

PARLIAMENT OF THE REPUBLIC OF FIJI



PARLIAMENTARY DEBATES

DAILY HANSARD

FRIDAY, 31ST AUGUST, 2018

[CORRECTED COPY]

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FRIDAY, 31ST AUGUST, 2018

The Parliament resumed at 9.33 a.m., pursuant to notice.

HONOURABLE SPEAKER took the Chair and read the Prayer.

PRESENT

Hon. Josaia Voreqe Bainimarama, Prime Minister and Minister for iTaukei Affairs,
Sugar Industry and Foreign Affairs
Hon. Aiyaz Sayed-Khaiyum, Attorney-General and Minister for Economy, Public Enterprises,
Civil Service and Communications; Minister for Education, Heritage, Arts & Library Services
and National Archives of Fiji
Hon. Rosy Sofia Akbar, Minister for Health and Medical Services
Hon. Parveen Bala Kumar, Minister for Local Government, Housing and Environment,
Infrastructure and Transport
Hon. Mereseini Rakuita Vuniwaqa, Minister for Women, Children and Poverty Alleviation
Hon. Dr. Mahendra Reddy, Minister for Waterways
Hon. Commander Semi Tuleca Koroilavesau, Minister for Fisheries
Hon. Osea Naiqamu, Minister for Forests
Hon. Lt. Col. Inia Batikoto Seruiratu, Minister for Agriculture, Rural and Maritime
Development and National Disaster Management and Meteorological Services
Hon. Jone Usamate, Minister for Employment, Productivity and Industrial Relations
Hon. Faiyaz Siddiq Koya, Minister for Industry, Trade, Tourism and Lands and Mineral
Resources
Hon. Lt. Col. Laisenia Bale Tuitubou, Minister for Youth and Sports
Hon. Alexander David O'Connor, Assistant Minister for Health and Medical Services
Hon. Lorna Eden, Assistant Minister for Local Government, Housing and Environment
Hon. Commander Joeli Ratulevu Cawaki, Assistant Minister for Rural and Maritime
Development and National Disaster Management
Hon. Veena Kumar Bhatnagar, Assistant Minister for Women, Children and Poverty
Alleviation
Hon. Ilesia Delana, Assistant Minister for Youth and Sports
Hon. Vijay Nath, Assistant Minister for Infrastructure and Transport
Hon. Viam Pillay, Assistant Minister for Agriculture
Hon. Parmod Chand
Hon. Mohammed Mursalinul Abe Dean
Hon. Jiosefa Dulakiverata
Hon. Viliame Rogoibulu Gavoka
Hon. Semesa Druavesi Karavaki
Hon. Ro Teimumu Vuikaba Kepa
Hon. Ratu Kiniviliame Kiliraki
Hon. Jilila Nalibu Kumar
Hon. Dr. Brij Lal
Hon. Mikaele Rokosova Leawere
Hon. Alvik Avhikrit Maharaj

Hon. Ratu Suliano Matanitobua
Hon. Alivereti Nabulivou
Hon. Ruveni Nadabe Nadalo
Hon. Niko Nawaikula
Hon. Mataiasi Akoula Niumataiwalu
Hon. Ratu Tevita Navurelevu Niumataiwalu
Hon. Howard Robin Thomas Politini
Hon. Prof. Biman Chand Prasad
Hon. Aseri Masivou Radrodro
Hon. Salote Vuibureta Radrodro
Hon. Lt. Col. Netani Rika
Hon. Dr. Mere Tuisalalo Samisoni
Hon. Balmindar Singh
Hon. Prem Singh
Hon. Ashneel Sudhakar
Hon. Samuela Bainikalou Vunivalu

Absent

Hon. Ratu Inoke Kubuabola, Minister for Defence and National Security
Hon. Ratu Naiqama Tawake Lalabalavu

POINT OF ORDER

HON. S.D. KARAVAKI.- Madam Speaker, point of order!

HON. SPEAKER.- Point of order!

HON. S.D. KARAVAKI.- The point of order, Madam Speaker, is on Section 84 of the Constitution of the Republic of Fiji and also on Section 74 of the Standing Orders.

We are here, Madam Speaker, to authorise or to implement that process of putting in place His Excellency the President of Fiji. The provision of the Constitution of the Republic of Fiji is Section 84. Section 84 says that whenever there is a vacancy in the Office of the President, then the Honourable Prime Minister and the Honourable Leader of the Opposition are to put in their nominations, their names, as who will be the President of Fiji, before that is put into the Parliament for voting.

My point, Madam Speaker, is that, we have not reached that point yet. We are in a very premature stage now because there is no vacancy yet. When it says “whenever”, it means that at the date and the time when there is a vacancy. If we follow this process now, or for the purpose that we are preparing to you into the Parliament, my concern, Madam Speaker, is that, if we are not following the Constitution of the Republic of Fiji, as it says, then the whole process of the issuing of the Writ and the Elections that will come thereafter will be affected.

We are not in a constitutional crisis, Madam Speaker. The constitutional crisis where there is no other way, other than the Doctrine of Necessity, where we can do things in order to put into place proper governance of the nation, but we are not in that situation now. That is still an alternative for the Government to follow, which will lead into the issue of a Writ of Elections, because we are not in a constitutional crisis, and also because there is no vacancy yet; that is the reason.

Our position, Madam Speaker, is that, we should not deal with this position, to come in and to put into process the appointment of the President when the vacancy has not arisen yet. There is no vacancy yet, Madam Speaker, but there is a difficulty that I realise and recognise; if the House expires on 6th October, and the term of the President falls after that, then there will be no way to call Parliament again to process the appointment of His Excellency the President.

However, that is not the issue here, Madam Speaker. The issue is whether we appoint His Excellency the President according to the Constitution because there is another alternative which is the dissolution of Parliament. If we dissolve Parliament and the current term of His Excellency the President is still there, then he should be able to still conduct himself according to the Constitution, even in the issuing of the Writ of Elections. That is why I am saying, we are not in a constitutional crisis here.

What I believe, Madam Speaker, the Parliament should have done is to seek the interpretation of this from the Supreme Court of Fiji so that we are not in a position that we are not sure of what will happen down the line.

HON. SPEAKER.- Honourable Member, I thank you. Your point of order has been taken. You are now trying to create a response to your own point of order. Your point of order is very clear and I will now make my ruling.

HON. S.D. KARAVAKI.- Thank you.

SPEAKER'S RULING

HON. SPEAKER.- Honourable Members, given that we are now preparing for the Elections in which His Excellency the President will play a prominent role, we really cannot afford to have a vacancy existing before the Elections, the reason we are having the sitting now.

For the information of the Honourable Members, I have noted some of the issues raised by some Honourable Members, including the issue raised by the Honourable Professor Biman Prasad that the powers of the Business Committee have been usurped.

I wish to inform Honourable Members that in my capacity as Speaker of the Parliament, I am guided by the provisions of the Constitution, and the Standing Orders being the rules for the order and conduct of business and proceedings in Parliament and its committees.

The Business Committee was informed of the special sitting to appoint the President of the Republic of Fiji, and also that there will be no other parliamentary business on the day. The Business Committee was further informed that with the concurrence of the Speaker, who is also the Chairperson of the Business Committee, there was no need to meet as the process for the appointment of the President is clearly outlined in Section 84 subsection (2) of the Constitution and Standing Order 136 which provides that –

“whenever a vacancy arises in the office of the President, the Prime Minister and the Leader of the Opposition shall nominate one name each to the Speaker who shall put both the names to the floor of Parliament for voting by the members of Parliament.

The person who receives the support of the majority of the members of Parliament present, shall be appointed as the President, and the Speaker shall publicly announce the name of the President.”

Given the above process, it should be noted that the issue tabled with the Business Committee did not require any discussion nor deliberation at all as it was not a Motion business but rather a Nomination business. Furthermore, in many instances, communications to the Members of the Business Committee have been made through Flying Minutes and this mode was acceptable to all members as I have never received any concerns pertaining to this mode.

Additionally, the reference to the 48 hours notification is a non-issue. I reiterate that as Speaker of the Parliament, I am guided by the provisions of the Constitution and the Standing Orders and Honourable Members are aware that timelines stipulated under the Standing Orders apply only to the submission of Questions, Petitions, Motions, End of Week Statements, Ministerial Statements; distribution of Order Papers, but clearly do not apply to notifications to the Members of the Business Committee and Members of Parliament.

With the dissolution of Parliament nearing, the General Elections around the corner and the near expiration of the term of His Excellency the President of the Republic of Fiji, it was prudent to call for a special sitting of Parliament so as to ensure that all these important events are undertaken without any complications.

I therefore rule that the provisions of the Constitution and the Standing Orders have been complied with accordingly and therefore the powers of the Business Committee have not been usurped in any way.

Thank you, Honourable Members.

(Only the Members of SODELPA walked out of the Chamber)

(Chorus of interjections)

HON. SPEAKER.- Thank you Honourable Members. In the absence of our Members who are walking out now, we still have a quorum to have this sitting, and we will continue.

NOMINATIONS FOR THE APPOINTMENT OF THE PRESIDENT OF THE REPUBLIC OF FIJI

HON. SPEAKER.- In accordance with Section 84 (2) of the Constitution of the Republic of Fiji, I now call upon the Honourable Prime Minister to nominate his candidate for appointment.

HON. J.V. BAINIMARAMA.- Thank you Madam Speaker. Madam Speaker, in accordance with the Constitution of the Republic of Fiji, I nominate His Excellency Major-General (Ret'd) Jioji Konusi Konrote to be re-appointed as the President of the Republic of Fiji. *Vinaka.*

HON. SPEAKER.- In accordance with Section 84 (2) of the Constitution of the Republic of Fiji, I was supposed to call upon the Honourable Leader of the Opposition to make her nomination but in her absence, we will continue with the Order Paper.

Since there is only one nomination, in accordance with Section 84 (5) of the Constitution of the Republic of Fiji, His Excellency Major-General (Ret'd) Jioji Konusi Konrote is re-appointed as the President of the Republic of Fiji by Parliament.

(Applause)

ACKNOWLEDGEMENT OF THE APPOINTMENT OF THE PRESIDENT OF THE REPUBLIC OF FIJI

HON. SPEAKER.- I take this opportunity to congratulate His Excellency Major-General (Ret'd) Jioji Konusi Konrote on his re-appointment as the President of the Republic of Fiji. With the extension of His Excellency's term for another tenure, I am confident that he will continue to be a beacon of light and hope for our combined future as a nation, just as he has demonstrated in these past years as Head of State.

His Excellency's interactions with citizens from all walks of life, from the very young to the very old in remote, rural, maritime and urban communities is truly a testament of his commitment to a unified nation, driven by a sense of respect and responsibility to all who have called Fiji their home.

To serve as Patron in numerous organisations in the sports and social service sectors are a tribute to His Excellency's strong sense of inclusiveness.

As Fiji's Lead Advocate and Champion in the national campaign to promote health and wellness, and to reduce Non-Communicable Diseases, speak volumes of his determination and by his example, encourage us all as citizens to progress together towards a healthier nation.

For his leadership and vision for our nation, we sincerely express our deep appreciation and gratitude to His Excellency. And I wish him the very best in his new tenure.

We will move on to the last item.

ADJOURNMENT

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

That Parliament adjourns *sine die*.

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

HON. SPEAKER.- Parliament will now vote, given that we still have some Members of the Opposition here with us.

Question put.

The Question is:

That Parliament adjourns *sine die*.

Does any Member oppose the motion?

(Chorus of 'Noes')

HON. SPEAKER.- Since no Member opposes, Parliament is now adjourned *sine die*.

Motion agreed to.

Honourable Members, I thank you all for your attendance at this special sitting of Parliament.

The Secretariat has organised light refreshments and I invite guests in the public gallery to join the Honourable Members for refreshments in the Big Committee Room.

May God bless us all and may God bless Fiji!

Honourable Members, I now adjourn Parliament *sine die*.

The Parliament adjourned at 9.47 a.m.