

# **PARLIAMENT OF THE REPUBLIC OF FIJI**



## **PARLIAMENTARY DEBATES**

### **DAILY HANSARD**

**TUESDAY, 15TH MAY, 2018**

**[CORRECTED COPY]**

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**TUESDAY, 15TH MAY, 2018**

The Parliament resumed at 9.32 a.m., pursuant to adjournment.

HONOURABLE SPEAKER took the Chair and read the Prayer.

**PRESENT**

All Honourable Members were present, except the Prime Minister and Minister for iTaukei Affairs, Sugar Industry and Foreign Affairs; the Honourable Minister for Industry, Trade, Tourism and Lands and Mineral Resources; the Honourable Minister for Women, Children and Poverty Alleviation; the Honourable Assistant Minister for Rural and Maritime Development and National Disaster Management; the Honourable Assistant Minister for Agriculture; the Honourable N. Nawaikula; and the Honourable A.T. Vadei.

**MINUTES**

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

That the Minutes of the sitting of Parliament held on Monday, 14th May, 2018 as previously circulated, be taken as read and be confirmed.

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

Question put.

Motion agreed to.

**COMMUNICATIONS FROM THE CHAIR**

Welcome

HON. SPEAKER.- I welcome all Honourable Members to today's sitting of Parliament. I also welcome members of the public joining us in the gallery and those watching proceedings on television and the internet and listening to the radio. I hope you will enjoy today's proceedings, as well as learn about the Parliamentary practices and procedures.

Welcome – New Zealand High Commissioner

Honourable Members, out of their own personal interest to come and listen to Parliament this morning, we have the High Commissioner and the Deputy High Commission of the New Zealand Government present in the Chambers. Thank you very much for your interest in Parliament and you are very welcome.

(Applause)

Responses to Written Questions

For the information of Honourable Members, the Secretariat had received responses to Written Question No. 119/2018 to the Honourable Prime Minister and Minister for iTaukei Affairs, Sugar Industry and Foreign Affairs; and Written Question No. 152/2018 to the Honourable Minister for

Women, Children and Poverty Alleviation; and responses have been conveyed according to the Honourable Members who asked the questions and copies can be accessed on the Parliamentary Website.

Thank you, Honourable Members.

### **PRESENTATION OF PAPERS AND CERTAIN DOCUMENTS**

HON. SPEAKER.- I now call upon the Minister for Agriculture, Rural and Maritime Development and Disaster Management, Meteorological Services to table his Report.

HON. LT. COL. I.B. SERUIRATU.- Madam Speaker, in accordance with Standing Order 38, I present the Ministry of Agriculture Annual Report 2013 to Parliament.

HON. SPEAKER.- Please, hand the Report to the Secretary-General.

(Report handed to the Secretary-General)

Under Standing Order 38(2), I refer the Ministry of Agriculture Annual Report 2013 to the Standing Committee on Natural Resources.

### **PRESENTATION OF REPORTS OF COMMITTEES**

HON. SPEAKER.- I now call on the Chairperson of the Standing Committee on Economic Affairs to present their Report.

#### Standing Committee on Economic Affairs - Consolidated Report on the Investment Fiji 2015 and 2016 Annual Reports

HON. L. EDEN.- Madam Speaker, the Committee was pleased to note the numerous milestones achieved since 2015 with the overarching 'Transform to Perform' Programme initiated by Investment Fiji. This transformation from being reactive to proactive is achieving the desired results and should be given all the support it needs.

Investment Fiji's main purpose is to promote, stimulate, and facilitate trade and investment in Fiji, to ensure that Fiji's national economy continues to grow, not only by creating employment opportunities, but also raising economic activity by bringing in foreign investment to the country.

The Committee learnt with interest that the issuance of a Foreign Investment Registration Certificate (FIRC) does not guarantee approval from any other Government Department, for example, the issuance of a FIRC does not guarantee approvals from the Department of Immigration.

The Department of Immigration is the border control agency of Fiji and they are tasked with the enforcement of the immigration, citizenship and passport laws, et cetera. Policies and decisions regarding the issuance of work/investor permits are, therefore, the sole discretion of the Department of Immigration and should not be automatically assumed by any applicant holding a FIRC.

The Committee was pleased to note that a working group comprised of the Office of the Solicitor-General; Ministry of Industry, Trade and Tourism (MITT); Fiji Revenue and Customs Service (FRCS), Reserve Bank of Fiji (RBF), Registrar of Companies and Investment Fiji has been formed to review Fiji's global standing with regards to the 'Ease of Doing Business'. This will, no doubt, assist Investment Fiji in their quest to increase Fiji's economic activity.

The Committee is confident that Investment Fiji is well poised to carry out its objectives, as outlined in its Strategic Performance Framework. Taking into consideration the principle of gender equality, the Committee also noted that there was a satisfactory balance prevalent amongst the staff of Investment Fiji in 2015 and 2016.

I thank the Committee Members – the Honourable Vijay Nath, Honourable Alvick Maharaj, Honourable Viliame Gavoka and Honourable Prem Singh, who were present in the production of this Report and also the Parliamentary Staff who assisted.

On behalf of the Standing Committee on Economic Affairs, I commend this Report to Parliament.

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

(Report handed to the Secretary-General)

HON. L. EDEN.- 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.

HON. V. NATH.- Madam Speaker, I beg to second the motion.

HON. SPEAKER.- Parliament will now vote.

Question put.

HON. SPEAKER.- The Question is:

That a debate on the contents of the Report is initiated at a future sitting.

Does any Member oppose the motion?

(Chorus of 'Noes')

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

Motion agreed to.

HON. SPEAKER.- I now call on the Chairperson of the Standing Committee on Economic Affairs to present the Committee's Report.

Standing Committee on Economic Affairs -  
Review Report on the Ministry of Industry, Trade and Tourism 2014 Annual Report

HON. L. EDEN.- Madam Speaker, the Committee noted that in 2014, the Ministry of Industry, Trade and Tourism (MITT) was responsible for the performance and monitoring of seven statutory agencies, namely the:

1. Tourism Fiji;
2. Fiji Commerce Commission;
3. Investment Fiji;
4. Film Fiji;

5. Consumer Council of Fiji;
6. Real Estate Agents Licensing Board; and
7. National Centre for Small and Micro Enterprises Development.

Following perusal of the Ministry's Annual Report 2014, and given the time that has lapsed, the Committee put forward just a few findings and recommendations for consideration.

One of the highlights for the Ministry in 2014 was the continued growth of its 'Fijian Made - Buy Fijian Campaign', with a total of 53 new applications and 980 products granted approval to use campaign emblems. The Ministry's assistance to exporters through the National Export Strategy (NES) continued with 12 companies receiving a total funding of around \$1.75 million.

Also of interest was the signing of an MOU between MITT and the Fiji National University whereby students are now able to obtain valuable experience through on the job training with the Ministry on various projects.

It was also very pleasing to note that MITT has continued to strengthen and upgrade their policies and initiatives, in order to ensure economic growth for the country.

The Committee also noted that there was satisfactory gender balance prevalent amongst the staff of MITT. The Ministry comprised of 47 percent males and 53 percent females in 2014. The Committee was also pleased to note that three out of the six staff members who were present at the submissions for the Annual Report were women, who played very important roles at the Ministry.

I thank the Honourable Members involved in the production of this Report, and also the Parliamentary Staff who assisted.

On behalf of the Standing Committee on Economic Affairs, I commend this Report to Parliament.

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

(Report handed to the Secretary-General)

HON. L. EDEN.- 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.

HON. V. NATH.- Madam Speaker, I beg to second the motion.

HON. SPEAKER.- Thank you. Parliament will now vote.

Question put.

HON. SPEAKER.- The Question is:

That a debate on the contents of the Report is initiated at a future sitting.

Does any Member oppose the motion?

(Chorus of 'Noes')

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

Motion agreed to.

HON. SPEAKER.- I now call on the Chairperson of the Standing Committee on Economic Affairs to present the Committee's Report. I thank this Committee for being so hardworking.

Standing Committee on Economic Affairs -  
Review Report on the Pacific Fishing Company Limited Annual Report 2016

HON. L. EDEN.- Madam Speaker, on behalf of the Standing Committee on Economic Affairs, I wish to report the following in relation to the Pacific Fishing Company Limited's (PAFCO) Annual Report 2016.

As was the case in 2015, the Committee noted that consistent and sufficient supply of tuna remains to be a challenge for PAFCO. Other challenges include; high overhead costs - mainly electricity related, port and handling fees, and housing shortages.

The Committee has put forward recommendations that we hope will benefit the Company in the long run, enabling it to become a more sustainable, competitive, and viable business. Included in this list are suggestions related to diversification and increased productivity.

Also of particular interest was the high level of management expertise provided for by Bumble Bee to PACFO - five Senior Management positions fully funded by Bumble Bee. The Committee felt that PAFCO would find it very difficult to carry out its core functions at the plant in Levuka without this assistance, so with this in mind, the Committee recommended that a feasibility study be carried out with the view to offer Bumble Bee, who are a renowned global player in the industry, either a management contract, share ownership, lease option, or the like, which would be in the best interest of both parties, ensuring long term sustainability. The fact that Bumble Bee and PAFCO have renewed their contract for a further 10 years is proof of their mutual commitment to prosperity and long term sustainable benefits.

Given PAFCO's socio-economic impact on the people of Lomaiviti, the Committee feels that everything possible should be done to ensure longevity of its facility in Levuka. Approximately one thousand people are employed by PAFCO, making them the largest sole employer in this area of Fiji, therefore it is vitally important that this facility remains where it is.

The Committee, during the site visit at the Levuka Plant, was pleased to note that a very large proportion of PAFCO's workforce is made up of women. The Committee thanks the Chairman of PAFCO and his team and also the management of Bumble Bee Foods, LLC for their presentations and feedback.

I also acknowledge and thank the Standing Committee Members: Honourable Vijay Nath, Honourable Alvick Maharaj, Honourable Viliame Gavoka and Honourable Prem Singh who participated in the formation of this Report, and also the Parliamentary team for their continued support.

Madam Speaker, I commend this Report to Parliament.

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

(Report handed to the Secretary-General)

HON. L. EDEN.- 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.

HON. V. NATH.- Madam Chair, I beg to second the motion.

Question put.

HON. SPEAKER.- The Question is:

That a debate on the contents of the Report is initiated at a future sitting.

Does any Member oppose the motion?

(Chorus of 'Noes')

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

Motion agreed.

HON. SPEAKER.- I now call on the Deputy Chairperson of the Standing Committee on Social Affairs to present the Committee's Report.

Standing Committee on Social Affairs -  
Fiji Public Trustee's Corporation Limited (FPTCL) 2016 Annual Report

HON. V.K. BHATNAGAR.- Madam Speaker, on behalf of the Committee Members, I am pleased to present the Report on the assessment made to the Fiji Public Trustee's Corporation Limited (FPTCL) 2016 Annual Report.

FPTCL is governed by the Fiji Public Trustee Corporation Act 2016. The Year 2016 marks the 11th year of operation since the corporatisation of the Public Trustee Office to the Fiji Public Trustee Corporation Limited and a journey full of challenges and opportunities that had contributed to the positive growth of the entity.

In 2017, the Corporation earmarked its achievements through the Strategic Plan 2015-2017 which focused on reorganising that vital transformation which was required for the long-term financial sustainability and viability of the organisation.

Madam Speaker, the improvement in the standard of service is essential to the transformation, and as highlighted by FPTCL, included the simplification of the standardisation of the business processes, systems and procedures.

In 2016, it was noted that FPTCL's gender composition stood at 55 percent females and 45 percent males. The Committee is pleased with the Fiji Public Trustees Corporation Limited's core functions in playing a significant role towards men and women in Fiji.

However, the Committee noted that there was no gender breakdown found in the Annual Report and recommends that gender analysis be captured in the future annual reports for the Committee's consideration and pursuant to Standing Order 110(2).

The Committee commended the overall performance and administration of the Corporation but believes there is still room for improvement as stipulated under the recommendations.

I thank the Chairperson, Hon. Viam Pillay (who is currently in the West, managing the Fund Care distribution); Hon. Salote Radrodro; Hon. Ruveni Nadalo; Hon. Anare T. Vadei; and Alternate Member, Hon. Alivereti Nabulivou, for their contributions towards the scrutiny and the formulation of this bipartisan Report.

With those words, on behalf of the Standing Committee on Social Affairs, I commend this Report to Parliament.

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

(Report handed to the Secretary-General)

HON. V.K. BHATNAGAR.- 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.

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

Question put.

HON. SPEAKER.- The Question is:

That a debate on the contents of the Report is initiated at a future sitting.

Does any Member oppose the motion?

(Chorus of 'Noes')

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

Motion agreed to.

HON. SPEAKER.- I now call on the Deputy Chairperson of the Standing Committee on Social Affairs to present the Committee's Report.

Standing Committee on Social Affairs -  
Review Report - Fiji Higher Education Commission's (FHEC) 2015 Annual Report

HON. V.K. BHATNAGAR.- Madam Speaker, on behalf of the Standing Committee on Social Affairs, I am privileged to present the Report on the review that was undertaken on the Fiji Higher Education Commission's (FHEC) 2015 Annual Report.

In the last Parliament Sitting, the FHEC 2015 Annual Report was tabled and referred to our Committee to scrutinise. The Parliamentary Standing Committee, under the 2013 Constitution and Parliament Standing Orders, aims to enhance transparency and accountability by public agencies and officials. The Standing Committee on Social Affairs is a Committee of the Fijian Parliament and was established under Section 109(2)(b) of the Standing Orders of the Parliament of the Republic of Fiji.

The Standing Committee on Social Affairs is mandated to examine matters related to health, education, social services, labour, culture, media and their administration.

The Committee had consulted the FHEC and identified a few areas of concern which is reflected in our recommendations. The review focused on the areas of budgetary allocations, functions and administration, policies, organisation structure, projects/programmes, achievements and challenges encountered.

From the outset, the Committee considered a range of issues, including programmes and policies that were coordinated by the FHEC and how it affects both, males and females in Fiji. In particular, the FHEC ensures that policies and qualification standards that were set and implemented are aligned with its mandated responsibilities and ensuring that its impacts are equally distributed amongst the target groups, including both men and women who study at any higher education institutions in Fiji.

Most importantly, the Committee in its consultation with FHEC, noted that the Commission has taken into consideration gender equality in its recruitment process, however, the Commission has primarily based its recruitment on merit and this does not discriminate the applicant or candidate on whether male or female.

The Committee commends the overall performance of the FHEC in 2015, however, the consultation with FHEC confirmed that there is still room for improvement towards enhancing their level of performance which would result in efficient and effective service delivery. All the issues identified have been captured in our Committee findings and further highlighted in the recommendations.

I take this opportunity to acknowledge the sterling efforts of our Honourable Chair and Honourable Members and the Secretariat team who were involved in the review of this Annual Report, and the formulation of this bipartisan Report.

On behalf of the Standing Committee on Social Affairs, I commend this Committee Review Report to Parliament.

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

(Report handed to the Secretary-General)

HON. V.K. BHATNAGAR.- 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.

HON. A. NABULIVOU.- Madam Speaker, I beg to second the motion.

Question put.

HON. SPEAKER.- The Question is:

That a debate on the contents of the Report is initiated at a future sitting.

Does any Member oppose?

(Chorus of 'Noes')

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

Motion agreed to.

HON. SPEAKER.- I now call on the Deputy Chairperson of the Standing Committee on Social Affairs to present the Committee's Report.

Standing Committee on Social Affairs – Consolidated Report on the  
Ministry of Labour, Industrial Relations and Employment 2010-2013 Annual Reports

HON. V.K. BHATNAGAR.- Madam Speaker, on behalf of the Standing Committee on Social Affairs, I am pleased to present the Consolidated Report for the Ministry of Labour, Industrial Relations and Employment 2010 to 2013 Annual Reports.

On 16th April, 2018, Parliament resolved to refer the Ministry of Labour, Industrial Relations and Employment Annual Reports from 2010 to 2013 to this Committee.

The Committee noted, Madam Speaker, that the Ministry of Labour, Industrial Relations and Employment strives to ensure that all workers are protected against all forms of discrimination in the workplace through the design, development and enactment of modern and visionary labour laws and management system that apply and deliver real social justice in the workplace.

The Committee was pleased to note, Madam Speaker, that the Ministry expands on equitable principles to creating change and expands workplace options by focusing on issues that impact women to build successful careers through education, knowledge, policy and skills.

Empowering women in the workplace, marketplace and community so they can adopt corporate leadership and board representation, equal opportunity and non-discrimination, workplace health and safety, access to education and training programmes, enterprise development, encourages companies to establish benchmarks and transparent processes to measure and report on progress towards their gender equality goals.

The Committee has conducted a review of the Ministry of Labour, Industrial Relations and Employment Annual Reports from 2010 to 2013 and appreciate the Ministry's involvement to actively pursue the inclusion and application of social justice principles in all its services, in particular, maintaining gender equality in all workplaces. The Committee recommends that this august House take note of this Report.

Finally, I would like to extend my appreciation to the Honourable Members who were involved in the formulation of this bipartisan Report: Chairperson, Honourable Viam Pillay, the Committee members, Honourable Salote Radrodoro, Honourable Ruveni Nadalo, Honourable Anare T. Vadei, and the Alternate Members, Honourable Alivereti Nabulivou and Honourable Samuela Vunivalu.

In my capacity as the Deputy Chairperson of the Standing Committee on Social Affairs, I commend this Report to Parliament.

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

(Report handed to the Secretary-General)

HON. V.K. BHATNAGAR.- 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.

HON. A. NABULIVOU.- Madam Speaker, I beg to second the motion.

Question put.

HON. SPEAKER.- The Question is:

That a debate on the contents of the Report is initiated at a future sitting.

Does any Member oppose?

(Chorus of 'Noes')

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

Motion agreed to.

HON. SPEAKER.- There is another Report from the Standing Committee on Social Affairs and also I would like to congratulate the Committee for their hard work in the past few days. I now call on the Deputy Chairperson of the Standing Committee on Social Affairs to present the Committee's Report.

Standing Committee on Social Affairs –  
Fiji National Provident Fund 2017 Annual Report

HON. V.K. BHATNAGAR.- Madam Speaker, I am pleased to present the Committee Report on the assessment made to the Fiji National Provident Fund (FNPF) 2017 Annual Report.

The FNPF has evolved over the years into one of our nation's important institutions. This is not only crucial in securing the future of our ordinary Fijians but as a central pillar of our economy and the prosperity on which every member of the Fund depends on during their times of need.

FNPF is a leading player in our financial system. It has given our nation a crucial asset base and is a critical partner to Government as we set out to steadily transform Fiji from a developing country into a modern nation-State.

The assessment made to the FNPF 2017 Annual Report was done in accordance with Section 109(2)(b) of the Standing Orders of Parliament. The Chief Executive Officer (CEO), Mr. Jaoji Koroi, did a presentation on their 2017 annual performance.

The Committee noted that FNPF had undertaken the reforms to address the following issues:

- to ensure the long-term sustainability of the Fund;
- scheme design was not the best practice;
- improve governance and transparency;
- there was no meaningful retirement income; and
- poor service delivery.

The financial and operational results of FNPF demonstrated the commitment of its people to implement key strategies to ensure that it continues to protect the long-term interests of its members. The

Committee commends the overall performance of the Fund in 2017, however it is still prudent to address a few issues, as recommended by the Committee, to maintain the long-term sustainability of the Fund.

The Committee noted in the FNPF's presentation that the Fund always ensures that recruitment and selection process complies with the Employment Relations Act 2007, and as such FNPF's internal "Recruitment and Selection Policy aims to ensure that the Fund selects the most suitable candidate for the job on the basis of merit and abilities, and no candidate was unfairly treated on any grounds such as race, culture, ethnic or social origin, colour, place of origin, sex, gender, sexual orientation, gender identity and expression, birth, primary language, economic or social or health status, HIV/AIDS status, disability, age, religion, conscience, marital status or pregnancy". Appointment is competency based and right job fit.

The Committee commends FNPF's current position in playing a crucial role towards men and women in Fiji who are members of the Fund.

I thank the Chairperson - Honourable Viam Pillay; Members - Honourable Salote Radrodro, Honourable Ruveni Nadalo, Honourable Anare T. Vadei and Alternate Member, Honourable Alivereti Nabulivou's contribution towards the scrutiny and the formulation of this bipartisan Report.

With those words, on behalf of the Standing Committee on Social Affairs, I commend this Report to Parliament.

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

(Report handed to the Secretary-General)

HON. V.K. BHATNAGAR.- 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.

HON. A. NABULIVOU.- Madam Speaker, I beg to second the motion.

Question put.

HON. SPEAKER.- The Question is:

That a debate on the contents of the Report is initiated at a future sitting.

Does any Member oppose?

(Chorus of 'Noes')

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

Motion agreed to.

HON. SPEAKER.- I now call on the Chairperson of the Standing Committee on Justice, Law and Human Rights to have the floor.

Standing Committee on Justice, Law and Human Rights – Online Safety Bill 2018

HON. A. SUDHAKAR.- Madam Speaker, I rise this morning to present the Report of the Standing Committee on Justice, Law and Human Rights on the Online Safety Bill 2018.

Fiji, Madam Speaker, like many other countries, is grappling with the irresponsible use of social media, the internet and other new technologies. Eighteen years into the 21st Century and what was originally seen as impressive, modern tools for communication have now exposed a more complex issue as to how society communicates.

Digital technology has evolved greatly over the last half century and has become an increasingly large part of household budgets. By 2020, 52 per cent of the world's population will be online. Fiji currently has about 48 percent internet penetration and by 2030, it is expected that 99 per cent of Fiji's population will have access to internet.

Apart from being a convenient and instantaneous medium for the communication and exchange of important personal or business information and other content, the internet has also fostered the proliferation and spread of social media networks. Social media sites, such as *Facebook* and *Twitter* have offered access and opportunity to millions of connected users to share stories, images, points of view and other information.

While social media has facilitated communication, interaction and interconnectedness, it has also brought some negative impacts on society. Cyber-bullying, cyber stalking, internet trolling and the spread of fake news are negative by-products of social media. Bullying in any form, whether online or offline, can cause significant amount of emotional distress and psychological harm to victims and their families. Equally harmful are acts of defamation on social media. Defamation on social media cannot be disguised as freedom of speech.

Fijians are well aware through media reports of the exposure of intimate images online and the bullying of victims through text messages and social media. This has impacted all Fijians, but has an inordinate amount of impact on women and children.

In the *Fiji Times* report of 2nd April, 2015, an 18 year old Lautoka student committed suicide after being a victim of cyber-bullying perpetrated through social media message. The case has not been dealt with appropriately as there were no laws in place to deal with such situations of abuse. The victim's family is yet to be given proper closure of the matter.

Recently, it was reported that intimate visual recordings of innocent and unsuspecting young children, teenagers, students and adult women alike were recorded and circulated on social media by their close friends as revenge porn or just to humiliate and embarrass the victims. There have been cases where these victims are blackmailed for money, sex or other favours by the perpetrators under threat that their intimate visual recordings will be circulated on social media. This is criminal and it must be stopped.

There is an urgent need to take all the citizens of Fiji along the journey of self-realisation about the ills of social media. Voices of survivors of cyber-bullying and fake news victims need to be encouraged and a strong emphasis placed on remedial actions. As citizens, we cannot allow abuse of freedom of speech as an excuse to cause discomfort and harm to others.

You must listen to this one, it is important for you. Section 17 of the Fijian Constitution provides for freedom of speech and expression. That right, however, is not an absolute right. The right of one person to express himself or herself cannot be taken as a licence to impinge on the right of privacy and

dignity of another person. That has been the position of law since time immemorial, hence, the volumes of civil and criminal case authorities both, locally and internationally.

Section 17 of the Constitution more specifically provides that while every person has the right to freedom of speech, expression, thought, opinion and publication to the extent that it is necessary, a law may limit or may authorise the limitation of those rights for public morality, protection of the reputation, privacy, dignity, rights of freedoms of other persons including the right to be free from hate speech, rights of persons injured by inaccurate or offensive media reports to have a correction published on reasonable conditions; and preventing attacks on the dignity of individuals or groups.

The Fijian Government in its commitment to ensure access to connectivity for all Fijians, has embarked on promoting a safe online culture and environment in hindsight of the recent increase of reports on harmful online behaviour, such as cyber-bullying, cyber stalking, internet trolling and exposure to offensive and harmful content, including circulation of intimate visual recordings, particularly in respect of women and children.

As a result, the Government has introduced in Parliament the Online Safety Bill in March 2018. The Bill's intent is to promote the responsible use of social media and new communication tools, to allow for a process by which hateful and harmful content, images and messages can be removed expediently.

The Bill seeks to promote online safety to increase awareness and education on responsible online behaviour and the use and provision of personal information. The Bill provides a specific avenue which individuals can take to have their concerns dealt with. It also creates new offences to deter irresponsible and harmful online behaviour.

The Bill was referred to the Standing Committee on Justice, Law and Human Rights by this august House for review and scrutiny. Apart from its own deliberation on the Bill, the Standing Committee considered numerous submissions received by it and highlighted certain issues. In its pursuit for wider consultation, the Committee also conducted public consultations on the Bill in Labasa and Lautoka.

The Committee, through the Parliament Research Unit, also looked into other jurisdictions that have similar setups and to which Fiji is aiming for by the introduction of the Bill. I must announce at this stage that the Fiji law is based primarily on the New Zealand Harmful Digital Communication Act which has similar provision to ours. There have been cases in New Zealand courts that deal with such issues where people have posted photos of their former partners on social media and the ill-informed comments that followed after that, that actually insulted those people and there have been cases in the New Zealand courts dealing with those issues.

The Committee, in its observation, also consulted the drafters of the Bill and this assisted the Committee in its deliberation of the Bill. The Report will cover the Standing Committee's role in reviewing the Online Safety Bill to ensure that all due processes regarding the Bill had been followed, and to also ensure that the provisions contained in the Bill would contribute to the achievement of the Bill's objectives.

The Bill covers some very important areas which the public should make themselves aware of, some of which are as follows:

- The power of the Online Safety Commission to investigate complaints on harmful online behaviour and content.

- The rights of individuals to report and take legal action against harmful online behaviour and content.
- The power of the Court to order fines up to \$20,000 against individuals and \$100,000 against entities and prison sentences for up to five years against individuals and seven years imprisonment for officers of entities, who breach the Act.
- The balance between the rights of citizens to participate in political debate and communications in the public interest with those who promote hate against other identifiable groups and other electronic communication that expresses false allegations.
- The right of release of the identity of fake profiles and anonymous communication.

Amendments were made to various Clauses and Subclauses of the Bill and the amendments which were necessary have been made and marked in red in the copies of the Bill provided with this Report.

The Committee also took into consideration the Bill's impact on gender and noted, including from submissions received, that the impact of hateful and harmful electronic communications and the posting of intimate visual recordings disproportionately impacts women and children as victims. At least, one submitter noted that the Bill should reflect that many women do not feel safe coming forward with a complaint against a poster, especially one who has been an intimate partner.

The Committee considered the points raised by the submitters and has attempted to reflect the impact and benefits of this Bill on both men and women equally. This includes the need for the Commission to be mindful of the importance of time, when trying to make a determination concerning a complaint. It was also considered in the concern raised with regard to a statutory defence to the crime of posting intimate visual recordings.

The Committee is of the opinion that the Bill has benefited from the submissions made with regard to the impact of the Bill on women and girls, and it has attempted to reflect the issues raised in their amendments to the Bill.

At this juncture, I would like to thank the Honourable Members of the Standing Committee on Justice, Law and Human Rights for their deliberations and input, which include the:

- Honourable Brij Lal;
- Honourable Semesa Karavaki;
- Honourable Mataiasi Naimataiwalu;
- Honourable Mikaele Leawere;
- Alternate Members who made themselves available when the Substantive Members could not attend;
- Staff and Officers of the Research Unit and Secretariat; as well as
- entities who accepted the invitation of the Committee and made themselves available to make submissions.

I would particularly like to thank the members of the public for taking an interest in the proceedings of the Committee and Parliament, who took their time out to be present before the Committee at the public hearings and for making valuable submissions which the Committee took note of and adopted where necessary.

I would also like to acknowledge the invaluable assistance of Mr. Kevin Deveaux, a legal practitioner from Canada, who assisted the Committee in research, comparative analysis and drafting which was made possible by the support of the UNDP Fiji Parliament Support Project.

I, on behalf of the Committee, commend the Online Safety Bill 2018 to Parliament and seek support of all the Members of this august House for the Bill since it is designed for the greater good of all Fijians.

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

(Report handed to the Secretary-General)

HON. A. SUDHAKAR.- Madam Speaker, at this juncture, pursuant to the Resolution of Parliament on Thursday, 15th March, 2018; the Online Safety Bill 2018 (Bill No. 7/2018) is now ready to be debated, voted upon and be passed at a later time.

HON. SPEAKER.- Pursuant to the Resolution of Parliament on Thursday, 15th March, 2018; the Standing Committee has now reported back and the Online Safety Bill 2018 (Bill No. 7/2018) is now ready to be debated, voted upon and be passed at a later time. Thank you.

Honourable Members, we will move on to the next Item. I will now invite the Honourable Prem Singh to ask his question.

## QUESTIONS

### Oral Questions

#### Issues Affecting Ratepayers (Question No. 177/2018)

HON. P. SINGH asked the Government, upon notice:

Would the Honourable Minister for Local Government, Housing, Environment, Infrastructure and Transport inform Parliament whether or not Administrators and Chief Executive Officers of the Municipalities (Town and City Councils) refer to the Ministry for decision-making on issues affecting ratepayers and their respective workforce?

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

Madam Speaker, in some cases, yes, they do refer. Thank you.

HON. SPEAKER.- Honourable Professor Biman Prasad?

HON. PROF. B.C. PRASAD.- Thank you, Madam Speaker. Most people in this country know that we have a control-freak Government, especially with the Ministry of Local Government. Can I ask the Honourable Minister, why does the Ministry have to review or get the CEO or the Administrator to refer every decision that they make to the Ministry?

Madam Speaker, a lot of workers have been denied their rights and their demands have not been looked after because of the control-freak questions. So can I ask the Honourable Minister, can he deny that all the decisions that the CEO and the Administrator makes should be vetted by the Ministry?

HON. A. SAYED-KHAIYUM.- What is your question?

HON. PROF. B.C. PRASAD.- That is the question, why is he vetting all the decisions of the Administrator and the CEO, Madam Speaker?

HON. SPEAKER.- You are asking the question to the Honourable Minister if can deny, does he have any other option?

HON. PROF. B.C. PRASAD.- Well, I said, deny that he is not vetting.

HON. SPEAKER.- Honourable Minister.

HON. P.B. KUMAR.- Thank you, Madam Speaker. There is no truth in his argument. The reason being, maybe he has a wrong informer.

(Hon. Professor B.C. Prasad interjects)

HON. P.B. KUMAR.- Give it to me! Table it! I hope he was listening, that is the biggest problem with this gentleman.

As I had said earlier on, Madam Speaker, that in some cases, yes. I have made it very clear, in some cases, they do refer to the Ministry, full stop!

HON. SPEAKER.- Honourable Salote Radrodro.

HON. S. V. RADRODRO.- Thank you, Madam Speaker. Before I ask my supplementary question, I would like to congratulate the US Government for establishing and opening the US Embassy in Jerusalem, the Jewish State, yesterday.

The question, Madam Speaker, to the Honourable Minister is, I hope you are aware that there is \$34 million sitting as arrears of rates according to the Annual Reports of 2014. So, what is the Ministry doing with the CEOs of the Councils in recovering that huge arrears, Madam Speaker, which I am sure has escalated to much more in 2018?

HON. SPEAKER.- Honourable Minister.

HON. P.B. KUMAR.- Thank you, Madam Speaker. I am very much aware of the arrears and these arrears are not of today, it is an accumulated fund. You must understand that, you have been a civil servant.

There is a recovery process in all the Municipalities, Madam Speaker. This Government, unlike other governments, does not intend to take our ratepayers to court for not paying. Before, the previous Governments used to take ratepayers to court. We have got a recovery process in all the Municipalities, we have given the ratepayers who have difficulties to pay in instalments and it is happening at all the Municipalities, and I will have to check her rates whether she has paid or not.

(Laughter)

HON. SPEAKER.- Honourable Dr. Mere Samisoni.

HON. DR. M.T. SAMISONI.- Thank you for the opportunity to ask you. For me, there has been a lot of questions from my own constituents asking about how slow the actions of the people at Lami and the interference from the Ministry.

For me, as a student of Management in Leadership, the decentralisation, the corporatisation, the privatisation and the running units as a business is not working. Centralisation has never worked and never will work. It is always going to be a balance of risks and benefits and there is so much, Madam Speaker, there is so much wastage. We are a very small community and there is too much centralisation where you are killing the goose. Thank you, Madam Speaker.

(Laughter)

HON. SPEAKER.- There being no questions, I now give the floor to the Honourable Prem Singh.

HON. P. SINGH.- Madam Speaker, supplementary question.

HON. SPEAKER.- Supplementary question.

HON. P. SINGH.- Madam Speaker, at a cost of reparation, could the Minister put an end to this question on the review of the Local Government Act. My question to the Minister is, will the review seek an amendment to do away with elections or will they cement the positions of the administrators as a permanent fixture?

(Honourable Member interjects)

HON. SPEAKER.- Honourable Minister.

HON. P. SINGH.- He promised an election.

HON. P.B. KUMAR.- Thank you, Madam Speaker. I think I had answered this in the last sitting about the review. The review will determine whether we are going to have elections or not. It is only the review that will determine whether we are going to have municipal elections, nominations or whatever. I think it is not right for me to determine that right now. Thank you.

HON. SPEAKER.- I now give the floor to the Honourable Dulakiverata, last question.

HON. J. DULAKIVERATA.- My question has been asked, Madam Speaker, it is incorporated in his question.

HON. SPEAKER.- Thank you. I now give the floor to the Honourable Howard Politini.

Payout to Landowners - Fiji Pine Group  
(Question No. 178/2018)

HON. H.R.T. POLITINI asked the Government, upon notice:

Can the Honourable Attorney-General and Minister for Economy, Public Enterprises, Civil Service and Communications explain the reason for the massive payout to landowners in the West and North recently from the Fiji Pine Group?

HON. A. SAYED-KHAIYUM (Attorney-General and Minister for Economy, Public Enterprises, Civil Service and Communications).- Thank you, Madam Speaker, and I would like to thank the Honourable Member for this question.

Madam Speaker, the massive payout is of course a culmination of the past five or six years of very solid financial management of Fiji Pine Limited. And of course the huge level of input by the Bainimarama Government and then the FijiFirst Government in respect of addressing landowner grievances.

Madam Speaker, right up till 2011 or just a couple of years prior to that, none of the leases that had expired were, in fact, renewed because the landowners were actually feeling very aggrieved and as a result of the consultations that was carried out by the Honourable Prime Minister, we came up with what we call the "Lease Security Bonus Payout" (LSBP).

The lease security bonus payout, Madam Speaker, started in 2013 where a payout of \$347,000 was made and, of course, recently we saw a payout of \$7 million that was made which is 1,917.3 percent increase in the period of five years. Madam Speaker, in fact, we intend to make a Ministerial Statement on this in the next couple of days, so I will be very brief in that respect.

However, the bonus payout that was made was because of the fact that Fiji Pine Limited is making a lot more money. The fact of the matter is that more leases were actually been renewed and because of the profitability and the renewal of leases, we are now, Madam Speaker, paying out a lot more money to the landowners themselves. Thank you.

HON. SPEAKER.- Honourable Professor Biman Prasad.

HON. PROF. B.C. PRASAD.- Thank you, Madam Speaker. We know that the pine project had started 30 years ago under the Ratu Mara-led Government. But can I also ask the Minister, how much of the deforested areas of pine have been replanted so that we can be assured that in the future, there is pine available?

HON. SPEAKER.- Statistical question.

HON. A. SAYED-KHAIYUM.- Thank you, Madam Speaker. It is obviously not related to this and it is a statistical issue but just by putting it into context, no expired leases were renewed from 2000 to 2011.

Madam Speaker, the landowners were actually aggrieved by the lack of payment made to them. Of course, we know it takes about 20 to 25 years for a pine tree to mature. Now we have 23,434.12 hectares of expired leases which actually have been renewed in 2012 until now and this, Madam Speaker, is what we call the "Lease Security Bonus Payout" that goes directly to the landowning units themselves.

Before it used to go to the trust and in fact, Madam Speaker, a few years ago there was a payout made to the trust and only a partial amount of the money that went to the trust, actually went to the landowners and the landowners actually made representations to the Honourable Prime Minister when he went around doing consultations in Bua and also up in the Western Division. They said, "Look, we need to have those bonuses, those payments paid to us directly."

The payment that was actually made in Drasa, a few weeks ago, all the individual landowning units were called. For example, one of the landowning units that received about \$340,000, in fact, had only eight adults in that landowning unit. There was a huge windfall for those people who were getting these monies, now paid to them directly.

Now in respect of the hectares and planting, obviously as soon as the leases were renewed, new pine plants were actually put in. I do not have the exact figures as to how many had been planted since then but I can get the figures later on. Thank you.

HON. SPEAKER.- Honourable Samuela Vunivalu.

HON. S.B. VUNIVALU.- A supplementary question, Madam Speaker.

HON. SPEAKER.- Supplementary question.

HON. S.B. VUNIVALU.- Does the trust or the Ministry monitors the landowners on how they utilise their money after the payout?

HON. SPEAKER.- Thank you, Honourable Acting Prime Minister.

HON. A. SAYED-KHAIYUM.- Madam Speaker, there appears to be a lot of mistrust with the trust because, in fact, the landowners actually had complained about the lack of funds actually flowing through the trust. So I do not think they would really want to go to them for some advice.

But the Honourable Member, Madam Speaker, raises a very important issue and that is the management of the funds that go to the individual landowning units. In fact, we understand that Tropik Woods Management is trying to come up with some various ways to educate or create public awareness about the need to save and about the need to ensure that their monies are actually spent wisely.

HON. SPEAKER.- Honourable Ro Kiliraki.

HON. RATU K. KILIRAKI.- Thank you, Madam Speaker. A supplementary question.

HON. SPEAKER.- Supplementary question.

HON. RATU K. KILIRAKI.- Given that the regulation for equal distribution is through the iTaukei Land Trust Board (iTLTB) in terms of land leases, why was that payout not given to iTLTB for distribution? Thank you, Madam Speaker.

HON. SPEAKER.- Honourable Acting Prime Minister.

HON. A. SAYED-KHAIYUM.- Thank you, Madam Speaker. I would like to thank the Honourable Member for his question. The equal distribution of land lease monies, Madam Speaker, as the word suggests is actually from lease monies and that obviously is implemented through iTLTB.

The issue that the Honourable Member has raised is actually quite an important issue. In fact, some members of the landowning units actually did come forward and say that when the money does go to the individual landowning units, that it should be equally distributed amongst the members of the landowning units and, in fact, that is something that is going to be considered in the next payout. That is what people are looking at because they are requesting that, because when it does go to the head of the landowning unit, there have been instances, in fact, we received some calls where people are saying, “not everybody is actually being the beneficiaries of it” and that is the beauty about equal distribution which they had rejected previously.

Madam Speaker, the fact of the matter is, that is something that we are looking forward to, we are looking at doing equal distribution and that is because that has been actually a real submission that was being made by members of the landowning units. Thank you.

HON. SPEAKER.- Honourable Viliame Gavoka.

HON. V.R. GAVOKA.- Thank you, Madam Speaker. Supplementary question.

HON. SPEAKER.- Supplementary question.

HON. V.R. GAVOKA.- Madam Speaker, our information is that when FijiFirst took over, some 55,000 hectares of land was under Fiji Pine Limited (FPL). Today, it is hovering around 35,000 to 36,000 hectares. Like sugar, when they took over, it was about three million tonnes of sugar, it is down to one point something now.

But, Madam Speaker, my concern is that, we have yet to see an annual report from FPL to be scrutinised by Parliament so that we can know whether it is really indeed healthy, whether we can know that this kind of level of payout can be expected down the years. So, can we be given that financial report for Parliament to look into it because it is not one payout? What we want to see is payout down the line, down the years, that is consistent and sustainable, one that Fiji Pine Limited can sustain. I think more needs to be known, Madam Speaker, I would like to see an annual report. Thank you.

HON. SPEAKER.- Thank you. Honourable Acting Prime Minister.

HON. A. SAYED-KHAIYUM.- Madam Speaker, as I said that I will be issuing a Ministerial Statement on this, but just to enlighten the Honourable Member, I think he is getting influenced by the Honourable Member that is sitting next to him who was not here this morning. Unfortunately, he made a post on *Facebook* and he says “how the Fiji Pine Landowners were exploited by Government, \$7 million is peanuts compared to what was promised and what they deserved. Fiji Pine Limited has not filed any annual accounts since 2003 or 2005.” What utter nonsense! What utter nonsense!

If the Honourable Member actually made the effort and he checked with the Ministry of Forests, the 2017 Report had already been filed with the Ministry of Forests. Every year, they have been doing it on time and those reports, Madam Speaker, are not tabled in Parliament. Honourable Ratu Lalabalavu can tell us that, Honourable Kepa who was also in the last Parliament will tell you that; the reason why that has not happened is because of the share structure.

The share structure is this, Madam Speaker, Fiji Pine Limited was set up by the Ratu Mara-led Government as a \$60 million or 99.8 percent redeemable, non-dividend holding preference to the shareholders. Government whilst they hold 99.8 percent asset by the Ratu Mara Government, Government owns 99.8 percent but they are non-dividend holding preference shareholders. In other words, the Government does not get any dividends paid out, should there be any dividends paid out.

Fiji Pine Trust has 0.2 percent shareholder but they get the right of dividends and because therefore that 100 percent of the dividend rights go to Fiji Pine Trust, annual reports do not get tabled in Parliament as a result of that, Madam Speaker. That is why, but those reports are readily available; go to Fiji Pine Trust, go to Ministry of Forests and you will find it there. There are many things you can find, please look for it.

HON. SPEAKER.- Thank you Honourable Members, time has caught up with us. We will break for refreshments and we will resume at 11.00 a.m.

The Parliament adjourned at 10.32 a.m.

The Parliament resumed at 11.02 a.m.

HON. SPEAKER.- Thank you, Honourable Members, we will now resume from where we left off and I give the floor to the Honourable Jiosefa Dulakiverata.

Diversification of Agricultural Produce  
(Question No. 179/2018)

HON. J. DULAKIVERATA asked the Government, upon notice:

One of the key themes of this Government has been agricultural diversity. Can the Honourable Minister for Agriculture, Rural and Maritime Development, Disaster Management and Meteorological Services update the House on the success of such diversification of agricultural produce in Fiji?

HON. LT. COL. I.B. SERUIRATU (Minister for Agriculture, Rural and Maritime Development, Disaster Management and Meteorological Services).- Thank you, Madam Speaker, and I wish to acknowledge the Honourable Member for the question raised this morning.

Madam Speaker, diversification, if I can say, is a necessity particularly given the approach that we want to take in terms of treating farming as a business, therefore the diversification programme is essential and a necessity.

Diversification, Madam Speaker, perhaps, has one major objective and that is to develop a wider range of products in order to become more successful and, of course, reduce the farmers' risks as well. With a wider range of products, it also results into developing more interests, thus the need for more skills and, of course, it will create more employment opportunities as well.

The benefits are obvious, I have talked about increasing the farmers' income because if the income is consistent and satisfactory or even better, most farmers will continue to stay in the farm rather than be occupied in other non-farm economic activities.

I have talked about employment, very very important, a wide range of products, more interest, more skills and, of course, it creates more employment opportunities as well.

On food security, we talked about food security and nutrition security yesterday and, of course, the diversification adds to this as well and most importantly, of course, is how it contributes to the GDP growth.

Madam Speaker, the diversification programme, if I may very quickly brief the House, involves what I can call a "two-pronged approach"; one is at the production level in which the farmers are being encouraged to diversify into new crops and, of course, mixed farming as well for those who have crops only. We also encourage them to keep a bit of livestock, again for the reasons that I have stated. Of course, Madam Speaker, it is on value-addition and product development. Those are the two main approaches that we are taking when it comes to the diversification programme.

Madam Speaker, it is important to say that for the diversification programme to be successful, we need that strong partnership between Government, farmers and other stakeholders, particularly the private sector, so this is an area that we will continue to develop.

Government will come up with the strategic intent, strategies and the regulating policies which are very, very critical and, of course, with public sector investment as well, provide infrastructure and

utilities for the farmers. The participation of the private sector is very, very critical to this, Madam Speaker, because they are the engine of growth for the economy, they have the technology, finance, skills, know-how and, of course, the farmers as well, and this is very important.

Farmers need to be encouraged if they need to be enticed to continue with the best farming practices. Yesterday, we talked about resilience, Madam Speaker, and Climate Smart Agriculture (CSA). We need to ensure that the farmers are actively engaged and most importantly, Madam Speaker, the market. The success of the diversification programme will be very much dependent on the market, like any other business, we start from the market and we go back and identify the production and the production systems, Madam Speaker.

Concentration at the farm level: I think I touched a bit on this in the April sitting, Madam Speaker, on the programmes that we have and the documents that are guiding the Ministry of Agriculture - 2020 Agriculture Sector Policy Agenda; the Strategic Plan that we have developed so far; Fiji's Green Growth Framework - these are all the documents that guide this diversification programme.

On the value-addition and product development, Madam Speaker, again the private sector is very much actively involved and, please, just allow me to show a few of the products this morning again to acknowledge the work undertaken by the private sector.

As we know, Madam Speaker, for a long time we have been concentrating on a few commodities only, but Government is not to be blamed. I have talked about the market access, not only that, we have been briefed in this House that our national airline is flying to new destinations: Singapore, Hong Kong, Los Angeles, San Francisco. In July we are going to fly to Narita in Japan. This provides new market opportunities for us, but some of the new products, Madam Speaker, I will probably start with coconut.

HON. PROF. B.C. PRASAD.- What about potato?

HON. LT. COL. I.B. SERUIRATU.- The potato will come again when you ask.

(Chorus of interjection)

HON. LT. COL. I.B. SERUIRATU.- Madam Speaker, these are some of the products from coconut. Apart from coconut crude oil, this is virgin coconut oil, and out of virgin coconut oil, we are going to cosmetic products by Pure Fiji, this is by Matuku Organic, not Vanuabalavu, Madam Speaker.

(Laughter)

One of the residues from this process, Madam Speaker, is desiccated coconut and out of that desiccated coconut, we come up with the Fiji Coconut Vodka but this is empty, Madam Speaker. Of course, may be the Honourable Dr. Samisoni will be impressed that we are slowly developing in the laboratory in Koronivia to new products from desiccated coconut, coconut flour and, of course, other products as well.

So, that very briefly is coconut, Madam Speaker. I have got a coconut soap; "*noni*", also known as "*kura*", Madam Speaker, this is the *kura* juice.

HON. MEMBER.- That one is fresh.

HON. LT. COL. I.B. SERUIRATU.- This is the *kura* capsule; this is the latest, just launched recently this year, *noni* tea. This might make the hair grow and this is the latest product out of *noni*.

On *kava*, Madam Speaker, this is the *kava* capsule apart from *kava* powder and this is anti-depressant, the relaxation drink. This is coconut flavour, banana flavour, *guava* flavour and vanilla flavour.

Madam Speaker, these are all the products. I do not want to bother the House with all the details but let me just touch on a few.

On rice, Madam Speaker, I was in Dreketi in April and we commissioned the rice dryers and also installed a machine that will convert rice husks and broken grains into animal feed, that is, out of rice.

On cassava, Grace Road is one of the biggest, and I am talking about partnership. We take for granted the cassava that we have but look at the new cassava products that Grace Road is making: cassava chips, cassava wedges, cassava noodles, cassava cakes, cassava cookies - so many things are happening. The simple answer is, it is progressing, can be more but it is about partnership, Madam Speaker.

HON. P. CHAND.- A supplementary question, Madam Speaker.

Firstly, the Honourable Minister himself admitted on FBC News on 10th September last year that the Fiji's food import bill averages \$788 million in the last five years due to the importation of high-valued vegetables like celery, capsicum and other things that could be easily grown here in Fiji.

My question to the Honourable Minister is this: he has only talked about local products that have been here since ages, has diversification resulted in the planting of high-value crops and vegetables or that our food import bill is still very high?

HON. LT. COL. I.B. SERUIRATU.- Thank you, Madam Speaker. One of the contributing factors to the high importation bill is the disasters that we have been having.

HON. P. CHAND.- Disaster, only two years ....

HON. LT. COL. I.B. SERUIRATU.- Madam Speaker, let me go back to 2010 - *TC Thomas* started from Cikobia, then made landfall through Namuka, hit *Tikina Dogotuki*, Udu, Tawake, Saqani, Vaturova and then over the other side to Tunuloa and Natewa and then Savusavu into Taveuni. These are all agriculture areas. Then in 2012, we have *TC Evans* that took almost the entire Western Division. In 2016, Madam Speaker, we have *TC Winston*, *TC Zena*, and Tropical Depression 04F which brought a lot of flooding into Fiji.

This year, Madam Speaker, we have *TC Gita*, *TC Josie* and *TC Keni*, we are doing our very best. If you look at the export figures, they are increasing but, of course, if the Honourable Member was listening well, the International Fund for Agriculture Development (IFAD) loan that I had briefed the House on in the last Sitting which is happening in Nadarivatu as we speak, Madam Speaker, that is targeting high value products, particularly vegetables. So, it is being addressed.

HON. SPEAKER.- Honourable Dr. Mere Samisoni.

HON. DR. M.T. SAMISONI.- Thank you very much. May I thank the Honourable Minister for being ever kind and they are happy to hear from you of the improvements in your technology and adding value. I think that is very good, targeting the technology is very good, but for me, Madam Speaker, I am concerned about the gaps between the landowners. For example, this big market, it is a big local market that we need to target, because we are not being empowered. As you know, Madam Speaker, they are not getting their adding value to their lease money, they need that and the landowners, they are asset rich

but very cash poor. Therefore, yes, I agree that we need to improve participation in business; I am all for that. If I can come from a village level to be where I am today, you watch me!

(Chorus of interjections)

HON. DR. M.T. SAMISONI.- All right, it is open to any other village person, so learn from that, learn from your ....

(Honourable Members interject)

HON. SPEAKER.- I now give the floor to Honourable Alvick Maharaj.

Violence against Women and Children – FPF Initiatives  
(Question No. 180/2018)

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

Can the Honourable Minister for Defence and National Security inform the House on the initiatives the Fiji Police Force is taking to address violence against women and children?

HON. RATU I. KUBUABOLA (Minister for Defence and National Security).- Madam Speaker, I would like to thank the Honourable Member for the question.

Madam Speaker, Fiji has ratified the UN Convention on the Elimination of all forms of Discrimination against Women (CEDAW) and the Fiji Police Force has actively participated and contributed to the submissions towards the country report. The Fijian delegation to the 69th Session Committee on the Elimination of Discrimination Against Women was headed by the Honourable Minister for Women, Children and Poverty Alleviation; the Honourable Mereseini Vuniwaqa and her team.

Similarly, Madam Speaker, the Fiji Police Force is a member of the Women and the Law Taskforce under the chairperson of the Ministry of Women, and has been actively participating in this centrally coordinated forum.

Furthermore, Madam Speaker, the Fiji Police Force co-chairs the National Committee on the Elimination of Violence Against Women. In this regard, the Fiji Police Force provides policy advice, information in terms of awareness and advocacy towards building a national framework. Data on Gender Based Violence (GBV) and Elimination of Violence Against Women (EVAW) is sourced from the Fiji Police Statistics Unit.

Madam Speaker, in the organisational front, the Fiji Police Force has a number of initiatives aligned to this agenda of concern.

The Fiji Police Force has corporate KPIs, specifically target to women and child related crimes. These are:

1. Reducing violence against women by 10 percent; and
2. Reducing violence against children by 10 percent.

There exists, Madam Speaker, a Memorandum of Understanding (MOU) with the Ministry of Women, Children and Poverty Alleviation to tackle the issue of violence against women and children.

Also, Madam Speaker, the Fiji Police Force has a mutual understanding and a working relation with a number of agencies both, Government and Civil Society Organisations on the agenda. This includes UN Women, UNICEF, FWCC, FWRM, MSP, et cetera.

Other internal strategies and initiatives include:

- *Duavata* concept implementation through village and school visitations, awareness, *tikina* meetings; victim support, et cetera.
- Advocating the Community Policing approach through the five pillars of Sports, Music, Religion, *Vanua* and Youth.
- Strengthening the participation of women through Police Wives/Mothers Club and the Fiji Police Women's Network.
- Increase in media awareness, for example, Crime Stoppers, Talk Back Shows, brochures and newspaper publications and media releases.
- Strengthening of investigation capabilities.
- Smart visibility patrols on Hotspots/Red Zones.
- Attending workshops and training organised by Fiji Women's Crisis Centre (FWCC) in partnership with United Nation Development Programme (UNDP) or other relevant organisations on ending violence against women and children.
- Stringent execution of the No Drop Policy and Zero Tolerance.
- Enforcement of Domestic Violence Restraining Order (DVRO).
- In partnership with the Social Welfare in the 'Loloma Project' (The Child Begging/Labour).
- Also, the Fiji Police has empowered the Sexual Offence Unit and Juvenile Bureau to streamline women and child related GVB investigations through dedicated and well-trained women officers.

Thank you, Madam Speaker.

HON. SPEAKER.- Honourable Parmod Chand.

HON. P. CHAND.- Madam Speaker, sexual crimes against women and children increased by 300 percent since 2006, according to a recent statement by the Commissioner of Police. This obviously means that efforts by the Fiji Police Force to curb or prevent violence against women and children has not worked.

My question, Madam Speaker, is, the dramatic increase in crimes against women and children in the last 12 years is a result of social and moral decay in our society?

(Chorus of interjections)

HON. SPEAKER.- Honourable Minister.

HON. RATU I. KUBUABOLA.- Madam Speaker, I think that is a very sterling statement, but my good colleague, the Honourable Member from Labasa is a church pastor and he knows that this is true; the decline in the moral and family values. And I think all of us need to work on that, Madam Speaker, and I would like to encourage my good colleague there to also do that in Labasa.

HON. SPEAKER.- Honourable Salote Radrodro.

HON. S.V. RADRODRO.- Thank you, Honourable Speaker and I thank the Honourable Minister for that explanation which I stand to dispute because according to media reporting, the trend still escalates in terms of violence against women and children. But I know that the Honourable Minister mentioned they are working with other stakeholders. So the question is, how much is being allocated from the Ministry's budget to help other key stakeholders in running programmes to be able to bring down the rates on violence against women and children?

I ask that question, Madam Speaker, because resource is one of the key challenges that are being brought forward by all the key stakeholders that try or attempt to engage in programmes to reduce violence against women and children. Thank you, Honourable Speaker.

HON. RATU I. KUBUABOLA.- Thank you, Madam Speaker. I thank the Honourable Member, unfortunately I do not have that figure with me right now but I can provide that to the Honourable Member later on.

HON. SPEAKER.- Thank you. Honourable Howard Politini.

HON. H.R.T. POLITINI.- Thank you, Madam Speaker. Can the Honourable Minister enlighten the House on the recent statistics on violence against women and children?

HON. SPEAKER.- Thank you. Honourable Minister.

HON. RATU I. KUBUABOLA.- Madam Speaker, I thank the Honourable Member. I have the statistical data here, may I table this?

HON. V.R. GAVOKA.- Is it still increasing?

HON. RATU I. KUBUABOLA.- That you can read once I table it.

HON. V.R. GAVOKA.- Just answer the question, is it increasing or decreasing?

HON. RATU I. KUBUABOLA.- I am responding to that question.

HON. SPEAKER.- Thank you, we will put it on our website.

HON. RATU I. KUBUABOLA.- Thank you.

HON. SPEAKER.- The Honourable Leader of the Opposition.

HON. RO T.V. KEPA.- Madam Speaker, a supplementary question for the Honourable Minister. We have complaints from schools and tertiary institutions about the language and behaviour that are given by the various students in those schools. So how is the Fiji Police Force working with the schools and tertiary institutions to curb this behaviour or to lessen it? Thank you, Madam Speaker.

HON. SPEAKER.- Honourable Minister.

HON. RATU I. KUBUABOLA.- Thank you, Madam Speaker. I thank the Honourable Leader of the Opposition for that question. As I had mentioned in my reply, the Fiji Police Force (FPF) is doing awareness training with all stakeholders.

HON. SPEAKER.- Thank you. Honourable Samuela Vunivalu.

HON. S.B. VUNIVALU.- Thank you. A supplementary question, Madam Speaker.

HON. SPEAKER.- Supplementary question.

HON. S.B. VUNIVALU.- Madam Speaker, I would like to thank the FPF for their hard work to capture all these criminals in regards to violence against women and children.

But my question, Madam Speaker, is on the right of accused persons under Section 14 (2)(a) of the Constitution, “to be presumed innocent until proven guilty according to law.”

Some children and women still live in fear because at times, their cases have been acquitted in Court. Is there any other way, Madam Speaker, to solve this problem? Thank you, Madam Speaker.

HON. SPEAKER.- Thank you, Honourable Minister.

HON. RATU I. KUBUABOLA.- Sorry, Madam Speaker. I did not pick up that question well from the Honourable Member. Can he repeat that question, please? No question.

HON. S.B. VUNIVALU.- At times, Madam Speaker, cases against children and women in Court have been acquitted and now children and women are living in fear because of the fact that these cases have been acquitted in Court, according to Section 14 (2) (a) of the Constitution.

Are there plans being carried out by the Police so that children and women do not live in fear because these cases have been acquitted in the court of law? Thank you, Madam Speaker.

HON. RATU I. KUBUABOLA.- Thank you, Madam Speaker. I think the Police can look at that - how they can help to make sure that there is no fear for those victims of these offences.

HON. SPEAKER.- Thank you. Last question, Honourable Semesa Karavaki.

HON. S.D. KARAVAKI.- Thank you, Madam Speaker. I thank the Honourable Minister for his answers to these questions so far. Whether the Honourable Minister, Madam Speaker, has the information on the percentage of violence against women and children that occur in the home setting, and what the Police Department is doing about it in its cooperation with other stakeholders, to ensure that that is minimised, and also to assist the police officers in not using a lot of resources in that respect? Thank you, Madam Speaker.

HON. SPEAKER.- Honourable Minister.

HON. RATU I. KUBUABOLA.- Thank you, Madam Speaker and I thank the Honourable Member. I do not have that answer right now but I can provide it to him at a later date.

HON. SPEAKER.- Thank you. I now give the floor to the Honourable Salote Radrodoro to ask her question.

Leakage of Raw Sewage - Navua Hospital  
(Question No. 181/2018)

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

Can the Honourable Minister for Health and Medical Services update the House on remedial actions being taken by the Ministry with regards to the leakage of raw sewage of the new Navua Hospital into a creek nearby?

HON. R.S. AKBAR (Minister for Health and Medical Services).- Thank you, Madam Speaker and I thank the Honourable Member for the question. Madam Speaker, first and foremost, I would like to clarify that there was no raw sewage leakage or raw discharge in the Namelimeli Creek from the Navua Hospital.

Madam Speaker, for the information of the House, let me briefly explain the process within the sewage system at the new Navua Hospital. Raw sewage is contained in the first holding tank as part of the sewage system which has three chambers and this is where the first filtration process takes place. The contents of the sewage, Madam Speaker, is separated from the first chamber holding solid waste, while the second and the third chambers provide filtration of the liquid waste.

Furthermore, the liquid which is basically water then goes to a second tank where further filtration is done before it is pumped into the treatment house which has another holding tank with inbuilt filtering system. Then the water goes through another four chambers that act as a soak pit, allowing the residual water to seep into the ground.

Yes, Madam Speaker, a minor leak of filtered water had occurred as the volume of wastewater was in excess of the capacity of the designed soak pits to absorb. It was quickly remedied by the Divisional Medical Officer Central and his team. In terms of other clinical waste, Madam Speaker, they are disposed and burned into incinerators.

Concerns were raised by the villagers of Namelimeli, if there was discharge of raw sewage. Our team, after sighting water discharged into the nearby creek, took immediate actions to consult with the communities and so far, there has been four consultations that have been held with the neighbouring villagers, including Namelimeli of the last four weeks with the most recent one last week on Thursday, 10th May, 2018 during my visit to Navua and I also met up with the village representative.

The Divisional Office of the Medical Officer Central has been working with the local team at Navua Hospital and this includes, the engineers on site with the Ministry of Health Team, Ministry of Infrastructure and Transport, Water Authority of Fiji, Ministry of Provincial Development, Commissioner Central Division's Office, iTaukei Affairs in consultation with Roko Tui Namosi, to consult the communities.

Our most immediate remedy, Madam Speaker, was to bail out the septic and soak pits on a weekly basis to prevent any spill over. So far three bailings have been done with the assistance of the Water and Sewerage Department of the Ministry of Infrastructure and Transport (MOIT)

In terms of the upgrade works, Madam Speaker, the engineers have built drains to properly redirect any storm water from collecting on the rooftops that may have contributed to the excess water being channelled into the sewerage system.

Further on, the Ministry of Infrastructure's Sewerage Monitoring Unit has advised that a long term solution is to procure and install a 2 x 20,000 litre tanks to store this waste water, treat it with chlorine

as appropriate and this can be recycled for either watering of the landscape or by controlled release into a manmade wetland (soak pit).

Madam Speaker, water samples have been taken as of last week by the Ministry of Infrastructure to the Kinoya Lab to confirm the effectiveness of the current filtration process within the current sewage system at Navua Hospital, and this would also enable further improvements in the treatment process of both, solid and liquid waste.

Communities have been assured that immediate actions are taken to amicably address the issue and till today, weekly bailing of the septic tanks are carried out. The proposed definitive solution will be established through the multi-sectoral meeting which is planned to be held with the communities on 24th of this month whilst we verify the results of the chemical analysis test on the water that has been taken.

Madam Speaker based on the results of the test, the Ministry through its collaborative support will undertake the other appropriate actions to ensure and enhance the level of treatment for liquid waste to ensure that it can be recycled. Thank you, Madam Speaker.

HON. SPEAKER.- Honourable Ratu Matanitobua.

HON. RATU S. MATANITOBUA.- Thank you, Madam Speaker, a supplementary question.

HON. SPEAKER.- Supplementary question.

HON. RATU S. MATANITOBUA.- I thank the Honourable Minister and the Ministry for Health for the prompt work they have done in the Navua Hospital. I sat in the meeting with the Officials, the villagers and the Turaga ni Koro of the other two villages, namely Lobau and Veivatuloa. We will meet again on the 24th of this month as stated by the Honourable Minister, to see the outcome of the work being done for the last two or three weeks.

My concern that I raised in the meeting was the handing over of the Navua Hospital, like the Engineering certificate, the plans. I have asked the officials about the plan and they told me that they will have to email and get the plan from China. The question that I want to ask the Honourable Minister is, the plan and the structure of the hospital, is that with the Ministry or with the Office of the Prime Minister?

HON. SPEAKER.- Thank you. Honourable Minister.

HON. R.S. AKBAR.- Thank you, Madam Speaker and yes, thank you Honourable Member for the question. That was one of the issues that was brought to our attention as well after the stakeholders meeting that you were part of.

We are working with the Office of the Prime Minister to see if we can have access to that. I cannot confirm where it is at the moment, but definitely when we meet on the 24th of this month, we will have answers to your questions. Thank you.

HON. SPEAKER.- Thank you. Honourable Ratu Kiniviliame Kiliraki.

HON. RATU K. KILIRAKI.- Thank you, Madam Speaker. To alleviate the perceptions that may arise from such issues, whether the Ministry could consider taking regular water samples from the River because the three villages derive their livelihood from the River. Thank you, Madam Speaker.

HON. SPEAKER.- Thank you. Honourable Minister.

HON. R.S. AKBAR.- Madam Speaker, I thank the Honourable Member for the question. Yes, Honourable Member, in answer to your question that is exactly what we are doing. Regular samples have been taken and we will continue to take samples to test the bacterial levels currently present in the water.

The fact that we have not seen any evidence of fish dying in the River will be proven once we receive the analysis of the tests so, yes, that is work in progress and again, all these answers will be provided in the Multi Stakeholder Meeting that we are planning on the 24th of this month.

If I can reassure the House there that there is nothing to hide. From the beginning, we have been in consultation with the villages and they have appointed a representative who normally is their voice and so far, he is happy with the way our consultations have been going on.

One of the major concerns that he raised when he met up with me, Madam Speaker, was that they actually wanted to know what chemical is in there. So we have reassured them that the only chemical that is added in the filtration tank is chlorine or janola that is known there, the disinfectant that is used in the Hospital for cleaning purposes. Other than that, there is nothing else disposed within the sewer system. So, again all these answers will be provided and confirmed in the meeting on the 24th.

HON. SPEAKER.- Honourable Salote Radrodro.

HON. S.V. RADRODRO.- I thank you, Honourable Speaker, and I thank the Honourable Minister for her explanation which contradicts the comments given by the Ministry Officials in regards to this question.

Madam Speaker, considering the kitchen problem and now this sewerage waste problem, it seems that since the Navua Hospital opened, there is a continuous trend of problems and if you go past the Hospital, there is always work going on, after the opening. The question is, can the Honourable Minister explain how the Navua Hospital had been opened to clear the design or architectural work of the Hospital, before it was opened for use? Thank you, Madam Speaker.

HON. SPEAKER.- Thank you. Honourable Minister.

HON. R.S. AKBAR.- Thank you, Madam Speaker, and thank you Honourable Salote Radrodro for the question. Yes, obviously when the Hospital was opened in 2014, clearance must have been given. I am not in that position to comment because I was not holding that portfolio, but whenever a shortfall or a flaw had been identified either within the structures or the processes there, we have managed to remedy that. Obviously, in future, there will still be some works that will come up and as a Ministry, it becomes our responsibility to see that we rectify those and make sure that the structures and the whole Hospital services the people there. Thank you.

HON. SPEAKER.- Honourable Dr. Mere Samisoni.

HON. DR. M.T. SAMISONI.- I thank the Honourable Minister for your reply. My question is very brief, how long will it take the report to be delivered to the public and brought here because we are dealing with people, with human lives? Thank you, Madam Speaker.

HON. SPEAKER.- Thank you. Honourable Minister.

HON. R.S. AKBAR.- Thank you, Madam Speaker. I do not know what report the Honourable Member is talking about. Is she talking about the results of the water testing that would be done?

HON. DR. M.T. SAMISONI.- That is what I mean, the report. A report is a report, which means the public needs to be notified of report. We are worried about the effluent in the water and it has been two years, and that is a long time, Madam Speaker.

HON. R.S. AKBAR.- Madam Speaker, again, I think the Honourable Member was actually not paying attention. I have said that on the 24th of this month, we are expecting the analysis of the water that will be tested at the Kinoya Lab.

HON. DR. M.T. SAMISONI.- Two years is a long time.

HON. R.S. AKBAR.- Madam Speaker, we are talking about the sewerage issue here, and I do not understand what the Honourable Member is talking about, the two years. And the issue at hand is to clear the doubts of the villagers, who believe that raw sewer was pumped directly into the nearby river. We are trying to...

(Honourable Member interjects)

HON. R.S. AKBAR.- Where there is media reports, Madam Speaker, our job is to clarify the doubts and we have. Like I said from the very beginning, we are very transparent about these issues. On the 24th of this month I am sure all the fears of the villagers will be clarified and should a situation arise, we are ready to work in finding a solution to benefit the villages and the Hospital as well.

HON. SPEAKER.- Thank you. Honourable Dulakiverata?

HON. J. DULAKIVERATA.- Thank you, Madam Speaker. I just want to ask the Honourable Minister whether the Rural Local Authority approved the building of this Hospital in Navua.

HON. SPEAKER.- Thank you. Honourable Minister?

HON. R.S. AKBAR.- Madam Speaker, I do not have an answer for that, but I can provide Parliament with an answer.

HON. SPEAKER.- Thank you. Honourable Members, at this juncture, I would like to acknowledge the presence in Parliament of the Universal Peace Federation (UPF) Delegation sitting at the back in the gallery. The Universal Peace Federation is a global network of individuals and organisations dedicated to building world peace. These are accomplished through forums, seminars, conferences, service programmes and interfaith peace initiatives.

(Applause)

UPF strives to build a global network of peace builders to contribute to the world's sustainable peace. UPF have chapters worldwide and regional offices are in Africa, Asia, Japan, Korea, Eurasia, Europe, Middle East, Oceania, North, South and Central America, and Canada. It is now strengthening its presence around the region, thus they holding a meeting in Fiji next month which is welcomed in this part of the world.

We have a very high Delegation here with us this morning and they are made up of:

- Dr. Thomas Walsh, you can just stand up;
- Dr. Chung Sik Yong;
- Honourable Anote Tong, we all know;
- Mr. Shang Seon Park;

- Dr. Robert Kittle;
- Honourable Ek Nath Dhakal, all the way from Nepal;
- Mrs. Urshula McLachland;
- Mr. Greg Stone;
- Ratu Filimoni Ralogaivau, our Chairman in Fiji;
- Mr. Julius Malicdem, Chairman of the UPF from the Philippines);
- Mr. Soon Teck Lim from UPF Australia;
- Mrs. Amy Yang, the Coordinator Peace Summit, you will be seeing more of her; and of course
- Santos Neupane, the Chairman of the FFWPU in Fiji.

You are all very welcome to Parliament. Thank you for your presence this morning.

We will now move on to the next Oral Question and I give the floor to the Honourable Dr. Brij Lal.

HON. DR. B. LAL.- Madam Speaker, I withdraw my question.

HON. SPEAKER.- The question has been withdrawn.

The next question is from Honourable Anare Vadei or his designate? Honourable Ratu Suliano Matanitobua.

Expatriates in Private Hospitals  
(Question No. 183/2018)

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

Can the Honourable Minister for Health and Medical Services inform the House whether expatriates employed by the private hospitals in Fiji pay local taxes?

HON. R.S. AKBAR (Minister for Health and Medical Services).- Thank you, Madam Speaker and I thank the Honourable Member for the question.

Madam Speaker, I guess this question should have actually been directed to the Honourable Minister for Economy because it deals with taxation laws but I will present to the House what FRCS has provided me with as information.

Madam Speaker, the global practice on taxation of expatriates or non-resident employees in any country is dependent on the number of days a person is present in a country or when the contract of employment becomes effective, whichever is favourable to the taxpayer. The law of taxation requires a person to be in the country for 183 days to be considered for the person to be a resident for tax purposes.

There are a number of other taxes contained in the provisions for FIRCA CEO to make a determination on a person's residency for tax purposes and as a permanent place of abode, location or for nationality, et cetera, that will further allow FRCS to consider the person on whether he or she is a temporary resident for tax purposes.

For expatriate employers, Madam Speaker, engaged in Fiji, the rules for taxation will be as follows according to FRCS:

1. If the person is judged to be a temporary resident then normal tax on resident rates will be applicable on the income derived in Fiji;
2. If the person is judged to be a resident then normal tax on resident rates will be applicable on the worldwide income of the person; and
3. If the person is considered to be a non-resident, then non-resident tax rates will apply and Pay As You Earn (PAYE) is deducted from the first dollar of income derived in Fiji.

HON. SPEAKER.- Honourable Dulakiverata?

HON. J. DULAKIVERATA.- Supplementary question, Madam Speaker. Most of these doctors who come to the hospital are here on short term basis. Can you inform this House if those doctors have work permits or visitor permits?

HON. SPEAKER.- Thank you, Honourable Minister.

HON. R.S. AKBAR.- Thank you, Madam Speaker. Obviously, if someone is working in the country he or she will have a working permit and that is with the Department of Immigration, Ministry of Health has nothing to do with it.

I have been told that the ones who are expatriates in terms of the private hospitals, the ones on secondment basis will pay withholding tax of 15 percent. The ones employed locally full time will pay local taxes as normal.

#### Outcomes of Pacific Sports Ministers Meeting (Question No. 184/2018)

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

Can the Honourable Minister for Youth and Sports update the House on the recent outcome of the Pacific Sports Ministers Meeting?

HON. LT. COL. L.B. TUITUBOU (Minister for Youth and Sports).- Madam Speaker, the Acting Prime Minister and the Leader of the Opposition, I rise to respond to the question raised by the Honourable Member.

Yes, the meeting is conducted every two years. Up until last year, there were five other Pacific Sports Ministers Meetings hosted together with the Pacific Games and the Mini South Pacific Games which is held every two years. So, these meetings were a half day meeting, chaired by host Minister and the President of the Pacific Games Council.

All Ministers who transit through Fiji on their way to the Commonwealth Games, we made use of this opportunity. My colleagues from the region were effusive in their praise of Fiji hosting this stand-alone meeting over two days and their commitment was reflected when they gave up their Easter weekend to come to this important meeting.

The first outcome, Madam Speaker, Fiji's vision was applauded and this was actually described as the 1<sup>st</sup> Pacific Sports Ministers Meeting not the sixth.

The Ministers from the 11 countries discussed:

- Action plans;
- Coordinating policy development;
- Sports autonomy;
- Format and model of the Pacific Games as costs continue to escalate;
- Priorities for sports in the region; and
- Relationship with other regional organisations.

The Ministers resolved to establish a secretariat which will be hosted by the Kingdom of Tonga to support the Ministers in their ambitious action plans.

The Ministers also honoured Fiji by asking us to continue to chair this Pacific Sports Ministers Meeting which will now meet annually.

The Pacific Sports Ministers also agreed to:

- Develop a comprehensive vision of access to sports and physical activities for all;
- Protect the integrity of sports;
- Maximise sports impact on sustainable development and peace;
- Develop and share data on the contribution of sports to GDP and the economy;
- Coordinate the development of research, policy, legislation and regulations through the soon to be established Secretariat;
- Assess the return on investment of each nation's participation in the Commonwealth Games; and
- Build closer links between Governments and various regional sports co-ordinating organisations.

I believe, Madam Speaker, that Fiji has helped to establish a strong co-operation mechanism for sports and physical activity in the Pacific and our contribution has already been recognised. I look forward to working with my colleagues in the region and the Pacific as we chart a new territory for the important activity of nation-building through sports. Thank you, Madam Speaker.

HON. SPEAKER.- Honourable Viliame Gavoka.

HON. V.R. GAVOKA.- Thank you, Madam Speaker. Madam Speaker, as we are talking about sports, I wonder if you can allow me to ask the House to recognise and applaud the achievements of the Ratu Kadavulevu School Under 18 for their accomplishments in Japan lately. They prevailed against some top teams from all over the world. Thank you.

(Applause)

HON. V.R. GAVOKA.- And I think the House should recognise the achievement of those wonderful young players of Ratu Kadavulevu School, notwithstanding the fact that I went there, likewise the Minister for Agriculture and my colleague the Honourable Dulakiverata, I have got this message from the Madam Speaker to do this, so let us listen.

Madam Speaker, my question to the Honourable Minister, I spoke about this last month about graduating *teivovo* or the *cibi* into something more national that everyone in Fiji can perform when out on sporting events. In the same way, the New Zealanders do the *haka*. The All Blacks *haka* can be performed by any kid in New Zealand. Given the optics today with television and all that, with our boys and players playing all over the world, can I ask you, Sir, if you can take this on and make *teivovo* or the *cibi* become more current and more appealing in terms of the optics globally today?

HON. SPEAKER.- Honourable Minister.

HON. LT. COL. L.B. TUITUBOU.- The point is taken, Madam Speaker, and I will look into that.

HON. SPEAKER.- Honourable Parmod Chand.

HON. P. CHAND.- Madam Speaker, supplementary question to the Honourable Minister.

HON. SPEAKER.- Supplementary question.

HON. P. CHAND.- How successful was the Honourable Minister or the Pacific Sports Ministers in influencing or getting the Commonwealth Sport Ministers during their meet coinciding with the recent Commonwealth Games to endorse and provide assistance towards their respective Pacific nations in the development of sports?

HON. LT. COL. L.B. TUITUBOU.- I must thank the Honourable Member for the question. The meeting was very successful and with one voice to the Sports Ministers Meeting at the Commonwealth Games. We also discussed the communique that was agreed to at the Pacific Sports Ministers Meeting where human rights in the SDP should trickle down athletic rights. So the meeting was very successful and we had a communique for that meeting.

HON. SPEAKER.- Thank you. Honourable Ratu Kiliraki.

HON. RATU K. KILIRAKI.- Thank you, Madam Speaker. Maybe for general information, how will this Sports Ministers group be funded to be able to work effectively?

HON. LT. COL. L.B. TUITUBOU.- We have established a Secretariat which was voluntarily agreed to be setup in the Kingdom of Tonga to support the Ministers with the ambitious plan that we had and from there, then we will see how will it be funded, Madam Speaker.

HON. SPEAKER.- Honourable Ratu Naiqama Lalabalavu.

HON. RATU N.T. LALABALAVU.- Thank you, Madam Speaker. A supplementary question.

HON. SPEAKER.- Supplementary question.

HON. RATU N.T. LALABALAVU.- First of all, I thank the Honourable Minister for his reply and especially on the getting together of his Pacific colleagues to be able to sit and look at ways to uphold sports in the Pacific. The question that I would like to raise is to do with a Pacific great, Paul Coffa. Can the Honourable Minister provide us, is there a thought in place as to how best we can reward these great gentlemen from the Republic of Nauru in helping Pacific Islanders attain so much in the Commonwealth Games and in the Olympic Games? Thank you.

HON. SPEAKER.- Honourable Minister.

HON. LT. COL. L.B. TUITUBOU.- Yes, we discussed that. Nauru did not come to the meeting, although the invitation was sent to them. We discussed at length about sports in the Pacific. On the question about the Nauru coach, that will be taken care of by the Fiji Sports Commission under the Ministry of Youth and Sports.

HON. SPEAKER.- Thank you. There being no other question, we will move onto the next item in the Order Paper. I now call on the Honourable Ro Teimumu Kepa to ask her written question.

Written Question

Foreign and Local Contractors for FRA  
(Question No. 185/2018)

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

Can the Honourable Minister for Local Government Housing, Environment, Infrastructure and Transport provide the House with the following information:

- (a) list of foreign and local contractors for the Fiji Roads Authority;
- (b) list of companies and their respective Directors; and
- (c) the annual monetary value of their contracts since being engaged.

HON. P.B. KUMAR (Minister for Local Government Housing, Environment, Infrastructure and Transport).- Madam Speaker, I will table my written response at a later sitting day as permitted under the Standing Orders. Thank you.

HON. SPEAKER.- Thank you, and that brings us to the end of our question time. We will move onto the next item on the Order Paper.

**MINISTERIAL STATEMENT**

Flooding and Catchment Management

HON. SPEAKER.- The Minister for Waterways has given notice to make a Ministerial Statement under Standing Order 40. The Minister may speak up to 20 minutes, after which I will then invite the Leader of the Opposition or her designate to speak on the statement for no more than five minutes and I will do the same for the Leader of NFP. I now call on the Minister of Waterways to deliver his Statement.

HON. DR. M. REDDY.- Thank you, Madam Speaker. The Acting Prime Minister, Honourable Sayed-Khaiyum, the Honourable Leader of the Opposition and Members of Parliament; I wish to speak today on the relationship between flooding and catchment management and in doing so I will also highlight some of our global commitments.

But before I do that, Madam Speaker, I note after a quick reading of the *Daily Hansard* yesterday, one of my Ministerial colleagues was harassed by the Opposition Member with regard to posing questions that did not relate to his Ministry but to the Ministry of Waterways. So I just want to respond to that.

There was a question about Sigatoka River dredging. Madam Speaker, the Government Tender Board has awarded a contract to a particular contractor and the contract would be signed probably today or tomorrow. A joint survey of the river will be done this week and I am looking forward to the commencement of the dredging works, probably early next week.

The total project cost of the Sigatoka River dredging upstream, Madam Speaker, from the bridge to the river mouth was done and cost us slightly over \$5 million with the duration of seven months and we are looking at the total volume of 750,000 cubic metres of silt materials to be extracted.

Madam Speaker, as we speak, there is a team undertaking a survey work from the bridge upstream to clean up the river from debris. This survey will be undertaken for a period of two weeks.

Going back to the Ministerial Statement, Madam Speaker, flooding or waterlogging of low-lying areas and overflowing of rivers and creeks is generally associated with excessive rainfall induced runoff which are beyond conveyance capacity of our rivers and drains. In fact, what I am saying is that when the capacity of the conveyance system, either naturally or due to various factors, are not able to handle the runoff water then you will find overflowing and flooding, et cetera.

In Fiji, as indicated in my last Ministerial Statement, the high intensity of rainfall coupled with catchment activities and physical characteristics of our catchments, slopes contribute to damaging floods.

Madam Speaker, please, allow me to elaborate on the causes of flooding in Fiji. Flooding in Fiji is intrinsically related to our catchments and how we manage our catchments. I want this notion about catchments to be understood by everyone because often whenever there is flooding, people only talk about the drainage system but the problem is not there, Madam Speaker, the problem is upstream at the catchment. If you do not manage your catchments, if you do not monitor what is happening in our catchments, you will find that not only due to high intensity of rainfall but also because of the inability of catchments to handle water, Madam Speaker. Massive amount of water will now come into our conveyance system which the conveyance system is not able to handle.

Madam Speaker, there are three components of the entire conveyance system: downstream, the drainage system, the waterways and upstream, the water catchment or watershed and that is what I am going to talk about today, Madam Speaker.

Madam Speaker, the longitudinal profile of most of our catchments indicate that the upper catchment slopes that are very steep in nature, followed by a rapid transition to the mature canal and flood plain slopes to the ocean.

Moreover these catchments are broadly categorised by:

- High flow variability due to rainfall patterns;
- Topography and short, relatively steep catchments,
- Relatively rapid base-flow recession and low minimum flows due to catchment topography and geology; and
- High extreme flows occurring relatively frequently, followed by high intensity of rainfall, although for limited duration.

Madam Speaker, in my last Ministerial Statement, I provided data on the amount of rainfall that occurred the last time prior to the Easter weekend at the Vaturu Dam. Over the three days, the amount of rainfall was equivalent to 80 percent of what used to occur in a month in that particular period of time in the previous years.

With steep slopes in our catchment, the potential for runoff after rainfall is greatly increased. Madam Speaker, one thing we must note is that, we are quite fortunate that after the slope, our runoff and the waterway system is very short. In large countries, the runoff is very long and that contributes to an additional problem that we probably would discuss later on.

Runoff refers to the rate and quantity of water that runs off the land into the canal network so we have a canal network, the waterways whether it is man-made drainage system, natural creeks or rivers. Runoff is the water that flows into these waterways, whether it is drainage system or creeks,

et cetera. So, Madam Speaker, runoff in our catchment is a function of local catchment slope, lithology, land cover and land tenure practices which are very relevant to contemporary Fiji.

Madam Speaker, while we do not have control over the slope and the lithology of our catchments, we certainly have control over the land cover and cultivation practices and that is where we can start. Some of us may recall the cultivation practices that used to exist - thirty, forty, fifty years ago, and if you go around in the interior rural areas, you will find that those cultivation practices are done away and that is one of the contributing factor to runoffs.

Madam Speaker, most of our catchments are dominated by steep, mountainous topography and deep incised streams. Approximately, 40 percent to 50 percent of the major catchment in Fiji have steep land with slopes greater than 18 degrees, while much of the remaining catchment area is rolling, hilly land with slopes ranging from 3 degrees to 18 degrees, thus flowing major rainfall, much of the water flows into the floodplains as surface runoff.

Madam Speaker, the flowing water has high velocity and often carries debris which causes much damage. When you have a steep waterway and then there is a short flat runway waterway, then you will find that the velocity is very high. That is the difference between the smaller countries and large countries where you have got long waterways with very little slope. In that case because it is a long waterway after the slope, then you will find the velocity is very low. This velocity has an impact on the damage that occurs during flooding because with high velocity, the debris can cause major damage and that is what is happening in Fiji.

Madam Speaker, rivers play an important role in human history. The economy of a nation depends on its rivers and great rivers like the Nile, Euphrates, Rhine, Danube and Ganges are great examples of how rivers sustain life and national economies. Unfortunately, Madam Speaker, in Fiji we really under-utilised our rivers in terms of uses for tourism, use for the transportation system.

I recall in my previous stint in the Education sector, Madam Speaker, once we could not reach a school right up in Namosi, we took a one-and-a-half-hour boat ride up the Navua River to get to the school.

Madam Speaker, rivers play an active part in regulating surface waterflow and drainage canals. There are developed countries who have policies to ensure that no one interferes and messes around with the river that they have in the interior and in the cities. When you look at the Nadi River and Sigatoka River, how under-utilised those Rivers are in terms of contributing to tourism and commercial activities.

I read in the *Daily Hansard* where the Honourable Minister for Infrastructure yesterday noted about the investment they are making to assist the river bank management. Enormous amount of potential work using the river banks in terms of commercial activities. For the entire Fiji, we have not utilised river banks for tourism and commercial activity; totally under-utilised.

Look at Nadi River, Madam Speaker, Rewa River beside Nausori Town, we have not utilised the river banks for the potential that we could, as you will see in other developed countries that have done.

Madam Speaker, I would like quote a few lines by Goethe, a German Scientist and Novelist, and I quote:

“The water is a friendly element for those who know it and know how to handle it.”

Goethe wrote these words two centuries ago, and it is valid today and represents an eternal truth.

I would like to reiterate this to my Honourable colleague, Honourable Prem Singh from NFP, who at my last Ministerial Statement on Surface Water Assessment thought otherwise. This, therefore, demonstrates that if you are able to mitigate any water-related disaster, it becomes essential that we develop knowledge, understand the basics of hydrology and water management.

As such, Madam Speaker, we are working closely with the Ministry of Education, Heritage and Arts to develop curriculum that encompasses the holistic watershed education to be taught in year 10 and 12 from next year most likely.

Madam Speaker, we need to educate our children about the importance of water and waterways, and how it could contribute to, not only to the livelihood but to the overall economic development in a sustainable manner.

Madam Speaker, to mitigate the impacts of flood, we need to understand the flood processes and floodplain dynamics.

Madam Speaker, the flooding system includes, the:

1. physical process of flooding;
2. inhabitants of floodplains, their infrastructures and ecosystems; and
3. people and organisations in the public and private sector that influence or are subject to flooding and its impacts.

Madam Speaker, flooding systems are continuously changing because of natural and socio-economic processes, as well as activities that are intended to reduce flood risk. Madam Speaker, we have records of floods from 1840, you will find this in a book called “Flooding in the Fiji Island between 1840 and 2009”, by Risk Frontiers. So, we have data on that and, of course, from 2009 we have data with us.

It is time now, Madam Speaker, that we think critically about it and that is why the Honourable Prime Minister and the Honourable Minister for Economy had the vision to establish a dedicated Ministry of Waterways because of the issues that we are confronting with as well as how we could leverage some of the growth potential from using our waterways.

Madam Speaker, I was in India last week and I notice first-hand how large rivers are totally dry and we can see bridges running across the river but there is no water there, and these are some of the major crisis looming in some of the Asian countries, the Middle-East as well as the African region and the Pacific would not be an exception, Madam Speaker. The only advantage we have is that we do not have that length of runoff, we are quite fortunate that immediately after the slope we have got short periods of runoff.

Madam Speaker, I guess most of us should be wondering why we need to have a Flood Risk Management Policy and unfortunately we do not have one at the moment. A Flood Risk Management is the process of:

1. data and information gathering;
2. risk assessment;
3. appraisal of options, and making, implementing; and
4. reviewing decisions to reduce, control, accept, or redistribute risks of flooding.

Madam Speaker, Integrated Flood Risk Management explicitly recognises the inter-relationships between all risk management measures, and their analysis, costs, and effectiveness, with changing social, economic, and environmental contexts. It can be helped by improving access to data and models, sharing

and communicating risk analyses, involving a wider range of stakeholders, and co-ordinating risk management actions.

Madam Speaker, studies of past floods in Fiji has indicated that the causes of flooding are wide and varied. This includes human-induced changes in the catchment that increases rainfall runoff as well as climate change and climate variability. Some of the recommendations from such studies are:

1. Investing in improving the health of natural ecosystem for flood mitigation through integrated river catchment management, including sustainable management of upstream forestry, good farm husbandry, and management remnant of natural freshwater wetlands.

You can see how managing our waterways cuts across different Ministries, different stakeholders, agriculture, business sector, for example, those who are dredging our rivers. All of us now have to get together and develop a policy so that we can look after our waterways.

2. Increase investment in the management of physical infrastructures, including drainage canals, drains and infield farm drains to reduce probability of flooding.

For far too long we have allowed development projects to be approved without having a separate drainage plan and that is why you will find a lot of places where development have taken place, there is flooding because they are using the old drainage plan, they should have been required to provide a separate drainage plan before the project was approved because now, these places which used to be under natural vegetation and therefore catching water are exposed now and there has been a massive amount of runoff and the existing old drainage system are not able to handle that new water runoff.

3. Integrate Disaster Risk Reduction considerations in all development initiatives, including:
  - i) Integrate disaster risk in national development planning processes;
  - ii) hazard risk assessments; and
  - iii) develop enforced proper land-use planning and development of flood mitigation strategy.

Madam Speaker, these are the regulatory instruments in our scope with which we can reduce the impacts of these floods. As indicated earlier, Madam Speaker, water management cannot be done in isolation that the Ministry of Waterways will work with other relevant agencies to achieve its mandate and increasing the adaptive capacity on our nation's floods.

Madam Speaker, in fact what I am saying is, we should get away from only talking about drainage system. We need to understand the entire water conveyance system which has three components. Once again, the lower downstream drainage system and development, the waterways and the upstream watershed and catchment area, Madam Speaker, is where a lot of investments and a lot of work needs to be done. At the moment, we do not have catchment committees, we do not have a catchment policy, so anyone willy-nilly are tweaking with our catchment system.

Madam Speaker, the Ministry of Waterways has mapped out a plan to address this through an integrated approach. These include, assessing and delineating our catchments. At this stage, we do not have a comprehensive map of our catchments.

We do not have the entire catchment system, Madam Speaker, we do not have separate maps of the catchment system. Hence, we do not know the physical characteristics of our catchments. We need

to map out our catchment and define the characteristics of the catchment system, Madam Speaker. It is very important that we delineate our catchment and sub-catchments and carry out water balancing in the catchments. In each catchment, Madam Speaker, we will have to get detailed data about water balance system. In doing so, we need to understand how water behaves in our catchments and further our understanding of sub-catchments and provide greatest flow in our river system and post rainfall events.

Madam Speaker, we need to undertake assessment and establish rainfall trends with our catchments. We do not have rainfall data of all the catchments. We need to use water governance paradigm and formulate appropriate policies and frameworks in place that provide the enabling environment to implement catchment management.

Madam Speaker, we need to undertake technical assessment and hydrodynamic modelling of our waterways of all the conveyance systems, Madam Speaker. We need to measure the capacity of the conveyance system. At the moment, we do not have the capacity and we do not have data on the capacity of all the conveyance system in the country, Madam Speaker. We need to label all the conveyance systems so that any problem with a particular conveyance system, immediately with a click of a button on the system, we know which way the problem is and we will get the data of that particular conveyance system. That is what we need to do, Madam Speaker.

Madam Speaker, the Ministry will take a proactive approach rather than being reactive to these events. I am quite fortunate that we now have a window opportunity, Madam Speaker, in the next eight to nine months and I think a lot of work can be done during this period.

Madam Speaker, unfortunately I do not have time to get into the details of the global commitments that we are making, probably that will be in the next Ministerial Statement. Thank you.

(Applause)

HON. SPEAKER.- I now call on the Honourable Leader of the Opposition or her designate to speak in response.

HON. V.R. GAVOKA.- Thank you, Madam Speaker. I wish to respond to the statement by the Honourable Minister on behalf of our party. Let me just say at the outset, Madam Speaker, that when the announcement was made that my good colleague there is the Honourable Minister for Waterways I went across to him, congratulated him, and I said, "I do not think there is any Ministry in Government today is as important as your Ministry". That is how I feel about the waterways, about its impact on our lives in Fiji, given the recent experiences in Fiji.

But I just feel, Madam Speaker, that sometimes he needs to be properly resourced. We get the impression that he is doing a lot of work but the support system is not there to support his Ministry. So, I would like to see Government extend this level of support that we need for the Honourable Minister to do what he needs to do. Again, I say I think it will be the most important Ministry in Fiji today.

Madam Speaker, the Honourable Minister spoke about what he saw overseas, about drying riverbeds, et cetera. We must remember, I do not know whether it has improved, but Cape Town, a major city in South Africa, is virtually running out of water. Hence, my belief that this is one Ministry that really needs the support, to make sure that we never run out of water.

Madam Speaker, on matters of the catchment areas, we support that wholeheartedly. I think there is the answer to some of the issues. Yesterday, we debated about the Vaturu Dam and part of the debate was on the acquisition of land and what we did to secure it. Going back to that time, it was done at the

time because Fiji needed it, but 40 years later we decided and we believed that we needed to revisit some of those arrangements.

It behoves us, Madam Speaker, for the Honourable Minister and for Government to approach this properly, carefully, with due diligence, and when we secure a piece of land for a catchment area, we must do the needful to ensure that all the parties are happy with the way we acquire their land.

We must always be mindful of the fact that once you acquire that land, they can no longer grow trees on that land, they cannot harvest those trees. So, economy, opportunity cost is gone from there. They cannot graze their cattle on that piece of land.

Yes, we believe it is the way to go, but please let us do it properly. As we have been saying from day one, let us have a bipartisan approach to some of these things. We have been asking for sugar and for other issues in this Parliament, but always, we were pushed away that our contribution is not needed. But I think, going forward for this one is something so vital. I believe a bipartisan committee should be part of the taskforce to look into the creation of these catchment areas.

Madam Speaker, I differ with my colleague about dredging. He said the last time that this is not an answer to our problems, but I think the experience from Sigatoka is that the dredging of the Sigatoka River has helped the villages on the banks of the Sigatoka River.

In the past, it would rain and within two hours, water would have already been in the houses in villages. Now, because of dredging, that is no longer the question.

Madam Speaker, the build-up of the silts were recent during the FijiFirst administration.

(Chorus of interjections)

HON. V.R. GAVOKA.- Madam Speaker, consistent with my concern for water, I am always concerned about the dry side of Fiji. Past governments like the Alliance and SVT have built Monasavu and Vaturu Dam huge schemes. I think it is about time they emulate what they did in the Murray River Scheme in Australia. They took water from the Murray River into the dry parts of New South Wales and Victoria. It is a huge, big scheme. I know FijiFirst cannot handle something like that, but we can do it by bipartisan way in the same way we will build Monasavu and Vaturu Dams. I mean it is more than paving roads like you harp about.

So, Madam Speaker, we fully support our good colleague there, the Honourable Minister for Waterways, but a lot of work needs to be done. We are ready to be part of you because a SODELPA manifesto is to make sure all the water sources are properly secured.

(Laughter)

Thank you, Madam Speaker.

HON. SPEAKER.- I now call on the Leader of the NFP or his designate to speak in response.

(Chorus of interjections)

HON. PROF. B.C. PRASAD.- Thank you, Madam Speaker. I wish we had more time and I wish the Honourable Member had more time. In fact, it would be appropriate to have 10 minutes to respond to a 20 minutes Ministerial Response Statement and I can tell the Government side that when we come into Government, we will give the Opposition 10 minutes.

(Laughter)

Madam Speaker, there is also a case of what we called 'Dorothy Dixers' on the other side because Government has Ministerial Statements, they get questions. In fact, sometimes, I think that the Honourable Ministers actually draft the questions and give them to the backbenchers.

(Laughter)

I wish they give the opportunity to the Backbenchers to answer their own questions.

But, Madam Speaker, I want to thank the Honourable Minister for his Statement. I note that the Honourable Minister is very energetic in updating this House on the issue of flooding.

On 12th March this year, the Honourable Minister presented a Ministerial Statement on flooding in Fiji, its causes and control measures. On 15th March this year, the Honourable Minister had another Ministerial Statement on flooding in Nadi. On 18th April this year, the Honourable Minister for Local Government, Housing, Environment, Infrastructure and Transport was also scheduled to present the Ministerial Statement on damages to roads, bridges and water supply after *TC Keni*, and, of course, that statement was withdrawn. So, in a nutshell, Madam Speaker, I actually marvel at the enthusiasm of the Honourable Minister to update us on the causes and what and how we are experiencing flooding and what could be done.

Madam Speaker, it would have been appropriate if we did get a statement or assessment report to this Parliament or even a Ministerial Statement on *TC Keni* and *TC Josie*, and the damages and the areas where we have had major flooding. I think that would have been more appropriate because we know what the Honourable Minister is trying to do. And we appreciate it is a new Ministry, he is new into the job and he is dealing with a backlog of 12 years; things have not been done in terms of drainage work.

But let me just highlight the budgetary provision, Madam Speaker. The 2017-2018 Budget, which had the allocation of about \$24.2 million, of which \$19.2 million is for capital expenditure and if you look at the Fact Kit, out of that, maintaining completed irrigation scheme is pegged at about \$1.5 million; drainage and flood protection is pegged at \$7 million; drainage subsidies is pegged at \$3 million; the maintenance of drainage is pegged at \$1.3 million; while Watershed Management is pegged at \$1.4 million.

So, Madam Speaker, I agree with my Honourable colleague that perhaps the creation of this Ministry was an afterthought and also in response to a huge backlog of drainage work, waterways being blocked and whatever the Honourable Minister may say about the heaviness or the intensity of the rain, of course, the intensity of rain determines the kind of flooding we have. Watershed is important as well, but then, Madam Speaker, whatever you do with the watershed, I mean eventually you will have to also look at waterways as well.

So, I am not sure Madam Speaker, whether getting these updates is enough. What I would like to see from the Honourable Minister and probably in his next Ministerial Statement is how effective and how this budgetary allocation has been spent; whether we have done enough work; how much is left; and we look forward to see a much more detailed explanation and discussion of this in the next Budget.

Madam Speaker, the point that I want to make is and the truth is, they should embrace this truth that the Government over the last 10 or 11 years neglected drainage throughout the country, waterways throughout the country, and we now have a backlog which is almost a disaster and it will be some time before we can get out of this disaster. And I hope that the Budget will allocate enough money to the

Ministry so that in the next financial year, we would have an appropriate remedy to the problems that we have, Madam Speaker. Thank you.

HON. SPEAKER.- Thank you very much. I have been informed that there are no Bills for consideration, therefore, at this point we will suspend proceedings for lunch.

Please note that lunch is provided for Honourable Members in the Big Committee room. Parliament will resume proceedings at 2.30 p.m.

The Parliament adjourned at 12.29 p.m.

The Parliament resumed at 2.32 p.m.

HON. SPEAKER.- Honourable Members, we will now move on to the next Item on the Agenda.

Before I call on the Chairperson of the Standing Committee on Economic Affairs, I wish to clarify that at the end of the debate, we will be voting merely to note the report and once the vote is taken, it ends there and the report will not be debated again in Parliament.

I now call upon the Chairperson of the Standing Committee on Economic Affairs to move the motion.

### **REVIEW REPORT ON THE PACIFIC FISHING COMPANY LIMITED 2015 ANNUAL REPORT**

HON. L. EDEN.- Madam Speaker, I move:

That Parliament debates the Report on Pacific Fishing Company Limited 2015 Annual Report, which was tabled on 7th March, 2018.

HON. V. NATH.- Madam Speaker, I beg to second the motion.

HON. SPEAKER.- I now invite the Chairperson of the Standing Committee on Economic Affairs to speak on the motion.

HON. L. EDEN.- Thank you, Madam Speaker.

Before I begin, Madam Speaker, I would like to make mention that just this morning, I tabled our Standing Committee Report on the Pacific Fishing Company Limited's (PAFCO) Annual Report for 2016. We are now going to debate on PAFCO's Annual of 2015, and there will be quite a few similarities between the two, as not much has changed with the core business undertakings of PAFCO and the challenges that they continue to face.

Madam Speaker, upon scrutiny of the PAFCO 2015 Annual Report, the Committee noted with interest that consistent and sufficient supply of tuna remained to be a challenge for PAFCO. Tuna harvest within Fiji's EEZ is limited to just 12,000 tonnes per annum whereas the capacity at PAFCO is 35,000 tonnes per annum. This means, Madam Speaker, that there will always be a need to buy from outside of Fiji's EEZ.

We recommended that relevant stakeholders be encouraged to pursue all avenues to assist PAFCO with this issue, and one possibility was to look into membership options for Fiji becoming a Party to the Nauru Agreement which currently controls the vast majority of available stock in the Region. Another avenue suggested was to re-visit dialogue with our neighbour, Kiribati who are renowned for their fish stocks.

Talks with Kiribati were initiated back in 2010 with the aim to benefit PAFCO and in return, enable Kiribati to benefit from PAFCO's expertise. Since that time, Madam Speaker, PAFCO have started importing whole skipjack tuna and skipjack tuna flakes from the Marshall Islands on a similar concept.

Other challenges faced by PAFCO in 2015, Madam Speaker, were wharf and handling fees. The Committee noted that port charges and handling fees in general were prohibited, especially in light of the fact that most fishing vessels have particular needs that can only be catered for in Suva. Rather than

paying to stop and offload in Levuka, then paying again to stop in Suva, these vessels go directly to Suva only and PAFCO and Bumble Bee are then responsible to transport the catch back to Levuka which increases their cost of production significantly.

The Committee, Madam Speaker, urged PAFCO to enter into dialogue with relevant authorities to seek concessions in these areas, given the socio-economic benefits provided by PAFCO to the people of Lomaiviti. Between 1,000 and 1,200 people are employed by PAFCO, depending on season and catch supply, making them the largest sole employer in this area of Fiji.

The Committee was pleased to note that PAFCO had recently renewed their agreement with Bumble Bee Foods, LLC for a further 10 years. The Committee saw this as a very positive move for the future of PAFCO, who rely heavily on its relationship with Bumble Bee, and the Committee recommended that this relationship continue to be nurtured.

Madam Speaker, PAFCO began its operations in the mid to late 1950s as a joint venture between the Fijian Government and the Japan Ministry of Trade and Commerce. It later incorporated into a private company, until the Government of Fiji acquired almost full ownership in 1987 from the Japanese company, and now holds 99.58 percent of shares with the balance held by private shareholders. Today, Madam Speaker, the Company is primarily involved with loin processing and also fish canning for local and regional distribution.

Madam Speaker, PAFCO carries out the loining of albacore tuna for one specific customer, Bumble Bee Foods, LLC, with whom they have had a relationship with since 1998. Following the success of the initial loin processing agreement, it has since been extended three times. This relationship with Bumble Bee, Madam Speaker, is a unique one whereby Bumble Bee purchases the whole albacore tuna from fish suppliers, then gives it to PAFCO for processing or loining as it is called. PAFCO then retains everything, except the loin which is sent off to Bumble Bee's canning plant in the United States of America (USA). The remainder of the fish is either canned, turned into fish oil or turned into fish meal, and the proceeds of these items are retained by PAFCO.

Madam Speaker, the Committee fully appreciates the importance of Bumble Bee Foods, LLC to PAFCO and agreed with the Chairman of PAFCO, who said and I quote: "Historically, if Bumble Bee had not stepped in when it did, PAFCO would have died."

The Committee recommended that everything possible should be done by all relevant Ministries – the Ministry of Public Enterprises, Ministry of Fisheries, Ministry of Trade, et cetera, to ensure that the two entities continue to work in harmony for the viability and long term sustainability of the facility in Levuka.

With regards to operating challenges, Madam Speaker, the Committee noted that the supply of electricity and water were limiting factors for PAFCO in relation to its future operational needs. The Committee had recommended that these issues be prioritised as top of the list for future development plans for Ovalau, and we are pleased to advise, Madam Speaker, that both the Water Authority of Fiji (WAF) and Energy Fiji Limited (EFL) are looking into these issues with the view to resolving them as soon as practicable.

In conclusion, Madam Speaker, the Committee believe that PAFCO's future was promising with room for positive growth, provided they are able to overcome the challenges mentioned in our Report. Thank you, Madam Speaker.

HON. SPEAKER.- Thank you. Parliament is now open for debate and I invite input, if any.

Honourable Prem Singh.

HON. P. SINGH.- Thank you, Madam Speaker. I would just like to contribute very briefly to this debate and I thank the Chairperson of the Committee for the Report.

The Report makes several recommendations, Madam Speaker, and these recommendations are very timely. You will note that PAFCO has been in operation for a very long time and this is probably the first report that has come to Parliament over many years.

Madam Speaker, as it has been highlighted that PAFCO employs around 1,000 to 1,200 people in their factory and, of course, Bumble Bee has its own setup with the oversight of processing.

Madam Speaker, the core function of PAFCO is loining of albacore tuna. What I am trying to say is that, Bumble Bee which is the major customer of PAFCO is not only a customer but a very strategic partner in terms of supply of fish stock. Bumble Bee has agreed for an extension of the Agreement and now they have a 10 year Agreement. This Agreement is somewhat better than the previous one whereby PAFCO now, which had always have the capacity to process more, were processing from the leftovers or off-cuts, the blood and bones from the tuna that were left after loining. And this is what they turn into *sunbell* tuna and other products. But for the premium quality, *Skipper* and the other brands, they had to get their own stock from fishing vessels.

One of the constraints of PAFCO and the challenges that remains is that, PAFCO needs the albacore tuna supply because it has the capacity to process more. And this Agreement does not limit PAFCO to process and can any other fish stock that they want, except the processing or canning is not in conflict or in competition with Bumble Bee.

Having said that, Madam Speaker, one of the recommendations states, to address the decreasing fish stock. As you know albacore tuna is a migratory species and Fiji does not have lots of tuna, compared to our neighbours - the famous Nauru Agreement which is an exclusive club of tuna rich resource nations. It is unfortunate that Fiji is not part of that Agreement so we should try and get on board with this affluent nations, who have lot of stock.

Madam Speaker, since PAFCO has lot of capacity, they are moving in the right direction as far as importing tuna stock, skipper jack from Marshall Island. This will enable them to process more of the canned products because canned tuna is in a lot of demand for locals and overseas export and the major and only distributor they have is Punja & Sons Limited. Punja & Sons, of course, are always after canned products so that they can supply both locally and through our trading partners.

Madam Speaker, PAFCO has, over the years, has had issues and now it is making some money, but to align itself with the modern day accounting practices, PAFCO has a base in Lomaiviti which caters for the economy of Lomaiviti as the sole employer. It employs around 1,200 people.

Madam Speaker, we know that there are some issues with the workers and being out of Suva and a geographically located island of Ovalau, the other mechanisms, like the Ministry of Labour and others, we should have an oversight on that because there are issues which need to be addressed or resolved.

Madam Speaker coming back to the economy of Ovalau and Lomaiviti generally, there were talks of relocating PAFCO to Suva or elsewhere on the main island, but PAFCO should remain in Ovalau because they cater for most of the employment as the sole employer within the Lomaiviti Group.

With those words Madam Speaker, I commend this Report.

HON. SPEAKER.- Thank you. Honourable Minister for Fisheries.

HON. CDR. S.T. KOROILAVESAU.- Thank you, Madam Speaker. I would like to make a short contribution. But before that, Madam Speaker, with your indulgence, I would like to correct a statement that was made by my colleague, the Honourable Viliame Gavoka, yesterday.

The Honourable Member stated yesterday that two evaluations were carried out at Vuda for the marina being built there; one was carried out by the Ministry of Fisheries which was \$360,000 and USP \$200,000. It has to deal with the process that is carried out for customary fishing right owners. I think the Honourable Ratu Naiqama Lalabalavu, as a former Minister for Lands would understand this. This is normally sent to the Ministry of Lands and Mineral Resources, who then directs the Ministry of Fisheries to carry out the assessment.

In normal circumstances, the assessment that has been carried out and the amount of money that has been indicated by the Ministry of Fisheries is not acceptable to the two parties - the investor and the *qoliqoli* rights owners. It is then given to a third party or independent party which, in this case, was given to USP.

The normal procedure is, if the third party has indicated a figure, that will not be discussed again, it will not be open to further argument. So, the \$200,000 that was supposedly given by the University of the South Pacific is the firm figure and it is not just because it is low, I just wanted that corrected so that there is no wrong perception within the population of Fiji.

Madam Speaker, I would now like to go to the PAFCO Annual Report and I would like to thank the Committee for the Report. I would like to highlight a few points on the recommendations that have been submitted by the Committee.

Firstly, as has been alluded to by Honourable Prem Singh on Recommendation No. 3 – Increased Consistent Supply of Fish to PAFCO, Madam Speaker, the first thing that we need to note is that the current agreement with PAFCO operates on the agreement shared with Bumble Bee. The Company that actually controls the fish that is supplied to Bumble Bee and PAFCO is Fong Chun Formosa (FCF), an independent company. With Bumble Bee as the buyer of the processed fish, FCF is the fish broker that ensures constant supply of fish to PAFCO.

PAFCO is only paid the processing cost of fish that are processed for Bumble Bee in the factory in Levuka. The canned products that are produced and labelled as PAFCO products hold a minimum percentage on what is processed in the processing facility. This is where Government intervention is needed to attract alternative source of raw materials for our local production of canned products. The fact is, Fiji is at the tail end of the migratory tuna school that goes around the Pacific. Tuna is firstly caught by Wallis and Futuna, Tuvalu, Kiribati runs across the equator to Solomon Islands, Vanuatu then it comes to Fiji. When it comes to Fiji, we are basically feeding on the crumbs that has been left over by the countries north of us.

(Honourable Opposition Members interject)

HON. CDR. S.T. KOROILAVESAU.- I had personally visited PAFCO four times and e had meetings with Bumble Bee and PAFCO, at least, six times on discussing alternative source of fish that can be provided for Levuka. It has a lot of political angles because some of the nations in the Pacific like Kiribati and Tuvalu, about 60 percent to 70 percent of their annual budget is derived from tuna.

The ability for us to negotiate with them, we also have to have a feel if we negotiate on a bigger monetary value. We have a much bigger economy so the economy of these countries to the North are

quite small and 60 and 70 percent of their annual budget is derived from tuna and the licences that are paid to them.

While identifying that there is a need to attract foreign vessels into Fiji, the purchase of foreign caught fish has also tax implications and tax exemption for fish landed at PAFCO has been a subject of discussions. Last year in the budget the Government has allowed VAT exemption for all fish that is landed at PAFCO.

Secondly, Madam Speaker, on Paragraph 4 which discusses the Nauru Agreement, while this recommendation is noted, it is important to realise that Fiji does not have skipjack fishing which is the main content of the Nauru Agreement. Skipjack is mainly caught in the northern part of the Pacific which basically is caught by purse seine, the drag net behind the fish and everything is hauled out from the school of tuna within that area.

Due to climate change, Fiji has lost that opportunity where we used to have Ika Corporation and they used to use pole and line to catch skipjack tuna but Fiji does not have that luxury of having skipjack tuna in our waters because the warm waters that used to be available in Fiji has moved further North, so the migratory pattern of skipjack has also gone with that.

That, Madam Speaker, are two points that I wanted to highlight so that it clarifies the point raised by the Committee, but again I thank the Committee for the Report that they have submitted. Thank you.

HON. SPEAKER.- Honourable Viliame Gavoka?

HON. V.R. GAVOKA.- Thank you, Madam Speaker. I wish to contribute to the debate on PAFCO and I must say that it was quite an experience being part of the Standing Committee on Economic Affairs to look into PAFCO. We visited Levuka, a delightful little town, a lot of character and in the midst of Levuka is this cannery that is contributing to the economy of the area and the wider Lomaiviti.

Madam Speaker, before I go into that, let me just correct the statement made by my good buddy on the other side of the House, the Honourable Minister for Fisheries.

HON. GOVERNMENT MEMBER.- Honourable buddy.

HON. V.R. GAVOKA.- Honourable buddy, my *tauvu* about the Viseisei Marina, it was not for \$320,000 it was \$860,000, I have corrected that with *Hansard* this morning.

That was the evaluation made by the Ministry of Fisheries and in that evaluation, they provided all the documentations on the basis of that evaluation. The people of Vuda were surprised that the USP Evaluation was made at \$200,000 without any documentation, without any basis of how they arrived at \$200,000. That has been well documented in the correspondence between the people of Vuda and the Honourable Minister for Lands. That is the reason, Madam Speaker, that they brought it to me, that they are not getting any joy in having a meaningful dialogue with the Ministry.

Madam Speaker, this brings home to us the relevance to a lot of the resource owners the 2013 Constitution. Yesterday, the Honourable Minister was waving the Constitution. He said, “This is the future of Fiji, this is Fiji.” It is not Fiji, it is not meaningful to us if something that is valued at \$860,000 is eventually reduced to \$200,000.

The Constitution is meaningless to us if that is the case. If the people of Momi and Nabila, owners of Tavarua who have been making almost a million dollars a year for years and one day this Constitution came and said, “You cannot take money anymore”, can you imagine how we react to that Constitution?

It is a Constitution that is taking away what is rightfully ours. That is why, Madam Speaker, a lot of our people do not have much for that Constitution. That is the reason why.

You can talk about guaranteeing this and guaranteeing that, but as we say, it is only in the dollar and cents and these are the two cases I am highlighting today that tells us that this Constitution is taking away what should be paid to us.

HON. A. SAYED-KHAIYUM.- Nonsense!

HON. V.R. GAVOKA.- It is all documented. The Vuda case is all documented, Momi and Nabila cases are all documented. They passed this Decree called the Surfers Decree, saying that even if a tourism operator wants to pay the *iqoliqoli* owner for the use of his *iqoliqoli* for snorkelling, scuba diving, surfing or whatever, he is not allowed to do it. If he pays, he goes to prison. If the *iqoliqoli* owner receives it, he goes to prison. That is the Constitution that has been waved to us to say this is the future of Fiji.

Let me get into PAFCO, Madam Speaker.

On PAFCO, Madam Speaker, here we have a cannery that has the capacity to process about 35,000 tonnes of fish every year and it is fairly well equipped but the problem is that we cannot find the raw materials to have it operating using its full capacity. That is why it behoves us to look for other sources. Within the Fiji EEZ, we can only harvest 12,000 tonnes so we have to buy from outside Fiji.

That is why, Madam Speaker, we suggested that perhaps, we should become a member of the Nauru Agreement. Yes, we do not have skipjack but because we have an interest in fish, perhaps we can be an observer there, we are neighbours. You handle this diplomatically, leverage it against something else you have.

The Honourable Minister, in the last sitting said there will be about 480 fishing vessels visiting Suva. Surely, you can leverage that and help and secure more supplies for our canneries. That is the long and short of it. We have a fully operational cannery that cannot get enough fish.

Madam Speaker, on the case of Bumble Bee, we met with a number of agencies. We called in the Ministry of Trade, Ministry of Fisheries and also the State-Owned Enterprises (SOEs), to talk to them about the understanding of PAFCO. And one thing that we need to dispel, Madam Speaker, is that there was this belief that Bumble Bee was not playing fair with PAFCO. But, Madam Speaker, let us put that to rest. The Chairman of PAFCO had said quite categorically that without Bumble Bee, PAFCO would have faltered. So, we need to look after Bumble Bee. It is a major player in the global game of fishing.

Bumble Bee, Madam Speaker, would take their products back to San Diego for processing. For the albacore tuna, 50 percent of their supplies comes from Levuka, some come from Mauritius and some come from China, so Fiji is very pivotal to the survival of Bumble Bee. And it is a two-way traffic, they are also pivotal with the survival of PAFCO.

They have given us loans, Madam Speaker, interest free over the years. As the Chairman has highlighted, another agreement has been signed for another 10 years. It is a great relationship and one that we should nurture. There have been some comments in the past suggesting that, like I said, that they are not playing fair but it is not. Bumble Bee is very, very important to PAFCO.

Madam Speaker, also in the Report, we highlighted the fact that there are only three Board members and that perhaps, it should be five or six. We have noted that the Board members have been there for quite some time. It is always good to have an injection of new thinking and new blood into the Board and hopefully, that can also be taken into consideration.

All in all, Madam Speaker, PAFCO is very important for Levuka and for Lomaiviti. I believe the way it is structured today, it has a great future and one that we should all support. Thank you, Madam Speaker.

HON. SPEAKER.- Honourable Dulakiverata?

HON. J. DULAKIVERATA.- Thank you, Madam Speaker. I would just like to contribute to the Report.

Madam Speaker, I must commend the Committee for the very good Report that they have produced. The Government then, when it took the decision to establish PAFCO in Levuka, it was because there was no economic activity in Lomaiviti. That is why this PAFCO was established in Levuka. If we go through the Report and the recommendation by the Committee, they have recommended some of the issues that need to be looked at.

If we have given the North some incentives for people to go and establish businesses there to promote economic activities in the North, then I think, Madam Speaker, the Government should look at giving the same incentives to the people in Levuka so that they can enhance the economic activities in Ovalau.

Also, Madam Speaker, the Committee mentioned that the Government should look at the electricity and water supply to help cut down the expenditure for the operation of the PAFCO. I think, Madam Speaker, it is not only for PAFCO, I think it should provide this infrastructure to ensure that other companies are enticed to go and set up in Levuka.

Another issue, Madam Speaker, is with regard to the boats that have to come to Suva to get their services which are not available in Ovalau. So, I hope Government will look into the issue to give some incentives for other service companies to establish in Levuka so they can provide the services to the ships and entice them to come to Levuka to unload their catches. That would provide Levuka with the fishing time and also cut down on their operational cost. Those are my comments, Madam Speaker. Thank you.

HON. SPEAKER.- Honourable Acting Prime Minister.

HON. A. SAYED-KHAIYUM.- Thank you, Madam Speaker. Madam Speaker, I would like to commend the Committee for their Report.

Madam Speaker, the issue about energy actually is very important - the availability of electricity. As has been mentioned previously in Parliament on the Green Growth Institute (GGI), Government has identified Taveuni and Ovalau as the two islands where we hope to get 100 percent renewable energy sources and, therefore, increase the capacity of those two Islands in terms of having access to electricity and that is, of course, some major cost and I think more focus on renewable energy would be able to reduce that cost and, of course, provide some long-term solutions to both those two Islands.

Madam Speaker, of course, there are a number of issues. Yes, it is correct, as Honourable Singh, I think, highlighted or one of the other Honourable Members that Bumble Bee at one stage did want to move to Suva because they felt that they would be closer to many of the other ships that actually bypass Ovalau, and they will be able to catch them here. They want to set up a factory.

Also they talked in detail to us about relocation of people from Lomaiviti, but Government was somewhat sceptical about that. It is cynical indeed because the relocation of people, we are looking at over 1,000 people, in particular women, to move from Lomaiviti to Suva. Of course, since then, we have given various other additional initiatives for them to actually remain within Ovalau.

Of course, Madam Speaker, as part of the tax-free region, Ovalau is also a tax-free region. So Lomaiviti, Lau, Kadavu, Vanua Levu and, of course, Rotuma, if you set up new businesses altogether, you get tax holidays of up to 13 years, depending on the level of investment you make and, of course, now the North West of Viti Levu too.

Madam Speaker, I think the fact of the matter is that, we have had some issues, of course, with the fishing industry. Many of the Honourable Members who are old enough would know that there are organisations like the Ika Corporation that no longer exists. That was, in fact, funded by the Japanese Government to help Fiji become a lot more self-sufficient as far as fishing vessels were concerned, to be able to go and exploit the harvest from the oceans.

Of course, we have been through the throes with that. Of course, there have been a lot of mismanagement, we have had the previous Minister for Fisheries dragged before the court in respect of licences and various other issues, and we are trying to provide some form of level management and, of course, the Minister for Fisheries has his work cut out for him.

As far as the contribution of Bumble Bee is concerned, Madam Speaker, yes, they have been an integral partner. Whilst Bumble Bee's partnering with the Fijian Government-owned PAFCO is pivotal, it does not also mean that we roll over with whatever they say, because we need to be able to also protect our interest because at the end of day, other big fishing companies from the USA, particularly in American Samoa and various other places, sometimes can just close shop and move away overnight and that is their prerogative but indeed that is a risk that one can face. So we have to try to make sure that we are also protected in the various agreements that we do to sign up with them.

Madam Speaker, once again I thank the Committee and, of course there are further reports coming on PAFCO, I understand the 2016 Annual Report will be tabled in Parliament.

Madam Speaker, I think it would be amiss of me not to wave this Constitution around, and again, I am going to wave this Constitution around because some of the Honourable Members on the other side continuously misrepresent facts. They continuously process matters as the fault of this Constitution.

Madam Speaker, if this Constitution had been in place, we would not have to have the landowners of Monasavu take people individually to court but they have to have legal representation and pay huge levels of legal fees. If this Constitution had been in place, Monasavu would not have happened. I can give numerous examples of what happened in the 1970s and 1980s. In Votualailai, look at the man-made or human-made island outside Naviti Resort, how much compensation did the people get from that?

There are numerous examples that we can give and to assign blame just because you are using the example of Vuda, to say that this Constitution has taken away their right, that is utter nonsense. It is actually misleading Parliament, Madam Speaker.

Madam Speaker, any person who understands the assessment of *i qoliqoli* would know that you are compensating persons or a group of landowners or the owners of *i qoliqoli* for the lost opportunity or foregoing a particular area. As we have discussed in the past couple of days, for example, if you are giving up a particular area where you would have derived further income, for example, harvesting the forest, et cetera, you need to be compensated for that.

In the same way, Madam Speaker, if you have a particular area, the *i qoliqoli* area, the way people want to put, for example, over-water *bures* and that area is already fished out, where the corals are already dead, where there is only probably two people catching fish once a month; the level of compensation in that area would be far less than an area that has got fish stocks. It is a fact. There is no point grunting about it. Madam Speaker, if we went to Taveuni, it has much better fish stocks in most of the places

around there. So the compensation level would be a lot higher as opposed to certain places in the Western Division where the opportunity cost is far less.

(Honourable Members interject)

HON. A. SAYED-KHAIYUM.- Madam Speaker, of course, whatever uses they are. But, Madam Speaker, the point that they fail to understand and this goes to show a lack of commercial reality. They only think up to stock number one, they do not think beyond that stock.

If, for example, a particular area has been fished out and there is not much fish stocks available in any case because of whatever reasons - overfishing, pollution, climate change, et cetera, where corals are bleached now, and if an investor wants to come along and there is an independent assessment carried out and hypothetically in this case, we take a figure of \$250,000, the moment they put their overwater *bures* there, guess what happens, Madam Speaker?

The value of that entire area goes up. The value of the land that the landowners own, the dry land goes up. Madam Speaker, by allowing the development and getting fair compensation means they have enhanced their wealth capacity, as long as they get paid fair compensation, as long as they get paid the market rate. So, Madam Speaker, can you imagine the people in Vuda, for example, if they are able to put 20 to 30 overwater *bures*, I am not sure, how many the developers want to put there. But assuming they did do that, what will it mean for the land around Vuda, the people of Viseisei?

It means that the value of all their land (a lot of the land is lying empty), people will want to come and build buildings there. They can ask for market rates. They can lease it. The current land over there is vacant. It enhances the overall economy, not just in that spot, but the overall location. They are not thinking beyond that, Madam Speaker.

HON. S.D. KARAVAKI.- It is up to them.

HON. A. SAYED-KHAIYUM.- Of course, it is up to them, Madam Speaker. The issue here is that they do want to actually have the overwater *bures*, the issue is about compensation. But what some of the Honourable Members on the other side of the House come here and actually postulate, giving wrong information. They are only thinking about that issue, they are not thinking beyond that.

In the same way, if we have an extended runway in Nausori Airport where we can get the A330s landing there, what will it mean? It will mean more people will want to come and stay in the Rewa and Tailevu area. It will mean that the value of the land will go up. There will be more demand for their land. They can ask for market prices. Madam Speaker, that is what you call a holistic approach to the economy which they do not understand, and it is a fact.

Madam Speaker, they talked about the Surfing Act. They quoted millions of dollars. Again, Madam Speaker, the Honourable Member does know that only a handful of people actually got the funds. Then they sometimes would go and build maybe one hall there, somewhere else something else, but the fact of the matter is, it meant that they are licensed. Nowhere in the world can a government go and licence a wave. They licenced a wave, but you cannot go and ride the wave. Even the people who are the *qoliqoli* owners could not even go and ride the wave themselves, in fact they could not even go there. They could only go there once a Saturday in a month, that was the licence condition.

Now, Madam Speaker, the *qoliqoli* owners (the people who live in that area), if Honourable Seruiratu wants to go and do surfing on a Monday, Tuesday, Wednesday, Thursday, Friday, Saturday, Sunday and if he comes along and goes to one of the villages in Nabila, where ever it is and say, "Can you take me out on a punt", he says, "Sure, I will charge you \$80", he can take him out, he has got the

full right to do that. Madam Speaker, he is not destroying the *qoliqoli*, he is giving them access to that. The preposterous issue was that, under that particular provision, even the *qoliqoli* owners could not go themselves.

(Honourable Members interject)

HON. A. SAYED-KHAIYUM.- They hail it as such a wonderful arrangement.

Madam Speaker, continuously we are being told, “Oh, because of this Constitution, whatever is rightfully ours has been taken away.” Madam Speaker, what utter nonsense! This, in fact, reinforces the land ownership of the *iTaukei* people in Fiji.

Honourable Gavoka talks about what happened in Momi or what happened in the wave, what happened in Momi with the land; what happened in Denarau with the land. Honourable Ratu Lalabalavu, quite correctly says that he did it within the law and that Constitution - the 1990 Constitution and the 1997 Constitution allowed them to convert *iTaukei* land to freehold land.

(Honourable Members interject)

HON. A. SAYED-KHAIYUM.- Permanently gone! He was fooled within his legal rights. We are not questioning the legality of it but it was the legal provision in the Constitution that was flawed and that cannot happen under this Constitution.

HON. GOVT. MEMBERS.- Hear, hear!

HON. A. SAYED-KHAIYUM.- I will wave this as much as I want, Madam Speaker, because this is the answer to all these issues and unfortunately, Madam Speaker ...

(Honourable Opposition Members interject)

HON. A. SAYED-KHAIYUM.- ... they have not been able to extricate themselves from that way of thinking, they are still caught in the past.

As we have highlighted, Madam Speaker, that we will also give substance to Section 30 of the Constitution about the fair share of royalties and that will, Madam Speaker, also be tabled as a law in this Parliament, to ensure that what has never happened, will actually happen. In other words, it will be unprecedented.

Madam Speaker, please, I ask that if we want to be able to have a debate, if we want to have arguments or provide a point of view, please do not misrepresent Parliament. Moreso, do not use this forum to try and misrepresent everyone who is watching here.

(Honourable Members interject)

HON. A. SAYED-KHAIYUM.- This is not a campaign mode, this is not a campaign chamber; it is about Members of Parliament who have been elected to come and talk about national issues on a factual basis and honest and legal basis, Madam Speaker. This must really stop, Madam Speaker.

Madam Speaker, I once again thank the Committee for their recommendations for the PAFCO 2015 Annual Report. Thank you.

HON. SPEAKER.- Thank you. Honourable Professor Biman Prasad.

HON. PROF. B.C. PRASAD.- Thank you, Madam Speaker. I want to bring the debate back to PAFCO and I want to congratulate the Committee for this excellent report. I think this report can be a model report for other committees who are looking at annual reports.

I am very impressed with the way in which the Committee has asked pertinent questions to the Ministry of Industry and Trade, Ministry of Fisheries and PAFCO itself. The answers that have been provided by those agencies are also very good, Madam Speaker. So, I really want to congratulate the Committee for doing such a very good job in analysing the report.

Madam Speaker, we guaranteed \$11million to PAFCO in 2005. This Parliament did the right thing which was socially and economically the right thing to do. I think that allowed PAFCO to undertake the infrastructural improvements necessary.

Madam Speaker, I have no doubt and I have a lot of respect for the Chairman of PAFCO that the Board itself is thinking about the future of PAFCO because if you look at the report or the answers to the questions that have been raised by the Committee to the three stakeholders, it shows Madam Speaker that without Bumble Bee, without the new agreement (and I know I have some knowledge of what the agreement was before), I have no doubt, although there are no details of the new agreement or no mention of the gist of the new agreement, Madam Speaker, that the new agreement which was signed on 23rd October, 2017 for a period of ten years is a good agreement.

Madam Speaker, going forward, I think the Board will have to think strategically and think about how we can ensure that what happens after ten years to get PAFCO to remain a viable proposition or a viable business entity in Ovalau.

Madam Speaker, if you look at the answers provided by the Ministry of Industry, Trade and Tourism to some of the questions, it is actually quite pertinent and I must say they are very good answers. Those answers actually pin point to what can be done in the future. We need to, for example, the idea of looking at the potential under the interim economic partnership agreement with the European Union and whether there is a possibility to not only just look at turning PAFCO into a tuna processing plant, but also broadening or diversifying the activities that it may want to do.

The second one, Madam Speaker, is the question about the possibility of increasing trade with other Pacific Islands or other island countries, again the role of Trade Commissioners in PNG, Australia and New Zealand is a good question. I have a broader question, while we are talking about this and at some point, we may want to know the achievements of these Trade Commissions and what sort of benefits these Commissions have brought to Fiji in terms of new businesses, new trade opportunities and new products into those markets.

Madam Speaker, the point I want to make by highlighting those possibilities is, in the future, we probably have to look at a new model. We might have Bumble Bee with us for the next 10 years possibly and beyond that I do not know, but we need to consider and I think the Board and all these stakeholders, including the Ministry of Fisheries and the Ministry of Industry, Trade and Tourism, ought to look at the possibility of a new model; a new opportunity that will turn PAFCO into a more successful company, dealing with fish products, especially for exports to other countries.

There, Madam Speaker, we probably need to look at our trade policy. For example, right now Bumble Bee exports the loin tuna but the offcuts go into to the production of canned tuna and we, of course, have a lot of competition. And I think the duties are already high in order to protect tuna from PAFCO, but we need to also look at whether we have been dumped with even cheaper tuna, even those duties competing with what PAFCO might be able to do.

So, Madam Speaker, I think we need to consider this as a temporary agreement for the next 10 years with Bumble Bee because I do not think that we, even Honourable Viliame Gavoka is correct; the capacity of the facility in Levuka is underutilised.

So, really that means PAFCO may not be able to make the kind of profit or kind of production that will help it to sustain beyond those 10 year agreement. So, Madam Speaker, once again, I think this Report and the answers to the questions raised by the Committee by the three stakeholders as I said is very very good. It provides us an avenue and an opportunity to look at how we might consider a new model and in that, we look at how we can reform some of the policies such as trade policies to ensure that PAFCO becomes a viable and a sustainable enterprise for the people and the workers of Levuka. Thank you, Madam Speaker.

HON. SPEAKER.- Thank you. Honourable Ratu Kiniviliame Kiliraki.

HON. RATU K. KILIRAKI.- Thank you Madam Speaker, if I can contribute to this debate solely because my whole life has been in the fishing industry, and as rightly said by the Honourable Attorney-General, my participation in the fishing industry, especially in PAFCO, and as alluded to by the Honourable Minister for Fisheries in regards to Skipjack tuna. It began in the 1970s when there was a feasibility study that came up with a report that about 16,000 tonnes of Skipjack tuna that passes through Fiji every year.

So, that was the beginning of the skipjack industry that supplied PAFCO for canning, mostly for John West in the UK as tuna loins, that is the premium quality of Skipjack tuna that was exported then as opposed to the tuna flakes that we are getting in our market today. There are some fishing companies from Japan that came because they have the expertise to fish by pole and line fishing that introduced that type of fishing in Fiji, that gave birth to Ika Corporation as well as some local entrepreneurs and I acknowledge their participation in the industry, those like Grahame Southwick, Robert Stone and others who took part until the 1990s when the Skipjack was no longer taken by PAFCO. That was the time when we did not know about climate change, but then that was the death of the Skipjack Industry in Fiji.

We did have some kind of agreement with the Solomons, where our fishing boats went up to the Solomons to fish there, because there is a lot of tuna in the Solomons at that time. When we have our off season in Fiji, our fishing vessels go to the Solomons to do fishing there. In that respect, we have that kind of arrangement as far as our lucrative Pacific Islanders like the Nauru Agreement, where seven or eight countries are within that agreement that have a lot of resources as far as Skipjack and tuna is concerned.

As for PAFCO processing Albacore, Albacore is about 60 percent of the catch of long lines. For the report of 480 vessels coming into Fiji, as alluded to by the Honourable Minister, the question is where the Albacore is offloaded to, and whether these are for the prices that prefer other lucrative markets to send their Albacore to, or whether PAFCO is in competition as far as prices are concerned?

As alluded to by the Honourable Minister that Fiji is heading towards to be the centre of the Fishing Industry in the near future, then probably there is a prospect for the supply of tuna as far as PAFCO is concerned in terms of Albacore. So, in that respect, the Government has to be in position to be able to take all those catches on board, so that PAFCO can thrive on that aspect of the industry.

As for Levuka and Lomaiviti to thrive, that has been a port of entry for liners that come to Levuka. The Government has to repair the wharf and make it more safer for tourists to come in on board liners because Levuka is a well-known heritage in the world. So, tourism opportunity for Levuka is enormous. The infrastructure and everything therein has to be in place, so that apart from PAFCO, there are some alternatives for the livelihood of the people of Lomaiviti, especially in Levuka.

PAFCO has only two products; one from Albacore and the other is Skipjack. Skipjack is abundant in the Nauru Agreement countries, as well as in the Solomons, but the onus is on the Government because agreements are there; you have the SMG and the international negotiation where the Government can be able to agree upon in the supply of fish to PAFCO.

The threat is having European countries coming into the Pacific Ocean to exploit our tuna. So far as tuna is concerned, we have American licences as alluded to by the Honourable Minister because the smaller countries, they get their revenue from licences as part of their 60 to 70 percent as part of their budget for selling the licences off their fishing ground.

The onus is on the Government to be able to get in there, once the agreement with the European countries to come into the Pacific Ocean, then probably that will be the demise of our fishing industry in Fiji as we are on the fringes of the tuna migration.

In that respect, Madam Speaker, I would suggest that the Government must be more proactive in addressing that for PAFCO to be able to sustain and grow in the future. That is my contribution. Thank you, Madam Speaker.

HON. SPEAKER.- Thank you. I now invite the Chairperson for the Standing Committee on Economic Affairs to speak in reply.

HON. L. EDEN.- Thank you, Madam Speaker. I have nothing further to add.

HON. SPEAKER.- Thank you. Parliament will now vote to note the content of the Report.

Question put.

Does any Member oppose the motion?

(Chorus of 'Noes')

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

Motion agreed to.

### **REVIEW REPORT ON THE FIJI ELECTRICITY AUTHORITY ANNUAL REPORT 2016**

HON. SPEAKER.- I now call upon the Chairperson of the Standing Committee on Economic Affairs to move her motion.

HON. L. EDEN.- Madam Speaker, I move:

That Parliament debates the Report on the Fiji Electricity Authority Annual Report 2016 which was tabled on 7th March, 2018.

HON. V. NATH.- Madam Speaker, I beg to second the motion.

HON. SPEAKER.- I now invite the Chairperson of the Standing Committee on Economic Affairs to speak on the motion.

HON. L. EDEN.- Thank you, Madam Speaker.

Madam Speaker, with reference to the Fiji Electricity Authority Annual Report, 2016, the Committee applauded FEA for not only producing a profit of \$59.6 million for that year, but also, for absorbing all costs related to restoration works post *TC Winston*, without having to increase borrowings or increase tariff rates.

In addition, Madam Speaker, FEA's customers continued to enjoy the lowest power tariff rates in the region including those of Australia and New Zealand.

Whilst this was commendable, the Committee did note with interest, that FEA's future Power Development Plan (PDP) would cost in the vicinity of \$2.4 billion and that this could hinge on, among other things, the right electricity tariff.

The Committee urged the Fijian Competition and Consumer Commission (FCCC), FEA and other relevant stakeholders to engage in dialogue, to ensure the best possible outcome for both FEA and the general public in the long run.

Anyway, Madam Speaker, we all know that since this Report was tabled, FEA has moved on and are now called "Energy Fiji Limited" so I will not dwell too much on the past, except to state a few facts which were relevant to FEA back in 2016.

With regards to FEA's commitment to reduce its reliance on the use of fossil fuels by 2030, the Committee was pleased to hear that renewable energy projects were being looked into with earnest. The Committee recommended that due diligence and great care be undertaken when scrutinizing these possibilities, as there are many options available including solar, wind, wave, waste, geothermal, et cetera, but choosing the right system, best suited to Fiji was imperative.

The Committee also noted FEA's role in assisting Government to achieve its target to supply electricity to every household in Fiji by the year 2021. Both the Government and FEA had invested extensively in extending the national grid to access remote villages and settlements and the Committee commended both the Government and FEA for this worthy target.

A few of the recommendations made by the Committee, Madam Speaker, were as follows:

1. The Committee noted that the gradual improvement of the power generation mix 54.55 percent renewable vs 45.45 percent fossil fuel for 2016 as compared to 45 percent renewable vs 55 percent fossil fuel for 2015 was due primarily to favourable weather conditions, that is, improved rainfall. The Committee recommended, Madam Speaker, so that we do not always rely on favourable weather conditions that FEA diligently pursue other sources of renewable energy that are in the plans.
2. Also of note, Madam Speaker, was the important role that independent power producers could play in taking on capital projects which would otherwise tie up the resources of FEA. The Committee recommended that IPPs continue to be given support to enable them to undertake needful projects and this is being done. .
3. The Committee also urged that we stay true to "Sustainable Development Goal 7" and that we continue to strive towards affordable and clean energy by 2030.

Key Outcomes for FEA during 2016, included the following. The establishment and completion of a Depot at Waiyevo, Taveuni at a cost of around \$6.8 million. This included the purchase and installation of two Diesel Gensets to supplement the Somosomo Hydro Power Station. This project was funded by the Government and has been in operation since December 2016.

Also, Madam Speaker, FEA continues to add significant shareholder value and at the end of 2016, their total asset value exceeded \$1.22 billion.

Lastly, Madam Speaker, something that I think warrants special mention is that, FEA restored power supply to the majority of its commercial, industrial and urban residential customers within just two weeks after the devastation caused by *TC Winston*. And like I had mentioned earlier, Madam Speaker, they did all these from their own internal funds without having to borrow or increase tariff rates. The cost of these restoration works, Madam Speaker, totalled \$30.1 million.

Overall, Madam Speaker, the Committee was in agreement that FEA be commended for their efforts in 2016. Thank you.

HON. SPEAKER.- Parliament is now open for debate and I invite input, if any. Honourable Parmod Chand.

HON. P. CHAND.- Madam Speaker, I rise to make a contribution on this Report and I note especially the recommendations on Page 5. I note with satisfaction that at least FEA provides its reports on time. We have many organisations and many ministries, for example, the FBC Annual Reports for the years 2010 to 2015 were only tabled yesterday. Indeed, it is a concern for us because it is quite problematic when annual reports are tabled late in the House.

The taxpayers surely do not deserve that kind of inefficiency, they put us in this House to work, Madam Speaker, and if heads of organisations cannot follow the laws that binds them in terms of being accountable then we have a problem that needs addressing. As we all know, FEA is now corporatised and known as Energy Fiji Limited (EFL). There still are issues being sorted out there so looking at the 2016 Annual Report now in the month of May 2018 gives a slight advantage in terms of what was said and committed way back in 2016.

Recommendation No. 2 states that FEA enjoys the lowest tariff rates in the South Pacific inclusive of Australia and New Zealand. In view of FEA's new corporate structure, I am sure many of us and the taxpayers will anticipate these low tariff rates in the future. Of course, whether EFL will be able to continue that trajectory now as a private company, remains to be seen.

On the power generation mix for 2016, cited in Recommendation No.3, Madam Speaker, where renewable energy is at 54.5 percent while fossil fuel is at 45 percent. I understand that only last week Fiji tabled in Bonn in its Talanoa Dialogue a submission affirmed to the international community that we would as per the Nationally Determined Contribution (NDC) commitment increase to 99 percent renewable energy generation by 2030 from a 2013 baseline of 60 percent. From 2013 to 2016 as per the Annual Report, we were only able to increase our renewable energy target by about 4.5 percent. We have much more to do if this is the rate of progress we have yet to achieve 99 percent by 2030.

However, in that report in Bonn, I note that FEA is on the verge of finalising an agreement with a private company to develop a new 5MW solar farm which will be the largest solar farm in the South Pacific. So perhaps, that private solar farm is envisaged to fast track our pace towards renewable energy, if I am reading that correctly.

Madam Speaker, if successful, the project is planned to be scaled up to 20MW system which will significantly boost Fiji's progress towards its renewable energy targets. On a side note, but equally related, I believe, Madam Speaker, in terms of increasing our renewable energy targets from what is cited in the 2016 Annual Report, I note an update in that same report tabled in Bonn. It is concerning that that report was not tabled in this august House this week, but I note in the update that the Government is working with the Global Green Growth Institute and the Korea International Corporation agency to

electrify the islands of Taveuni and Ovalau using 100 percent renewable energy as part of a solar island concept.

Obviously, these approaches will also galvanize our efforts towards heightening our renewable energy targets, but we need to be kept abreast of these developments in this august House first, Madam Speaker, and not as an afterthought like many of these late Annual Reports. I will leave my comments limited to those two recommendations, Madam Speaker, of the Report and I thank you and the Committee again for their efforts.

HON. A. SAYED-KHAIYUM.- Who wrote that for you?

(Laughter)

HON. P. CHAND.- I know how to write.

HON. SPEAKER.- Honourable Aseri Radrodro, you may have the floor.

(Honourable Member interjects)

HON. A.M. RADRODRO.- Thank you, Madam Speaker. I would just like to make a brief contribution to this Report prepared by the Standing Committee on Economic Affairs.

First of all, I would like to commend the Committee for putting up such a brilliant report with a brilliant list of recommendations, Madam Speaker. I note in particular Recommendation No. 3 in terms of the Power Generation Mix that was present in 2016, 54 to 45 percent of fossil fuel. Now the question, Madam Speaker, this is despite the demand from commercial sectors, like some of the projects that Government had put in line, Hundred Sands Casino Projects in Denarau, similarly the Waila City Projects and those big projects that would easily affect the generation mix that is highlighted here. Rightly so, Madam Speaker, this generation mix can change at any time, in terms of the challenge and in terms of Sustainable Development Goal 7.

The other issue, Madam Speaker, is the Committee's recommendation on number six which is the failure of Butoni Wind Farm. Over the weekend, I was in Vanua Levu. The status of the Nabouwalu Wind Farm in Nabouwalu Hospital is also questionable in terms of the status of its operation, and likewise, it is amazing to see that the Nabouwalu to Dreketi and probably close to Labasa, most of the residents there still use solar, there is no grid extension from Labasa to Nabouwalu. So that is still quite a challenge and probably recommend to Government to start considering extending the grid along the Dreketi and Nabouwalu Highway so that they can put electricity to the respective villages that are in need to be electrified.

Also, Madam Speaker, maybe it is a good time to also ask Government to reconsider the basis of sharing of shares, now that the Chairman has recommended to do away with the old, with the new company name "Electricity Fiji Limited" to reconsider offering and on the basis of empowering and enriching the resource owners in terms of the ownership of the Dam, so that they are not left behind. Madam Speaker, I note that the Honourable Minister had also mentioned yesterday that they need to apply or put in their interest once it has been advertised, but the issue here is that the offering of shares that are being done now, they are done with new considerations. That is probably a challenge to Government and a recommendation to Government to consider the plight of the resource owners. Thank you, Madam Speaker.

HON. SPEAKER.- I know give the floor to the Honourable Acting Prime Minister.

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

Madam Speaker, I would like to address the issue about renewable energy. As you know that the Honourable Prime Minister, through the Climate Champion at various forums we have also made a national commitment to reduce our dependency on fossil fuels, indeed reduce our carbon footprint by 30 percent by 2030. Of course, there is no minor fee to do that and in particular, given the fact that our carbon footprint is actually almost negligible, compared to the rest of the other developing countries.

Madam Speaker, you will see a number of projects highlighted in the Report. You will see in Recommendation No. 3, it talks about what I referred to earlier on about the Global Green Growth Institute to undertake the 100 percent Renewable Energy Project feasibility study for Taveuni and Ovalau. In fact, the study has already been completed, Madam Speaker, and we are looking at the installation of about 1.55 megawatts on the Islands. So all of this work, Madam Speaker, is very critical.

Honourable Chand mentioned that they have only done renewable energy by four percent increase. Of course, he does not want to digest the fact that we have on numerous occasions in this Parliament talked about the numerous plans of Energy Fiji Ltd (EFL). You cannot simply flick your finger and get renewable energy technology installed overnight, it does take years, and some of them does take years. For example, the building of Weirs further downstream so you can continuously use the same water that may generate that which is coming out of one dam then you can build another Weir, you can build another Weir, so you use the same water to generate continuous electricity. Those are some of the projects that we have currently got in-train.

Of course, the Namosi Hydro Project has also been highlighted in this Report, a very good project. It is an Independent Power Producer (IPP) project, where EFL actually has, might I say, carried out a very good commercial arrangement with the IPP where they will actually build the actual dam itself to generate electricity. EFL will simply buy the energy that they will produce at a particular cost so, Madam Speaker, many people in the IPP world who want to come and say that they can generate electricity but we have to ensure that it is commercially viable for EFL.

Madam Speaker, it also brings us to the point that it is good to have good commercial people on the Board and I think the current Chairman of EFL has brought about a breath of fresh air in terms of his capacity to be able to negotiate such sophisticated commercial arrangements. FEA's days are gone, we simply need people who just know about engineering and generation. We need to take a holistic commercial approach.

Of course, EFL had some problems in the past too. The Butoni Wind Farm is actually mentioned here, in fact, was not a very good project. Whilst it does generate some electricity, it is not running to its full capacity. Those of you who drive past Sigatoka, you will see it has only got two blades, generally you have three blades. There was some money that was gained from that. Some people who were actually involved in the project are now living in Melbourne, never to return to Fiji because the company that actually installed it no longer exists because it was a one-off company that actually did the project. Nonetheless, Madam Speaker, we obviously have to roll with the punches.

The other issue that we have to also address is that, there are many Fijians currently whose ability to connect to the grid, as I mentioned, I think yesterday or the last time, it is actually very remote to be connected to the grid because they are very far away. So as part of the Honourable Prime Minister's initiative, we have teamed up with the Leonardo DiCaprio Foundation so we will have standalone electricity generation in which EFL will also participate, and so we will be able to get grid connections to these isolated villages, settlements and people living on the islands, to ensure that they have access to electricity because electricity is very important. Nowadays everyone wants to use this (mobile), everyone

wants to watch television, all of these actually require energy and we need to be able to connect people to that.

I would recommend to Honourable Radrodro that he actually pick up this flyer. The 2017-2018 flyer that sets out, as we have done with the roads, water, it has electricity but also as all the grid extensions. Grid extensions, Madam Speaker, also in the Northern Division but also, if you open Page 2, it also sets out specifically which villages in Dreketi, et cetera, will get connected to the grid.

On this grid extension, if you read the documents, we are actually spending \$31 million or in excess of that, to extend the grid as those people who know Northern Tailevu too that the grid extension is also now being completed or near completion, or on the top of North Western Viti Levu. So, Madam Speaker, Government is, of course, allocating funds. The point, Madam Speaker, (and this is very important, I have highlighted this before) is for the Honourable Members to understand in particular, those on the other side, about the commercial realities.

We saw last year that Government as you know, over a number of decades whenever Fiji Electricity Authority then and now Energy Fiji Limited used to go out and borrow funds, it always was Government guarantee. Recently because of the fact that commercially EFL (or FEA formerly) has been doing well, the level of Government exposure has reduced by over \$200 million because FEA no longer requires the guarantee because its books, now its balance sheets, its projected cash flow are actually very very firm, very very secure, so the financial institutions are actually aligned to it now, no longer need a Government guarantee for that particular component.

How has this happened, Madam Speaker? This is why this has happened. Previously the old model by the previous Governments was that, because we wanted everyone to get electricity and more importantly affordable electricity, we kept the tariff rate almost as the same rate for everyone. Also, we required FEA then to carry out what we call the “social corporate responsibility”. In doing so, we were actually eating up the cash of FEA. When it actually went to present the balance sheet and went to a financial institution, it looked weak. This State-Owned Enterprise needs to actually stand alone on their own feet. If Government wants to ensure that people at the lower end of the socio-economic scale get affordable electricity, Government should pay for it, and we pay Fiji Electricity Authority, now EFL.

This is why households who earn less than \$30,000 a year, we subsidise almost 50 percent of their electricity cost. EFL is not out of pocket and that is the good way to do business. As a Government, it is our responsibility to look after our citizens, in particular those in the margin of society or those who are not as well-off.

We actually pay the tariff rate to EFL so EFL now has a strong balance sheet. In the same way, if you want to carry out grid extensions, we make budgetary allocations from our own coffers to pay EFL so EFL is not actually out of pocket.

However, as noted by the Committee, in times of emergency, EFL, of course, as a responsible corporation now, was able to carry out all the works from post-*TC Winston* without any Government assistance because they had the fat to be able to do that. Obviously, they need that fat to be able to do this so that they can look after their customers, as their customers actually provide them with revenue because they know the sooner they get the electricity cables up, they will be able to generate revenue, that revenue is actually at the market rate.

Madam Speaker, it also meant that with the tariff restructure that had been carried out, we need to ensure that those people who use a lot of electricity need to pay a higher rate. As I have mentioned in Parliament before, if someone has 10 air conditioners in their house and a swimming pool, they need to pay a higher rate because their footprint is not large and they can afford it; a factory, a commercial

enterprise, big shops, supermarkets need to pay a higher rate because they have a higher level of usage. In that way, we are able to maintain the cost for ordinary citizens at an affordable rate, coupled with the fact that Government will be subsidising the electricity cost for them.

Madam Speaker, (Honourable Chand unfortunately has left again) the company is not being privatised. They kept on saying it is being privatised, it is not privatised. EFL is no longer a private company; EFL is still owned by the Fijian Government even with the divestment of shares, it will still hold 51 percent of the shares.

Madam Speaker, it ends with all economies as in Australia and various other places, when you have a monopolistic position of any company, in particular, utility company, you actually have an independent body that actually regulates pricing. So the Fijian Competition and Commerce Commission (FCCC) is the authority through which you will get tariff increases so EFL, even though they may have divestment of shares subsequently and even though they have given free shares to ordinary citizens, if they do want to have a tariff increase, Madam Speaker, they will actually have to go through the FCCC, so they have checks and balances that have actually been put in place.

Madam Speaker, the other point, of course, is that we have a number of other projects that are now on foot. Again, Government is paying the various projects for EFL where we pay, for example, for the black wiring for connection to homes. We actually pay them that before the grid extension.

There is nothing wrong with solar power. In fact, yesterday, Honourable Dr. Samisoni raised this issue about solar connectivity. Honourable Radrodro today is questioning solar connectivity. There is actually nothing wrong with solar-powered homes. Of course, if the requirements actually increase and there is bigger equipment, et cetera, that is required then obviously you may need to be connected to the grid, but in the meantime most Fijians will never have electricity. In fact, Madam Speaker, we are grateful for the fact that they actually are now connected to the electricity, irrespective of the source of electricity, whether it is solar, diesel or whether it is coming from the grid itself. So, Madam Speaker, I think we need to put this into perspective.

I think the other last one point that I want to make, Madam Speaker, is that as has been alluded to in the Report, EFL is also looking at setting up a subsidiary company through which there can be joint ventures and as we have said previously that we have got a French company that actually specialises in Standalone Hybrid Systems where they use a combination of renewable energy sources, together with what we call “traditional sources of energy”, whether it is combination of diesel and, for example, solar.

What is really interesting now, Madam Speaker, is that technology is, in fact, changing nearly everyday. A few years ago, we could not actually store solar energy in batteries, you can now do that. So before you get the direct sunlight, generates electricity through the panels and you actually use it and you could not actually store it, now you can actually store it, so because technology is now changing, it provides wonderful opportunities for us in that respect, Madam Speaker.

I would like to thank the Committee for the Report, Madam Speaker, and I also would like to take this opportunity to thank the Management and Staff of EFL and they have actually done a wonderful job, as we know that the moment that something does go down, we all jump up and down.

Of course, there has been a lot of retardation as far as many of the infrastructure is concerned as has been highlighted previously also. We, for example, do not have redundancy lights so if, for example, lightning strikes the line that comes from Monasavu to Vuda, we are cut off. So, we need to actually have a second line and as has been highlighted, it will cost over \$100 million to actually do that and that is the project that has already being identified and it can be done over a period of four to five years. So

all of these modernisation programmes are put in place and I would also like to acknowledge the contribution of the Board to bring EFL to this new phase of provision of electricity in Fiji.

Just the last one, I just remembered the Honourable Aseri Radrodoro raised about the landowners. In fact, I met some landowners outside Parliament yesterday and, in fact, we did talk about it and a lot of them are actually connected to electricity. So, all of them will get their shares.

Also, Madam Speaker, in respect of the capacity and the willingness to buy, they can do that, Madam Speaker. Thank you.

HON. SPEAKER.- Thank you. So we can now call on the Chairperson of the Standing Committee on Economic Affairs for her right of reply.

HON. L. EDEN.- Thank you, Madam Speaker. I have nothing further to add.

HON. SPEAKER.- Parliament will now vote to note the content of the Report.

Question put.

Does any Member oppose the motion?

(Chorus of 'Noes')

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

Motion agreed to.

HON. SPEAKER.- I now call upon the Chairperson of the Standing Committee on Justice, Law and Human Rights to move the motion.

#### **REPORT ON THE PETITION BY THE YAVUSA NAVAUVAU**

HON. A. SUDHAKAR.- Madam Speaker, I move:

That the Parliament debates the Report on the Petition by the Yavusa Navauvau which was tabled on 28th September, 2016.

HON. M.A. NIUMATAIWALU.- Madam Speaker, I beg to second the motion.

HON. A. SUDHAKAR.- Thank you, Madam Speaker.

The Standing Committee on Justice, Law and Human Rights was tasked by the Honourable Speaker to scrutinise the Petition presented by Honourable Viliame Gavoka under Section 28 of the Fijian Constitution and Section 18 of the iTaukei Land Trust Act, seeking the return of some 7,549 acres of land, known as Tovatova to the Yavusa Navauvau, who claimed to be the traditional owners of the State Land.

Madam Speaker, it is pertinent to note that this Petition came at a time before the Standing Order was amended and, therefore, there was no debate at that time but it went straight to the Committee and the Committee deliberated on this issue and also held public hearings at the Tavua Town Council Chambers which falls in the district where the subject land is and where most of the claimants reside.

During these consultations, the Committee ascertained that there were various other claimants to the subject piece of land who appeared and presented their evidence of ownership. Since the Petition was brought on behalf of the Yavusa Navauvau, only the evidence of the claimants was used in relation to the claim and not to determine other claims.

The Petitioners claimed that the Tovatova land was purchased in 1870 from the chiefs and the native owners of the Mataqali Nabila and Mataqali Navauvau, with 97 muskets. A Mr. John Berry claimed the whole of Tovatova during the Land Claims Commission and it was granted to him in 1885. Mr. Berry then divided the land and sold 2,168 acres to Western Mining Company and 4,319 acres to the Colonial Sugar Refinery Company, which was the CSR.

The Committee noted that after Independence, the 4,319 acres of land belonging to the CSR was returned to the State ownership in 1971, and it is now classified as a 'State land without title' under Section 4(2) of the Crown Lands Act Cap. 132. The Cap is now removed, but it will be called Crown Lands Act 1941, I believe.

The Committee has considered the provisions of Section 28 of Constitution under which the Petition was brought. Madam Speaker, Section 28 of the Constitution reads, and I quote as follows:

“(1) The ownership of all *iTaukei* land shall remain with the customary owners of that land and *iTaukei* land shall not be permanently alienated, whether by sale, grant, transfer or exchange, except to the State in accordance with section 27.  
(2) Any *iTaukei* land acquired by the State for a public purpose after the commencement of this Constitution (the key words here are “after the commencement of this Constitution”) under section 27 or under any written law shall revert to the customary owners if the land is no longer required by the State.”

Madam Speaker, this land was acquired by the settlers before Independence. The Deed of Cession and the Deed of Independence did not have any effect on this particular piece of land, like some other pieces of land that are around Fiji. I will read the relevant parts of the Deed of Cession, which was signed on 10th October, 1874, and we had looked at this law because the Petition was brought under Section 28 of the Constitution, which did not deal with this land.

The Deed of Cession at Section 4 had held that:

“The absolute proprietorship of all lands not shown to be now alienated so as to have become bona fide the property of Europeans or other foreigners or not now in the actual use or occupation of some chief or tribe or not actually required for the probable future support and maintenance of some chief or tribe shall be and hereby declared to be vested in Her said Majesty her heirs and successors.”

Madam Speaker, this land that we are talking about was actually bona fide and acquired by the settlers even before Independence, and the Deed of Independence does adequately cover for such situations.

The Petition that was brought had this commentary from Honourable Gavoka at that time and he stated that:

“This State land of 4,286 acres, Madam Speaker, traditionally belongs to the people of the Yavusa Navauvau and they have been asking Government since 2010 to have that returned to them in line with the Constitution which says that land which is no longer used should be returned to the traditional landowners.”

But there are two problems with that argument, Madam Speaker. The first one being, the Constitution that we are referring to is the 2013 Constitution and a claim in 2010 would not be covered in the 2013 Constitution. Further problem is that, this land was not acquired for the State's purpose, it was not acquired for a public purpose as the evidence speaks. I will just give a brief background of what actually transpired in terms of this land.

In 1870, the Tui Tavua sold this piece of land to Messrs John and Thomas Berry. In 1874, the Deed of Cession was signed to Great Britain. In 1885, a Land Use Commission was established to look into cases of foreigners who claimed to have bought native land and John Berry claimed this land, and he was granted the entire 7,549 acres of Crown Land as Crown Grant No. 1144. On 10th January, 1903, John Berry transferred whole of the land to the CSR Company and the title was conveyed to CSR Company.

Madam Speaker, under the laws of Fiji, if a land is registered under a certain title, it becomes indefeasible, and that indefeasibility provision can only be taken away in cases of fraud. There was no such fraud element period here, but the main point which the petitioner intended to use was that after several years (sometimes in 1971), the Government took over the sugar production arm of CSR and a section of the land that was not de-alienated which remain with the CSR now belongs to the Government.

Once the Committee started its hearing, it came through other fact and it was noted that there were other claimants who came up with some sort of evidence to say that this land does not even belong to the Yavusa Navauvau but it belongs to them. Those claimants were, and there were eight of them:

1. Yavusa Nubu, Waikubukubu of Savatu, Ba;
2. Yavusa Bila, Mataqali Tilivasewa;
3. Yavusa Tovatova,
4. Mr. Thomas Nabuli also came and claimed the land to be his;
5. Tokatoka Qara, Sorokoba, Bulu, Ba;
6. Mataqali Lololevu, Bukuya, Ba;
7. Mataqali Nakoroboya, who claim to have a native title claim to the land, including the Vatukoula Mine and they claimed that they have documentation dating back to the 1870s to support their claim; and
8. Mataqali Natolevu, (who claimed that they have documentation, including native land title recording the community ownership of land).

So, what started off as a petition by one particular *mataqali* or *yavusa* for this piece of land then spread to other areas and there were many other claimants.

In fact, we had to refuse to listen to some of the claimants who had come back to the Committee and in fact challenged the Deed of Cession and the Deed of Independence. It would not be in the Committee's powers and in fact it would not be right to open the Deed of Cession because those are historical records.

Madam Speaker, the Committee did give the Yavusa Navauvau its day at the hearing and we conducted the hearing under the relevant Sections of the Constitution as I have already read - Section 28 of the Constitution. The Committee does not consider that this provision is relevant to the petition as the land was not acquired by the State for 'public purpose'. It was acquired as a result of a takeover of sugar production from the Colonial Sugar Refining Company in 1971. In any event, the land was acquired before the commencement of the Constitution.

Madam Speaker, the second element which was not actually pleaded, but the Committee did try to help the *yavusa* and looked at other sections or provisions of the law and looked at the Native Land Trust Act, as amended, Section 18 of that and Cap 134 at the time:

“This section provides the State with the power to designate State land as a ‘native reserve’ for use, maintenance or support of any *mataqali* that do not have sufficient land for its members.”

However, the Committee considers that there are three problems with using this provision. The first one:

This legislation does not give the State power to transfer ownership of the land to a *mataqali* in need of land, but to designate a reserve, just for the use and subsistence of the *mataqali*. The proclamation gives right of usage in accordance with Decree No. 32 of 2010, which states, and I quote:

“Powers of Minister to set aside land as *iTaukei* reserve.

Section 18(1), “If the Minister is satisfied that the land belonging to any *mataqali* is insufficient for their use, maintenance or support of its members it shall be lawful for the Minister by proclamation to set aside such State land, or land acquired for or on behalf of *iTaukei* by purchase, as in his opinion and may be required for use, maintenance or support of such *mataqali*. Any area set aside shall be deemed to be a *iTaukei* reserve.”

The second is:

The law does not refer to ‘returning land to its original owners’, as noted by the Ministry for Lands presentation to the Committee. Any *mataqali* can prove they do not have sufficient land for their use, maintenance or support of its members and could be considered for land, not just those who can prove their original ownership of the land.

What that means is that, if they have a piece of land that is considered as a native reserve for the *iTaukei* community and the *mataqali* who does not have land, it does not mean that it only belongs to the petitioners. A *mataqali* who is landless can claim in the gazette. So that does not add on to any aspect of the petition by the petitioner.

We also considered the Deed of Cession, as I had already alluded to, and tried to find if there is any way we can assist the Yavusa Navauvau, and those do not assist the Mataqali Navauvau, as I had already read.

Now, the iTLTB and the Ministry of Lands also came and presented to the Committee and we tried to look at their positions. The Fijian Government issued a policy directive in 2011, declaring that no requests for State freehold land to be returned to native landowners would be processed. This moratorium means that even if the Yavusa Navauvau could prove that they were in need of land, and as a result were given use (not ownership), of the 4286 acres, their claim could not be currently processed. That moratorium is in line with the current laws, Madam Speaker, that there is no such law to return a piece of land. As alluded to earlier, it can only be created as a native reserve or it can, if it is acquired for public purpose from a particular landowning unit, then it can be returned to that landowning unit.

So because of the frailties of the Petition that I have already read out, first it does not comply with the Section of the Constitution it was brought under. Section 18 of the *iTaukei* Lands Trust Act does not help, and also the Deed of Cession and the Deed of Independence do not help this Petition.

The evidence that was gathered at the hearing also put this question into more confusion when we had at least 12 other *mataqali* or *yavusa* coming up to claim. So by giving to one, without considering the evidence of others, it would not be fair for the Committee.

The Committee considers that there is sufficient evidence to prove that the Yavusa Navauvau are the original owners of the 4286 acres of land currently known as Tovatova. We received various pieces of evidence, some of which contradict each other, and there are significant gaps in the evidence, such as proof of land sales and transfers.

Even if it be proven that Yavusa Navauvau were the original owners, the Deed of Cession will not assist because it states that the land lawfully bona fide alienated before Independence, remain with the original settlers.

The Committee had sympathy with the petitioners and heard from many groups of people claiming ownership of this land. The Committee appreciates that issues of land boundaries and family histories are complex. Some claimed that their tribes were nomadic but lived on the land; some claimed that their ancestors were warriors, and they were paid to protect the land.

For the purposes of this Petition, we could not explore every claim in detail but the evidence presented by the other claimants was used to determine the current claim. Our remit was to look at the viability of the Navauvau Petition and in doing so, we have concluded that there is insufficient evidence to corroborate their Petition and no current provision in law would allow the land to be reverted to the Yavusa's ownership.

For the first part of the claim in that Petition by Yavusa Navauvau, which requests for the return of the land to the traditional landowners, the Committee considered that the Petition was brought under Section 28 of the Constitution and Section 18 of the iTaukei Trust Act, which do not provide for return of the land which was not initially acquired for public purpose.

Processing of such claims would have been put on hold by the Board due to the moratorium by the Government which is in line with the above legal position.

The Committee in its findings has found various other claimants with the same piece of land which have uncertainties. The emergence of other claimants imposes a caveat on the work of the Committee on the basis that it does not have the authority to determine who, out of all the claimants, is the rightful original proprietor of the Tovatova land. If it is going to occur in future, then TLFC is the only body that can determine claims of this sort.

Madam Speaker, it is also prudent to note that by 1940s, the Lands Commission was set up by then Ratu Sir Lala Sukuna, had determined most of the land claims, if not all, by the *mataqali* in those time, and there has to be some finality as far as land titles are concerned. The Commission set out by Ratu Sukuna at various times have resolved most of the land claims. It will be damaging to the economy and investment if we are to allow land titles to be legally obtained or to be legally defeasible.

As I had alluded to earlier, the title properly acquired were not found and registered because it is indefeasible and can only be opened up in cases of fraud and such titles cannot be opened for revision for future or annulment by any powers apart from those that are given to the Court. Therefore, Madam Speaker, the Committee at that time recommended that the petition be dismissed and the report was returned to this Honourable House.

Thank you, Madam Speaker.

HON. SPEAKER.- The floor is up for debate. Honourable Viliame Gavoka.

HON. V.R. GAVOKA.- Thank you, Madam Speaker. I rise to contribute to the debate on this petition which was the one that I presented to Parliament on behalf of Yavusa Navauvau. I wish to thank the Committee for the work they have carried out, Madam Speaker, and while the findings are not conclusive, I am just encouraged by the facts that they went through all this, met people, looked at issues from the beginning until today and while it may not be what we expected with the people of Navauvau, at least, I believe many doors have been opened here that we can open for the future to resolve this. It will not go away. It is the aspiration of the people and it is not unique to Fiji.

I just want to refer us to the conclusion by the Committee in the last paragraph they said, “The emergence of other claimants imposes a caveat on the work of the Committee on the basis that it does not have the authority to determine who out of all the claimants is the original proprietor of Tovotovo land.” And they go onto say, “even if it is going to occur in the future then TLFC which is the tribunal on Land and Fisheries Commission is the only body that can determine claims of this sort. On the first part, Madam Speaker, it is natural that in a matter like this, there would be claimants, and there will be all sorts of people claiming through hearsay and through stories that they are indeed owners of that piece of land.

This is why, Madam Speaker, the SDL Government had introduced a Bill in this Parliament in August 2006. The Second Reading was by the Attorney-General then, Senator Qoriniasi Bale to set up a tribunal exactly to look into matters like this, because they are very complex. It was not something that Fiji invented on its own, it is something that Fiji borrowed from New Zealand, Australia and Canada where indigenous people had claims on land that they believed were taken away from them wrongfully. It was a very good Bill, the copies are with us but unfortunate that in December 2006 the SDL Government was overthrown and that tribunal was not created. We talk about the 2013 Constitution; I am looking for enlightenment here, is there anything in the 2013 Constitution that can replace the tribunal that the SDL Government was trying to setup.

The tribunal that was structured along New Zealand Tribunal, the Treaty Waitangi Tribunal, Madam Speaker, they were very successful. Private bits of land that was taken wrongfully from the Maoris were returned to them through that Tribunal and that is what the SDL Government had tried to set up in 2006. And that is what I would wish could be activated through this Parliament or through the Constitution to try and find the solution on issues like this.

All of us have campaigned and these are the issues that people would bring to us and I am sure Honourable Members on the other side have said, “Yes, we will resolve it for you”. That is what they said to me; some FijiFirst guy said that he would resolve it for me. So I brought it here to be taken up by a Committee and taken to the extent that it went to and I am grateful, Madam Speaker. I am not disappointed.

I like the last line here, the Committee states if it was going to occur in the future then the iTaukei Land and Fisheries Commission (TLFC) is the only body that can determine claims of this sort. So, Madam Speaker, I ask the question, could not the Committee have recommended that it goes to TLFC? They have reached the end of their dialogue, they could not resolve it, they could have said, “we recommend that this matter goes to the Tribunal on Land and Fisheries.” We cannot just say, “We have dismissed it” or “it has been dismissed”, because as I say once again, this will not go away. The way things are going, governments evolve, very soon we could be sitting on the other side, and you are sitting on this side and will actually read this. In many ways, I am grateful that there is a template that a future government can use to resolve a matter like this.

I just wish we would make it easy again for petitions to be brought into this House. Now we have 40 percent of the votes to enable a petition to come through and we have had many petitions that have

been thrown out; petitions on sugar, petition on sports because I believe it generates very useful debate. They highlight issues that we need to address and it is just a pity that the powers that be on the other side have made it difficult for petitions to come into this House.

Sometimes I say that it is easier for a camel to go through the eye of a needle than for a petition to make it into the Parliament of Fiji now. That is sad because a quality work like this came about through a petition.

Madam Speaker, lastly, on Page 6, the iTLTB and the Ministry of Lands presented to Committee and said that the Fiji Government issued a policy directive in 2011 declaring that no request for State freehold land to be returned to native landowners would be processed. Can I read that again?

“The FijiFirst Government has issued a policy declaring that no request for State freehold land to be returned to native landowners.”

That, Madam Speaker, is where we are? We are concerned about the Constitution that is weighted against us. How can you say, make a policy and to say, end of the matter. We do not return any State freehold land to native landowners. And I am glad, again it is in the spirit of this Parliament that these matters are brought out this way then you can address them. I again say, I am not disappointed with the findings. I believe many doors have been opened and this matter will be resolved in due time. Thank you, Madam Speaker.

HON. SPEAKER.- Honourable Usamate.

HON. J. USAMATE.- Thank you, Madam Speaker. I would just like to contribute to the work that is being done by the Committee in looking at this particular issue for the *Yavusa Navauvau*. I think it is a fairly complex issue and it has been quite educational for all of us to go through the excellent work that has been done by the Committee. I congratulate the Committee and its Chairperson and all of you who have contributed to put this document together.

I was just listening to some of the comments that were made by the Honourable Gavoka and I do not know that stories of this kind of land usage where a lot of people feel that they have been wronged is common all across our country. We go back and it is always going to be an important thing for us to decide at which point in time we take the record at that particular point in time to be the record that we will work on.

If you go back 500 years and you go back 500 years before that, you go back 200 years, the ownership of land always changes. This is the way of the world. Those in power always take land. That is the way, it has always been from eternity until now. You go back thousands of years, the ownership of land always changes. So it becomes something important for us to decide as a country which particular record at which particular point in time we will take as an official record from then on.

It is important also in discussing this particular issue to take note of what the Committee was asked to do. What the petition has asked in page 1, it says that this State land of 4,286 acres traditionally belongs to the people of Yavusa Navauvau and they had been asking Government since 2010 to have that returned to them in line with the Constitution which says that the land which is no longer used should be returned to the traditional landowners.

I think if you go through the report, what the petition was trying to do, it has been shown through this report that legally it is not possible to do that; not possible or legally to do that in accordance to what is existing in the Constitution and the laws that existed before them. The Chairperson has adequately and elaborately stated that in the past, it was only that if the State took land away for State purposes and once

it no longer has use for that land, then that land is returned to the landowners. That is the not the case in this situation. It is something that happened outside of that.

There has also been cases where members of a *mataqali* feel that they do not have land that they can use, then land can be set in reserve and then given to them for use. So that again also does not apply in this case. In terms of the legal arguments on which we can vest are that a decision cannot be done. So in that case, the Committee has done what it was supposed to do; it had to look at the laws that existed, look at the situation and see if it was legally possible to return the land. The petition did not ask them to make any further recommendations but to return the land and the answer has been given here; you cannot do it according to the situation we find ourselves in.

The laws are such that it cannot be returned according to the situation at hand. I think, Madam Speaker, once again I think the Committee has done a wonderful job. It is the people who have raised this petition who will probably feel aggrieved, but we have to work within the bounds of the laws that we have established in the country, because it is laws that gives stability to things.

Laws give permanence, laws give confidence in our economy. There may be sometime in the future where these things could be looked at again, but I believe, and having looked at the report that was done by the Chairperson, the decision of the Committee has been a just Committee in accordance with what it is set out to do originally in the first place. Thank you, Madam Speaker.

HON. SPEAKER.- Honourable Semesa Karavaki.

HON. S.D. KARAVAKI.- Thank you, Madam Speaker. I can go first before the Acting Prime Minister. I would like to contribute to the report before the House, Madam Speaker. I would like to thank the Committee for their work. One of the things that I appreciate about the report that it identifies the doorways that are there. I do not believe that there is a complete impediment in the report whereby there is no progress that can be made. I believe the report has identified the pathways.

Although the Constitution says that no freehold can be converted, but that is not all what it says. It still provides the doorways and I would like to refer to Section 29 (5), this is what it says, Madam Speaker:

“All land that existed as freehold land immediately before the commencement of this Constitution shall remain as freehold land even if it is sold or purchased...”

That is clear. Now it goes on and says this “... unless it is sold to the State”. It will remain as freehold; purchased or sold, remain as freehold unless when it is purchased by the State, it can be converted. That is the doorway I am referring to.

We are talking about a piece of land, a land that the people are claiming to be theirs from time immemorial, claiming to be theirs, they are saying “this land belongs to us” but we also have in the Report that part of this land is in the hands of the State. Now, we are going past what the Constitution is putting there as a bar, it is not a permanent bar, Madam Speaker. It depends entirely on the goodwill of the Government, and as I have said, that can be resolved. NLC can find out who the true owner of that land is.

(Honourable Member interjects)

HON. S.D. KARAVAKI.- As I am saying, there are doorways this Report has provided. There are pathways and ...

(Honourable Member interjects)

HON. S.D. KARAVAKI.- ... once that is determined, the owners are determined, then the State has the land and is up to the goodwill of the government to give back the land. It is no longer freehold because what is with the State becomes State land, that is what it is. It becomes State land once it is with the State and the State can give that land back to the landowners. That is the doorway I am talking about today. I am glad that if we wave this Constitution, sometimes this Constitution can provide for justice. Although it is not always, Madam Speaker, sometimes it can provide for justice.

(Honourable Members interject)

HON. S.D. KARAVAKI.- Now I am contributing, Madam Speaker, I am just pointing to the provision over here. I believe that the Government can use, all right, we want to play a part in providing justice, we can provide for that and return the land to the actual owners of the land. So, we would not be breaching the commandments of God.

(Laughter)

HON. S.D. KARAVAKI.- You give to Ceasar what belongs to Ceasar, that is the way it should be. Give to Ceasar what belongs to Ceasar, and God Himself says, "Do not covet your neighbour's property" or others' properties". This is what we are talking about here, Madam Speaker. You just do justice, just give to the owner what belongs to the owner. This big parcel of land is in the hands of the State now and I do not see any problem for doing that, that can be done.

HON. S.B. VUNIVALU.- Who is Ceasar?

HON. S.D. KARAVAKI.- Madam Speaker, Honourable Samuela Vunivalu wants to be Ceasar.

(Laughter)

But, I think, we all know who Caesar is here, and we give back to Caesar what belongs to Caesar. Thank you, Madam Speaker.

(Laughter)

HON. SPEAKER.- Thank you, Honourable Members, before we continue, I think the Leader of the Government in Parliament will have to move a motion, now that we have gone past 4.30 p.m.#

### **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) is suspended so as to allow the House to sit beyond 4.30 p.m. today, to complete all items as listed in today's Order Paper.

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

HON. SPEAKER.- I call on the Honourable Leader of Government to speak on the motion.

HON. LT. COL. I.B. SERUIRATU.- Madam Speaker, I need not elaborate further, I think the motion is clear to the Honourable Members. Thank you.

HON. SPEAKER.- Thank you, with the leave of Parliament, Parliament will now vote.

Question put.

The Question is:

That under Standing Order 6, that so much of Standing Order 23(1) is suspended so as to allow the House to sit beyond 4.30 p.m. today to complete all items as listed in today's Order Paper.

Actually this is the last item on the Agenda. Does any Member oppose the motion?

(Chorus of 'Noes')

HON. SPEAKER.- There being no opposition, the motion is therefore agreed to unanimously.

Motion agreed to.

I now give the floor to the Honourable Acting Prime Minister.

### **RESUMPTION OF DEBATE ON THE REPORT ON THE PETITION BY THE YAVUSA NAVAUVAU**

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

Madam Speaker, if I could firstly, thank the Committee for the Report but I would also like to read out the input from the Permanent Secretary for iTaukei Affairs and also the Permanent Secretary for Lands Department, just to put matters into perspective. It says that in relation to the debate on the Report on the Petition by Yavusa Navauvau which was tabled on 20th September, 2016 which stated that the land in question was already discussed under the Land Claims Commission where the Commission was established to authenticate a foreigner's plans to have a purchased land of 1885 where John Berry was granted the ownership of that land.

In this regard, the Native Reserves Commission sitting in 1926 in Korovou Village in the District of Tavua did not receive any claimants to the land, thus no record regarding the land referred to as "*Tovatova*" was registered with the Commission. An acknowledgement of the various claimants of the land, the Commission understood at that time the land was divided and registered under the following owners:

- CG 1269 Colonial Sugar Refinery Company; and
- CG 1144 and 1429 Emperor Gold Mining Company in 1949.

The Ministry acknowledges that there are various claimants from Yavusa Nubu, Yavusa Bila, Yavusa Tovatova and Mr. Toma Nabuli. Nevertheless, the records do not permit us to validate the native owner for the land in question. The input also from the Permanent Secretary for Lands, Madam Speaker, says that the subject land of 7,549 acres according to the Lands Claim Commission, Report Nos. 995 and 996 kept with the National Archives of Fiji was bought by John Berry from Tui Tavua.

Through a Lands Commission Report, it is confirmed that the purchase made in the 1870s, about 97 muskets, of which according to the Buli of Tavua 39 went to the share of Tui Tavua and the remainder 58 to *Kai Navauvau*. The land sales was allowed on 17th September, 1881 and a Crown Grant 1144 of 7,554 acres of land was issued to John Berry, dated 4th June, 1885. Thereafter the subject land has been heavily subdivided with portions retained as freehold and majority were owned by the Colonial Sugar Refinery Company Limited or CSR in those days. Lands owned by CSR were later transferred to the Director of Lands with an agreement dated 3rd May, 1971 where the State acquired all CSR properties and assets.

Madam Speaker, 4,319 acres out of the 7,549 acres of land became State freehold land after the portion owned by CSR were transferred to the Director of Lands. These areas were later cancelled by the Director of Lands and the tenureship changed to State land without title under Section 4(2) of State Lands Act 1949. However, there was one purchase made by iTLTB for CT11665 for an area of 1,062 acres which was later transferred to the Nasomo landowners by iTLTB. Although iTLTB bought this land it was not reverted to native land but transferred in fee simple estate to the Nasomo landowners, Bid Dealing No. 449384 hence the tenure of these 1,062 acres to date remains as private freehold land held by the Nasomo Landowners Trust.

The balance remaining areas approximately 2,168 acres of Freehold Land was retained by mining companies at that time and now transferred to Kaula Mining Company Limited. The tenureship under this Crown Grant after subdivision plans was mainly freehold, State freehold land and State land without title.

Madam Speaker 1,062 acres was purchased by iTLTB and transferred to Nasomo owners as highlighted but this also remains as freehold land. It is noted that the State only owned 4,319 acres out of the 7,549 acres of the subject land which was purchased through CSR, not acquired from the landowners directly. Therefore, the State is not obligated under these circumstances for a reversion process as provided for under the various legal proceedings, Madam Speaker.

Madam Speaker, this is a brief Report from the various Permanent Secretaries who are the line Permanent Secretaries in this respect.

Madam Speaker, the issue about many of this land that was actually acquired through the acquisition by muskets people giving muskets and sometimes very other ordinary things at that point in time obviously was extraordinary for some of the landowners. We also know that where the State House or Government House sits, the people of Suvavou actually lived here and because the Colonial Government as I have said repeatedly, and the Opposition continues to deny this, the Colonial Government, when they were ruling Fiji could do whatever they like.

When they wanted this land, the Governor wanted this land, they said "I want this land to build my house" and they moved them to Suvavou, that is the fact. We have to accept that, that is what they did, so stop trying to hoodwink yourself and the people of Fiji saying "The Colonial Government did everything right", they did not. When they wanted land for cane, when they wanted railway lines to cut across particular lands, they got it and they made it what we call "Crown Grant".

So let us stop hoodwinking ourselves and that continued. As the Honourable Whip has highlighted also, following the Lands Commission in the 1920s when Ratu Sir Lala Sukuna went in the 1940s, again, that was to reaffirm the land ownership. Of course, we have had people in Nadi, for example, in Ba who have actually questioned how their land was apportioned then to the various landowning units because of whatever politics was there at that point in time.

However, Madam Speaker, the Crown, the Colonial Government at that point in time; whatever the findings of Ratu Sir Lala Sukuna was, they accepted that as they accepted the boundaries of land ownership.

In fact, Madam Speaker, that has provided the backbone of all the *iTaukei* land ownership and, Madam Speaker, when the 1970 Constitution was put in place after Independence, that continued; when the 1990 Constitution was put in place, that continued; when the 1997 Constitution was put in place, that continued; when the 2013 Constitution was put in place, that continues.

However, the point of difference is, two significant points are different and people forget about the Rotuman ownership of land and also the Rabi ownership of land, this is the only Constitution that has actually recognised Rotuman traditional ownership of land and the Rabi Constitution.

(Honourable Member interjects)

HON. A. SAYED-KHAIYUM.- No, it does not. Read Section 28 specifically.

Madam Speaker, also the other difference is that, this Constitution states that should there be in future any *iTaukei* land that is acquired for public purposes, if that land is no longer required for that particular public purpose, it must revert to the *iTaukei* landowners. Lots of land were acquired by the Colonial Government and other Governments subsequently for public purposes but they did not revert to the *iTaukei* landowners because there is no provision for that. Once it became into the fold of Crown Land or State Land it did not go back to them.

At the point of Independence, 83 percent of all the land in Fiji was *iTaukei* land - 83 percent. Today 91 percent of all the land in Fiji, Madam Speaker, is *iTaukei* land. That is an increase of eight percent, approximately four and half percent of the land in Fiji is only called Crown Land; State Land and four and half percent is Freehold Land, Madam Speaker.

Honourable Gavoka referred to New Zealand and Australia as we highlighted over here, the experience are completely different. In Australia, it was terra nullius, they said the land was empty. Aborigines were not even counted as human beings. They were counted as part of flora and fauna. In 1968, they were actually recognised as human beings and counted in the Australian census. We did not have that experience.

In New Zealand, Madam Speaker, less than 10 percent of the land is Maori land. They actually had a war in New Zealand. Treaty of Waitangi; it was a war and therefore you have a Treaty and the Treaty guides things like reparations. This is why you have the Treaty of Waitangi; you give reparations.

There is no such agreement in the Deed of Cession for reparations. Reparation is essentially compensation to pay for some good that has not happened.

(Chorus of interjections)

Madam Speaker, we are now talking about the laws that were put over here, not canonical laws. We are talking about secular laws at this point in time, and that is the petition that has come on secular laws.

(Laughter)

Madam Speaker, this is the reality and that was what actually happened. Now to suddenly say, that all these land titles that are currently in place for which people have gone and given as collateral into banks and borrowed money from it, if you are going to turn it overnight, what will happen to the financial

system in Fiji? Which banks will want to lend? Which banks, which hotels; most of the hotels in Fiji are built on *iTaukei* land.

Most of those hotels actually, Madam Speaker, have borrowed money from financial institutions on-shore, off-shore. What do you think they will do? Will they stay in Fiji? Will they take any future land dealings in Fiji as secure collateral? Madam Speaker, they will not. That is precisely the reason why those Commissions went around to ensure the security of tenure depending on whichever title the land fell under. The Honourable Karavaki has answered my question, that is precisely the reason why that has continued.

Madam Speaker, to be able to start drawing analogies with other countries; look at what happened in Canada? We have the indigenous people in USA put in reserves, people were wiped out, there was genocide because they took away their land; they killed them. As I have said in this Parliament, in Tasmania, documented evidence, after church, they used to go shooting Aborigines, it was sports. The last Tasmanian aborigines who were alive was in early 1900s. That was the experience in those countries that was not the experience in Fiji; there is a point of difference.

So, if we are going to have some intellectual honesty about arguing about these matters, Madam Speaker, we need to ensure that we get our facts right. Let us not draw wrong analogies and metaphors. The matter, of course, Madam Speaker, yes, I think everyone in this House actually knows that some of the current freehold land that was given away or acquired was done through me that was perhaps not even on an even basis.

Suva, was given this peninsula, was given away by Ratu Seru Cakobau as compensation to an American company whose ship was burnt down. The ship was burned down by some group of indigenous people, and he gave away the land because of the threat that perhaps the Americans were coming in as compensation. This is why Suva Peninsula is freehold land, everyone knows that, or some people probably do not know that.

Therefore, Madam Speaker, subsequently that American company started selling off land and European settlers started buying it. Many argued that the reason why Suva only became the capital is because those Europeans settlers actually wanted their land value to go up, so they pressurised the Colonial Government to make sure Suva became the capital, otherwise, Momi was the other option. Momi was the other option because in those days they looked for deep harvest. That is the history of Fiji, Madam Speaker.

So, the reality is, today we are in a situation where 91 percent of all the land in Fiji is *iTaukei* land. We have a provision in the Constitution, Madam Speaker, that says, any *iTaukei* land that is used for safe purposes must be reverted to them. We also have a provision, Madam Speaker, that says that if any *iTaukei* land is used, you must pay market rate, and we have a provision in the Constitution that says that you cannot convert *iTaukei* land to freehold land, which has actually happened and which we talked about in the morning.

So, these are the protection that we have put in place. Of course, this land was sold by the chiefs of this area for some muskets. Unfortunately that happened, and we have instances where we have had seen the increase of *iTaukei* landownership in Fiji from 83 percent to 91 percent. And as it had been highlighted by the Committee also, we have disputes, we have different landowning units actually contest, even questioned the Land Commission's findings.

Are we going to let this people all fight? What are the consequences, what we are trying to do, Madam Speaker? What this Constitution does is bring about a particular level of stability; a particular level of protection; a particular level of security, to ensure that no *iTaukei* land will ever be converted to

anything else other than *iTaukei* land. And that, Madam Speaker, is again why we hold up this Constitution and wave it again; it is the Constitution that actually addresses those fundamental issues.

But I would like to echo the sentiments by almost everyone in this Parliament that the Committee obviously went through the throes of going through the exercise and doing so, Madam Speaker, I would say, it begs the question as how some of these petitions, not necessarily this one in place, when the law is quite clear, are we trying some of these petition processes, trying to give people a particular level of false comfort, false solace, or are we simply playing politics?

Since yesterday, we have seen Honourable Members from the Opposition talk about, “you will get voted out, we will do this” and it seems to be all about vote buying exercise. This is a very serious matter, has serious impact on our economy, serious impact on the confidence levels and serious impact on giving people false hopes. Let us not do that, let us give them practical implications over what this Constitution can do and also economic empowering. Thank you, Madam Speaker.

HON. SPEAKER.- Thank you and I now give the floor to the Chairperson of the Standing Committee on Justice Law and Human Rights to speak in reply.

HON. A. SUDHAKAR.- Thank you, Madam Speaker. There are few points that actually need response. I will first address the comments made by Honourable Gavoka. He has mentioned that it actually opens doors, that the Petition opens doors and the Report open doors for further work that can be given to a Committee to be set up for the tribunal.

Madam Speaker, first of all those prayers were not the part of the Petition. The Petition only asked for the land to be reverted and we addressed that. There is no way the Committee could entertain a prayer outside the Petition. Secondly, it does open any door; it is going to open doors to very dangerous areas, as the Honourable Attorney General has alluded to.

What happens to all those land titles that are already secured and mortgaged? And if one of these land titles are opened up, then the whole issue of indefeasibility of land that had been transferred by the Colonial masters through their laws of the United Kingdom, which have been accepted and expanded upon by us, will go out the window because there are already established case laws on that in terms of indefeasibility of titles. And there were some finality, there are in fact finality that reached a lot of land claims that were set up by Ratu Sir Lala Sukuna until 1940s and these issues have already been dealt with. The Honourable Attorney-General has raised the issue that there was no claim to those tribunals in respect of this particular land.

In fact, Madam Speaker, at the hearing of this Petition in Tavua, we were taken back and the Honourable Minister for Labour had pointed out quite correctly but how far back in history do we go? Some unfortunate things have happened but that is how history has been, and it is not only in Fiji, that is not only unique to Fiji, but other places in the world as well.

Now we were told and evidence came up that the chief who handed the land or who transferred the land back in 1870, the Tui Tavua, even he did not have the powers to give that, he was not in a position, and that was brought as evidence. Now we cannot go back and open that because there was no evidence of that, it is only one oral evidence or one story against the other. It was told to the Committee that the Tui Tavua was a warrior or a nomad, who was brought in from another tribe but he was brought into Tavua to protect this community and he ended up giving the land away. Now it is one’s word against the other, we cannot open that up, that was one of the problems that we have.

The other problem is that there was a mention about the setup of a Bill by the then SDL Government and I am glad that, that Bill never went ahead because the 1970 Constitution, 1990

Constitution and the 1997 Constitution did not have any such provision for such a Bill. It would have been ultra vires for them to bring that Bill because the supreme laws at that time did not allow for any such thing, just like the 2013 Constitution. It does not allow that, in fact Section 28(2) of the 2013 Constitution that was alluded to by the Attorney-General gives the added protection and it reads:

“The ownership of all *iTaukei* land shall remain with the customary owners of that land and *iTaukei* land shall not be permanently alienated ....”

This is an extra added protection given by this Constitution, and the only reason why the *iTaukei* land is protected. Now there is no avenue if this law or the Constitution, prior to this Constitution, to allow for such a Bill to be processed, even by Parliament.

Now, Madam Speaker, the interesting part about this argument is that, there is another piece of land on the other side of the hill that the claimants were referring to. It is almost similar in size, with almost similar geography. The only problem is that the mines are on this side, the Vatukoula Gold mines, and that is why there is a particular interest in acquiring this piece of land, no one wants the other land which is even bigger, it is 8000 acres.

So, the entire Petition and the entire evidence that was heard by the Committee was geared up towards acquiring the land that surrounds the mine. Now, there is an obvious objective for that, it is an obvious purpose for that, and that is why we call it so politics, it was designed. Why should anyone be interested on the other side of the hill which does not have the gold mine?

Now coming back to the statement by Honourable Karavaki, he read Section 29 of the Constitution and he had read part of it.

HON. S.D. KARAVAKI.- Learn something from that!

HON. A. SUDHAKAR.- Yes, the general philosophy of law, Madam Speaker, is that when you read a particular section, you read its entirety. You read the section in its entirety. You cannot just pick and choose the parts you like. The actual Section 29 (5) reads, and I will read that part:

“All land that existed as freehold land immediately before the commencement of this Constitution shall remain as freehold land even if it is sold or purchased, unless it is sold to the State ....”

This land, Madam Speaker, was not sold to the State, there was no evidence that it was sold to the State. It was acquired by the State as part of the transfer of CSR’s operation of the Sugar Industry and it goes to read further:

“... or is acquired by the State for a public purpose under section 27.”

There has been evidence before this Committee that this land was never acquired for public purposes, it was acquired by Mr. John Berry for his private purpose, so that actually dilutes that argument that Honourable Karavaki has raised.

HON. S.D. KARAVAKI.- (inaudible)

HON. A. SUDHAKAR.- No, it did not.

Madam Speaker, that was all the repertoire that I had from the submissions. So, I support the Standing Committee’s decision on the Petition. Thank you, Madam Speaker.

HON. SPEAKER.- Thank you. The Parliament will now vote to note the content of the Report. Does any Honourable Member oppose the motion?

(Chorus of 'Noes')

HON. SPEAKER.- There being no opposition, the motion is therefore agreed to.

Motion agreed to.

Honourable Members, thank you so much for your participation in the sitting today. It has been robust, healthy, very informational and very interesting as well. The Parliament is now adjourned until tomorrow morning at 9.30. Thank you, Honourable Members.

The Parliament adjourned at 4.55 p.m.