairs to have the floor.

HON. V. PILLAY.- Madam Speaker, I am pleased to present the Report of the Standing Committee on Social Affairs on the University of the South Pacific's 2013 Annual Report. The Standing Committee on Social Affairs is mandated to examine matters related to health, education, social services, labour, culture, media and their administration.

The objective of the review was to scrutinise USP's 2013 Annual Report, specifically on the areas of budget, administration, factors that determine tuition fees on every course, unit, organisation structure, functions, policies and USP's contribution to the Fijian economy.

The Committee had assessed the University of the South Pacific's 2013 Annual Report in consultation with the USP senior officials and identified an area that needs to be brought to the attention of Parliament.

The Review identified that USP had contributed a lot to Fiji on major areas such as regional learning institution, a major employer, provide relevant research, policy advice, community services and outreach promotion and maintenance of culture and language, and generates economic activity.

It was also noted in the Review that out of 12- member countries, Fiji contributed to about 74 per cent of the USP Grant. In this case, the Committee recommends to Parliament for Government Auditors to audit USP's account and a report to be submitted to Parliament.

Finally, I wish to acknowledge the input of the Honourable Members of the Committee on Social Affairs and the Secretariat team who were involved in the production of the report. My Committee colleagues are:

1. Hon. Salote V. Radrodro (Deputy Chairperson);
2. Hon. Veena K. Bhartinagar;
3. Hon. Vijay Nath;
4. Hon. Anare Vadei.

On behalf of the Standing Committee on Social Affairs it is my honour to commend this Report to Parliament. Madam Speaker, I hereby table the Committee's Report.

MADAM SPEAKER.- Thank you. You may table the report.

(Report handed to the Secretary-General)

HON. V. PILLAY.- Madam Speaker, pursuant to Standing Order 121(5), I hereby move a motion without notice that a debate on the contents of the Report be initiated at a future sitting.

MADAM SPEAKER.- Is there a seconder?

HON. S.B. VUNIVALU.- Madam Speaker, I second the motion.

MADAM SPEAKER.- Does any Member oppose the motion? There being no opposition, the motion is agreed to.

Report on the Maritime Safety Authority of Fiji 2013 Annual Report

MADAM SPEAKER. - I now call on the Chairperson of the Standing Committee on Natural Resources to have the floor.

HON. CDR. J.R. CAWAKI. - Madam Speaker, I am pleased to present the second report of the Parliament Standing Committee on Natural Resources on the Maritime Safety Authority of Fiji (MSAF) 2013 Annual Report for Parliament to consider the performance of the Maritime Safety Authority of Fiji for the year 2013.

The Parliamentary Standing Committee under the 2013 Constitution and the Parliament Standing Orders aims to enhance and uphold the transparency and accountability across all public agencies and officials in the conduct and performance of their duties and responsibilities.

The reforms to restructure the Maritime Safety Authority of Fiji commenced in 2010 with the objective that they enhance their accountability through a review of the Ministry of Public Enterprises that operations are being streamlined to reduce the MSAF's reliance on Government budget, improve service delivery and be self-sustained.

The MSAF was established in 2011 through its laws and MSAF acts as a regulator responsible for Fiji's maritime safety, protection of marine environment, regulation of search and rescue and also hydrographic services.

Since its inception, there were some overlapping provisions of its Act with the Fiji Ports Limited in terms of the jurisdiction of Fiji Ports Corporation Limited and also where MSAF comes in. Who is the licensing authority, who is the license collecting authority? So there were some clarifications needed in the laws of MSAF. The review of the Act resulted in the Maritime Transport Decree and Ships Registration Decree that came into force on 1st January, 2015 and has replaced the Marine Act of 1986.

Madam Speaker, the bipartisan Standing Committee unanimously agreed on a timeline to call all relevant stakeholders and to hear their views and analysis of the MSAF's 2013 Annual Report and performances.

The Report examines all oral and written submissions from the following ministries and organisations:

1. Ministry of Public Enterprise
2. Ministry of Infrastructure and Transport
3. Ministry of Rural and Maritime Development & National Disaster Management
4. Small Boat Owners Association
5. Maritime Safety Authority of Fiji
6. Ministry of Infrastructure & Transport
7. Ministry of Lands & Mineral Resources
8. Ministry of Local Government & Environment
9. Ministry of *iTaukei* Affairs
10. *iTaukei* Lands Trust Board
11. Fiji Tuna Stakeholders Association

Madam Speaker, the negative bottom-line performance of MSAF for 2013 was due to a number of reasons as follows:

1. MSAF in 2013 was into its reorganization phase where the majority of its commitments were towards its physical, material and human establishment;
2. In 2013, MSAF invested in establishing its offices and accommodation spaces around the country;
3. MSAF in 2013 invested in the refurbishment of a number of existing lighthouses and other existing naval aids around the country;
4. MSAF in 2013 invested in the construction of three new lighthouses and the erection of new navigational beacons and buoys.

Madam Speaker, the heavy capital investment commitment of MSAF as highlighted was to bring its maritime and navigational infrastructure services in line with the International Maritime Organisation (IMO) standards and conformity to Fiji's obligations as both a Coastal and Port State.

Madam Speaker, on behalf of the Honourable Members of the Standing Committee on Natural Resources, I would like to sincerely express our gratitude and appreciation to all those ministries, departments, organisations and individuals who willingly made oral and written submissions and attended our interviews. This final report is declaration of the voluntary commitment and time of groups and individuals making submissions and appearing before the Committee interviews. This was clearly manifest in the high quality of submissions and answers received during the Committee interview sessions.

Madam Speaker, I wish to genuinely extend my gratitude and appreciation to the Honourable Members of the Standing Committee on Natural Resources, my Committee colleagues Hon. Ro Kiniviliame Kiliraki (Deputy Chairperson), Hon. Alivereti Nabulivou, Hon. Jiosefa Dulakiverata and Hon. Samuela Vunivalu. I also wish to acknowledge and thank Hon. Ratu Sela Nanovo an alternate member for Hon. Jiosefa Dulakiverata.

Finally, Madam Speaker I wish to sincerely thank the Committee Secretary, Mrs Akanisi Rumasakea and the Committee Secretariat staff - Mr. Kitone Bete, Mr. Penijamini Valebuli and Mr. Maurice Shute for their steadfast support and assistance with the production of this bipartisan report.

Madam Speaker, I hereby table the Committee's Report.

MADAM SPEAKER.- Thank you.

(Report handed to the Secretary-General)

HON. CDR. J.R. CAWAKI.- Madam Speaker, pursuant to Standing Order 121(5), I hereby move a motion without notice that a debate on the contents of the report is initiated at a future sitting.

MADAM SPEAKER.- Do we have a seconder?

HON. RATU K. KILIRAKI.- Madam Speaker, I stand to second the motion.

MADAM SPEAKER. - Does any member oppose the motion?

There being no opposition, it is agreed to unanimously.

Report on the Petition by landowners of Nawailevu, Bua on Mining of Bauxite

MADAM SPEAKER.- I now call on the Chairperson of the Standing Committee on Natural Resources to have the floor.

HON. CDR. J.R. CAWAKI. - Madam Speaker, I am pleased to present the third report of the Parliament's Standing Committee on Natural Resources on the petition by the landowners of Nawailevu in Bua for the payment of full and fair share of royalties for the mining of bauxite that was presented to Parliament by the Honourable Mosese Bultavu.

The bauxite mining in Nawailevu area in Bua was awarded to a Canadian company called Aurum Exploration Fiji Limited commonly known in Vanua Levu as "Xinfa", which leased land belonging to four *mataqali* or landowning units in Bua namely:

1. *Mataqali* Naicobo of Nawailevu Village
2. *Mataqali* Nalutu of Navakasiga Village
3. *Mataqali* Noro of Naiviqiri Village
4. *Mataqali* Naita of Votua Village

All the due regulatory and administrative processes were completed before the actual mining operations commenced. The four *mataqali* had received their full share and fair share of leases due to them to-date in accordance with the respective laws and their respective areas leased. The awaiting payments that landowners are claiming are the payment of the Future Generation Fund and the payment of the Fair Share of Royalties under Section 30 of the 2013 Constitution.

Madam Speaker, the Future Generation Fund of \$600,000 has already been paid by the Exploration Company and is awaiting the process to include the Divisional Commissioner Northern as one of the executors of the Fund before distribution for investment to benefit the future generations of the four *mataqali*. The Fair Share of Royalties formula is yet to be finalized by the Ministry of Lands and Mineral Resources.

Madam Speaker, the mining operations had created employment for 95 registered local staff out of the 100 registered staff for the company and casual labourers are accommodated on a needs basis. Other benefits of the operation include the donation of \$30,000 to the Bua Scholarship Fund and assistance to youth and education projects.

Madam Speaker, the Bipartisan Standing Committee unanimously agreed on a timeline to call all relevant stakeholders, and to hear views and analysis of the petition by the landowners of Nawailevu, Bua for the payment of full and fair share of royalties for the mining of bauxite.

The report examines all oral and written submissions from the following ministries and organisations:

1. Ministry of Public Enterprise
2. Ministry of Infrastructure and Transport
3. Ministry of Rural, Maritime Development and National Disaster Management
4. Ministry of Lands & Mineral Resources

5. Ministry of Local Government & Environment
6. Ministry of *iTaukei* Affairs
7. *iTaukei* Land Trust Board
8. The five *mataqali* representatives and landowners of Nawailevu, Bua; and
9. Aurum Exploration Fiji Company

Madam Speaker, the petition was based on the lack of financial management and grievances by *Mataqali* Naicobo in the utilisation of their lease money. The other *mataqali*, though they received less lease money, adhered to the Government and other advice provided and invested their lease money through investment projects.

Madam Speaker, on behalf of the Honourable Members of the Standing Committee on Natural Resources, I would like to sincerely express our gratitude and appreciation to all those Ministries, Departments, organisations and individuals who willingly made oral and written submissions and also attended our interviews. This final report is a declaration of the voluntary commitments and the time of groups and individuals making submissions and appearing before the Committee interviews. This was clearly manifested in the high quality of submissions and answers received during the Committee interview sessions.

I wish to genuinely extend my gratitude and appreciation to the Honourable Members of the Standing Committee on Natural Resources, my Committee colleagues Hon. Ro Kiniviliame Kiliraki (Deputy Chairperson); Hon. Alivereti Nabulivou; Hon. Jiosefa Dulakiverata and Hon. Samuela Vunivalu. I also wish to acknowledge and thank Hon. Ratu Sela Nanovo, the alternate Member for Hon. Jiosefa Dulakiverata.

Finally, I wish to sincerely thank the Committee Secretary, Mrs. Akanisi Rumasakea and the Committee Secretariat for their steadfast support and assistance with the production of this bipartisan report.

Madam Speaker, I hereby table the Committee's Report.

MADAM SPEAKER.- Thank you, you may table the report.

(Report handed to the Secretary-General)

HON. CDR. J.R. CAWAKI.- Madam Speaker, pursuant to Standing Order 121 (5), I hereby move a motion without notice that the debate on the contents of the report is initiated at a future sitting.

MADAM SPEAKER.- Thank you. Is there a seconder?

HON. RATU K. KILIRAKI.- Madam Speaker, I beg to second the motion.

MADAM SPEAKER.- Does any Member oppose the motion?

There being no opposition, the motion is agreed to unanimously.

Report on the Petition regarding the grievances of landowners of Vaturu Dam

MADAM SPEAKER.- I now call on the Chairperson of the Standing Committee on Natural Resources to have the floor.

HON. CDR. J.R. CAWAKI.- Madam Speaker, I am pleased to present the fourth report of the Parliament's Standing Committee on Natural Resources on the petition regarding the grievances of landowners at Vaturu Dam for unfair determination of land boundaries and land ownership that was presented to Parliament by the Honourable Viliame Gavoka.

Madam Speaker, the construction of the Vaturu Dam was one of the major achievements of the Alliance Government under the leadership of Ratu Sir Kamisese Mara in 1979. The capacity of the Vaturu Dam then was the answer to stop the repeated calls for emergency water deliveries and supply the very much needed clean and safe drinking water from Teidamu in Lautoka to Momi in Nadroga.

The Vaturu Dam Project was constructed according to plans and completed within its scheduled timeframe.

There were four leases made by Government through the Ministry of Lands and Mineral Resources to the 14 landowning units of Vaturu. These four leases issued were merely agreements to lease, subject to proper survey so that registered lease final documents can be issued.

The four leases issued as Agreement to Lease were for the following:

1. Water Treatment Plant at Nagado;
2. Water Pumping Station in Nagado;
3. Road access from Vaturu Dam to Nagado Water Treatment Plant; and
4. Vaturu Dam Catchment and Dam area.

Madam Speaker, the bipartisan Standing Committee unanimously agreed on a timeline to call all relevant stakeholders and to hear their views and analysis of the grievances of the landowners at Vaturu Dam for unfair determination of land boundaries and land ownership.

The report examines all oral and written submissions from the following ministries and organisations:

1. Ministry of Public Enterprises
2. Ministry of Infrastructure and Transport
3. Ministry of Rural and Maritime Development and National Disaster Management
4. Ministry of Lands and Mineral Resources
5. Ministry of Local Government and Environment
6. Ministry of *iTaukei* Affairs
7. *iTaukei* Land Trust Board

Madam Speaker, the grievances received through this Vaturu Dam Petition is a direct result of the unresolved survey of the 14 land boundaries and the right issues of proper documentation to support the lease required and the fair distribution of rental proceeds.

The Vaturu Dam, as I said, this was contracted in 1979 and since then has sustained the sourcing and delivery of clean drinking water from Teidamu in Lautoka to Momi in Nadroga.

The Committee is recommending for Parliamentary approval for the Committee to spearhead an integrated taskforce of all relevant stakeholders to realise and bring these pending Vaturu Dam issues to a successful conclusion.

On behalf of the Honourable Members of the Standing Committee on Natural Resources, I would like to sincerely express our gratitude and appreciation to all those Ministries, Departments, organisations and individuals who willingly made oral and written submissions and attended our interviews.

I wish to genuinely extend my gratitude and appreciation to the Honourable Members of the Standing Committee on Natural Resources, my Committee colleagues Hon. Ro K. Kiliraki (Deputy Chairperson); Hon. Alifereti Nabulivou; Hon. Jiosefa Dulakiverata and Hon. Samuela Vunivalua and I also wish to thank the Hon. Ratu Sela Nanovo, the alternate Member for Hon. Jiosefa Dulakiverata.

Finally, I wish to thank the Committee Secretary, Mrs. Akanisi Rumasakea and the Committee Secretariat, Mr. Kitione Bete, Mr. Penijamini and Mr. Maurice Shute for their steadfast support and assistance with the production of this bipartisan report.

Madam Speaker, I hereby table the Committee's report.

MADAM SPEAKER.- Thank you. You may table the report.

(Report handed to the Secretary-General)

HON. CDR. J.R. CAWAKI.- Madam Speaker, pursuant to Standing Order 121 (5), I hereby move a motion without notice that a debate on the contents of the report is initiated at a future sitting.

MADAM SPEAKER.- Do we have a seconder?

HON. RATU K. KILIRAKI.- Madam Speaker, I beg to second the motion.

MADAM SPEAKER.- Thank you. Does anyone oppose the motion?

There being no opposition, the motion is agreed to unanimously.

QUESTIONS

Oral Questions

Establishment of the Education Commission (Question No. 11/2016)

HON. M.R. LEAWERE.- *Ni sa bula vinaka*, Madam Speaker.

Can the Hon. Minister indicate when would he be establishing the Education Commission?

HON. DR. M. REDDY (Minister for Education, Heritage and Arts).- Madam Speaker, the Education Commission is a national policy matter, therefore on whether to have an Education Commission or not and when to have it needs to be decided by Cabinet. Madam Speaker, I wish to seek your permission to respond to this question in the next sitting of Parliament, by then I would have presented the matter to the Cabinet.

MADAM SPEAKER. - Thank you, permission is granted.

I now give the floor to the Hon. Viliame Gavoka to ask his question.

Benefits to Tuvatu Landowners
(Question No. 12/2016)

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

Can the Hon. Minister explain what benefits the landowners of Tuvatu in the hills of Sabeto would obtain as a result of the mining license issued by the Prime Minister recently?

HON. M. VUNIWAQA (Minister for Lands and Mineral Resources).- Thank you, Madam Speaker, and I thank the Honourable Member for the question.

Madam Speaker, I assume that when the Honourable Member refers to mining licenses, he means the recent mining lease that was issued in relation to Tuvatu by the Hon. Prime Minister.

For Tuvatu, the iTLTB had issued a 21-year surface lease and Government has issued a 10-year mining lease for Tuvatu operations. These leases were issued after the carrying out of due diligences by both authorities in terms of, for example, technical expertise, financial capability, landowner interests and, of course, environmental sustainability of the project. Due diligence was done to ensure that the interest of not only the investors but also the landowners were protected.

The question is particularly looking for the benefits that would accumulate to the landowners in relation to this project. The surface lease premium payable for Tuvatu is a \$1 million, that will be paid in two tranches:

1. \$700,000 upon the grant of the surface lease which has already been granted;
and
2. \$300,000 upon the first gold production.

There is a surface lease rent of \$30,000 per annum for a period of 21 years as earlier indicated. A sum of \$10,000 per annum will also be paid by the company for *Yavusa* Rarawaqa, *Mataqali* Nabouwalu of Nagado Village and Korobebe Village. This is for the education of the landowners and their children. The company will also pay \$10,000 annually as community development assistance to both Korobebe and Nagado Villages. Apart from this, these provisions are provided for in the lease itself.

Apart from this, Madam Speaker, there is also the fair distribution of royalties to the relevant landowners under Section 30 of the Constitution once gold production takes place. There is also provision for the giving of first preference to the members of the landowning unit for all unskilled employment in relation to the mining operation. The company will also use its best endeavors to promote training of the members of the landowning unit who are employed in all aspects of mining operation, in connection with mining and ancillary operations.

Madam Speaker, just as an indication, so far for the last nine years of exploration work at Tuvatu, the work was conducted by people from the local area. They have showcased the tremendous capability of hardworking Fijians. Local residents make up about 95 per cent of the work force. This includes critical positions such as managers, geologists, engineers, technical and

mechanical staff, as well as wage earners. Under the terms of this lease, this arrangement will continue.

The company will also offer commercial opportunities to landowning units in terms of services needed by the company, for example, in relation to food supply, or maybe transportation and other ancillary services. There is also money that is payable to landowners for compensation for the disturbance of plants that grown on the area that is being leased by the company.

Madam Speaker, in summary, those are the benefits that will accumulate to the landowners for the Tuvatu Project.

MADAM SPEAKER.-Thank you. Supplementary question, Hon. Lorna Eden.

HON. L. EDEN. - Thank you. Madam Speaker. Could the Honourable Minister please explain the rationale behind issuing a 21-year lease when the mining lease is only for 10 years?

HON. M. VUNIWAQA. –Madam Speaker, as indicated the surface lease is for 21 years and the mining lease is 10 years. The grant of a mining lease is dependent upon (as I have stated earlier) the mineral content in the land. After due diligence, the Mineral Resources Department in their wisdom have decided that the mineral content at Tuvatu right now warrants a 10- year mining lease for extraction. However, having a longer surface lease will ensure that there is flexibility, should the company later find out there is more minerals after further exploration is done. There is flexibility to increase the 10-year mining lease upon expiry.

MADAM SPEAKER. - Thank you. I give the floor to the Hon. Ro Kiliraki.

HON. RATU. K. KILIRAKI. - Thank you, Madam Speaker.

At the end of mining after 10 years, I ask the Hon. Minister if she can explain what rehabilitation programme is in place to be able to, at the most, return that part of land to its original position? I did not hear any explanation in that regards, Madam Speaker.

HON. M. VUNIWAQA.– Madam Speaker, I had stated very briefly from the outset that one of the factors that the Mineral Resources Department looks into before the grant of a mining lease is the environmental sustainability of the project. That requires the submission of Environmental Impact Assessments and continuous monitoring by the Mineral Resource Department.

The mining lease would contain the environmental obligations that the company will have over this project, as well as an environmental bond which is paid to Government from the outset to ensure that whatever damage that may be left by the company afterwards can be rehabilitated through this provision of the bond.

Thank you, Madam Speaker.

MADAM SPEAKER. - Thank you. I will give the floor to the Hon. Nawaikula.

HON. N. NAWAIKULA. – Can the Honourable Minister please explain whether the Government has already worked out the percentage of the royalty that is going to the landowners and when they can expect their first pay?

HON. M. VUNIWAQA.- Madam Speaker, for the past six to seven months, there have been internal consultations, putting together a formula that is required under Section 30 of the Constitution. This work is currently being undertaken by the Mineral Development Technical Committee whose members are the Lands Department, Minerals Resources Department, the Solicitor-General's Office, Strategic Planning Office, iTLTB, iTaukei Affairs Board, Ministry of iTaukei Affairs, Ministry of Environment and the Ministry of Finance. It is an internal Committee of key stakeholders who have been tasked, the timeline they are looking at is within the next two months to come up with a report which can then be taken for public consultations before a formula is set. Of course, after Cabinet's approval.

Thank you, Madam Speaker.

MADAM SPEAKER. - Thank you, Hon. Minister.

On behalf of Parliament, I would like to thank the Hon. Minister for giving up her leave to attend this Parliament sitting.

(Applause)

MADAM SPEAKER. – I now give the floor Hon. Alexander O'Connor.

Team Fiji - Rio Olympic Games
(Question No. 13/2016)

HON. A.D. O'CONNOR asked Government, upon notice:

Can the Hon. Minister explain to this House what support is Government providing to prepare the Team Fiji's participation at this year's Rio Olympic Games?

MADAM SPEAKER.- Thank you, I now give the floor to the Hon. Minister for Youth and Sports.

HON. LT. COL. L.B. TUITUBOU (Minister for Youth and Sports).- First, I must thank the Hon. O'Connor for the question.

Madam Speaker, Hon. Prime Minister, fellow Cabinet Ministers, Hon. Leader of the Opposition and Honourable Members of Parliament, just before I carry on, I would like to take this opportunity to congratulate Ben Ryan and the boys for the Sevens achievement...

(Applause)

... after third position both in Wellington and Sydney. Although we had a lot of critique from the public, they are open to their own opinion but little that the majority knows that we are playing against professionals who represent the Super 15 and our boys are all locals, Fiji made, locally grown and we are still leading the HSBC Series, that is important. The ratings are more than the same leg last year. Again, I congratulate Ben Ryan for his vision on the achievement that he made; the first achievement was to get that HSBC last year, the second achievement is to qualify for Rio and the third achievement or aim is the gold in Rio and again I would like to inform the House and congratulate Ben Ryan for that.

HON. MEMBERS.- Hear, hear!

HON. LT. COL. L.B. TUITUBOU.- Madam Speaker, the Ministry for Youth and Sports have been provided a total of just over \$4.1 million for Team Fiji's preparation and participation at the Rio Olympic Games in the financial year. The full request from FASANOC is \$5 million, so we are contributing a significant portion. Out of the \$4.1 million allocated to the team, 91 per cent or \$3.8 million is allocated for the team's preparation, while the remaining 9 per cent or approximately \$344,000 is allocated for the team's actual participation at the Rio Olympic games.

Madam Speaker, this year Team Fiji will be able to send its biggest ever contingent to this year's Summer Olympics. Team Fiji is expected to be represented by a team of 89 members, of which 53 are athletes and 46 are officials. Madam Speaker, we are currently preparing for 11 sports to participate in the Rio Olympics, however a number of them are still going through their qualifying rounds. The sports that are currently preparing are archery, athletics, boxing, judo, shooting, swimming, weightlifting, football, rugby sevens for men, rugby sevens for women and Paralympics. Madam Speaker, as I have mentioned earlier, some of the sports are still going through their qualifying rounds, for example, swimming and weightlifting can still qualify in the upcoming Oceania Championship that we are hosting in Fiji in May, so the rest of these sports organisations have their different qualifying schedules for the Olympics and this includes athletics.

Madam Speaker, apart from the allocation of \$4.1 million that directly supports Fiji's preparation and participation, the allocation provided by the Government have direct impact on Team Fiji's preparation and performance in the Rio Olympics, these include, support for the international coaches, for example, the salary of the coach for the men's sevens team where Fiji hopes for the first medal in the Summer Olympics. As mentioned earlier, Fiji will be hosting the upcoming weightlifting and the Oceania Swimming Championship this year from a separate budget allocation.

Madam Speaker, there is an agreement with FASANOC that Government provides one-third of its total budget of Team Fiji's participation, a game such as the Olympics. The other two-thirds of the budget is provided by FASANOC and the participating sports through their national sporting federation. Madam Speaker, sporting federation in turn levy their athletes for their contribution to the NSOs or one-third contribution. Madam Speaker, the contribution by the sporting federation will have an implication on their athletes' ability to prepare and participate effectively.

The road to gold campaign launched by the Fiji Rugby Union earlier this year provides an opportunity for members of the public to also contribute to the Vodafone Rugby Sevens and the Telecom *Fijiana* Sevens Teams in Rio. Madam Speaker, this is an example of sporting federation that are giving their contribution, however as you can imagine, raising funds for other sports is not easy and I hope that the athletes will be able to compete in Rio despite having to raise funds for this matter.

Madam Speaker, while Team Fiji's effort at any games is largely determined by our ability to provide financial support, whether it be from Government, FASANOC or National Sporting Federation, there is a need to relook at longer term financial planning with the sporting organisations for a full year budget cycle.

Madam Speaker, this allows all stakeholders in sports to better plan and administer their organisation properly. Our corporate community must be encouraged to also participate through the tax rebates which currently stands at 150 per cent that is given by Government for sponsorship over \$100,000. This incentive is mainly to be reviewed so that the sports fully benefit from this incentive. Again, I hope that with more consultations from the support of my colleagues and sporting organisations and the Ministry of Finance, we can extend this to operate over a full year cycle to prepare for 2020. Thank you, Madam Speaker.

MADAM SPEAKER.- Thank you. Supplementary question, the Hon. Vadei.

HON. A.T. VADEI.- Supplementary question, Madam Speaker. I thank the Hon. Minister for the brief this morning. For the preparation to to the Rio Games, there are a lot to be addressed in administrative issues. The question is, the administrative issues like changing of coaches and resignation of administrators, what has the Hon. Minister done to bring about a good outcome at the Rio Games? Thank you.

MADAM SPEAKER.- Thank you, Hon. Minister.

HON. LT. COL. L.B. TUITUBOU.- I think that is a totally irrelevant question, Madam Speaker.

MADAM SPEAKER.- I agree. I now give the floor to the Hon. Nawaikula.

HON. N. NAWAIKULA.- (Inaudible) ...from the Sevens Team and Ben Ryan has been asking for money. So from the \$4.1 million allocated, how much of this is going to the Sevens' preparation?

MADAM SPEAKER.- Thank you, Honourable Minister.

HON. LT. COL. L.B. TUITUBOU.- I think we will need more data on that and we can give the information to the Honourable Member.

HON. N. NAWAIKULA.- No, we want it now.

(Hon. Members interjected)

MADAM SPEAKER.- Thank you. The information will be ready to you at a later date.

I now give the floor to the Hon. Bulitavu.

HON. M.D. BULITAVU.- Thank you, Madam Speaker. I thank the Hon. Minister for his answers this morning. Fiji participated in the Olympics started in 1954 and this is our best chance for Olympic gold medal and the team that is top back there is the Fiji Sevens Team.

The question Madam Speaker, is in regards to what is the Government supporting the Fiji Sevens Team, that is the question. We have seen how they played the last leg, Madam Speaker, money is not the only way Government can help. We have seen that when it comes to the later stage, the business end of the tournament, it is the mental preparation. My question is whether the Hon. Minister could have a session with the coach and the management of the Fiji Sevens Team on how Government could provide specialists in mental training and mental conditioning for players to secure that gold in the final, because Rio is only once, Madam Speaker....

HON. MEMBER.- Massage.

HON. M.D. BULITAVU.- Everything. They have to get the gold.

MADAM SPEAKER.- Thank you, Hon. Minister.

HON. LT. COL. L.B. TUITUBOU.- Madam Speaker, we will leave that to Mr. Ben, he is capable of doing that and he will inform us if he needs support.

MADAM SPEAKER.- Thank you. That brings to the end the third and final supplementary question. We will now break for refreshments and Parliament is now suspended until 11.30 a.m. Members of the public in the gallery are invited to also partake in the refreshments that is provided. Thank you.

The Parliament adjourned at 11.00 a.m.

The Parliament resumed at 11.30 a.m.

MADAM SPEAKER.- Thank you, Honourable Members, you may be seated. We will now resume from where we left off on the Order Paper and I now give the floor to the Hon. Dr. Brij Lal to ask his question.

Assistance to Squatters
(Question No. 14/2016)

HON. DR. B. LAL asked the Government, upon notice:

Can the Hon. Minister inform this House the number of squatters assisted in various parts of Fiji and what are Government's future plans on this?

HON. P.B. KUMAR (Minister for Local Government, Housing, Environment, Infrastructure and Transport).- Thank you Madam Speaker, and I also thank the Honourable Member for the question.

Madam Speaker, a total of 3,698 families have been assisted in various parts of Fiji through the Squatter Upgrading Programme. This has enabled them to access 99 years of residential lease with fully serviced residential lots.

Madam Speaker, there are 220 squatter settlements in the country. I have said this in this honourable House before and I will continue to say that this is the neglect of the past governments of not addressing the issue.

(Honourable Members interjected)

HON. P.B. KUMAR.- The only time they were seen was during the Elections, just like we see lots of frogs during the rainy season.

Madam Speaker, the future plan for the Squatter Upgrading Programme is now being reviewed by the Ministerial Committee which consists of the Hon. Minister for Lands, Hon. Minister for Rural Development, Hon. Minister for Women and Social Welfare and myself as per Cabinet Decision 242 of 2015. Thank you, Madam Speaker.

MADAM SPEAKER.- I give the floor to the Hon. Salote Radrodoro.

HON. S.V. RADRODRO.- Thank you, Madam Speaker. In the 2015 Budget booklet – "Turning promises into Deeds", Cuvu, Ledrusasa and Caubati were stated with \$3 million and 260 leases and supposed to be completed in 2015. However, in the 2016 Budget booklet, again, \$4 million is being listed for Cuvu, Ledrusasa and Caubati.

Can the Hon. Minister explain why the Cuvu, Ledrusasa and Caubati projects or programmes were not completed in 2015 as stated in the 2015 Budget booklet and whether the 260 leases for the 2015 were actually given out? Also, why are we again allocating \$4 million for the same areas in the 2016 Budget? Thank you, Madam Speaker.

MADAM SPEAKER.- Thank you.

HON. P.B. KUMAR.- Thank you, Madam Speaker. I will directly answer the third question as to why leases have not been given to the residents in Cuvu. She should understand that without the completion of the subdivision, we cannot issue leases.

There were some variations in the scope of work at the Cuvu squatter settlement. Work has commenced and will finish this year. After its completion, all the sitting tenants will be given 99 years lease. Thank you, Madam Speaker.

MADAM SPEAKER.- Thank you. I give the floor to the Hon. Dulakiverata.

HON. J. DULAKIVERATA.- Thank you, Madam Speaker. Most of the squatter settlements are in the city, central city area and they are occupying some of the most valuable properties within the city. Does the Government have any plan to relocate these squatters and develop these lands into their highest and best use? Thank you.

MADAM SPEAKER.- Thank you.

HON. P.B. KUMAR.- Thank you, Madam Speaker and I thank the Hon. Member for that. As I have said, there is a Committee in place now, that is the Ministerial Committee and we are in the process of reviewing all these programmes.

As he has rightly said that most of the squatter settlements are in the urban areas, is there any plan to relocate some of them? Yes, there are some plans but that will be coming after we have reviewed the whole programme.

At the moment, there are certain programmes with the Ministry for Women, certain programmes with the Ministry of Lands, so we want to get it under one and have a housing policy so that we can have a streamlined programme for the squatters throughout the country. Thank you, Madam Speaker.

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

HON. V.R. GAVOKA.- Thank you, Madam Speaker. The question of Cuvu has come up and recently, the Hon. Prime Minister had given out some leases to some squatters in there, which we welcome. They are our people, they have been there since 1905. Cuvu as you know, Hon. Minister and Madam Speaker, is a beautiful bay. It will be the Denarau of the future.

Now, there are some concern, the resentment is brewing in the community that some of the squatters will be able to build more than one home in what they have been allocated. So it becomes wealth creation as opposed to housing for the squatters. How do you vet this, Madam Speaker, because like I said, small community, love each other but creating wealth for some people instead of giving them homes will create resentment in the area.

MADAM SPEAKER.- Thank you.

HON. P.B. KUMAR.- Madam Speaker, I do not know where the Honourable Member is getting all this information. After this subdivision, whoever is allocated a lot, he or she will have to build according to the plot ratio. That is it. Thank you.

MADAM SPEAKER.- Thank you. I now give the floor to the Hon. Dr. Brij Lal to ask his question.

Please, there are only three supplementary questions allowed, Hon. Nawaikula.

Dr. Brij Lal?

Government Assistance to Schools - 2015
(Question No. 15/2016)

HON. DR. B. LAL asked the Government, upon notice:

Can the Hon. Minister explain to this august House how many schools have been assisted by Government for repair and maintenance work as well as construction of new buildings for 2015?

MADAM SPEAKER.- Thank you. I give the floor to the Hon. Minister for Education, Heritage and Arts.

HON. DR. M. REDDY (Minister for Education, Heritage and Arts).- Madam Speaker, I want to thank the Hon. Member for asking this question.

Madam Speaker, the Ministry of Education, Heritage and Arts in 2015 assisted a total of 278 schools with respect to repair and maintenance as well as construction of additional classrooms, ablution block or library facilities.

Madam Speaker, let me provide to this House the breakdown. Of the 278, 32 schools in Suva received assistance to the tune of \$0.89 million; 48 schools in Nausori were assisted to the tune of \$1.45 million.

Madam Speaker, in the Eastern Division (Kadavu, Lau, Lomaiviti and Rotuma) - 56 schools were assisted with a value of \$1.54 million.

Madam Speaker, in the Ba/Tavua District, 20 schools were assisted with a value of \$305,000.

Madam Speaker, in the Ra Division, 9 schools were assisted with a total value of \$148,000.

In the Nadroga/Navosa District – 16 schools were assisted with a total value of \$345,000.

In the Lautoka/Nadi/Yasawa District, 25 schools were assisted with a total value of \$0.71 million.

In the Macuata/Bua region, 43 schools were assisted with a total value of \$843,000.

In the Cakaudrove region - 29 schools were assisted with a total value of \$598,000.

Madam Speaker, the total value of money spent on construction, repair and maintenance in 2015 was equivalent to \$6.85 million. Never before in a particular year this amount of money was spent on capital improvements of schools throughout Fiji.

Madam Speaker, from the 278 schools assisted through new construction and renovation, there were 35 ECE centres, 165 primary schools and 78 secondary schools. Previously, at the most, 70 to 80 schools in a year were assisted. This year, we assisted 278 schools.

Madam Speaker, for the 35 ECE centres, 9 new centres were constructed and 26 centres were renovated or repaired. For the 165 primary schools that were assisted, 59 primary schools were assisted with new buildings, 9 were assisted with new boarding facilities, while 73 primary schools had the buildings renovated and 24 schools had their boarding facilities renovated and repaired.

Madam Speaker, of the 78 secondary schools that were assisted, 38 were assisted with new buildings, 4 were assisted with new boarding facilities, while 24 schools were assisted with renovation of the buildings and 12 schools were assisted with the renovation of the boarding facilities.

Madam Speaker, in addition to the work that we have done in the Ministry of Education, large number of schools were assisted through the Prime Minister's Office for additional classrooms, ablution block, boarding facilities, et cetera.

Madam Speaker, in addition to the Prime Minister's Office for Capital Infrastructure, Ministry of Youth and Sports have also assisted schools with respect to construction of grounds, playing fields and sporting facilities, as well as the Ministry of Infrastructure which has assisted schools with respect to construction of water borehole facilities as well.

Madam Speaker, we are on a catch-up game. The kind of work that is needed to bring the schools in the interior and maritime zone equivalent to the infrastructure work amongst the schools in the urban area, this requires massive amount of investment. These schools have been neglected for the last four decades; 40 years, Madam Speaker, because previous governments left these schools to the domain of private and faith-based groups saying that they built it and they should maintain it.

Madam Speaker, these schools have been neglected, roof is leaking, corrugated iron is rusting out, floors are all rotting away, ablution blocks are missing or they have been closed or demolished, library room is missing; these things, Madam Speaker, we are now playing a catch-up game. Massive amount of works need to be done. We have started the work last year. Collectively, the Ministry of Education, Office of the Prime Minister, Ministry of Infrastructure are working towards ensuring that the infrastructure is second to none so that parents feel comfortable in sending their child to the schools in the interior and maritime areas. Thank you, Madam Speaker.

MADAM SPEAKER.- Thank you. Supplementary question, the Hon. Nawaikula.

HON. N. NAWAIKULA.- Madam Speaker, from the 278 schools, the Auditor-General had cited 62 instances of failure to follow the Building Grant Regulation. Could you explain why? Why are you not following the regulation?

HON. DR. M. REDDY.- Madam Speaker, , I suggest that he files a separate question on that?

HON. N. NAWAIKULA.- I can repeat.

HON. DR. M. REDDY.- No, no, no. You file a separate question and I am going to prepare for it. I have not seen that.

MADAM SPEAKER.- Thank you. As being related by the Hon. Minister, you may submit that as a different question.

I give the floor to the Hon. Leawere.

HON. M.R. LEAWERE.- Madam Speaker, I thank the Hon. Minister for the elaborate explanation regarding the grants allocated to schools. I would just like to ask the Hon. Minister what criteria is used in terms of determining which schools are to be assisted in respect of the 2015 grant that was given to schools?

HON. DR. M. REDDY.- Madam Speaker, the request for improvement of schools, for example, construction of ablution blocks, repair and maintenance of schools are submitted by the school management or school head teacher to the Ministry. We examine it and on a needs basis, we provide assistance. We also encourage them to vire the Free Education Grant savings towards repair and maintenance. We have opened that up as well because we have limited amount of funds.

So, back to the question, the criteria is that if the school roof is leaking that means the school needs money. If the ablution block is missing, that means the school needs assistance to construct an ablution block to enhance the learning environment and, therefore, we look for money and provide whatever assistance we can.

MADAM SPEAKER.- Thank you. I now give the floor to the Hon. Ratu Kiliraki.

HON. RATU. K. KILIRAKI.- Thank you, Madam Speaker. I will refer to the Committee of Supply debate in regards to construction of new buildings as per the question. I would like to ask the Honourable Minister in regards to the construction of Rewa House at Queen Victoria School. There had been no construction done, even though he had affirmed that the construction has started already. May I ask the question, why?

HON. DR. M. REDDY.- Madam Speaker, I suggest that the Hon. Member drive down to QVS today and he will see that construction work has been undertaken.

MADAM SPEAKER.- I now give the floor to the Hon. Vunivalu.

Hosting of the Super Rugby Match
(Question No. 16/2016)

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

Can the Hon. Minister provide an update to this House on the plans to host the Super Rugby match between Crusaders and Chiefs on 1st July, 2016?

HON. LT. COL. L.B. TUITUBOU (Minister for Youth and Sports).- Madam Speaker, the Hon. Prime Minister, fellow members of Cabinet, the Hon. Leader of the Opposition and Honourable Members of Parliament, I must thank the Hon. Vunivalu for the question.

Yes, the hosting of the Super Rugby match between Crusaders and Chiefs is a major highlight in the field of sports development and sports tourism this year. This is much anticipated and the match will be played on 1st July at the ANZ Stadium.

Madam Speaker, the game is being funded through Government funding of \$2.3 million which will meet costs related to team guarantees, accommodation and local travel costs. In addition, Fortress Information Systems is sponsoring \$1 million as corporate sponsorship for the event. I thank them for this sufficient contribution on behalf of the rugby loving citizens of our country.

Madam Speaker, this match is the Chiefs' home away game following representatives from the Chiefs rugby team visiting to assess and approve the venue of the game and to begin their logistics planning for this event. In terms of international broadcasting, Sky TV, New Zealand's broadcasting team have already assessed the lighting for the night game and to commence ground work discussions with local suppliers.

Furthermore, Madam Speaker, Fiji Airways has been engaged by SANZAR as the international airline to provide flights for the Crusaders and the Chiefs teams to Suva for the match. This is a further proof of the continuing recognition being given to Fiji Airways and our capacity to deliver.

Fiji Airways will provide two direct flights from Auckland to Suva for the teams. In addition to this, Madam Speaker, Fiji Airways has been engaged to provide two extra fully chartered flights to bring in those who have purchased corporate hospitality and sponsored package for this event. Madam Speaker, this is a great opportunity for Suva and Fiji and it reaffirms Suva as the sporting capital for the Pacific. This is a global first. This will be the first officially endorsed Super Rugby competition game played overseas away from New Zealand, Australia or South Africa. Fiji will forever be the first in this case. Live from Suva, Fiji will be the announcement.

Housing a top tier international professional sports event illustrates that Fiji is a modern, dynamic society that is on the front foot globally and increasingly a leader in sports. It projects Fiji as a dynamic, secure and open for business, a country that demonstrates that we have the means to host top calibre events of this nature. It reaffirms our business credential, our can do attitude and the ability to drive consumption and further economic activity.

Madam Speaker, in terms of extended reach as the first event of its kind outside NZ, Australia and South Africa, it will generate disproportionate positive attention via increased coverage through television, radio and print media across the globe. Sky TV is supportive because of the similar benefits of extra viewership for special events of the nature. Sky TV which officiates across 154 countries, reaches over 200 million households. This represents nearly half a billion people who will watch the live broadcast, in addition to replays and news report in the Northern Hemisphere.

Furthermore, as exposure for Fiji will be provided through internet, news platform and, of course, the social media. In the first analysis, the project economic benefits of hosting the event is very attractive. With direct economic benefit estimated to be in excess of \$FJD19 million. This figure may well prove conservative, as it is hoped that we can market Suva and ensure our visitors take a few extra days to enjoy our legendary hospitality.

Madam Speaker, I thank my colleague, the Ministry of Finance for providing the necessary support to ensure that we are in a position to host this important match. I look forward to further support for bidding and for hosting other equally important international events.

In terms of logistic arrangements around the event, Madam Speaker, the Ministry of Youth and Sports will liaise with the FRU and other Ministries involved to ensure that the whole process is seamless from the time the teams and our other guests set foot off the Fiji Airways plane; their arrival at Nausori Airport and finally, their departure. It is our intention to ensure that everyone leaves our shore wanting to return and singing our praises. I am sure, Madam Speaker, that you will join me in the belief that this will be the springboard for future high profile international sporting events being hosted in Fiji. Thank you, Madam Speaker.

MADAM SPEAKER.- Thank you. I now give the floor to the Hon. Karavaki.

HON. S.D. KARAVAKI.- Thank you, Madam Speaker. I thank the Honourable Minister for his answer. The first question is that I did not hear any logistic arrangement for any flights coming directly from Christchurch because that is the South Island, except I heard about the arranged flights coming from Auckland. This is the first part, Madam Speaker, why there is no arrangement for a flight to come from Christchurch and secondly, I heard about....

MADAM SPEAKER.- Thank you, you are allowed only one question. I now give the floor to the Honourable Minister.

HON. LT. COL. L.B. TUTUBOU.- Yes, consultations between Fiji Airways and the local travel agents in New Zealand are ongoing. This is the figures that we have received so far.

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

HON. V.R. GAVOKA.- Thank you, Madam Speaker. I applaud the initiative by Government to hold this event in Fiji but most of us here are rugby administrators and we know the difficulties the maritime unions have in organising their tournaments. There are FRU people here and we know it is very expensive staging an event for the "B" Division and all that, and would hope Government would help the maritime people hold their tournaments in a way we do to the major unions. So, can I ask, Madam Speaker, if the Minister can consider that some of the proceeds from this match can be diverted to helping the minor unions hold their tournaments? Thank you, Madam Speaker.

HON. LT. COL. L.B. TUTUBOU.- I think that is a very good point and we will ensure that it is taken on board. However, there is an ongoing plan for maritime island zone tournaments that is ongoing right now with the Ministry for Youth and Sports.

MADAM SPEAKER.- Thank you. I give the floor to the Hon. Kiliraki.

HON. RATU K. KILIRAKI.- Thank you, Madam Speaker. As I heard the answer from the Honourable Minister, it is more focused to the tourist market and the outside. My question is the affordability by the locals, the basic fans of rugby in Fiji and the environment where they will be sitting on the embankment, whether they are exposed to the environment, whether it is night or day, whether they have that in their plans.

MADAM SPEAKER.- Thank you, Honourable Minister.

HON. LT. COL. L.B. TUTUBOU.- Yes, I think that is a very good suggestion but we will come to that, we have that in place. We have the TV to watch, it will be broadcast live.

HON. GOVERNMENT MEMBERS.- They want to come to the grounds.

HON. LT. L.B. TUTUBOU.- If you want to come to the ground, you will have to pay.

(Laughter)

MADAM SPEAKER.- Thank you very much. As was the case yesterday, Honourable Members, in order to accommodate the overflow of the business of the House that resulted from the disruption to Monday's sitting, we will have four more questions for today.

I have been informed that Question 17 of 2016 has been withdrawn, therefore I invite the Hon. Viliame Gavoka to ask his question.

Overfishing
(Question No. 18/2016)

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

Briefings on the economy by the RBF has highlighted that fish exports are down and one of the factors is overfishing. Can the Minister explain what is Government doing to combat overfishing?

HON. O. NAIQAMU (Minister for Fisheries and Forests).- Madam Speaker, the Department of Fisheries has passed and implemented the Offshore Fisheries Management Decree of 2012 and the Offshore Fisheries Management Regulations. These are two very important tools against overfishing.

Madam Speaker, the abovementioned legal instruments were developed in order to ensure that the highly migratory fish stocks such as tuna and billfish were sustainably managed. This is well in accordance with international standards, taking into account both regional and international obligations that Fiji has aligned itself to.

It should be noted that these instruments which were introduced by this Government was pivotal in Fiji's return to a green card status in accordance with EU standards. Madam Speaker, the Department's Offshore Division was not fully effective due to the shortage of monitoring, control and surveillance officers in the past years until the Government of the day approved an increase of 25 authorised officers in a bid to successfully combat overfishing. Now, the Department works favourably under the above legal instruments in collaboration with line Ministries and the Fiji Navy.

Madam Speaker, with regards to regional obligations, the FijiFirst Government has reduced Fiji's domestic fleets licenses cap from what it used to be, in excess of 110 license spaces over a 10-year period to what it has been reduced to the 60 vessels license spaces currently being employed.

Madam Speaker, on the regional scale, Fiji currently utilises the Regionally Standardised Vessel Monitoring System which tracks each vessel that are fishing within the region. This is in addition to the joint enforcement and several operations hosted by the Forum Fisheries Agency, like the annual operation "*Kurukuru*" in which the Department and the Navy are participants. It is a regional effort aimed at stifling illegal, unreported and unregulated fishing.

Finally, Madam Speaker, this Government has put Fiji at the forefront, as one of the two countries in the world that has been selected and working with the Food and Agricultural Organisation on the pilot training for electronic observer system or electronic monitoring on Fiji's national fleet, an effort that is to set the standard against this overfishing phenomenon in the region and ultimately the global arena. Thank you, Madam Speaker.

MADAM SPEAKER.- Thank you. I give the floor to the Hon. Kiliraki.

HON. RATU. K. KILIRAKI.- Thank you, Madam Speaker. Fiji is on the fringe of the tuna migration and they fish in right into the South West Pacific, Vanuatu and Solomon Islands. Fiji is susceptible to the migration as shown of Fiji's fleet in respect to the legislation in the country.

My question is, whether the Fisheries has taken into consideration to put in place incentives in regards to factories and ports being developed in Vanuatu and the adjacent islands to attract those offshore business to deliver their fish into Fiji. Thank you, Madam Speaker.

HON. O. NAIQAMU.- Madam Speaker, for the information of the House, my Ministry through the Department of Fisheries is discussing with the FFA member countries, especially the PNA member countries for them to set up their factories in Suva, taking into consideration our locality, especially the connectivity through air and sea. Thank you, Madam Speaker.

MADAM SPEAKER.- I give the floor to the Hon. Salote Radrodro.

HON. S.V. RADRODRO.- Thank you, Madam Speaker. I thank the Hon. Minister for his explanation. Can he please explain, it is said that overfishing is one of the biggest killer of our coral eco-system, can he explain what mechanisms, programmes or policies are in place to be able to sustain coral eco-system, particularly because that is one the biggest attractions for tourism. Thank you, Madam Speaker.

MADAM SPEAKER.- Honourable Minister?

HON. O. NAIQAMU.- Madam Speaker, I think this is a new question, but for the information of the House, the Ministry of Fisheries is developing an International Mobile Satellite Organisation (IMSO) Fisheries Code that will be tabled in Cabinet before it is brought before the honourable House.

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

HON. A.T. VADEI.- I thank the Hon. Minister for the acknowledgement of the Convention - regionally and internationally. My question is whether the Ministry have some conservation plans for the fishing grounds for Fiji?

HON. O. NAIQAMU.- For the information of the Honourable Member, yes.

MADAM SPEAKER.- I now give the floor to the Honourable Mosese Bulitavu.

Fiji Police Force - Ensuring Independence
(Question No. 19/2016)

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

Can the Hon. Minister inform the House on the progress made by the Fiji Police Force to ensure the independence, no particular manipulation and democratic policing is maintained?

MADAM SPEAKER.- Thank you. I invite the Hon. Minister for Defence, National Security and Immigration to have the floor.

HON. CAPT. T.L. NATUVA (Minister for Defence, National Security and Immigration).- Madam Speaker, the Hon. Prime Minister and Honourable Members, I would like to mention that the Fiji Police Force is independent and it is not subject to political manipulation under Section 129 of the Constitution.

If there are any issues in regards to policy, that is referred to me for discussion and I meet with the Commissioner of Police and the Commander of RFMF every fortnight to discuss pending issues. Any issue in regards to national security, I refer that to the Hon. Prime Minister for guidance and if there are issues in regard to independency, you write to me and I can address it with the relevant department. Thank you.

MADAM SPEAKER.- There being no supplementary questions, I now give the floor to the Honourable Mikaele Leawere to ask his question.

Expatriate Judges and Magistrates – Hiring of
(Question No. 20/2016)

HON. M.R. LEAWARE asked the Government, upon notice:

Can the Hon. Minister explain why more expatriate judges and magistrates have been hired in the system?

HON. A. SAYED-KHAIYUM (Attorney-General, Minister of Finance, Public Enterprises, Civil Service and Communications).- Madam Speaker, the Hon. Leawere talking on the better gentlemen from the other side does need to understand that there is separation of powers. Government does not appoint judges and magistrates.

(Laughter)

It is appointed by the Judicial Services Commission.

It is not a laughing matter. The Judicial Services Commission appoints judges and magistrates and in fact they make their recommendations and they are appointed by His Excellency our President.

You would have seen in today's papers one of the local magistrates was appointed by His Excellency the President yesterday.

Madam Speaker, the reality is that, as I mentioned that expatriate judges and magistrates in Fiji are not a new phenomenon. I have got a list of all the judges and magistrates going back to pre-1987 and post-2001 and I can show you that at many times, for example, the Court of Appeal in 2000 had about 15 people sitting on the bench, only one was a local.

We have, of course, since then expanded the number of people who sit on the bench. We now have 20 High Court judges and yet, the economy is growing. There is demand for judges and magistrates and we have been facilitating that, and there is a need to fill the bench.

The question really that should be asked is, do we have people who fit the bill to be sitting on the bench, not whether they are expatriates or local, they need to be people who can fulfil the role of magistracy and the judiciary? Thank you, Madam Speaker.

HON. S.V. RADRODRO.- A supplementary question, Madam Speaker.

MADAM SPEAKER.- A supplementary question, Hon. Salote Radrodoro.

HON. S.V. RADRODRO.- Thank you. Honourable Minister, yes, we agree that that has been the practice in the last government, and bearing in mind that human resource specialists claim that human resource are the cutting edge in any organisation and also that overseas recruitment is always an expensive exercise in as far as taxpayers' money is being used. Therefore, Madam Speaker, hearing that the Government side is always claiming to be the first, can I ask the Hon. Minister, as a sustainable

measure in human resource development, what policies and strategies are in place to ensure that we have a pool of qualified judges to be able to fill these positions in future? Thank you, Madam Speaker.

MADAM SPEAKER.- Thank you. Honourable Minister?

HON. A. SAYED-KHAIYUM.- Madam Speaker, I suggest the Honourable Member read the Constitution. There is a basic requirement, pre-requisite qualification when a person can become a magistrate or a judge, she needs to read that. We are not here to educate them about that. The reality, as you have said, of course, there were people who did not want to take up positions because some politicians, of course, who were advocating with Australia and New Zealand to put travel bans on people who took up positions in the judiciary. This is a reality, post-2006. Only recently the bans have been lifted and there are some very courageous locals who came and took up positions and we also went off-shore because the judicial system had to work; murder has been committed, rape has been committed, people had civil matters, contracts were being disputed, the judiciary needed to function, and there are some politicians (they know who they are) and other people who were trying to get Australia and New Zealand to put travel bans and indeed they were not successful. A lot of locals shied away from the magistracy and the judiciary then.

Today, we are building it up. I am not here to give them figures but if they look at the number of magistrates we have, from the total cadre of magistrates, there are more locals than expatriates in the magistracy. They need to look at that, but the point is, Madam Speaker, they are bringing up such a question which does not have any intellectual basis to it. They should be asking about the system, they should be asking whether the system is working because Judiciary is independent, what are the constitutional provisions? They are simply going on about expatriates, that is what they are doing.

In the same way, Madam Speaker, we heard an issue today about the specialist doctors, physical therapists, et cetera, everyone recognises the need to have them, but we also said at the same time, we are giving scholarships, et cetera to educate the locals, to bring them up to speed. In time to come, of course, that will happen.

MADAM SPEAKER.- Thank you. Supplementary question, Hon. Ratu Isoa Tikoca.

HON. RATU I.D. TIKOCA.- Last year, I tabled documents to prove that you are interfering with laws in the Judiciary, and I tabled that. Now my question is, I know and the people also know that people coming from abroad are being controlled by your good self. Is it true or not because I have tabled the documents to say so and that is yet to be voted on. That will be tabled to the Police, that I will do. Answer that.

MADAM SPEAKER.- The question is disorderly in the House and I will not allow an answer to that question. I now give the floor to the Hon. Radrodro.

HON. A.M. RADRODRO.- Thank you, Madam Speaker. I note that the Honourable Minister in his explanation, has even proposed a question to be put out from this side.

The question, Madam Speaker, to the honourable Minister is, do we have enough Fijian lawyers to be considered for the judicial positions, especially when we have reports that certain scholarship arrangements have been barred for those who are pursuing legal studies at the university because there are so many lawyers. The question is, do we have enough Fijian lawyers who can be considered for judicial positions?

HON. A. SAYED-KHAIYUM.- Madam Speaker, we have lots of lawyers in Fiji. The question again is, are they lawyers with integrity? Are they lawyers who meet standards? Are they lawyers who meet the minimum qualifications in the Constitution? To be a magistrate, you need to be a practising lawyer for at least 10 years. Previously, you finished the law degree, you became a magistrate the next day.

(Chorus of interjections)

That is the kind of thing that used to happen. Again, the question needs to be asked, whether they are rightly qualified people or not, people with integrity and meet the minimum skill sets?

Thank you, Madam Speaker.

MADAM SPEAKER.- Thank you. That brings us to the end and question time is now over. We will move on to the next item on the Order Paper.

MINISTERIAL STATEMENTS

External Examination – 2015 Results Compared to 2014

MADAM SPEAKER.- The Hon. Minister for Education, Heritage and Arts has informed me that he wishes to make a Ministerial Statement under Standing Order 34. The Hon. Minister may speak up to 20 minutes. I will then invite the Hon. Leader of the Opposition or her nominee to speak on the statement for no more than five minutes. There will be no other debate.

I now give the floor to the Hon. Minister for Education, Heritage and Arts.

HON. DR. M. REDDY.- Madam Speaker, the Hon. Prime Minister and Hon. Members of Parliament, thank you for giving me the opportunity to share with the Honourable Members of the House the external examination results for 2015 in comparison to 2014 as alluded to some time back when this issue was discussed last year.

Madam Speaker, in the beginning of last year, there were some debate on the removal of scaling for Years 12 and 13 Exams, and bringing back the Exams from Year 6 to Year 11.

Madam Speaker, following comments from various stakeholders, and our own perusal of past results, we noted that we were not adequately preparing our students for further studies and for the labour market as well, as the results did not correctly portray the true stock of knowledge that the students had acquired. We also did not provide guidance to parents and guardians, as well as to teachers on their performance as reflected in the pupil's performance because marks were mechanically adjusted to deliver a desired outcome.

Madam Speaker, we also analysed the raw results for past years. We noted the low mean marks and also the low-percentage pass rates in almost all of the subjects in Years 12 and 13. So, let me highlight the 2014 Year 13 pass rate of some of the mainstream subjects:

2014 – YEAR 13 PASS RATES		
Subject:	Pass Rate (%)	Mean Mark (%)
English	76.1	53.2
Mathematics	7.5	27
Biology	16.2	35
Chemistry	18	26.7
Physics	37.4	38.4
Geography	37	
History	21.6	
Accounting	35.7	
Economics	21.1	

Madam Speaker, if you will note, apart from English, all the other subjects the pass rate was well below 50 per cent. This bothered us in the Ministry, Madam Speaker.

Madam Speaker, the marks portrayed that there was a failure in the system and we had to act fast as we were continuously passing out poorly prepared students to universities and the labour market by adjusting their marks to deliver the desired outcome.

Madam Speaker, the problem was compounded with the removal of the Exams up to Year 11, and thus poorly prepared students who were passed on from one year to the other, without them, their teachers and parents knowing the true status of the level of attainment at that year or level. Good teachers became helpless because the students did not have the base knowledge from the previous year, which was supposed to be provided to them in the previous year. They then covered the basics and examined them in the annual examination, and passed them on to the next level.

Madam Speaker, this cycle continued until such time so students reached Year 12. Again, students performed badly in Year 12, but this time around, their marks were adjusted using the scaling formula. In the formula, the pass rate was set at 50 per cent, so it was guaranteed that on an average 50 per cent of students will pass to Year 13. That was how the formula was set, Madam Speaker. They were allowed to progress to Year 13.

The same happened in Year 13, Madam Speaker. However, in Year 13 Examination, in the formula, the pass rate was set at 54 per cent. Therefore, Madam Speaker, on an average, 54 per cent of the students would pass in Year 13 and move on to the labour market or to the universities.

Madam Speaker, concerns over scaling were not adequately addressed, and were mostly left unanswered which created doubts and led to suspicion and loss of confidence in the examination system.

Madam Speaker, public demands to make the formula public used for scaling were ignored, saying that it was confidential information. Following approval by Cabinet to discontinue the scaling of marks, we:

1. Informed students, teachers and parents that the external exam marks will no longer be adjusted and students should be given their original subject scores, thus reflecting their true performance in each subject for every year.
2. Exams were reintroduced from Year 6 so that they were focussed, have a goal to target and parents also joined in to prepare their child for the year-end exams.

3. Detailed solution guides for each subject exam papers for Years 12 and 13 for the last four years, and these were provided to the students and teachers at no cost to them. Soft copies of these were also loaded on our homepage.
4. Teachers were encouraged to finish syllabus, if possible, by Term 2 and spend Term 3 for revision work.
5. Teachers were encouraged to take extra classes in Term 2 to cover the syllabus.

Madam Speaker, the whole nation was psyched up; scaling was discontinued, exams would be reintroduced, students were talking about it, teachers were discussing amongst themselves with parents and teachers talking to their children and reminding them to work hard. Madam Speaker, the whole nation was geared up to prove that the children did not have to be given marks for nothing. They could work hard and achieve the desired outcomes.

Madam Speaker, back in the Ministry, we also tightened up on quality control. Unlike before in 2015, Subject Matter Specialists in the Curriculum Development Unit (CDU) were recruited and tasked with the responsibility of preparing the national exam papers. In the recruitment procedure, it was a requirement for Senior Education Officers to have a Master's Degree in the relevant subject area so that these experts can design better curriculum and better assessment for the children of this nation.

Madam Speaker, let me now present to you and the House the comparison of the External Examination results for 2014 and 2015 for Years 12 and 13.

Subject	Mean Pass Rate (%)			
	Year 12		Year 13	
	2014	2015	2014	2015
English	76	65.4	63	64
Mathematics	7.5	37.1	15	42
Biology	16.2	54.4	14	40
Chemistry	18	34	10	34
Physics	37	62	28	57
Geography	37	60	59	80
History	21	41	33	54
Accounting	35	57	39	64
Economics	21	52	55	64

Madam Speaker and Members of the House, let me summarise what we are able to achieve over the last 16 months. We were able to change students' mindsets on the discontinuation of marks scaling and getting them to work hard towards a performance based awards system.

Madam Speaker, I must say that while we have increased the pass rate, we have not got where we should be the work has begun. Teachers have all been psyched up and have risen up to the occasion to teach, nurture, mentor and guide students towards the year end exam.

Madam Speaker, parents had also stepped in to assist and support the students. We have lifted the low scores and pass rates but this is just the beginning. A lot more needs to be done in not only raising pass rate but also in ensuring that quality of these graduates are improved.

Madam Speaker, we will outline later this week and weeks ahead our plans and strategies to improve the quality aspects for graduates.

Madam Speaker, the national level were able to collectively raise the level of the scores on education to an unprecedented level. Never before had this level of discussion on education taken place in Fiji, in and via different forums, open forums, *talanoa* sessions, in Parliament, letter to the editor columns, talkback shows, *tikina* council meetings, et cetera. Madam Speaker, this is what we wanted for so long.

(Hon. Members interjected)

MADAM SPEAKER.- Order!

HON. DR. M. REDDY.- This is what we wanted. We wanted a national move on education and we have noted that this movement is led by none other than our own Prime Minister, Madam Speaker. He has, along with our Minister for Finance, Hon. Sayed-Khaiyum has backed this cause with appropriate level of financial resources. Should I say, unprecedented level of financial resources for education, Madam Speaker, meeting the unit score set benchmark for education budget to total budget ratio. We are the only country, Madam Speaker, in the Pacific region that have met the education budget to budget ratio.

(Applause)

Madam Speaker, these scores have got everyone together on at least one conclusion that education will transform people's lives, raise households out of poverty and hardship, contribute to economic growth and development and also contribute to nation building by an educated population that will make decisions, make choices based on logic and reasoning.

Madam Speaker, the journey has started and my appeal to all, those who are writing letters and making comments here and there to write to us, give us your suggestions, we will examine it for its relevance and use. To those who are making allegations, write to the Ministry and we will provide collaborating facts and figures, Madam Speaker.

Madam Speaker, we need everyone's support because education is about nation building, delivering on to dreams and securing future for Fiji. It is everyone's business, again, please come on board, Madam Speaker, Members of the House, people of Fiji. Thank you, *vinaka, dhanyavaad*.

MADAM SPEAKER.- Thank you. I now call upon the Leader of the Opposition or her nominee for the response.

HON. RO T.V. KEPÄ.- Madam Speaker, before our Member responds to the Ministerial Statement, may I through your good self, request the Ministers, particularly the Minister for Education, Heritage & Arts if he could provide us, like we were provided yesterday the summary on the statements that they would make.

Yesterday, the two Honourable Ministers were able to provide for us what they going to address, in terms of the HIES results and also on the *Zika* virus. So, we were able to respond properly

to that because the people who are watching and listening need a proper response from us, and when he stands and gives us that very important information on exams and results, we need to be properly ...

MADAM SPEAKER.- I think that is clear, Honourable Member, you only have five minutes, you are taking up too much time.

HON. RO T.V. KEP A.- ... addressed also from our side, Madam Speaker. So, through you, just give that information to the Ministers. Thank you, now our Honourable Member please.

MADAM SPEAKER.- Thank you very much for that response. .

HON. RO T.V. KEP A.- Can I move a response to that?

MADAM SPEAKER.- No. You have already got your time.

HON. RO T.V. KEP A.- So, you are telling that to the Ministers, that is only one minute.

MADAM SPEAKER.- A response to the Ministerial Statement is from yourself or your nominee. You stood up and I gave you the call. So, the response was yours and you just made your response. Thank you very much.

I will now call upon the Hon. Minister for Agriculture, Rural and Maritime Development and National Disaster Management and Leader of the Government in Parliament to make his Ministerial Statement pursuant to Standing Order 34. The Hon. Minister may speak up to 20 minutes, I will then invite the Hon. Leader of the Opposition or her nominee to speak on the statement for no more than five minutes. There will be no other debate.

El Nino Events and Prolonged Droughts

HON. LT. COL. I.B. SERUIRATU.- Thank you, Madam Speaker, for this opportunity to update this august House on the *El Nino* events and the droughts that affected us in 2014 and 2015. I have deliberately included 2014 in my Ministerial Statement this morning, Madam Speaker, simply because we need to take note of the improvements and of course, the level of resilience as well in our communities, in as far as responding to disasters and other catastrophic events.

Madam Speaker, before I do so, again I wish to remind all Fijians, including the Honourable Members of the House that currently there is a tropical depression developing northwest of Rotuma. Tropical depression 09F, and it is anticipated to move southward and tracking west. Our weather office has indicated that it may not be a threat to Fiji, but that does not mean that we do not take heed of the advice and of course, prepare accordingly as well. But the good news is, it will bring more rain into the country, particularly starting from Thursday and of course during the weekend as well.

Madam Speaker, for the benefit of the Honourable Members explain again what are droughts and *El Nino* phenomena. There are three types of droughts and we have heard it so often in this august House; meteorological drought, agricultural and hydrological drought as well. Simply stated meteorological droughts occur when dry weather patterns dominate an area. It can begin early and rapidly when there is continuous heavy rainfall or precipitation.

Agricultural droughts occur when livestock and crops are affected and hydrological droughts occur when low water supplies become evident, especially in rivers, reservoirs and ground water levels, usually after many months of meteorological drought.

Hydrological droughts take longer to recover and similarly *El Nino* is another climatic condition that affects our weather patterns, simply stated *El Nino* is the movement of warm water from the Western Pacific to the Eastern Pacific, bringing warm sea surface temperatures that increase dry conditions. These has a direct impact on the drought that we experienced in Fiji during 2004 and 2015, and the predictions, Madam Speaker, as well that this will continue into mid-2016.

These are climatic realities that we need to understand as we go through these events every cycle of four years and now it is even getting shorter because of the climate change effects that is also affecting us.

Madam Speaker, over the last two years and including the beginning of this year, Fiji has gone through dry spells that resulted from droughts and of course *El Nino*. These have affected our water situation in the country, and I echo the sentiments of the Hon. Prime Minister during our meeting in April last year in his office that no person or community is to be deprived of portable water and in fact, that is also consistent with the Bill of Rights under the 2013 Constitution.

Let me talk about 2014, Madam Speaker. Madam Speaker, according to the Fiji Meteorology Office data, the tropical Pacific Ocean warmed significantly from March 2014 and this primed the climate system favourable for an *El Nino* development. However, the cooling of the tropical Pacific from June to August slowed down the *El Nino* development. We were quite fortunate in 2014 that it ended earlier than as predicted.

A renewed warming of the sea surface temperature from September to October risks a weak *El Nino* status on December 2014. Madam Speaker, the 2014 drought period although it did not experience a strong *El Nino* presence, recorded 16 below rainfall which resulted in an intense drought period.

This covered the four divisions and included the maritime islands. This is something important, Madam Speaker, because we need to be monitoring the weather patterns very closely. It is becoming unpredictable these days, the changes in the rainfall patterns, so it is advisable that we take heed of the advice and of course monitor this very closely.

The national average rainfall of 2014, Madam Speaker, was 2035.2 millimetres, this was 336.4 millimetres below the long term average. So a prolonged dry spell or meteorological drought was experienced throughout Fiji in 2014 until September.

Government committed more than \$1 million for water cartage and procurement of resources like water tanks, water pumps and hoses to various pocket areas and especially the worst affected areas in the Western, Northern and of course our islands, particularly in the Eastern Division and of course the Western and Northern Divisions, as well.

As I did state earlier, Madam Speaker, 2014 was a blessing for us because we relooked at the capacity and the capability within the ministry and of course came up with contingency plans, planning for worst case scenario so that we can perform better and continue to deliver effective and efficient services in the next cycle of drought within the *El Nino* cycle, Madam Speaker.

A summary of the four divisions for September 2014; the Western Division basically about 30,000 – 178 population was affected in the districts. Litres of water was almost 3 million litres carted with a cost of \$306,000 plus.

In the Northern Division likewise about 19,992 population were affected, litres carted was 1,000,090 litres with a cost of \$120,000.

In the Central Division, Madam Speaker, is usually the corridor from Logani, Namara, Verata to Waidalice. These are the areas that are worst affected when it comes to prolonged dry spell.

In the Eastern Division, we supplied 11,200,000 litres of water at a cost of \$311,000 to an affected population of more than 5,000 people.

Madam Speaker, for the agriculture and food security sector - losses incurred for affected livestock and crops amounted to \$7,000,710.05.

The main crops affected in 2013 were mainly *yaqona* and of course *dalo*. These are two commodities that are important for our export markets and because of the areas that were badly affected, this was also the main commodities within these areas.

We incurred quite a significant loss in 2014 which amounted to about \$7 million, but you would note, Madam Speaker, later on when we look into 2015, the loss was minimal particularly to the agriculture sector because of the pro-activeness, the readiness status that we have adopted because of the lessons learnt from 2014.

Madam Speaker, in terms of Public Utilities, Fiji Electricity was going through critical situations as well, likewise Water Authority at Vaturu Dam and of course the Nadarivatu Dam as well. I would not go into the details, but what I would like to perhaps advise, not only to the people, but in this honourable House as well Madam Speaker, is our responsibility particularly the members of the public. There is a difference between good peaceful times and of course times of disaster or phenomena because warnings are given, advice is given to use water sparingly but it is not happening. Likewise, when the water level in Monasavu Dam is at a critical level and the use of electricity, but people do not distinguish the differences during these times. This requires a lot of awareness and of course people to take ownership and take responsibility as well when it comes to abnormal periods that we go through every now and then.

Madam Speaker, in April 2015, as I have stated in the first meeting called by the Hon. Prime Minister and then the task forces were established based on the advice given by the Fiji Meteorological Office. In August, Madam Speaker, the office advised that the *El Nino* conditions has strengthened with a possibility to sustain through to the end of the year. Again we were blessed, we were fortunate that it also ended earlier rather than going through the December period. The precipitation started to form before *Cyclone Ula* came and as a result, we had rainfall earlier than anticipated and that relieved us from probably a worse *El Nino* and drought period as compared to 2014.

So, Madam Speaker, this forecast provided accurate as I have stated and with the *El Nino* drought continuing to influence Fiji with below average rainfall. Again the two divisions, the Western and the Northern shared the brunt of the drought and the divisional and relevant sectors set up their Drought Task Forces to deal with the situation.

Very briefly, Madam Speaker, the Western Division compared to the figures in 2014, it has significantly increased, the areas affected. In 2015, we had about 53,000 as compared to 15,000 or so in 2014 the population affected, 18 million litres plus with a budget of \$761,000.

The Northern Division, a significant increase as well to 54,000 number of people affected, 29 million litres and of course \$914,000 as well.

In the Central Division, 9,450 the affected population, litres of water, 915,000.

In the Eastern Division, 1,738, and 580,000 litres carted with a cost of \$540,000.

Madam Speaker, of course it is a challenge, but Government did its best to provide water for the communities in need. If I may go through these communities, Madam Speaker in the West, Nadi District was the worst affected, the Nadi – Sigatoka corridor. We established water points in areas like Namata Indian School, Namata Settlement, Sariyawa, Wairiki Settlement, Loqi Settlement, Savusavu Public School, Nawai Public School, Nalolo Sangam School, Dakadaka, Nawaicoba Public School, Permal Reddy, this is a resident of Uciwai, Aralevu, Namulomulo Village, Yavuna Village, Tovatova, Mulomulo, Vaivai, Tawatawa and Cirisobu.

In the Lautoka area, Madam Speaker, Qalitu, Vakabuli, Paipai, Qerelevu, Benaivui Field 11, Veisaru II Feeder Road, Teidamu, Tuvu, Tavarau, Naqilau, Raviravi Christian Fellowship, Nadari, Natolevu and Kadavu.

In Tavua, Nabalata Primary School, Dramasi, Matalevu, Malele and Nadarivatu in Wainisavulevu and Koroto.

Madam Speaker, the Western Division also had the services of the Government barge *Vunilagi* and also hired a private barge to serve the maritime community, that included Vatulele, Mamanuca, Malolo, Yadua and Yasawa Districts - Yasawa-i-rara, Nacula, Naviti and Waya Lilai.

In the Northern Division, Madam Speaker, instead of water points being established because we ran out of water tanks but that came later as the situation progressed, but the cartage continued where 20 trucks were hired to the provinces and settlements whereas the *MV Sigavou* and *Vunilagi* were responsible for carting water to the rural communities.

For Macuata about 101,900 communities and places of residents, settlements and villages were serviced, and for Bua 202 and 164 communities were delivered with water for Cakaudrove. The red zones as we call it, Madam Speaker, were frequently visited and, of course, serviced as well - Macuata was Nagigi, Papalagi, Nasea, Dogotuki, Namuka, Nabuka had their water delivered by barge. Bua, Nasarawaqa flats and *Tikina* o Bua settlements and, of course, Kubulau and Cakaudrove, we carted water to Napuka, Karoko, Koroivonu, Saqani, Naweni, Tacilevu, and Dromoninuku.

For Bua as well the islands of Yadua, Yaqaga, Galoa, Tavewa and Navatu. In Cakaudrove, Naqelevu, Yanuca, Ucnivatu, Kioa Island, Rabi, Yasawa Village, Tawake Village and Qamea Island. In Macuata the islands of Kia, Mali, Namuka Village, Kavewa, Druarua, Cikobia, Vunikodi and Nabouono.

Madam Speaker, in the Eastern Division, Government barge *Vatulawa* serviced islands in Lau, including Nayau, Lakeba, Oneata, Komo and Moce and for Lomaiviti - Batiki and Nairai received emergency water and also Dravuni, Buliya and Naioti Villages in Kadavu. Those are the communities, Madam Speaker, that we delivered water to.

Madam Speaker, the Ministry of Education established its own taskforce and, of course, we are thankful for the 2016 Budget. You will see, Madam Speaker, there is now also a separate allocation for the purchase of water tanks for primary schools and there is also a separate allocation for water tanks for secondary schools, which will significantly improve our level of preparedness and resilience, particularly in the education sector.

Agriculture and food security, as I had mentioned earlier, Madam Speaker, was affected to a lesser degree because of the lessons that we learnt from 2014 and, of course, the preparedness in the mobilisation of the resources and the pooling of resources as well which includes vehicles, pumps and other equipments that we have which were not only under the control of the Ministry officials but we

also gave it to the farmers for their use during those critical periods. Mobile irrigations were also provided to salvage existing crops.

As for livestock, de-stocking of unproductive and the aged animals were made, transport and supplementary feed like molasses was provided to the farmers. One difficulty in livestock, Madam Speaker, that we faced was the irresponsible burning throughout the dry areas by our people. This is something that needs to be controlled and we are, through the National Disaster Council have discussed on how we can improve in this area. Grass, although they may be dry still contain nutrients but when people start burning the grass, then the livestock has to go to other places to find food. Agriculture Sector, Madam Speaker, as I have stated, was minimised through the state of preparedness.

The health sector, of course, have their own taskforce as well and they have this project called the Sip, Save and Survive which also worked well and there was minimal outbreak of drought-related diseases amongst our communities which was positive for our health sector preparedness, Madam Speaker.

I know that there were some demands for us to declare a state of natural disaster because of the drought but, Madam Speaker, I would say in this Honourable House that we only need to make declarations if we have exhausted all avenues that we have in order to continue with the delivery of services, and that was not really necessary. Although there are losses in some sectors, Madam Speaker, but overall we have managed to do well and do better, and there was no need for a declaration for a state of natural disaster, given the continuity in the services by the various sectors.

At this juncture, I wish to acknowledge the New Zealand Government for their assistance, and likewise the European Union because they allocated funding; the European Union allocated to us about \$400,000 worth of tanks which we delivered not only to farmers but also to communities, including Vanua Levu. New Zealand has been assisting us since 2013 after *Cyclone Evans* of 2012 and they are still continuing. We have just received a 10-tonne truck and, of course, we are looking forward to the rest of the activities.

Thank you, Madam Speaker, for that opportunity.

MADAM SPEAKER.- Thank you.

I beg your indulgence, Honourable Members, but I would like to call on the response of the Hon. Leader of Opposition or her representative first thing after lunch.

Honourable Members at this point, we will suspend proceedings for lunch. Please note that the lunch is provided for Honourable Members in the Big Committee Room.

The House Committee Members are reminded that you will be meeting in the Small Committee Room.

We will resume proceedings at 2.30 p.m.

The Parliament adjourned at 12.46 p.m.

The Parliament resumed at 2.30 p.m.

MADAM SPEAKER.- Honourable Members, we will now resume from where we left off in our Order Paper.

Honourable Members, as was mentioned before lunch, we will now give the floor to the Hon. Leader of Opposition or her nominee to deliver the response to the Hon. Minister for Agriculture's statement this morning.

HON. N. NAWAIKULA.- Madam Speaker, with your leave, I wish to make the reply from this side of the House to the statement by the Hon. Minister on *El Nino* and the drought effects on Fiji for 2014 and 2015. But before I go into the details, let me raise some concerns in relation to proceedings that are not being made under Standing Order 34. Standing Order 34, as you will understand allows the Hon. Minister to give a one hour notice for a Ministerial Statement. Last year, we raised our concern in relation to the need...

MADAM SPEAKER.- This is the point of order? Are you raising a point of order?

HON. N. NAWAIKULA.- Yes, Madam Speaker. It is a point of order.

... for quality debate in relation to what is done in the House and we requested, particularly in relation to Ministerial Statements that will be given notice prior to that. It was agreed in the Business Committee that one hour, without the full content, the Minister was to supply a one-paragraph just to outline. The reason for that is to allow this side of the House to look quickly into that so that they can answer and zero-in on the issues that are raised.

MADAM SPEAKER.- Thank you.

HON. N. NAWAIKULA.- Madam Speaker, can you make a ruling in relation to that?

MADAM SPEAKER.- Thank you. We had been practicing that. The Hon. Minister's statement was actually delivered to your office one hour before the sitting, and we will ensure that this continues.

HON. N. NAWAIKULA.- Madam Speaker, the copy that I had contained only the title – *El Nino* and the Drought Effects of Fiji - 2014 and 2015. There should have been in a paragraph to summarise it.

MADAM SPEAKER.- We will relook at that and that that does not happen.

HON. N. NAWAIKULA.- Madam Speaker, so going onto the statement proper by the Hon. Minister, we all know that *El Nino* is a very important concern, not only for the nation but for the whole community, and I thank him very much for giving that information in this House.

In the statement that was given, the Hon. Minister took us through the definition of this phenomena, then from there he spoke briefly on its effect to the nation for the period of 2014 and 2015, especially in 2014 highlighting in particular the reduction in the rainfalls and all those other aspects. Then the Hon. Minister mentioned briefly the contingency plans and from my hearing, a big part of the statement was directed to the Government's efforts last year in relation to its assistance on water supplies which was effected.

On a whole, Madam Speaker, my feeling is that, although the statement is long and I consider it verbose was lacking particularly in specifics because this is not a new phenomenon, we are all aware of it and the United Nations (UN) gives out a yearly report through ESCAP which is the United Nations Economic and Social Commission for the Asia and the Pacific. So, every year it comes out with this and it gives out details on the effect of *El Nino* to guide each country in making its policy to prepare for this phenomena so that they can address it properly. Things like, for example, its impact on rainfall, its impact on sea levels, its impact on the cyclone movement, its impact on agriculture, its impact on fresh water resources, its impact on public health, its impact on reef ecosystems, its impact on fisheries, its impact on infrastructure and other things and I, as well as the public would have expected, just a statement to address those details. Given that Fiji is accessible to these reports, not only that, even the climate office in Nadi gives out a yearly forecast and it has advised the nation what to expect, not only generally but even specifically to the sugar industry.

I did not hear the impact of *El Nino* on sugar. Yes, the Honourable Minister mentioned *dalo* and other things, but sugar is very important and I would like to know what were the impact of *El Nino* in relation to sugar? But the point I make is that, in relation to the statement that was made here, you would have expected a detailed analysis or detailed measures. What were the measures, given that these directions and forecasts were given by the UN as well as our weather office? What were the measures that were in place in relation to the totality of the things that I read and then an assessment of how policy was measured against that?

As opposed to that, what we hear was limited only and I am sad to say, just in relation to the lack in supply of water. In relation to agriculture, there was mention that there was no impact but there was no detail of what were the policies and what were the measurements that were made against those policies.

MADAM SPEAKER.- Thank you. We will now move on to the next item on the order paper, that is the debate on the Standing Order 51 Bills. Pursuant to the three resolutions of Parliament yesterday, three Bills will be debated and have certain time limitations.

The first is the Employment Relations (Amendment) Bill 2016. This debate will be limited to two hours. I now call upon the Hon. Attorney-General to move his motion.

EMPLOYMENT RELATIONS (AMENDMENT) BILL 2016

HON. A. SAYED-KHAIYUM.- Madam Speaker, pursuant to the resolution of Parliament on 9th February, 2016, I move that:

The Employment Relations (Amendment) Bill 2016 be debated, voted upon and be passed.

MADAM SPEAKER.- Do we have a seconder?

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

MADAM SPEAKER.- I call on the Hon. Attorney-General to speak on his motion.

HON. A. SAYED-KHAIYUM.- Madam Speaker, in the motion that was presented yesterday, we did highlight a number of key features pertaining to this Bill, but now I would like to reiterate some of those key issues.

Madam Speaker, this Bill stems from the fact that we now have a successful joint implementation agreement in place between the Fiji Trade Union Congress, Fiji Employers and Commerce Federation and also the Fijian Government. Madam Speaker, this also means with the agreement, that a number of legal amendments need to be carried out to the existing law in order to reflect the agreement that we had reached.

Madam Speaker, also the Bill once debated by Parliament and voted upon, and once it becomes law, it will then be used to demonstrate to ILO and indeed to the worker organisations that the Government has committed and indeed put in law these concessions that we have made and the agreement that we have achieved.

Indeed the concession, Madam Speaker, has been made by all sides. I think some of the issues and demands that were placed by the worker organisations, they have wheeled it back and some of the positions that Government took, we have wheeled it back. So, we are in a very good state of affairs.

Madam Speaker, it is critically important to ensure that we have a very good and harmonious relationship in the work place and this is one of the key features of ensuring that we continue to have economic growth because once you have a harmonious relationship and the rules have all been agreed to, then it also puts a lot of confidence within the market, puts a lot of confidence with the employer groups and the employee groups. That is why, Madam Speaker, we brought about this Bill through Standing Order 51 and as I highlighted yesterday, that a number of key features of the Bill takes into account the following agreements that we have reached, that is:

1. The reductions of the notice period for strike from 28 days to 14 days;
2. The individual grievances which were discounted by the Essential Industries Decree;
3. As well as the Employments Relation (Amendment) Decree 2011, it shall be reinstated and determined by the Arbitration Court for expeditious adjudication.

What this basically means, Madam Speaker, is that when the ENI Decree came into effect, whichever organisation fell under the ENI Decree, if there was any individual grievances before the tribunal at that point in time, that was deemed to be null and void. So, the agreement now is that those matters can even be given a re-birth, if you like, but the adjudication will be done by the Arbitration Court which actually has a number of fixed days within which they must deliver the judgement.

The other issue of course, Madam Speaker, in terms of the legal ramifications of the law is the removal of all reference to bargaining units which was in the Essential Industries Decree 2011 and allow workers to freely join or form a trade union including an enterprise trade union.

Madam Speaker, you will see in the Bill that there is a reference to enterprise union. It is very common, in fact Japan is well known for this, where they have enterprise trade unions, where trade unions are formed and registered through the normal ERP process but generally those trade unions, it depends on the members, they can actually have a trade union in which only those people who work in a particular organisation are members of.

Then, of course now with the removal of Sections 191 X and 191 DC, there used to be a restriction where if such bargaining units were formed, they could not get outsiders to represent them or negotiate on their behalf. That restriction is now removed. In other words, even if you have an enterprise trade union, and they are in Company "X", they can go and get a trade unionist from another

organisation, is they can go and get a lawyer or anyone else as an adviser to come and negotiate on their behalf. That is freedom of association and that of course is now reflected.

The other issue, Madam Speaker, is that regarding those people whose employment fell under the ENI Decree, and who were terminated during that period, if they feel aggrieved that they should not have been terminated, they can now bring an action before the Arbitration Court. However, there is a particular restriction as to those people who can bring it. The restriction is, if they were terminated because of abuse of office, proven or admitted; corruption, abuse of office, fraud and theft or termination employment where the facts and the situation led to the termination and resulted in the worker being convicted for an offence, so if that fell outside of that, they can now actually apply to the Arbitration Court for compensation and the compensation, Madam Speaker, is set at \$25,000 maximum payment that can be made to whoever was terminated. We do not expect that many cases in this respect.

Lastly, Madam Speaker, the other aspect of it there were about three trade unions, from memory that were de-registered because under the ENI Decree, Madam Speaker, a trade union had to have a certain number of members. If the membership was below a particular number then that trade union was automatically de-registered. From memory, as I said, Madam Speaker, I understand there is about three, we have reached an agreement that within seven days of this law coming into effect, they can apply to be re-registered. In any case, even if we had not put this provision in, they still could have done that but the only proviso is this, in this case, if they apply within seven days, they do not have to pay the registration fee, the registration fee is \$1,000. We have in fact waived the registration fee of \$1,000, which is not going to hurt Government's bank balance, it is only the three trade unions, that is only \$3000.

So, Madam Speaker, as a result of these concessions and agreements that have been made by all sides, the agreement also says that following the implementation of this law, the parties agreed that there is no need for ILO to pursue Article 26 - Complaint Against Fiji. Article 26, Complaint, Madam Speaker, was in respect of commonly everyone knew about the Commission of Inquiry. So, what all the parties have done; FTUC, FCEF and the Government says "there is no need to now pursue that commission of inquiry.

Madam Speaker, as I have highlighted the various clauses capture what has been highlighted:

Clause 1 of course is the short title and commencement.

Clause 2 applies to all employers, workers and work places including Government entities, local authorities and the sugar industry.

Clause 3 provides the registration of federation trade union.

Now this is another agreement that we had reached Madam Speaker. As was highlighted yesterday, as the law stands, for example, the Fiji Sugar and General Workers Union, Fiji Teachers Association, all of these unions, they have to be registered through the permanent secretary and on an annual basis, they have to submit their accounts, they have to say who the officials are. These are the two key requirements that we currently have. Of course, the elections are conducted by the Elections Office, which a lot of people have, of course, welcomed.

However, the umbrella organisations, like the Fiji Employers Federations and the Fiji Trade Union Congress or even for that matter Fiji Islands Council of Trade Unions (FICTU), they are not actually registered with the Permanent Secretary for Labour. They have also agreed because they say

they have nothing to hide as FTUC said. They also do not mind complying with those requirements that apply to trade unions, so the elections will be conducted by the Supervisor of Elections. They have to provide the annual accounts and, of course, will give the list of all their officials who belong to that organisation. That is what Clause 3 does.

Clause 4 of the Bill deletes the references to bargaining unit and amend the definition of “trade union” to include an “enterprises union”.

Clause 5 of the Bill provides the freedom of association for all workers in an essential service industry and provides for adjudication of their trade disputes by the Arbitration Court. The Arbitration Court, Madam Speaker, did exist in Fiji during the Alliance Government days, where you had a tripartite approach to adjudication in labour relations.

Now in this case, we are only applying it to essential services or essential industries, where you will have the Chief Registrar as the Chair and then you have one representative from the employer group, one representative from the employee group, and indeed the Permanent Secretary for Labour, on behalf of the Minister has already written two of his organisations saying, “Please, submit your names as to the people you want to sit in the Arbitration Court.” Similar court exists in Singapore at the moment as we speak. We understand the Alliance Government got rid of the Arbitration Court because they did not like some of the rulings at that point in time, I think closer to 1987.

Clause 6 of the Bill, Madam Speaker, provides workers in the essential service and industry the right to form and join an enterprise union.

Madam Speaker, this law also means that a person can be a member of more than one trade union organisation, so they can belong to one trade union organisation and if they want, they can have membership to another trade union organisation, there is no restriction on that.

Clause 7 of the Bill reduces the notice period for strike in the essential industry from 28 days to 14 days.

Clause 8 of the Bill reduces the notice period for lockouts from 28 days to 14 days.

Clause 9 of the Bill deletes the provision on representation negotiations and before the Arbitration Court.

Clause 10 of the Bill reinstates individual grievances that I have mentioned, Madam Speaker, terminated under the ENI decree.

So these are the amendments, Madam Speaker, that are being brought about through this Bill that is being proposed and we would like to encourage all Members of the House to vote on this in a positive manner. As I highlighted also yesterday that the Bill, once drafted, was presented also, was sent to the General Secretary of the Fiji Trade Union Congress, who is happy with the Bill because he had requested that when we came to this agreement that “please, send me the Bill” and which we did. He has approved the Bill in its form and then we present it to Cabinet.

So, Madam Speaker, with those few words, I would like to introduce this Bill now, thank you, *vinaka*.

MADAM SPEAKER.- Thank you, we are now for debate. Hon. Leawere.

HON. M.R. LEAWERE.- Madam Speaker, in contributing to the Bill at hand, let me just look at a few issues that had been raised by the Hon. Attorney-General and I note, Madam Speaker, from the Bill that it makes no changes to the expanded list of essential services and the industries which was a major complaint of the unions. The whole of the public service remains as essential service, including teachers, statutory bodies and Government-owned companies. Although the agreement signed by FTUC and Fiji Commerce Employers Federation and Government says that ILO will be invited to help review the essential services, the Bill makes no mention of a future review of the essential services and sets no deadline by when it should be done.

Secondly, Madam Speaker, why was it not possible to revert to the essential services schedule of the ERP, and yet new ones following the advice of ILO instead of continuing with the expanded list. This is like putting the cart before the horse.

Madam Speaker, this Bill does not remove the political participation or restrictions placed on trade unionist by the Political Party Decree. This was also an issue raised by ILO which said that blanket restrictions were in compatible with the principles of freedom of association as enshrined in the 2013 Constitution. Similarly, Madam Speaker, I see no references to amend the possible restrictions that can be placed on the freedom of association under Section 19 of the 2013 Constitution, which was another point raised by the ILO.

The Bill, Madam Speaker, now requires trade union and employers' federation to register as trade unions under the ERP. This is a totally new requirement which I doubt has been discussed previously. It comes as a complete surprise to the unions. I am informed that this also had not been discussed by the Employment Relations Advisory Board (ERAB) meetings and given that the unions have the rights to organise themselves, really these could raise questions whether this new provision is in violation of the convention on the freedom of association and I am advised it is.

Madam Speaker, the Bill reinstates the individual grievance terminated by the Essential Service Decree and section 266, amendment of the ERP for public sector employees. These grievances, Madam Speaker, were at various stages of hearing when terminated. By referring them to the Arbitration Court, they will all require completely fresh hearings and add to the workload of the court system. The Bill gives those employees, Madam Speaker, those who were terminated during the operations of the ENI Decree and section 266, the amendment of the ERP, the right to report disputes to the Arbitration Court.

However, Madam Speaker, unlike the terminated grievances for which remedies are open, including reinstatement, those terminated during the operation of the decrees can only seek compensation up to a maximum of \$25,000 and if they are lucky they can get \$25,000, if they are not lucky, it may be \$5,000 or \$10,000. I find this to be discriminatory and cannot understand why it is solved. Furthermore, Madam Speaker, such grievances must be raised within 28 days. This is not enough as some grievances may be up to four years old, going back to 2011, time will be needed to compile information and prepare disputes.

Furthermore, Madam Speaker, while dismissal grievances can be raised as disputes and then air the grievances or disadvantaged like promotion, demotion, breach of contract suffered by employees under the operation of the decrees, this cannot be reported. Such employees can justifiably ask, why are they being discriminated against?

Also, I cannot understand, Madam Speaker, why disputes of collective nature like log of claims disputes terminated by the ENI Decree is not being reinstated. There were several log of claims

disputes that were terminated by the ENI Decree. What will happen to these log of claims, Madam Speaker? Workers of this country are going to be aggrieved more.

I can see that the offensive bargaining unit had been removed, however it has been replaced by enterprise unions in its essential services. This Bill has in fact encouraged the formation of enterprise unions in essential services. Enterprise Unions, Madam Speaker, can also be seen to undermine existing unions. There is no need for the provision and the ERP does not otherwise restrict the formation of such unions and indeed many are already in existence.

Trade Unions, Madam Speaker, deregistered under ENI Decree can now apply to re-register but they only have seven day to do so. This is highly impractical, particularly so when they were required to follow a normal registration process under the ERP given the spread of membership of union members. This will require holding of meetings, writing up constitutions and completing relevant forms, and all these to be done in seven days. They should be allowed, at least, Madam Speaker, 28 days to be fair.

Finally, Madam Speaker, the real issues of registration of the federations and enterprise unions needed to be referred to the ERAB for consultation in accordance with the ERP. All the ERAB members were entitled to discuss this, even if the tripartite agreement was signed only by the three original signatories; the Fiji Employers Federation, Fiji Trades Union Congress (FTUC) and the Government. This is a breach, Madam Speaker, of the normal procedures under the ERP which entitles that the full ERAB be respected and consulted on all these matters.

Madam Speaker, it was the condition of the March 2015 Agreement that all future agreements, including the Implementation Agreement would only be done at ERAB meetings. Why, is this not going to be followed, Madam Speaker? This was not achieved, this was not done and the Agreement between Nesbit Hazelman and Felix Anthony was signed by the Hon. Attorney-General and not by the Hon. Minister for Labour, as usual. This is all through outside ERAB, and it looks ominous to the workers of this country. The workers would have been shell-shocked and entitled to ask, what secret deal was made overnight between these three? Thank you, Madam Speaker.

MADAM SPEAKER.- Thank you, I give the floor to the Hon. Ratu Tikoca.

HON. RATU. I.D. TIKOCA.- Thank you, Madam Speaker.

I rise to contribute to the debate on Bill No.11 of 2016. Madam Speaker, the Agreement reached between the three parties in the late hours of January 29, was done in secrecy and not ERAB. Was this deal made behind closed doors of the AG's Chambers and why grandstanding by the workers' representatives (FTUC), which until then had remained steadfast to its principles of full adherence to core ILO Conventions but late at night jumped with Government and FEF and shirked its own principles? One wonders what the real reason for the deal was.

Madam Speaker, because unbeknown to ERAB, the three parties made a deal that falls far short of meeting the fundamental principles of core ILO Conventions 87 and 98, Freedom of Association and Freedom of Collective Bargaining. Afterall, let us not forget that FTUC was one of the very first to jump into the military regime's bandwagon only a few days ago after the *coup* in December 2006. Therefore, maybe old allegiances of vows were re-ignited and in the process, the trade union movement of this country being continued to be deprived by fundamental rights and freedoms. The question, therefore, arises, Madam Speaker, as to why the sudden urge to come to an agreement which is flawed, and why the need to expand ERAB? Was this all showmanship

or one upmanship? The latter being likely and one must be reminded of the theatrics of the Government representative, who signed the Agreement because the Hon. Attorney-General put to good use his drama skills and expertise before and after the deal shrouded in secrecy. We, for ourselves, have viewed his not comical but ape-like behaviour in this Parliament last November.

Madam Speaker, the secretive Agreement and this Bill fall short of the recommendation of ILO Committee of Experts, especially in relation to the derogations in the Bill of Rights in the 2013 Constitution. This is also in relation to prohibitions on trade unionist and union employees from supporting, participating, or becoming involved in political activities. Therefore, Madam Speaker, no ordinary union office worker tasked with odd jobs cannot become a member of political party, let alone a union leader. This was highlighted in the Committee of Experts Report. This arises from the limitations in the Constitution and the Political Parties Decree.

This Bill, Madam Speaker, also does not restore Collective Agreements of Unions that were quashed or negated as a result of them being declared designated industries and corporation under the ENI Decree. Madam Speaker, can the Hon. Attorney-General tell us if this Bill with FTUC has the blessing of Fiji Island Council of Trade Unions (FICTU) because FICTU was the original complainant to ILO in early 2012?

Madam Speaker, both the Hon. Prime Minister and the Hon. Attorney-General have gone around the country talking about modern economy and that you can only build one by restricting the rights of workers and those who represent them. That is a short sighted and ridiculous view. If you want to create a modern economy, you ought to respect the rights of workers and those who represent them.

What we have seen, Madam Speaker, over the last nine years is repression of workers' rights. Many of the workers in this country have suffered low wages, poor working conditions, some face unfair dismissals and many work under conditions of fear and tyranny from their employers, including civil servants and teachers. This is tyranny by Honourable Ministers in certain ministries like Education and Health. People have been promoted, dismissed, transferred at the whims of Honourable Ministers.

I am told, Madam Speaker, that in the Ministry of Education, friends, relatives and campaigners of the Honourable Minister have been promoted. In some cases, individuals have jumped up as 10 to 12 steps to be promoted by passing many others who have merit. For example, Madam Speaker, a 5D Principal from Balata, a school in Tavua, was promoted and posted to Jai Narayan College by the Hon. Minister for Education.

(Chorus of interjections)

With the civil service now under ENI, we will see more tyranny from Honourable Ministers and their officials in employment condition, and the mistreatment of workers because it is true.

HON. CDR. S.T. KOROILAVESAU.- Madam Speaker, a point of order.

MADAM SPEAKER.- Point of Order.

HON. CDR. S.T. KOROILAVESAU.- Madam Speaker, the Honourable Member has diverted from the subject of the debate, the Bill before the House.

MADAM SPEAKER.- Thank you. I heard that he is talking about the conditions of the employment and how members of staff are employed but the responsibility of the accuracy of the statement the onus is on the Member himself. We take it that the information shared in this House are indeed accurate.

(Laughter)

HON. RATU. I.D. TIKOCA.- Thank you, Madam Speaker. You should be raising this, Minister for Labour.

The Hon. Attorney-General himself is on record recently where he chastised the business community for not looking after the interest of the workers. He should know that he cannot dictate, and ensure better treatment for workers without them having the protection of unions and their representatives. What he has done by not complying with ILO Conventions is put the workers of this country under the risk of employers' wrath.

Many employers like banks, for example, have taken advantage of the ENI Decree and oppressed their employees by refusing to negotiate better terms and conditions. It is ironical that an expatriate CEO of a major bank chairs the Public Service Commission, employers who do not have unions to represent workers in their firms sitting in the ERAB, so what do you expect from them, Madam Speaker? Of course, they will support draconian legislations to control workers' rights.

Madam Speaker, you cannot build a modern economy where workers do not have the rights to protect them, where union leaders are restricted by legislation to represent workers and be part of the political environment. The Political Parties Decree is a draconian piece of legislations and it must go. The ILO Committee of Experts has clearly pointed this out.

Finally, Madam Speaker, let me also say that inequality of income has increased in this country over the last nine years. Workers' salaries and wages have remained stagnant. The ridiculous national minimum wage of \$2.32 is a shameful attempt to hoodwink the workers of this country. The truth is that, the workers of this country have been hard done by the FijiFirst Government. They know it now, even in sectors such as tourism where workers should be paid better and have not had salary and wage rises. Only two hotels, Madam Speaker, pay wages of around \$4.00. The rest of them pay wages of less than \$4.00 with many of them paying an average less than \$3 per hour. In addition, Madam Speaker, they have been burdened with the high cost of living, including the imposition of VAT of 9 per cent on basic food items.

Madam Speaker, we were told, when they brought the amended ERP Bill the last time, they ignored the report of the Standing Committee and passed the Bill which did not meet the ILO requirements. They were forced to accept the ILO Team to Fiji. Still, Madam Speaker, they have not learnt that this Bill falls short of complying with ILO Convention and will continue to put the workers of this country at risk. Workers in this country will continue to face low wages, poor benefits, et cetera, because they would not be able to be represented by their unions. The workers of this country "please understand that this Government is not for you.

(Chorus of interjections)

It is for big businesses, and it will continue to trample on your rights by using this piece of legislation – vote them out in the next elections. Thank you, Madam Speaker.

(Applause)

MADAM SPEAKER.- Thank you. Hon. Koroilavesau you have the floor.

HON. CDR. S.T. KOROILAVESAU.- Madam Speaker, I wish to contribute to the debate and I also would like to give some background to the discussions and to the points that have been thrown by the Opposition. Madam Speaker, for the last three months that I have been appointed as Minister for Employment, I have gone through the details of what has been discussed and has been put in this Bill to be made as changes to the Bill itself. The article that is under question is basically Article 26 and that does not include the political positions that the Opposition is raising today.

Article 26 was basically the fundamental issue that was raised by FTUC and Felix Anthony, which we had discussed and amended and that has become the basic foundation of the discussions which I then passed to the Hon. Attorney-General on January 1st. But all the conditions that were raised by FTUC under Article 26 had been fixed and that is why the Bill has been amended to fit the agreement that has been achieved.

Madam Speaker, in accordance with the complaints raised by FICTU and Attar Singh, that is totally a different agenda in his position. That has already been agreed to be discussed during ERAB after the signing of the tripartite document that was signed last month. Thank you, Madam Speaker.

MADAM SPEAKER.- Thank you. Honourable Jone Usamate.

HON. J. USAMATE.- Thank you, Madam Speaker. I would just like to relate to some of the issues that have been highlighted here. I think there has been a lot of talks about the things that ILO wants. At the end of the day, the gist of what we are talking about is that ILO has already agreed to the things that are in this legislation. So, if there is anyone that opposes the legislation, what you are actually saying is that you want a Commission of Inquiry to take place. If you want a Commission of Inquiry to take place, you are actually saying that you want to harm the welfare of the workers of this country.

All of the things that have been discussed here, they have been discussed between the employers, the unions, government and ILO. ILO has been satisfied that their conditions, the things that ILO regards as important is the freedom of association and collective bargaining. These are the basic foundations of the development of good employment relations and ILO is satisfied with that. There is an agreement to that fact. There is a satisfaction that all of these things have been met. If we are able to go ahead with this legislation, Madam Speaker, we are basically saying, "you lift the Commission of Inquiry, life can go on, we can make sure that we can work for the betterment of the people of this country." There have been some talk this morning about National Minimum Wages and that it is too low, and yet they tend to forget that when you establish the National Minimum Wages, it is not meant for large corporations. A lot of employers in this country who have one employer, one employee or two employees. They cannot afford to pay wages of \$8 or \$10 an hour. You need to also consider the needs of the small and micro enterprises. If we force these enterprises to pay too large a wage bill, they cannot afford to do it so what happens, they close business. So, when you establish a national minimum wage, you are looking at the smallest level of organisation and the level of wages they can afford to pay and at the same time, make sure that people remain in employment.

There has been a lot of talk about the fact that Government is not concerned about the welfare of workers. If you look at the range of kinds of things that we have put in place; the reduction of VAT, the sorts of programmes put together by the free education, social welfare, you need to look at the total package of what Government is providing for those that are most marginalised. So, as we look at these things, remember also that the workers that are governed by the trade unions cover less than 30

per cent of all workers in this country in the formal sector. All of the others are addressed by issues like the national minimum wage, free education, free transportation, social welfare, all of these other things. Government is focussed on making sure that we build a better Fiji for those that are in the unionised sector and for all workers in this country. Thank you, Madam Speaker.

MADAM SPEAKER.- Hon. Bulitavu.

HON. M.D. BULITAVU.- Thank you, Madam Speaker. I thank the Hon. Attorney-General for the Bill and also the two Ministers, especially the former Minister for Labour and the current Minister for Labour. Both are supporting the Bill which this side of the House is not quite happy about that now you have come to realise the importance of democracy. All these were part of the expert committee on ILO and Government needs to be reminded of why the Tripartite Mission visited Fiji. Why did it come to Fiji? That is the most important thing that we were not complying to some of the standards that the Fiji Government or these units were complaining or taking it up to ILO.

Why this Bill has come into place, Madam Speaker, we have to understand and it has been confirmed by the Hon. Minister for Labour that the result of this will prevent the unions from pursuing Article 26. That is the whole point, Madam Speaker, because why did they not do it. Now, they have agreed to make changes. Really there were problems that existed and now that they have realised that they have to change all that, Government is now understanding why the rights of the people were violated, now they are trying to give back those rights, or give back to those people a voice that used to be there - that was taken away. These things used to be there. Now, they are beginning to realise, Madam Speaker, Government has come back to its senses and bringing in these changes that are relevant or fundamental to any democracy.

The points that have been raised by my previous colleagues from this side of the House, there are certain provisions in the Bill that really need to be properly explained, especially the 28 days' notice, the seven days, those are things that we really need to clarify. It should not be just a band-aid solution. It has to be an ongoing thing where cases do not come again in future which will again force these units to again register a complaint at international level. That is the contribution, Madam Speaker, to the House and I would like to thank the Government that now they have confirmed to the country that the rights of the workers were really violated and oppressed. Now, that you have agreed to bring this, you are confirming what the country was missing in the past nine years – democracy.

MADAM SPEAKER.- I now give the floor to the Hon. Minister for Education.

HON. DR. M. REDDY.- Thank you, Madam Speaker, for giving me the opportunity to speak. I rise to support Bill No. 11 of 2016. Madam Speaker, before I do that, I just want to respond to comments by the Hon. Tikoca, who unfortunately ran out but is back now.

(Laughter)

Madam Speaker, Hon. Tikoca has a habit of making comments without any factual basis in this House. Let me just respond to one allegation he just made about the Balata High School Principal being promoted as Principal of Jai Narayan College, that is wrong. We do not have a confirmed Principal at Jai Narayan College. Secondly, he said that a 5D Principal from Balata High School has been made 1D. That is wrong, Madam Speaker, the person is 4B confirmed. He was acting 3C, so get your facts right. He must now understand that.

Madam Speaker, the labour market is very critical for small developing countries in particular, because for small developing countries, labour is a major input in the production process. Therefore,

labour market and all the other markets, like the IT market, et cetera, plays a dominant role in the production process in small developing countries. It is important that the labour market be conducive to changes in the overall local and global market. The labour market must be flexible, we cannot have a fixed static labour market which does not respond to changes in local, regional and global markets. There is a change in the market, the labour market must also be flexible and therefore we should have a flexible labour market in the country.

Madam Speaker, the labour market should also be protected, particularly in small developing countries because we have got a large number of vulnerable unskilled workers in small developing countries. We have vulnerable workers, not very qualified, they are vulnerable, they can be exploited and therefore, those labour markets should be protected in small developing countries.

Madam Speaker, the labour market should be cognisant of the factors that determine the labour market in a particular country. Given that there is a tendency for employers and the employees in small developing countries to pursue their own objective, we must have a particular instrument that kind of tries to converge both of these parties interest for a common objective. For example, in our own enterprise, employers and employees will have their own objectives and we cannot leave them alone. There should be an instrument which will try to converge these two parties' interest for a common goal, and what is that instrument, Madam Speaker? The instrument is a legislation.

We must have a legislation which is revolving over time. Madam Speaker, the two parties together must provide a harmonious relationship between the two parties so that we can achieve a common objective of growing the economy.

Madam Speaker, it is the instrument, the legislation that needs to provide that harmonious relation between the two parties.

Madam Speaker, this legislation tabled by the Honourable Attorney-General, is a legislation which will provide for small developing countries like Fiji, taking into account contemporary issues in Fiji, in the global market as well as the contemporary issues that are outlined by international organisations like ILO.

Madam Speaker, this legislation is an evolving document. The changes that will be reflected here today tabled in the Bill reflect the issues that we want to deal with now. Madam Speaker, five to ten years later on down the line, we have to come back to Parliament and deal with those issues that we confront at that particular point in time.

Madam Speaker, it is not a static document, it is a dynamic document which needs to be evolved over time and this side of the House and part of that side will be expanding this side too, we support this Bill. *Vinaka*.

MADAM SPEAKER.- I now give the floor to the Hon. Karavaki.

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

Madam Speaker, this Bill finds its way into this House due to the fact that the Government had not complied with the ILO standards. That is why we have this Bill, not because the Government had complied with the ILO standards. It is because the Government had not complied with ILO standards, that is why we have this Bill before this House.

Madam Speaker, ILO, in their advice clearly advised the Government that the extended Essential Industries was not compliant with the ILO standards. That was the advice and when we look

at this Bill, Madam Speaker, it still has not complied with ILO standards. Are we expecting Government to come back to this House because ILO will come down hard on it to say, "You have not complied, take steps to comply." It has not agreed. You need to go and convince them, that is yet to happen. You cannot assume that because the standard, Madam Speaker, is there, we cannot bring down that standard by trying to weave our ways so that we can mislead the ILO. No, we are a member of the ILO and we must expect to be treated like any other member.

HON. MEMBER.- What did they say?

HON. S.D. KARAVAKI.- We cannot expect to be given a different treatment, Madam Speaker, and even in their agreement, it was stated that all issues to be discussed must go through the ERAB. Even this disagreement they are talking about, it did not involve ERAB but it was part of the agreement of the ILO, Madam Speaker, that all labour issues must go through the ERAB because that is where all parties sit down to discuss, but here we have another agreement that we are talking about and resolve that agreement we have this, which still does not comply with ILO standards, and we heard the learned Attorney-General talked about Japan. I even heard that the Japanese representative of the ILO contingent that came to Fiji, he talked about the very informal groups of employees that they can form their groups in Japan but they are not regulated, Madam Speaker, that is my understanding, they are not regulated but now they are trying to regulate even those. Now, they are talking away the bargaining unit and they want to bring in the replacement, the

HON. A. SAYED-KHAIYUM.- The enterprise.

HON. S.D. KARAVAKI.- Yes, the enterprise.

(Laughter)

They want to bring in, Madam Speaker, and, this is still the same with the bargaining unit because the purpose of that was to dilute the power of the unions, that is what this Government is trying to do. They are trying to dilute the powers of the union. They take away that one, they bring in the other one, still the same.

Madam Speaker, we cannot be sitting here and be entertaining this kind of Bills coming here to deceive this House or Members of this House and deceive the people of this nation. We cannot allow that. We are few in numbers, there are more in numbers over there, they want to use the majority that they have in this House. They think that injustice can come by this way, never, injustice will never come to this nation by this manner, no way, Madam Speaker.

(Chorus of interjections)

They want to bring the joint-enterprise, it is exactly the same as the bargaining unit. Even in Japan, the Japanese man whom I heard talked about his, they said that in Japan, they can form theirs. They are free to do that and he is the member that represents the employers, Madam Speaker, with ILO and this is what they do. They allow them to do that in Japan. They are not regulated like this, that was my understanding when I heard him.

HON. MEMBER.- Something I think is wrong.

HON. S.D. KARAVAKI.- He said you were not there. I think something is wrong, Madam Speaker.

HON. J. USAMATE.- That understanding is wrong.

HON. S.D. KARAVAKI.- Madam Speaker, this is way they come here. I was there too.

(Laughter)

Maybe in a different room, but I was there too.

(Laughter)

Madam Speaker, this is another Bill that clearly puts before this House and the people of Fiji clear deception, and we do not need that in this country, Madam Speaker. We do not need that in this country. We are more than this to be deceived, Madam Speaker. That is why I stand in this House and see that they still have not complied with the ILO standard. A rep of the ILO standard came before the Committee, Madam Speaker, and he clearly told us that all those Essential Industries that are listed in the extended list, they do not comply and we are still leaving it here when it is clear to the Government that that does not comply to the ILO standard and they are still in there. The ILO will come back again and then they will be running scared, Madam Speaker, because the ILO intended a Commission of Inquiry. They will come run back in here and say, "We want to reintroduce this because it should come by way of Order 51 because it is important, it is urgent." Madam Speaker, that is the way they are doing it and I stand here, Madam Speaker, to contribute to the deceptive way that they have been processing their Bills, and I therefore do not support this Bill.

HON. N. NAWAIKULA.- Madam Speaker, I would like to make my contribution ...

HON. MEMBER.- Time's up.

HON. N. NAWAIKULA.-Because we have two hours.

MADAM SPEAKER.- Yes, you may.

HON. N. NAWAIKULA.- Thank you, Madam Speaker. I really do not care if Felix Anthony signed this off. It does not mean one bit that we meet the minimum standard that ILO has set, and as well, I really doubt that ILO has signed this off to agree that it is minimum standard. The ILO does not operate that way.

MADAM SPEAKER.- Honourable Member, let us not mention names of people outside of this Parliament, let us not refer to their names.

HON. N. NAWAIKULA.- I am exercising my right of immunity.

MADAM SPEAKER.- No! But...

HON. N. NAWAIKULA.- We are protected by that, I understand.

MADAM SPEAKER.- They are not here to defend themselves. So, you can refer to someone, but not the name.

HON. N. NAWAIKULA.- Well, I beg to differ, but I respect that.

MADAM SPEAKER.- I beg your pardon?

HON. N. NAWAIKULA.- I respect your ruling, Madam Speaker.

MADAM SPEAKER.- Thank you.

HON. N. NAWAIKULA.- The ILO does not sign this off because it has agreed. ILO will respect whatever the Government and the workers' movement agreed to, to facilitate an agreement. That is how the UN and ILO operate.

Yesterday, Madam Speaker, I disagreed with Standing Order 51 because it removes the participation of the public because I still feel it is necessary that they come in and we hear them. First and foremost, we need the trade unions to say that they agreed with the FTUC representatives. Most of them do not agree. FICTU, for example, does not agree to that.

The other point that I wish to raise here is the attitude of this Government. We need not be here. The measure of a good legislation is how long it stands without an amendment. This legislation was passed last year and only a few months later, we are back in this House to make amendments. That is a sign of inefficiency on the part of the Government; amendments, after amendments, after amendments, and we will see that again in relation to the Companies Bill that is coming after this. Now, if the Government had thought enough, because the ILO was here all the time last year. They were giving their advice, and they failed to adhere to their advice and that is the reason why we are here. We need not be here, had we heard the experts in relation to these matters.

In that sense, it is totally unnecessary. The workers' rights are human rights, and I wish to say that so long as the ENI as well as their right to strike and the right to Freedom of Association are cured, you will not have a guarantee of their human rights. Thank you, Madam Speaker.

MADAM SPEAKER.- There being no other input, I now invite the Hon. Attorney-General to make his right of reply.

HON. A. SAYED-KHAIYUM.- Madam Speaker, there is a couple of points that have been raised by the Honourable Members from the other side of House, and I need to clarify that.

Madam Speaker, obviously we are getting into some character assassination. Now, obviously the General Secretary of the FTUC is the demon, and FICTU is obviously the guy who is enlightened now. That obviously has changed with the changing winds. Let me clarify with Hon. Leawere when he talked about the Essential Services, he said it has not been reviewed. Even the ILO Experts who came to the Committee hearing said that whilst it may be too big, that it is the prerogative of any country to decide what is essential to them.

Let me put it to perspective, Madam Speaker, 35 per cent of our GDP depends on tourism. If you have pilots going on strike in Los Angeles, Sydney, Singapore, Hong Kong on the same day 10 minutes before the flight is about to take off, what will happen, Madam Speaker? What will be the impact on the tourism industry? Therefore, it is essential for our economy to ensure that it is categorised as an Essential Industry because it is critical to us. In other countries where you do not have such a vast expanse of ocean around you and you simply can cross the border by car, air travel may not be essential, but for us it is. Therefore, it has been put in that category.

As Government has admitted previously, these lists can be reviewed from time to time. In the same way we have said, for example, the banking industry. The only reason why the banking industry, Madam Speaker, is unionised is because we had a national bank, the National Bank of Fiji (NBF). That is where the union movements started from, and that also tells us, Madam Speaker, as the Hon.

Minister for Labour and the former Minister for Labour highlighted, less than 30 per cent of the workers in Fiji are unionised, and if you look at the membership, where are they unionised? In Government, in State-owned enterprises or enterprises where Government gives grants, where workers are really being exploited and have been exploited, unions are absent; in the retail sector, in the construction sector, in the security agencies as has been raised by the Hon. Members from the other side, these are the areas where the unions are absent. They essentially are focussed in the rural workers; the guy who is ploughing the field, and he is working for someone. Where is the union there? The guy who is cutting the grass, where is the union there? They are not present there.

The other issue is about FTUC and FICTU. The ILO at this point in time only recognises FTUC. That is the ILO's position, and that is why they came here. They came here on the mission not to see the law is complied with, they came here to see why the Joint Implementation Report is not being submitted. There was one submitted last year, but it did not have FTUC's signature on it. That is why they came here, and we have had negotiations based on that, Madam Speaker.

Madam Speaker, let me also highlight again the issue about the Political Parties Decree that they were talking about. They should read the recent ILO Experts Report, they have dropped all those matters from the Experts Report. All the references to the sections of the Constitution, they have dropped that.

Let me also read a letter, Madam Speaker, from the ILO. I just got it wired from the Office and I can give copies to the Opposition. Following the signing of the Agreement, Madam Speaker, and this is the letter from the ILO Regional Headquarters in Thailand. It says, and I quote:

*“Dear Attorney-General
Hon. Aiyaz Sayed-Khaiyum,*

On behalf of the ILO Regional Office, Asia Pacific, I am writing to acknowledge the efforts of the Government of the Republic of Fiji, the Fiji Commerce and Employees Federation and the Fiji Trade Union's Congress in reaching an agreement, and in concluding the Joint Implementation Report, following the visit by the Governing Body Tripartite delegation on 25-29th January, 2016.”

It is indeed an important milestone in the history of the Republic of Fiji...”

(Chorus of interjections)

It is indeed an important milestone in the history of the Republic of Fiji.

(Chorus of interjections)

Madam Speaker, the ILO would not write such a letter if this Joint Agreement was in breach of the ILO Convention. That is the significant difference. They have not understood, Madam, Speaker.

(Chorus of interjections)

The problem with the Opposition is, they need to oppose everything we do. So they come with that mindset, so even when they are reading the Bill, Madam Speaker, they do not see that the enterprise trade union has the ability to invite other people if they want. There is no restrictions on

them. They form their own union within in-house but they have to register it, they have to file their accounts, et cetera, but if they want to invite someone from another organisation, they can.

Yes, I would agree with Hon. Karavaki, as we said the enterprises union cannot allow anyone to join them. Yes, we would agree if they said, 'no one else can represent them in the negotiations.' There are no restrictions, so where is the restriction of Freedom of Association? That, Madam Speaker, is the truth.

Madam Speaker, the reality is this, they talk about wages.

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

(Laughter)

HON. A. SAYED-KHAIYUM.- Madam Speaker, the reality is, that until the Bainimarama-led Government introduced it, there was no minimum wages in Fiji, but that is for unskilled workers. We already have eight Wages Councils that regulate other sectors of the employment relations in terms of the wages. They forget to mention that. The minimum wages is for unskilled workers; your house girls, the people who cut the grass. These are the people where you are paying them \$5, \$8 or \$10 a day. There is no requirement for FNPF.

Today, employers pay more than the employees for FNPF contribution. How is that exploiting the workers of Fiji, Madam Speaker? The Hon. Minister for Labour has already announced that minimum wages are again going to be reviewed. We need to be able to walk before we can run, Madam Speaker. We are a developing country. The reality is that, the wages is not the only mark of measuring or giving benefits to low income workers. As the Hon. Minister for Health has highlighted; medical services, education services, the ability to access those services or contribute towards that, and indeed, many international organisations have recognised what we are doing, Madam Speaker.

Madam Speaker, I think the reality is this, we discovered that when the ILO Mission was here, the Hon. Leader of the Opposition, together with the leader of the now suspended NFP wrote to the ILO and essentially said that if all those things do not happen, there should be a commission of inquiry.

Madam Speaker, we all in this House irrespective of whichever side of the House we sit, we should be trying to avoid a Commission of Inquiry because ultimately, Madam Speaker, and we have gone on our best, the Hon. Minister for Labour, the Hon. Prime Minister who made the tripartite missions, all the other organisations that met with the ILO Tripartite Missions had one vision; to get a resolution. To get a resolution because it is in the interest of our country, because ultimately notwithstanding the fact that a Commission of Inquiry does not have any legal binding effect on trade sanctions, it could be taking place if there was a Commission of Inquiry. So we obviously want to avoid that at all cost because if there is a Commission of Inquiry, if there are trade sanctions, who will suffer first? Not those people. Not them. The workers who are producing or manufacturing or growing the products, they will suffer first. Because they will not be able to use their labour to supply for export purposes. That is what will happen, Madam Speaker, and that is why we have come up with this agreement. Madam Speaker, we believe, as has been acknowledged by the ILO, as has been assisted by the FTUC, Madam Speaker, that this obviously is the best way forward.

The General Secretary for FTUC is no novice. In fact, when we came up with the agreement on Friday afternoon, the reason why it was signed late was, he said, "I have to go and get this agreement cleared by the International Trade Union Congress" which is based in Brussels, I understand, and he had to wait until Brussels woke up, and when they gave him the clearance, that is

when he signed. So, it has the sanction of the International Trade Union Congress, that is the fact, Madam Speaker. This gentleman has been in the trade union movement for the past God-knows how many decades, so he knows what he is doing.

HON. S.D. KARAVAKI.- He is not God.

HON. A. SAYED-KHAIYUM.- Madam Speaker, of course he is not Gd, no one has claimed to be God. In the same way no one claims that there was a king of Fiji. I understand that is why you are wearing a black ribbon, you said that the King of Fiji was dead, Madam Speaker, there is no King of Fiji. The same way the General Secretary for FTUC is not God.

Madam Speaker, the reality is that this amendment provides a very good way forward, it dispenses with the niggling issues that we have had in labour relations, it is time now, I implore, when we were listening to the Honourable Members from the other side we could sense that perhaps, it was the voice of other General Secretaries of FICTU, et cetera. I implore them, Madam Speaker, the Government has, until recently ERAB only consisted of FTUC, FCEF and Government. We have put our foot down, we have said that ERAB must be expanded so now ERAB consists of not just FTUC but FICTU also, Madam Speaker, and they have claimed that this was not breached without the full ERAB.

In fact when ILO was here, Madam Speaker, a full ERAB meeting was held. All the unions were present and they are; FTUC, FICTU, FPSA, FCEF, FCCI, FMA and Government was there. So, Madam Speaker, the reality is that it has been done and perhaps some people are feeling marginalised because they were not signatories to it. The reality about collective agreement....

(Inaudible interjection)

Madam Speaker, the Honourable Member said “rubbish” - am I going to continue?

HON. RATU I.D. TIKOCA.- That is what you said all the time.

HON. A. SAYED-KHAIYUM.- No, because if the floodgates are going to open, you go to take it too, my friend.

HON. MEMBERS.- (Inaudible interjections)

HON. A. SAYED-KHAIYUM.- Madam Speaker, the reality is this, let me just explain how they are not putting things into perspective. The collective agreement, for example, with civil servants a few years ago which they want reinstated, the meal allowance at that time was \$6, now the meal allowance is \$9 so they want to go back to the old collective agreement, do you think the civil servants will agree to go back to \$6 of meal allowance?

HON. MEMBERS.- No.

HON. A. SAYED-KHAIYUM.- Of course not. But of course, Madam Speaker, the reality is this...

(Chorus of interjections)

... if they use their intellect, which I am afraid some people are not using in this House, there is nothing stopping FPSA from lodging a log of claims tomorrow once this Bill comes through. They

can lodge a log of claims next week. Go to arbitration if there is no agreement with the employer. We are already negotiating with FPSA on certain redundancies in the Public Service that used to be the Public Service Commission. We are actually having some very good discussions, so the ground reality is on what is happening, and the ground reality on the other side is very very different. One is fiction, one is fact.

Madam Speaker, I urge this Honourable House to take a national approach to this matter. We need to get rid of the Commission of Inquiry which it will, both parties have agreed. This amendment brings about stability and harmonious relationship which the Honourable Minister for Labour obviously is going to implement and in fact they have a huge focus on those areas of employment where there is no union present, and that is a big issue for us, Madam Speaker.

The Hon. Gavoka has spoken about security guards, and that is very very true. A few years ago in 2007 they were being paid 99 cents an hour, today they have a minimum hourly rate that has been paid to them through the efforts of the Government, we can continue to improve that, Madam Speaker.

There are many other areas, we get complaints by people for example, I received a complaint last week, someone is saying, "I have discovered that my employer has been deducting FNPF but I went to the FNPF account, the money is not there." These are the people we need to be focusing on and drawing attention to and fixing up. This, in legal terms fixes up the dilemma that we have had, now all sides have agreed, let us focus on being positive and let us focus on developing a harmonious relationship for the benefit of all Fijians. Thank you, Madam Speaker.

(Applause)

MADAM SPEAKER.- I thank you very much for that very healthy debate and now the Parliament will vote.

The question is, pursuant to the resolution of Parliament on 9th February, 2016 that the Employment Relations (Amendment) Bill 2016 be debated, voted upon and be passed.

Does any Member oppose the Motion?

(Chorus of "yes" and "noes")

MADAM SPEAKER.- There being opposition, Parliament will now vote on the motion.

Votes cast:

Ayes:	29
Noes:	12
Not voted:	9

Motion agreed to.

SECRETARY-GENERAL.- A Bill for an Act to amend the Employment Relations Promulgation 2007 and for related matters, Bill No. 11 of 2016 enacted by the Parliament of the Republic of Fiji.

PUBLIC SERVICE (AMENDMENT) BILL 2016

MADAM SPEAKER.- Thank you. We will now debate the Public Service Amendment Bill 2016 pursuant to yesterday's resolution. This debate will be limited to one hour. I now call upon the Hon. Attorney-General to move his motion.

HON. A. SAYED-KHAIYUM.- Thank you. Madam Speaker, pursuant to the resolution of Parliament on 9th February, 2016, I move that:

The Public Service Amendment Bill 2016 be debated, voted upon and be passed.

Thank you, Madam Speaker.

MADAM SPEAKER.- Is there a seconder?

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

MADAM SPEAKER.- Thank you. I now call on the Honourable Attorney-General to speak on his motion.

HON. A. SAYED-KHAIYUM.- Madam Speaker, thank you for this opportunity. As was highlighted yesterday, this Bill seeks to amend the Public Service Act to essentially bring it in alignment with the Fijian Constitution. Madam Speaker, the Act as you know provides guidelines for the management of the Public Service. Of course the provision of the Act meaning some sections of it would have been superseded by the Constitution which delegates various flexibility and autonomy to the Permanent Secretaries, the recruitment, management of the Public Service. So this Act, Madam Speaker, essentially is a functionary Act that enables things to happen within the Civil Service. Those enabling provisions obviously now need to be amended because certain things are now taken outside the domain of the Act, even the Constitution, and there are certain issues that are now being brought back into the Act.

One of the key features of course, Madam Speaker, is that it needs to be able to be insync with the effective delivery of Civil Service or the civil servants, and of course we had as we know, Madam Speaker, that we have now the segregation, the complete independence of the Public Service Commission away from the Ministry. Before there was a blurring of lines, an entirely independent Commission.

The Commission also now, Madam Speaker, is predominantly involved in the appointment of the permanent secretaries and also the management of the permanent secretaries, that is managing how they are performing, setting their KPIs for them and of course they do work with the Ministry of Civil Service which is overall looking at things like standardisation of training, for example. Looking at for example remuneration, whether there should be a general lifting up of salaries in the Civil Service. In fact we have spoken to the World Bank we are going to carry out a general survey of all emoluments being paid across the board in the Civil Service.

We had a meeting with the Confederation of the Public Servants Union which consisted of FPSA, Fiji Teachers Union, Fijian Teachers Association, Fiji Nursing Association and also I think it is the *iTaukei* Workers Union. These are the groups that came to see us, in fact they wrote to us and they talked about having a 15 per cent pay rise across the board.

In fact, Madam Speaker, we had a very, very amicable meeting with them and I am very grateful to these various union representatives who came across. They understood what we were doing with the Civil Service and in fact what we said to them is, “you are asking for 15 per cent across the board, but we also need to be able to look at things like, you may in fact get more than 15 per cent.” There are certain positions in the Civil Service where the salary grades had not been reviewed for years, some in fact decades. So, we need to be able to carry out the assessments of the different positions and indeed some of the ministries, Madam Speaker, because of the flexibility that has been given to some of the permanent secretaries have in fact started recognising that already.

You would have also seen, Madam Speaker, that in the media, we have also rolled out a particular guideline across the Civil Service which is the Merit Based Appointment Guidelines. So it is a uniform approach to ensuring that notwithstanding the fact that you have the permanent secretaries that are now given greater flexibility in terms of appointing people, they also need to follow certain standards in terms of merit based selection. So we cannot have what used to happen perhaps previously where you get your relatives and other people being selected in those positions. So, there needs to be certain guidelines along that and the Public Service Commission of course works on those lines, Madam Speaker.

Clause 4 of the Bill for example, Madam Speaker amends Section 4 of the Substantive Act which stated that the Public Service needed to be reflective of, let me read it out it says, “the composition of the Public Service reflects as closely as possible the ethnic composition of the population taking into account where appropriate of occupational preferences”.

Madam Speaker, obviously we no longer can have that because people need to be appointed on merit and indeed if we were to go through most of the ministries we would already fail that test because if we were to follow the old law we will be failing the test all the time. So the reality is, Madam Speaker, what this Act does is, it removes those anomalies that are in contradiction or in contrary to the Constitution.

Madam Speaker, also there are certain technical terms like they have used in the Act, Senior Executive Service. We do not have a Senior Executive Service anymore, we have the permanent secretary, et cetera that has been put in place. So, essentially, Madam Speaker, as has been highlighted another important one, Section 12 of the Act, Madam Speaker, for example, “gave the Minister the powers, the Minister responsible for Public Service Commissions at that time the powers to give directions to the Public Service Commission. We are taking the power away from the Minister so as Minister responsible for Civil Service I should not have the power to direct the PSC. That is not on, because then you will say the PSC is not independent. So we are strictly adhering to the provision in the Constitution which says that the “PSC must be completely independent”.

These are the kind of amendments, Madam Speaker, that have actually been brought about. Now obviously Clause 10 of the Bill amends Section 14 of the Act, to allow the Commission to manage and assess the performance of each permanent secretary and provide the Minister with an annual report of the Commission and a report on the performance of all permanent secretaries. Now obviously the report of the Commission will be tabled in this honourable House.

Again, Madam Speaker, the regulatory power making provisions of the previous Commission is now restricted because they are only restricted to appointing the permanent secretaries. Again Madam Speaker, it continues throughout the Bill to take out provisions that no longer apply. So it is more as I have said functionary in nature, it brings it in alignment, it does not necessarily bring in anything new that is not contained or implicated in the Constitution, Madam Speaker.

So, with those introductory remarks Madam Speaker I would like to propose that we now have a debate on the Bill and then vote on it. Thank you Madam Speaker.

MADAM SPEAKER.- The Bill is now open for debate. Hon. Salote Radrodro, you have the floor.

HON. S.V. RADRODRO.- Thank you, Madam Speaker. At the outset, may I register my great disappointment in how this important Bill has been pushed through in a very short time bearing in mind that the Public Service is the biggest employer and it needs time for this Bill to be taken through various stakeholders because at the end of the day, it is the ministries and departments are the ones that are going to be implementing these Bills. Even as we speak now, I believe the Civil Service at large are not aware of this Bill because no consultation has been done.

The Public Service Act of 1999 was one of the hallmarks of the Public Service Reforms initiated by the government of the day at that time. It was an elaborate and painstaking process that lasted over a period of two years. It was not something that the government of the day introduced on its own. It was the culmination of rounds of consultation and negotiation with stakeholders, including the Public Service Trade Unions and both the Fiji Employers Federation and the Fiji Trade Union Congress.

The Act has stood the test of time and being the principal Act that regulated and administered the public service. The Bill is meant to change or delete certain parts of the Act. Section 14 of the Bill has introduced an amendment to Section 21 of the Public Service Act 1999 referred to as the principal Act in the Bill. It is again Madam Speaker, being shoved down our throats without consultation. Interestingly as I see it, it is a blatant and crafty move by the FijiFirst Government to change the Constitution through a subordinate law as in this Bill. The hasty and devious way the FijiFirst Government went about to impose on citizens of Fiji the 2013 Constitution is now coming back to haunt them. The procedure to amend the 2013 Constitution under Section 159 makes it almost impossible to bring about any amendment. The amendment brought about by Section 14 of the Bill is in direct breach of Section 127 Part 7 and 8 and more so Section 127(8) of the Constitution and this is unconstitutional, Madam Speaker.

Under Section 127(8) of the Constitution, the permanent secretary of a ministry has the authority to decide terms and conditions of employment, qualification requirement for employment and process to be followed in the appointment, the conditions of employment and the total establishment of the ministry.

Madam Speaker, I really raise great concern as a former civil servant in as far as that is concerned giving that power, that authority to one person in the ministry without any standards set as before like is done by the Public Service Commission.

Madam Speaker, this is a confirmation that no proper consultation was done before the 2013 Constitution was imposed on us. What Section 14 of the Bill is trying to bring about was that the 1997 Constitution provided was removed under the 2013 Constitution. Section 4 of the principal Act is amended by deleting sub-section 5. Section 4 of the principal Act deals with the values of the Public Service now known as the Civil Service.

The Public Service, Madam Speaker, has been suppressed so much through fear as we have been notified by some of the members or many members of the Civil Service. The Public Service productivity has dropped so low, appointment into senior position in government are no longer on merit but on who you know.

(Hon. Members interjected)

Corruption through nepotism is so common where those making the decision see themselves as law to themselves. Madam Speaker, this is but a big part of corruption in Government.

Professionalism in the Public Service has been degraded and hopes for progress through ranks on merit have been based through appointments of unqualified outsiders. Thank you, Madam Speaker.

MADAM SPEAKER.- Thank you. I give the floor to the Hon. Semesa Karavaki.

HON. S.D. KARAVAKI.- Thank you, Madam Speaker. I would like to contribute to this Bill, Bill No. 16 of 2016. My contribution will be very brief.

When I look at the Bill, Madam Speaker, it has actually deleted some sections in the Principal Act. It starts with Section 6 which deletes Section 9 and Section 10 of the Principal Act, meaning, Madam Speaker, that the Principal Act would have only Section 8, no Sections 9 and 10, but then it starts again with Section 11. That is the situation we have here in this Act.

Then there is Section 12 of the Principal Act which has also been deleted by this Bill. So, there is no Section 12. Therefore, we have Section 8, no Section 9, no Section 10, we have Section 11 then, we do not have Section 12. Then you have Section 13 up to Section 16, but Sections 18, 19 and 20 have also been deleted. I was looking through this Bill trying to find where in the Bill it actually rearranges the number of Sections so that the Bill flows through, because otherwise if we look at the Act, with no hands, no toes, no ears, that is what it is going to be like because a lot of the Sections in there, Madam Speaker, are missing.

That is what the Act is going to be like. My contribution is, it cannot be, Madam Speaker, if they say, 'automatically they rearrange themselves', laws are not made that way for them to rearrange themselves. This is like a body that is without parts, but they all just come automatically to you.

(Laughter)

It cannot be like that, Madam Speaker.

My short contribution, Madam Speaker, is that because they have tried to fast-track this Bill, they missed those very simple arrangements to be done in the Bill which makes the Principal Act unusable because if you say, 'section so and so', no there is no section so and so because the Bill has already removed it. 'No, just write over there number so and so'. It is not like that, Madam Speaker. That is why I think, Madam Speaker, they should look at it, and that is a very simple administration of the Bill. They must have overlooked it, but they must relook into it and bring it back. I mean, if it had gone in the proper way of consultation, that would be the first thing to pick up and correct it and because they always want to come in the fast-track pathway, Madam Speaker, this is what will happen.

Madam Speaker, I think this Bill should go back to be corrected and be directed to the Committee to have a look at it, so that proper consultations could be made. Thank you, Madam Speaker, that is my contribution.

MADAM SPEAKER.- Thank you. I now give the floor to the Hon. Viliame Gavoka.

HON. V.R. GAVOKA.- Madam Speaker, I know by raising this, we will be again branded as racists and all those brands that have been thrown at us. But, Madam Speaker, we should not be afraid to address some of these issues. I think with goodwill, all the sensitive issues brought to the fore and dialogue at all levels, to ensure that we put in place a civil service that guides Fiji into the future.

Madam Speaker, I am going to raise this point about the 1999 Act. Section 4(5) of the Principal Act, and what would be deleted currently reads as this

“The composition of the Public Service reflects as closely as possible, the ethnic composition of the population, taking into account when appropriate the occupational preferences.”

This is going to be deleted, and I can understand where they are coming from, we are now all Fijians, it is all in the Constitution.

However, Madam Speaker, yes, we are all Fijians but we also live a plural society. A complexion of our makeup compels us to address this issue fearlessly, without fear. It is not always helpful to brand everything as racists and be blind to the realities of what we face as a people.

I looked back into what we may all know as the Wakaya Letter, 1964 written by the Chiefs of the day to the Colonial Secretary in the United Kingdom (UK) when Fiji was moving towards independence. They were expressing their concern as chiefs of the *iTaukei* and one of the concerns was, that the civil service must always have a balance in terms of the participation of their people. I was reading that letter and I could feel the depth of their concern at that time. If you read that letter, you as an *iTaukei* would feel how concerned you were that young people were gaining independence under the British for all those years and in a society like Fiji, and you could understand where they were coming from.

That behoves us, Madam Speaker, things have not changed in this country that much. Our makeup as a people is still very much important to us, we should be able to address this delicately and again I say, let us not be afraid to meet this head on. Let us not impose these things from the top and say, ‘this is going to be it. You have a Constitution, there will be no more distinction between people.’ There are ways you can have this, Madam Speaker, and I would rather we look at it in that manner. That is why we are very concerned about this Standing Order 51, to fast-track all these.

If you take this across the country and in goodwill, invite submissions and invite thoughts into this, we can put together a civil service that is representative of who we are and assuring stability in the days ahead. Madam Speaker, the way the other side is glowing with the accolades on what they have accomplished, I just sat back here and saying, “You could give it to these people”.

First, they created a mess for seven or eight years, then they find a solution and they are saying, ‘look at us. You have to give it to us, we will manage to fix this’. The way they are glorifying their accomplishment, Madam Speaker, they are the ones who created all these mess. Whatever they do today, is what has been long due to this country and it should have been there had there not been an overthrow of Government in 2006.

So, let us not say that it is us (this Government), they brought up all these developments. Madam Speaker, just before I sit down, this morning they were talking about tourism - 753,000, that is the way it should be: 692,000 in 2014 and 73,000 in 2015. I just wonder, have they realised what happened? That is the kind of number we should have. We applaud that.

They forgot one thing, Madam Speaker. In late 2014 was an election and the goodwill that comes with the parliamentary democracy resulted in the tourism numbers we saw last year. Simple, Madam Speaker, and that is one thing they should remember, every time they subvert the work of this Parliament, they are jeopardizing what you have put in place with parliamentary democracy from May 2014. Thank you, Madam Speaker.

MADAM SPEAKER. – Thank you. I now give the floor to the Hon. Sudhakar.

HON. A. SUDHAKAR. – Thank you, Madam Speaker. After hearing Hon. Gavoka, I thought that I should also add to what he has said and perhaps rebut that. Now this proposed amendment, Madam Speaker, provides that under Clause 4 we are trying to move away from ethnicity, something that Hon. Gavoka has basically propagated on. The FijiFirst Government policy, Madam Speaker, has always been on merit. We are trying to move away from ethnicity, we are trying to move away from the composition of the civil service, of the private sector, of education institutions from the line of ethnicity, and to bring back the line of ethnicity as Hon. Gavoka has said is going back years, going back decades of progress that we have achieved in the short time that the FijiFirst Government has been in power.

In fact, when we go to our hospitals, police stations, when we go to other departments, we do not ask for the ethnicity of the officer. When we ride a plane, when we go to the airport, we do not ask for the ethnicity of the pilot. We want the best possible qualified experienced pilot. When we go to the police station, we want the best possible qualified officer to handle our case. When we go to the hospital, we want to be seen by the most qualified expert or specialist. We do not ask for ethnicity, we do not ask for religion and this is what this Bill is hoping to achieve. The amendment is hoping to achieve a merit-based system.

As Hon. Dr. Reddy always perceive that these are the people who will give you the needle. These are the people who will inject you one day. Now this Bill, if it promotes merit, if it promotes the idea of meritocracy then what is wrong with it? In fact I invite the Opposition to support a Bill of such magnitude, of such historical importance where we will have a system that is not based on religion, ethnicity, personal preferences, provinces, *koro*, *tikina* or *mataqali*. It will be based on actual merit of the most qualified people, something that the Toppers Scholarship Scheme and the TELS Scheme hopes to achieve and is in line with that.

In fact, we all love our civil servants, we all love the duty, the work they do, but we all will admit that there is a lot to be desired from the performance of some of our civil servants and if there is an Act, if there is an amendment that hopes to encourage them to work better, to work harder then what is wrong with that. In fact there is an old joke that if we talk about the Government hospitals, people will frown, we talk about the Government transport, people will frown, we talk about the Government schools, people will frown, we talk about a Government job then we are very happy because they know that it is a guaranteed job where they will be hanging around forever with pay package coming every fortnight, nothing to do with meritocracy, hang-in there, retire, get your pension.

Now this is the Bill which gives the power to the Permanent Secretary to choose people on merit and qualification, and if people are not performing, then please we can side transfer them, we can demote them and we can remove them from the system so that the people of this country (the nine hundred or so thousand people of Fiji) can expect the best service from the people. What FijiFirst is trying to do with this Bill is not to marginalize a certain group of people. Perhaps what Hon. Gavoka was trying to say, in fact we respect your views on that, we are not trying to marginalize people but what we are trying to do is to get the cream to serve us. The Civil Service,

the people of Fiji deserve much better and the Bill that we are proposing today, it is a right step in the right direction to bring our Civil Service that has always been criticized even today to a level that we see in Australia, New Zealand and other countries.

Now this is the type of thing that we are worried about, Madam, that when someone is talking sense, we are talking about technicalities but look at the basis of this Bill. This Bill, as I said earlier is a thing for the future. It is helping Fiji grow and it is for that reason, Madam Speaker, I support this Bill and I also encourage the Members of the Opposition, if you are very happy with the Civil Service as it is, then, please, do not support it but if you are not happy and you want improvement, please support this Bill. Thank you Madam Speaker

MADAM SPEAKER. – I now give the floor to the Hon. Balmindar Singh.

HON. B. SINGH. – Thank you, Madam Speaker. I rise to contribute to the motion on the floor. Madam Speaker, in 2015 Government endorsed the Civil Service Reforms which amongst other things provided for restructure of the Public Service Commission and the establishment of the Public Service Reform Unit. The role of the reform was to foster a more effective and efficient Public Service. Madam Speaker, in light of the above, the intention of the Bill is to ensure that the Act is consistent with the provisions of the Constitution with regards to the management of Civil Service and facilitate the changes necessary to ensure that whilst reforms is being carried out, the delivery and performance of Government service is continuously improved.

Madam Speaker, Public Service Reform is the key part of the strategic response to the present economic situation. An effective reform is important to deliver essential services to the public in an environment of significantly reduced expenditure and add value to the activities within the managed resources. Madam Speaker, the reform programme maintains the necessary emphasis on increasing efficiency therefore in light of the reform, much stronger focus is on the delivery of the best possible outcomes for our people, our economy and for our society.

Madam Speaker, hence there will be a real and manageable change in the way the Public Service designs and delivers services. The plan of this reform will be delivered through focus on service users, efficiency and on openness underpinned by strong leadership, capacity and delivery. Madam Speaker, in respect of openness using transparency, open data brings about continuous improvement that helps Government to address rising public demands and the challenges of open data is also raw material for economic growth supporting the creation of new markets to business and job markets. So in light of this, we need a culture that is more open and less bureaucratic, focuses on the delivery of outcomes rather than process or the structures.

Therefore, Madam Speaker, these are what I believe should be the characteristics of productive, effective and successful Governments now and in the future. Madam Speaker, just to correct the consultation, the Government of the day embarked on consultations which was held with the Ministry of Civil Service, the Civil Service Reform Management Unit, the Public Service Commission, the Office of the Solicitor-General and other relevant stakeholders and departments were invited in the consultation process.

With those words, Madam Speaker, I would ask the Honourable Members from the Opposition to please support this Bill that is before us. Thank you, Madam Speaker.

MADAM SPEAKER.- Thank you. There being no other input, I now invite the Hon. Attorney-General to speak in reply.

HON. A. SAYED–KHAIYUM. – Thank you, Madam Speaker. Madam Speaker as has been highlighted that this amendment is essentially to regularise the Public Service Act and bring it in compliance with the Fijian Constitution, I think it would be amiss of me not to respond to some of the issues that have been raised by the other side. Madam Speaker, it is very interesting how the Opposition simply just focused on sub-clause (5) of Clause 4 basically on ethnic issues.

Madam Speaker, in development theory, plural society theory is a flawed concept now. It is something from the past, in the 40s, 50s and 60s, the plural society theory was developed to explain why we had such things like failed States in Africa. Why were there after independence civil strikes and all those types of things, but you have a country right next door to us?

In the general sense of the word, it is a plural society, Australia. It is something like 89 different ethnicities in Australia. Do we want to apply the same rules there? Of course not, they do not want to do that, so plural society theory, Madam Speaker, is used for those people who rely on the politics of ethnicity. They rely on the politics of ethnicity to further their own individual agendas. That is essentially what it is.

We continuously get referred to the past. Madam Speaker, 1964 is an extremely long time ago, it is about five decades ago. The composition of the population, but more importantly how people worked, how society was organised, what was the economic basis of people's livelihoods, the rural urban distribution; completely different. The thinking was different because far less people were educated. There were far lower levels of literacy than what we have today. They did not have mobile phones, they did not have access to internet, they did not even have access to something called the Bill of Rights.

We live in a colonial system of Government, where if you were not a white person, you were not allowed in the swimming baths, you were not given jobs in the banks. That is the reality. People were differentiated in schools based on their ethnicity, that is 1964, Madam Speaker. How can they use 1964 as the benchmark of establishing what the law should be in 2016? How can they use that Madam Speaker?

(Hon. Members interjected)

It is a ridiculous proposition. Madam Speaker, the reality also is, what we are simply saying is that you need to appoint people based on merit. You may get for example, a Ministry that may end up with a very high level of one ethnic group. Who cares? Because they have been appointed on merit, they continue their work because of performance.

As Hon. Sudhakar has rightly pointed out, when you go under the operating table, do you say, 'excuse me, what church do you go to? What ethnic group you belong to? What province do you come from?' You do not ask that. You ask your family members, is that person the best doctor to cut me open? That is what you ask.

So this is, Madam Speaker, a fuss. This type of argument is farcical. We all go on about how Singapore is done, all these other countries have done, they have done so because they appoint people on merit. The service delivery is there. Better people are appointed and I think, Madam Speaker, it is actually an insult to people of one ethnic group to say 'we will not get jobs, if we do not have this kind of provision,' it is an insult to them to say that they would not be able to be appointed on merit. It is an insult.

Madam Speaker, I also love the way that everyone only talks about the events of 2006, no one wants to go beyond that. They do not want to talk about 2000, they do not want to talk about 1987. The problem did not start in 2006. It is symptomatic of a systematic problem that we have had in Fiji and, Madam Speaker, this is precisely why we are here today. This is precisely why these people occupy this side of the House because the people of Fiji in 2016 are very different to the people in 1964.

HON. MEMBERS.- Hear, hear!

HON. A. SAYED-KHAIYUM.- They want, they recognise their different needs, their different demands, they are educated, they have access to information, they can challenge ideas, they question ideas; that is the reality in Fiji.

Madam Speaker, I think also reality is, if you look at most modern societies, the checks and balance in any society is given by having strong, independent institutions. So we have an Anti-Discrimination Human Rights Commission. We have other strong mechanisms; we have corruption mechanisms, we have Accountability Transparency Commissions, we have very clear guidelines in respect of what the Public Service should do, it is enshrined in the Constitution. These are the safeguards you have that can address any marginalisation of people, whether it is based on individual marginalisation, ability or disability, your agenda, ethnicity, your colour, whatever your language is, your province, church, religious faith, whatever it is, these are the institutions that address that, Madam Speaker.

So, Madam Speaker, with those few words, I would like to please implore this House, to look at this in a very positive manner, it is a positive change that has been made and this law simply complies with the Constitution. Thank you Madam Speaker.

MADAM SPEAKER.- Thank you very much. The Parliament will now vote.

The question is, pursuant to the resolution of Parliament on 9th February, 2016 that the Public Service (Amendment) Bill 2016 be debated, voted upon and be passed.

Does any Member oppose the motion?

(Chorus of “yes” and “noes”)

MADAM SPEAKER.- There being opposition, Parliament will vote on the motion.

Votes cast:

Ayes:	28
Noes:	11
Not voted:	11

Motion agreed to

A Bill for an act to amend the Public Service Act 1999 (Bill No 16 of 2016) enacted by the Parliament of the Republic of Fiji.

(Applause)

MADAM SPEAKER.- We will now debate the Companies (Amendment) Bill 2016 pursuant to yesterday's resolution, this debate will be limited to one hour. I now call upon the Hon. Attorney-General to move his motion.

SUSPENSION OF STANDING ORDERS

HON. LEADER OF THE GOVERNMENT IN PARLIAMENT.- Madam Speaker, I move that under Standing Order 6 that so much of Standing Order 23 (1) be suspended so as to allow the House to complete the Government business on today's Order Paper.

MADAM SPEAKER.- Thank you. Is there a seconder?

HON. A. SUDHAKAR.- Madam Speaker, I second the motion.

MADAM SPEAKER.- Does anyone oppose the motion?

There being no opposition, the motion is agreed to.

COMPANIES (AMENDMENT BILL) 2016

MADAM SPEAKER.- The Hon. Attorney-General, please, continue.

HON. A. SAYED-KHAIYUM.- Madam Speaker, pursuant to resolution of Parliament on 9th February, 2016, I move:

That the Companies Amendment Bill, 2016 be debated and voted upon and be passed.

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

MADAM SPEAKER.- I now call on the Hon. Attorney-General to speak on his motion.

HON. A. SAYED-KHAIYUM.- This Bill seeks to, Madam Speaker, as highlighted yesterday when we introduced it under Section 51 incorporate an already existing regulation that is already in effect. If you look at the regulations pages 530, half of 530 to 537, what we are simply asking, Madam Speaker, is that for this part of the transitional regulation be put in the Act itself. It is already on foot. That regulations is already being applied, people are already adhering to it. The reason why we want to put it in the Act, Madam Speaker, is essentially to bring it within the purview of Parliament as highlighted yesterday.

There is also, Madam Speaker, a couple of other provisions that we have sought this particular opportunity to increase or to introduce in this particular Amendment Bill, Madam Speaker.

Madam Speaker, I will specifically highlight those particular provisions that are now being introduced for example, these that were not in the regulations per se.

Madam Speaker, as I highlighted yesterday, clause 13 of the Bill amends the Act, Section 371 and as we highlighted the ability of the Registrar to extend the period lodgement of a charge is the decision for the court. These are some new matters that have been brought to the attention to be able to provide an effective functioning of the Companies Act.

Madam Speaker, again, we have in clause 21 of the Bill, it increases the preferential payment to employees from \$600 to \$6,000. Now what this means, in the event, for example, if the company is being wound up and you have creditors that the monies need to be paid to, we are saying that the workers, in other words the employees of the company must be given, if they are owed money up to \$6,000 because sometimes when the company closes down, for example, it goes into receivership, when they start collecting money to pay the creditors, what we are saying is that the employees must have the first right to be able to access that money if they are owed wages.

The provision, unfortunately at \$600. What we are doing is adding another zero to increase to \$6,000 which is obviously good for the employees, because if a company shuts down and a worker is owed, for example, \$5,000, the existing Act will say that they are only entitled to \$600. However, under this provision here, Madam Speaker, they will be entitled to the entire \$5,000 and they are given preference. So, this is one significant amendment to the cap, Madam Speaker, that is not in the transitional regulations.

Madam Speaker, the other issue is about the correction of the instruments that is highlighted in clause 25 of the Bill and the other issue is about the companies that fail to provide provisions to deal with companies within the set timeframe. So, as I highlighted, Madam Speaker, there are certain companies at the moment that have not filed their annual returns. So for example, they have not filed their annual returns since 2002 or 2003, or some of them may say 2013. The issue now is, under the new Companies Act, there is a new form that you need to fill out the annual returns or the information that you are supposed to provide.

When these people now want to come and file their annual returns to bring the information up to-date, how does the law deal with them? Because the law assumed that the fact is everyone is up to-date and now, a lot of the people are coming along, hurrying along and saying, "look we want to file these returns because otherwise we will be in breach. Can you give us some latitude?" So, we have agreed, in fact, the accountants had also said that, because you had assumed when people have accountants, they will be filing everything on time, I suppose it depends on who they go to, but the point is that a lot of them are asking for one year.

So, the provision now says that we will allow these people who have not filed their annual returns one year to comply with those provisions, then they can be up to-date and that, Madam Speaker, is in clause 27 of the Bill; to provide provision to deal with companies that fail to comply with the timeframe set out in the repealed Act.

Madam Speaker, again, the following clauses as I have highlighted are all to do with the transitional regulation that is already in foot and the people know about.

The other provision, Madam Speaker, is about the information that has been lodged with the Reserve Bank of Fiji (RBF) and the ability for RBF and the Registrar to be able to rectify errors that the forms that have been lodged with them to be able to fix.

Madam Speaker, as I said that it is not anything substantive in nature in terms of the substantive Bill or the Act that is now coming into force from 1st January, but it is the transitional provision that is already in foot with a couple of minor issues that need to be addressed, given the practicalities of the situation that we are trying to rectify. As highlighted, Madam Speaker, in which we will be debating tomorrow on the Revised Laws of Edition of Fiji that we will be consolidating all of these. So by April, all of these will be consolidated into one and also together, of course, with some of the errors and omissions that came out in the typographical errors, Madam Speaker.

So with those words, Madam Speaker, I would like to introduce this debate. Thank you.

MADAM SPEAKER.-Thank you, the floor is open for debate.

I now give the floor to the Hon. Ratu Tikoca.

HON. RATU I. D. TIKOCA.- Thank you Madam Speaker.

Madam Speaker, I would like to contribute to the debate on (Bill No. 14/2006. We all know that this Companies law rushed through the House by Government last year. The order of rectification which is gazetted and that we were given this week referred to about 300 errors in the legislation, and that is what has been discovered so far. The third week, only of the acts of operation - 300 plus errors.

The method of correction without parliamentary participation referenced to the 2013 Constitution is questionable. Further, Madam Speaker, the stated method of corrections only for typographical errors and the like, not for changing the law in any substantive way.

Our suspect the Government is keen to avoid bringing the required amendments back to the House to avoid embarrassment and in the process, prove the Opposition correct once again.

The records will show that the Opposition was at pains to advise the Government that for the sake of good governance, it should not rush laws through this House. The 300 errors later, Fiji taxpayers will pay for the rectification process and any associated litigation on top of the privilege of having this Parliament to sit for 20 days only this year.

Madam Speaker, since the Hon. Attorney-General took office, there has been an overwhelming and record number of unprecedented corrigendum and revisions to laws and decrees. Clearly the non-performance in this area should be of concern as he is failing in several areas by being completely incapable of disclosing public finances, unable to manage his current portfolio, he is turning into the jack of all trades and master of none.

The Hon. Attorney-General's incompetence in managing the legislative tax is disconcerting because he is overspreading himself across multiple portfolios.

HON. J. USAMATE.-Point of order, Madam Speaker.

MADAM SPEAKER.-Point of order

HON. J. USAMATE.-The Honourable Member is forgetting about what we are talking about and he is making a personal attack on the Hon. Minister of Finance. He needs to refrain from doing that.

MADAM SPEAKER.- Please refrain from making personal attacks.

HON. RATU I.D. TIKOCA.- I withdraw that.

MADAM SPEAKER.-Thank you.

HON. RATU I.D. TIKOCA.- Madam Speaker, I am talking about incompetence on something very very important and not the laws of this country. So, if you do not accept that to be released in this House, then I will see it. Thank you.

HON. J. USAMATE.- A point of order, Madam Speaker. He is making .a personal attack on a Member of this Honourable House, may remind the Honourable Member.

MADAM SPEAKER.- Please be reminded not to make personal attacks as this has been highlighted from the Honourable Members on the other side of the House.

HON. RATU I. D. TIKOCA.- I have just stated my gut feeling on the issues of making laws of this country. It is so important, henceforth all of us should be participating in making those laws and consulting the people of Fiji rather than expediting this process and that we already prove that 300 errors and another 300 will continue to build because we are pushing Bills as fast as we can, but we are not adhering to the practices that we should do as a democratic governance and honouring this Parliament. Thank you, Madam Speaker.

MADAM SPEAKER.- Thank you. I will give the floor to the Hon. Nawaikula.

HON. N. NAWAIKULA. – Madam Speaker, I wish to add my bit to the debate.

Madam Speaker, I agree that the Hon. Minister must seriously look at his portfolio and reduce this because he is becoming a jack of all trade but a master of none, and this is an example....

MADAM SPEAKER.- Please, you withdraw that statement, it is unbecoming in the House.

HON. N. NAWAIKULA.- I withdraw it, but....

MADAM SPEAKER.- No buts, please.

HON. N. NAWAIKULA.- Having a look at this now....

MADAM SPEAKER.- Have you withdrawn the statement?

HON. N. NAWAIKULA.- I have withdrawn it.

MADAM SPEAKER.- Thank you.

HON. N. NAWAIKULA.- The explanation given previously, I was led to believe that this is transitional because the regulation provided that there were to be new provisions and I looked through this and yes, when you come to Part 254A, yes that is a new one. But as you progress through that, there are sections that are deleted and amended previous ones which is telling me that there are mistakes or additions.

There is also a substantive matter which is Section 47 which says, “The Principal Act is amended by deleting \$600 and substituting it with \$6,000”, for that very reason, I objected to Standing Order 51 application because we need to have the public scrutinised.

It is a reflection on the efficiency of this particular Ministry. So we have to ask ourselves, where are the Parliamentary Draftsmen, where are the Parliamentary Counsel who should be accompanying us here, as well as in the Standing Committees, to make sure that these mistakes do not happen. I oppose this, Madam Speaker.

MADAM SPEAKER.- Thank you. I give the floor to the Hon. Radrodro.

HON. A.M. RADRODRO.- Thank you, Madam Speaker, I would just like to make a brief contribution to the Amendment Bill.

Firstly, Madam Speaker, I would like to raise a similar concern on the process in which these Bills have been put out using Standing Order 51. As we all know, the process of making this Companies Bill, I think the Honourable Members of that Committee would also agree, it has come through a process of the Committee but the Government engaged an overseas consultant in compiling this Bill. An overseas consultant took so many months to compile this Bill, we even ended up at the Attorney-General's Office so that the consultant can get our views on the Bills.

Now, in our first sitting of 2016, an amendment has been brought through again, Madam Speaker. The question here is, why do we have to engage overseas consultants when they cannot even address these small errors and small amendments that have been brought to the House using Standing Order 51? The implementers and the evaluators of this Act are the ones who should be brought to question. Do they have the capacity to conduct the implementation of this Bill? We have recently highlighted some drawbacks in the Fiji Revenue and Customs Authority in the way they implement the amendments and the way they interpret tax legislations.

Now, we have this Companies Bill, Madam Speaker. That is the problem when we hire expatriates and overseas companies to come and tell us how to operate. Why does Government have to engage an overseas consultant when there are resources available locally that could address the FIA as has been mentioned by the Hon. Minister because they are the implementers, they will monitor these Acts that will be governing the companies.

Madam Speaker, as we saw in the amendment coming through here, 420; this is the same concern that was highlighted last time, the appointment of auditors. Now the amendment have been put through again, we highlighted this in the consultation cycle at the Auditor-General's Office with the consultant. However, they failed to address it and now the amendments have come through because the Government has realised that there is a need to amend this regulation because the implementers of this Amendment Bill have found it impossible to implement it and work through it. Therefore, Madam Speaker, I stand against this Amendment Bill, thank you.

MADAM SPEAKER.- Thank you. There being no other input, I will now give the floor to the Hon. Attorney-General for his right of reply.

HON. A. SAYED-KHAIYUM.- Thank you, Madam Speaker. I had said, I think it was early last year or in one of the Budget debates that one of the things that the Marist Brothers taught us was that when you enter into some form of discussion and there are two sides to the discussions, when the other side starts personalising matters, when they start attacking you individually as a person, you know they do not have the intellectual capacity to argue with you. You know that they do not have the rigor to be able to focus on the issue at hand and that is the common feature from the other side in particular from one Hon. Member. He continues to do that, and that tells a lot about him than anything about this side.

Madam Speaker, the point is...

HON. RATU I.D. TIKOCA.- (Inaudible interjection)

HON. A. SAYED-KHAIYUM.- Madam Speaker, the voice is very distracting.

MADAM SPEAKER.- Please refrain from frivolous interjections because we want to hear the right of reply by the Hon. Attorney-General. Also, please do not refer to any more personal attacks because that generates a lot of responses from the other side.

HON. A. SAYED-KHAIYUM.- Yes, Madam Speaker, thank you. I hope the Honourable Member remembers.

The point is, Madam Speaker, the Act when it was a Bill was sent to a Committee. The fact is that the Committee did recommend some changes which actually was accepted by Parliament. Madam Speaker, on the day the Bill was supposed to be debated following the receipt of the report from the Committee, the Opposition was absent from Parliament.

(Chorus of interjections)

They were absent from Parliament, they now want to take the moral high ground about this Bill, Madam Speaker.

(Chorus of interjections)

It says a lot about the hypocrisy and the paradoxical situation that they find themselves in, Madam Speaker.

HON. GOVERNMENT. MEMBERS.- Shame.

HON. A. SAYED-KHAIYUM.- Madam Speaker, the Hon. Radrodro talked about FRCA. I completely agree, Madam Speaker, that FRCA in terms of interpretation of Acts, et cetera...

(Chorus of interjections)

MADAM SPEAKER.- Please bring order to the House. Hon. Attorney-General please continue.

HON. A. SAYED-KHAIYUM.- Yes, Madam Speaker, it is quite well known that it is not just FRCA but other offices, when there are certain Acts of Parliament, their interpretations can be different. However, this is why and probably the Hon. Radrodro would know about this, we have now said that there needs to be practice notes issued. Practice notes issued to be made available on the website. You will see a practice notes coming out soon by FRCA, an interpretation of some of the laws. This will then tell the members of the public what is to be expected in terms of interpretation of a particular section. That is a separate matter, practice notes are different to what we are discussing over here, Madam Speaker.

They are saying that we need to use the Fiji Institute of Accountants to draft this. Madam Speaker, no law firm in Fiji has the capacity to draft these laws; none, no one. I stand to be corrected, it will be very interesting to find out who drafted the old Companies Act.

So the reality, Madam Speaker, is that this a very good way forward, the reality is that in this Bill, predominantly the transitional regulations are already on foot and are being incorporated into the Act.

Hon. Nawaikula raised the issue about \$600 to \$6,000, I had addressed that issue and that is giving workers more rights. How can you object to that? This is when a company becomes insolvent,

Madam Speaker, and when you have to award monies, the workers will have a right to access those funds. It is now being increased from \$600 to \$6,000.

So Madam Speaker, the reality is that we now have a substantive law on foot, we have everyone complying with the law, there are certain provisions, obviously there are transitional provisions that need to be carried out and we will have all of these consolidated when the new revised edition of the laws come out in Fiji in April. I recommend this Bill now to be voted upon, Madam Speaker. Thank you very much.

MADAM SPEAKER.- Thank you. The Parliament will now vote.

The question is, pursuant to the resolution of Parliament on 9th February, 2016, that the Companies (Amendment) Bill 2016 be debated, voted upon and be passed.

Does any Member oppose the motion?

(Chorus of “yes” and “noes”)

MADAM SPEAKER.- There being opposition, Parliament will vote on the motion.

Votes cast:

Ayes:	29
Noes:	8
Not Voted:	13

Motion agreed to.

SECRETARY-GENERAL.- A Bill for an Act to amend the Companies Act 2015 (Bill No. 14 of 2016) enacted by the Parliament of the Republic of Fiji.

(Applause)

MADAM SPEAKER.- Thank you, Honourable Members. The suspension motion moved earlier by the Hon. Leader of the Government sought leave for an extension of Parliament sitting beyond 4.30 p.m. to complete Government business. Therefore we will not move on to the last item on the Order Paper, for which notice has been given. These motions are Opposition motions and not Government Business, we will consider them on Friday.

Therefore, I will now adjourn the House until 9.30 a.m. tomorrow. Thank you, Honourable Members.

The Parliament adjourned at 4.45 p.m.