

# PARLIAMENT OF THE REPUBLIC OF FIJI



## PARLIAMENTARY DEBATES

### DAILY HANSARD

**THURSDAY, 3RD SEPTEMBER, 2020**

[CORRECTED COPY]

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## **THURSDAY, 3RD SEPTEMBER, 2020**

The Parliament met at 9.35 a.m., pursuant to adjournment.

HONOURABLE SPEAKER took the Chair and read the Prayer.

### **PRESENT**

All Members were present, except the Honourable J.N. Nand.

### **MINUTES**

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

That the Minutes of the sitting of Parliament held on Wednesday, 2nd September, 2020, as previously circulated, be taken as read and be confirmed.

HON. A.A. MAHARAJ.- Mr. Speaker, Sir, I beg to second the motion.

Question put.

Motion agreed to.

### **COMMUNICATIONS FROM THE CHAIR**

HON. SPEAKER.- I welcome all Honourable Members to today's sitting of Parliament. I also welcome all those watching the live broadcast and the live streaming of today's proceedings from the comfort of their home, offices and mobile phones. Thank you for taking an interest in your Parliament.

Honourable Members, I have been advised that there are no papers for presentation today.

Honourable Members, I now call on the Chairperson of the Standing Committee on Social Affairs, the Honourable Viam Pillay, to table his Report. You have the floor, Sir.

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

#### Review Report of the Ministry of Youth and Sports 2017/2018 Annual Report

HON. V. PILLAY.- Mr. Speaker, Sir, I am pleased to present the Report of the Standing Committee on Social Affairs on the Annual Review of the Ministry of Youth and Sports 2017/2018 Annual Report.

The review was undertaken in accordance with Standing Order 109(2)(b), which mandates the Committee to look into issues related to health, education, social services, labour, culture and media. The review looked at nine key areas covering the period from 1st August, 2017 to 31st July, 2018 conducted into the Ministry's administration, structure, budgetary allocation, programmes and activities, policies, challenges, highlights, priorities for the coming years and its implementation of the Sustainable Development Goals (SDGs).

The Committee first met on 10th and 11th March, 2020, to deliberate on and formulate questions pertaining to the 2017/2018 Annual Report of the Ministry of Youth and Sports. We were

unable to conduct a public hearing with the Ministry due to COVID-19 restrictions put in place around the country when the hearing was scheduled to take place. In order to comply with health directives and social distancing measures in place, the Committee requested for a written response from the Ministry in lieu of an annual review hearing.

Following our deliberations on its written response, we wrote to the Ministry of Youth and Sports requesting for further clarifications on other related matters. Upon receipt of all relevant information from the Ministry on the Committee's queries, the Committee compiled its findings on the Annual Report and subsequently endorsed its report in the latter part of August.

At this juncture, I wish to thank the Acting Permanent Secretary of the Ministry, Ms. Jennifer Poole, and her staff for their assistance in this review process. I also extend my gratitude to my Committee colleagues, namely: Honourable George Vegnathan (Deputy Chairperson); Honourable Alipate Nagata; Honourable Salote Radrodro; and Honourable Ratu Atonio Lalabalavu, for their contributions. Finally, I thank the Secretariat for the assistance provided during the Committee deliberations.

On behalf of the Standing Committee on Social Affairs, I commend the Review Report on the Ministry of Youth and Sports 2017/2018 Annual Report to Parliament and request Honourable Members of this august House to take note of the Report. Thank you Mr. Speaker, Sir.

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

(Report handed to the Secretary-General)

HON. V. PILLAY.- Mr. Speaker, Sir, pursuant to Standing Order 121(5), I hereby move a motion without notice:

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

HON. G. VEGNATHAN.- Mr. Speaker, Sir, I second the motion.

HON. SPEAKER.- Parliament will now vote.

Question put.

Motion agreed to.

Honourable Members, I now call on the Chairperson of the Standing Committee on Justice, Law and Human Rights, the Honourable Alvick Maharaj, to table his Report. You have the floor, Sir.

#### Review Report on the COP 23 Presidency Trust Fund Second Semi-Annual Report 2017

HON. A.A. MAHARAJ.- Mr. Speaker, Sir, the Standing Committee on Justice, Law and Human Rights was referred the Fiji Human Rights and Anti-Discrimination Commission Annual Report 2018. The Committee was mandated to review the Annual Report and table its findings back to Parliament.

This Report will provide the findings and recommendations of the Committee with respect to the issues noted from the contents of the Fiji Human Rights and Anti-Discrimination Commission Annual Report 2018. This Report is divided into three main parts, as follows:

- (1) the introduction;
- (2) Committee's observation and findings; and
- (3) the recommendations.

The Committee reviewed the Annual Report and identified a few pertinent issues, which were then brought to the attention of the Commission and discussed extensively. Some of the main areas of discussion, which were noted by the Committee, are as follows:

- the Commission's work in upholding the Bill of Rights as stipulated in the Constitution of the Republic of Fiji, and one such good example is the 'human rights wall' in police stations;
- the work by the Commission in regards to investigating rights abuse cases and utilising all the institutional mechanisms at its disposal;
- the belief in understanding freedom of expression and democratic dissent and the need for conversations to be held between stakeholders even if there are opposing views;
- the contribution by the Commission towards the Universal Periodic Review; and
- the resources necessary for the Commission in achieving its strategic plan.

At the conclusion of the review, the Committee commends the great work carried out by the Human Rights Commission, but also recommends the following for consideration by the Commission, as it believes would assist the Commission in its work and services:

- the Committee recommends that support be given to ensure the realisation of the Commission's Strategic Plan at the earliest possible time; and
- the Committee reiterates what it believes is a paramount way forward for addressing the numerous human rights and other related issues that exists in Fiji, and that it is highly recommended that there be a National Dialogue for stakeholders, including Parliamentarians, for a better understanding on human rights and all other key issues and differences.

At this juncture, I would like to acknowledge and thank the Honourable Members of the Justice, Law and Human Rights Committee, Hon Rohit Sharma (Deputy Chairperson), Hon. Ratu Suliano Matanitobua, Hon. Salik Govind and Hon. Mosese Bulitavu, for their deliberations and input, the Committee secretariat, the public who accepted the invitation of the Committee and made themselves available to make submissions and for taking an interest in the proceedings of the Committee and Parliament.

On behalf of the Committee, I commend the Fiji Human Rights and Anti-Discrimination Commission Annual Report 2018 to the Parliament and seek support of all the members of this august House for the recommendations by the Committee.

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

(Report handed to the Secretary-General)

HON. A.A. MAHARAJ.- Mr. Speaker, Sir, pursuant to Standing Order 121(5), I hereby move a motion, without notice:

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

HON. R.R. SHARMA.- Honourable Speaker, Sir, I second the motion.

HON. SPEAKER.- Parliament will now vote.

Question put.

Motion agreed to.

I now call on the Chairperson of the Standing Committee on Natural Resources, the Honourable Sanjay Kirpal, to table his Report. You have the floor, Sir.

Consolidated Annual Review Report on the  
Ministry of Agriculture 2014 and 2015 Annual Reports

HON. S.S. KIRPAL.- Mr. Speaker, Sir, I am pleased to present the Report of the Standing Committee on Natural Resources on the Consolidated Annual Review of the Ministry of Agriculture 2014 and 2015 annual reports.

In accordance with its established annual report review process, the Committee examines annual reports of agencies in order to investigate, enquire into and make recommendations relating to the agencies' administration, legislative or proposed legislative programme, budget, rationalisation, restructuring functions, structure and policy formulation.

As part of the scrutiny process, the Committee raised questions and received written response from the Ministry of Agriculture to gather additional information. This review was made in accordance with Standing Order 109(2)(c) and it mandates the Committee to look into issues relating to forestry, agriculture, mining, environment, fisheries, water and marine services.

The review looked at the Ministry's administration structure, budgetary allocation, programmes and activities, policies, challenges and achievements for the year 2014 and 2015 and its implementation.

The vision for the Ministry is "To influence market forces through vibrant and sustainable agriculture activity that reduces poverty, reduces the risk of food insecurity and increases contribution to GDP".

It is worthy to note that the Ministry has captured that vision with a steady GDP growth from \$497million in 2013, \$500 million in 2014 and \$542 million in 2015. In the reporting years, there has been positive gains in all sectors of the Ministry with the exception of a very few.

The Committee believes that the Ministry could place a greater emphasis on the cottage industry at both, the community and village level by creating orchards.

At this juncture, I wish to thank the Permanent Secretary, Mr. Ritesh Dass and his staff for their assistance in this review process. I also extend my gratitude to my Committee colleagues namely: Honourable Jale Sigarara (Deputy Chairperson) and Honourable Alexander O'Connor. On behalf of the Standing Committee on Natural Resources, I commend the Review of the Consolidated Annual Reports for the Ministry of Agriculture 2014 and 2015 to Parliament.

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

(Report handed to Secretary-General)

HON. S.S. KIRPAL.- Mr. Speaker, Sir, pursuant to Standing Order 121(5), I hereby move a motion without notice:

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

HON. J. SIGARARA.- Mr. Speaker, Sir, I support the motion.

HON. SPEAKER.- Parliament will now vote.

Question put.

Motion agreed to.

I now call on the Chairperson of the Standing Committee of Social Affairs, the Honourable Pillay, to table his Report. You have the floor, Sir.

#### Annual Review of the National Fire Authority 2013 Annual Report

HON. V. PILLAY.- Mr. Speaker, Sir, I am pleased to present the Report of the Standing Committee on Social Affairs on the Annual Review of the National Fire Authority 2013 Annual Report.

In accordance with its established Annual Report review process, the Committee examines Annual Reports of agencies, in order to investigate, inquire into, and make recommendations relating to the agencies' administration, legislative or proposed legislative programme, budget, functions, organisational structure and policy formulation. As part of this process, the Committee received written responses from National Fire Authority to gather additional information.

The process has proven to be an effective means of gauging its progress and maintaining a high level of scrutiny of the agencies under review. This review was made in accordance with Standing Order 109(2)(b) which mandates the Committee to look into issues related to health, education, social services, labour, culture and media.

The review looked at the 2013 financial year in relation to nine key areas: The organisation's administration, structure, budgetary allocation, programmes and activities, policies, challenges, achievements, priorities for the coming years and its implementation of the Sustainable Development Goals.

At this juncture, I wish to thank the Chief Executive Officer, Mr. Sowane Puamau and his staff for their assistance in this review process. I also extend my gratitude to my Committee colleagues namely: Honourable George Vagnathan (Deputy Chairperson), Honourable Alipate Nagata, Honourable Salote Radrodro, and Honourable Dr. Ratu Atonio Lalabalavu for their contributions.

Finally, I thank the Secretariat for their assistance provided during the committee's deliberations on behalf of the Standing Committee on Social Affairs, I commend the Review of National Fire Authority 2013 Annual Report to Parliament and request all Honourable Members of this august House to take note of the Committee's Report. Thank you, Mr. Speaker, Sir.

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

(Report handed to the Secretary-General)

HON. V. PILLAY.- Mr. Speaker, Sir, pursuant to Standing Order 121(5), I hereby move a motion without notice:

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

HON. G VEGNATHAN.- Mr. Speaker, Sir, I support the motion.

HON. SPEAKER.- Parliament will now vote.

Question put.

Motion agreed to.

I now call on the Chairperson of the Standing Committee on Public Accounts, the Honourable Maharaj, to table his Report. You have the floor, Sir.

#### Review Report on the Provincial Councils Volume 2 Report

HON. A.A. MAHARAJ.- Mr. Speaker, Sir, at the outset, this Committee Report provides the details and results of the audit conducted by the Office of the Auditor-General on Provincial Councils, Volume 2 for the period 2000-2007. It is important to note that this is the second of the three volumes of reports for Provincial Councils, tabled by the Auditor-General in Parliament.

The Provincial Councils are established under Section 7 of the iTaukei Affairs Act 1944 and Section 3 of the iTaukei Affairs (Provincial Council) Regulation 1996. Each Provincial Council is a body corporate. The functions of the Councils are:

- To formulate and implement policies for promoting the health, peace, order, welfare and good governance of *iTaukei* residing in the Province;
- To formulate and implement policies for promoting the economic, cultural and social developments of the Province; and
- To carry out such other duties and functions, which the Minister for iTaukei Affairs or the Board may see fit to delegate to the Council.

It is important to note that the operations of the Councils are funded by Government disbursed through the Ministry of iTaukei Affairs and the iTaukei Affairs Board. Other operational costs not covered by Government fund are funded through the collection on communal basis, of provincial rates.

The Auditor-General has the mandate under the iTaukei Affairs Regulations 1996, to audit the Provincial Councils. Sections 33(2) and (3) state, “The accounts of every Council shall be audited by the Auditor-General” and that Financial Statements are to be submitted to the Auditor-General by 1st April of each year.

This Report contains the audited financial statements for nine Provincial Councils for the years ranging from 2000 – 2007 financial years, namely:

- (1) Ba (2001 – 2007);
- (2) Bua (2003 – 2007);
- (3) Namosi (2001 - 2007)



- (4) Ra (2000 - 2007);
- (5) Rewa (2006 – 2007);
- (6) Serua (2006 – 2007);
- (7) Cakaudrove (2002 – 2007)
- (8) Kadavu (2002 – 2007); and
- (9) Nadroga/Navosa Provincial Councils (2002 – 2007)

As earlier stated in the Committee's Volume 1 Report, financial accountability by the Provincial Councils in terms of financial reporting and making available to the members of the Provinces and the public audited financial statements is seriously lacking. The financial audits of all 14 Provincial Councils were substantially behind by 10 years or less, as financial statements were not submitted annually to the Auditor-General. The issue of non-submission or late submission of annual financial statements to the Office of the Auditor-General for audit has been a recurring issue over the years since our Independence.

The Committee noted that between 2015 and 31st October, 2019, the Office of the Auditor-General received from the iTaukei Affairs Board, 148 Draft Financial Statements from Provincial Councils for audit. Except Lau Provincial Council, all Provincial Councils have submitted for audit financial statements up to the year ended 31st December, 2012.

The audit of the Provincial Councils have been extensively delayed and is primarily due to the non-submission of financial statements annually to the Office of the Auditor-General, thus resulting in the backlog of 14 years of preparation, timely preparation and quality submission of the annual accounts.

It was noted that out of the 148 Draft Financial Statements received by the Auditor-General:

- the audits of 79 Financial Statements for the 14 Provincial Councils have been completed,
- audits of 23 Financial Statements are currently being finalized;
- audits of 20 Financial Statements are in progress; and
- 26 Financial Statements have been audited from April this year.

From the 79 Financial Statements that have been audited, the result of the audits for 30 Financial Statements have already been reported in Volume 1. It was also noted that the overall quality of financial reporting by the Councils have been assessed ineffective and require improvements. Therefore, the OAG issued modified audit opinion on all 49 Financial Statements that were audited.

The OAG also reported to the iTaukei Affairs Board 123 significant matters concerning material accounting issues and deficiencies in internal controls. The issues that were identified and highlighted require an immediate attention and prompt action by the iTaukei Affairs Board, Provincial Councils and the Ministry of iTaukei Affairs, to improve financial accountability by Provincial Councils.

The Committee noted some deficiencies which were recurring over the years, which requires immediate attention and prompt action by the iTaukei Affairs Board. In regards to that, the Committee strongly recommends that immediate action needs to be drawn towards strengthening financial reporting and that includes, timely submission of Provincial Councils' Financial Statements for auditing, compliance with accounting standards and strengthening governance and internal control of those nine Councils.

The Committee understands the challenges faced by the Councils and, therefore, recommends that:

- (1) The current management of iTaukei Affairs Board and respective Provincial Council executives should urgently address all the issues that give rise to audit qualifications, internal control deficiencies and other significant issues discussed and are highlighted in this Report.
- (2) Improving the quality and timely manner of Financial Statements should be given the utmost priority. The quality of financial reporting can be improved by involving suitably qualified accountants in Provincial Councils, who are capable of preparing and presenting the Financial Statements on time, in accordance with the requirements of the applicable financial reporting framework.
- (3) The iTaukei Affairs Board should consider the establishment of a robust and capable audit, risk and improvement Committee to specifically look into at the quality and timely presentation of financial reporting by the Provincial Councils and formulate action to resolve governance and internal control deficiencies and significant audit findings reported by the Auditor-General.
- (4) The iTaukei Affairs Board should consider reviewing and strengthening the capabilities of its internal audit functions to assist in reviewing the Provincial Councils' systems and processes, and develop recommendation for improvement to those in charge with governance.
- (5) The iTaukei Affairs Board should demand the production of Annual Report from the respective Provincial Council highlighting all the aspect of its operation and the progress of its mandated law.
- (6) The iTaukei Affairs Board should conduct special performance audit on the operations of the Provincial Councils with its investment arm.
- (7) The iTaukei Affairs Board should consider reviewing the Annual Council Levy.
- (8) The iTaukei Affairs Board should consider SDG 1, SDG 2, SDG 3, SDG 6, SDG 11 and SDG 16, to be incorporated in the respective Provincial Council's Strategic and Operational Plan.
- (9) The iTaukei Affairs Board needs to disseminate community findings and recommendations to respective Councils for further consideration and implementation.

The Public Accounts Committee strongly encourages the nine Provincial Councils to implement the recommendations as a matter for priority.

Overall, I would like to thank the Chief Executive Officer of the iTaukei Affairs Board on his efforts in trying to improve the systems and processes with the Councils, to address those audit issues. I also commend the work of the OAG in trying to complete its audit on all backlogs and technical support provided, in terms of clarification on those audit issues that were reported.

At this juncture, I also wish to extend my appreciation to all the Honourable Members of the Committee, for their valuable contribution in the successful compilation of this bipartisan Report, namely; Honourable Joseph Nand, Honourable Vijendra Prakash, Honourable Aseri Radrodro and

Honourable Ro Teimumu Kepa and additionally, pursuant to Standing Order 115, Honourable Mikaele Leawere and Honourable Adi Litia Qionibaravi, who stood in as Alternate Member to Honourable Aseri Radrodro and Honourable Ratu Naiqama Lalabalavu respectively. I also extend my appreciation to the Secretariat, for their timely support in the preparation and finalisation of this Report. With those few words, I now commend this Report to Parliament.

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

(Report handed to the Secretary-General)

HON. A.A. MAHARAJ.- Mr. Speaker, Sir, pursuant to the Standing Order 121(5), I hereby move a motion without notice:

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

HON. A.M. RADRODRO.- Mr. Speaker, Sir, I second the motion.

HON. SPEAKER.- Parliament will now vote.

Question put.

Motion agreed to.

### **MINISTERIAL STATEMENTS**

HON. SPEAKER.- Honourable Members, the Honourable Attorney-General and Minister for Economy, Civil Service and Communications has given notice to make a Ministerial Statement under Standing Order 40.

The Minister may speak for up to 20 minutes. After the Minister, I will then invite the Leader of the Opposition or his designate to speak on the statement for not more than five minutes. There will also be a response from the Leader of the National Federation Party or his designate to also speak for five minutes. There will be no further debate.

I now call on the Honourable Attorney-General and Minister for Economy, Civil Service and Communications, to deliver his Statement. You have the floor, Sir.

#### Fiji Airways Fleet Acquisition

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, I rise to make a Ministerial Statement on Fiji Airways Fleet Acquisition and speak once again on Waqavuka Financing. I am going over this process, yet again, for the benefit of the newly self-appointed aviation experts sitting across there, out from us and outside this room.

Mr. Speaker, I know some of you have already sadly cemented yourselves into a political narrative on this particular issue, as you have done with many other things, despite the facts. It is actually a shamed because none of these facts are actually political. I am not sure whether the Honourable Members opposite were sleeping through the sitting in February which I have the *Daily Hansard* here for, where I had explained in detail the process. Mr. Speaker, Sir, let me start with a summary of our aircraft, whether they are owned or rented, or operated on lease, as they say.

Mr. Speaker, Sir, Fiji Airways has three Airbus A330-200s purchased from Airbus and owned. Pre-Delivery Payment (PDP) which have called deposits of 20 percent borrowed from the Fiji National Provident Fund (FNPF) and the balance of 80 percent borrowed from a consortium of German commercial banks. The loans have to be repaid over 10 years.

One Airbus A330-300 rented or operating lease from CIT for 12 years which has been acquired by Avolon. Most airlines only owned about 40 to 50 percent of the aircraft because of the PDP deposits that have to be made in advance, or the manufacture of the aircraft and the residual value risks. Our book value tracks against market value, this is a residual value risk factor.

Two temporary Airbus A330-200s are rented from another airline – Etihad, for four years and returning them back shortly because of the MAXs that could not come through. We expected five MAXs. And two Airbus A350-900s XWB recently rented or paid in lease from Dubai Aerospace Enterprise (DAE) for 12 years.

We also, Mr. Speaker, Sir, have narrow-bodied aircraft fleet that consist of five Boeing MAX 8 rented, operating lease from GE Capital Aviation Services (GECAS) for 12 years. They have replaced three previously owned 20-year old Boeing 737-800s, many of you would have travelled in them, they are very tired; and two rented operating lease Boeing 737-800s. Two MAXs have been delivered, Mr. Speaker, Sir, and three deliveries are outstanding.

With Fiji Link propeller aircraft, two ATR 72-600s were purchased from ATR and owned, 70 percent financed by the FNPF with a 10-year loan; one ATR 72-600 rented - operating lease from Aviation for 12 years; and four Twin Otter Viking DHC that goes to Taveuni, Honourable Lalabalavu, purchased from de Havilland and owned, 75 percent financed by FNPF with a 10-year loan.

Mr. Speaker, Sir, if any of this sounds familiar, it is because we have explained it before on a number of occasions, but as long as Honourable Members of the Opposition make mysterious statements to the media, we are forced to continue explaining common acquisition practice in the aviation sector.

The decision to acquire aircraft to undertake any fleet modernisation programme is supported by an independent business model review in the updated Fiji Airways 10 year five plus five strategic growth plan. Mr. Speaker, Sir, Fiji Airways always follows an extensive, thorough, transparent and rigid campaign with the aircraft engine manufacturers, such as Air Bus, Boeing, Rolls-Royce, General Electric, as well as all the other the aircraft lessors. In addition, an independent consultancy is contracted to use its specialist tools to analyse every offer received and provide negotiation improvements every step of the way.

Fiji Airways has used well-renowned aviation consultancy firms namely SkyWorks and Seabury from the USA. The objective of engaging these consultants is to create competitive tension, to ensure Fiji Airways receive the best possible offers. Based on a business model review in 2016-2017 and later updated in 2018-2019, as well as the updated strategic growth plans, Fiji Airways needed to add two wide-bodied aircraft to its fleet in 2018-2019. That is, to increase fleet from four A330s to six. A wide-body acquisition campaign was commenced in late 2017.

It was very clear from the onset that this would be a protractive campaign, possibly lasting several years. Here is why; Airbus announced their plans to introduce an enhanced version of an A330-200 and A330-300 aircraft called an A330-900 NEO, with 15 percent fuel saving, and were advocating Fiji Airways to swap all its fleet to A330-900 NEOS. And Boeing was aggressively

marketing its Boeing 787-900, and was willing to consider swapping all the A330s with all Boeing 787-900 fleet.

Fiji Airways wide-body campaign commenced in late 2017 and culminated with the acquisition of two A350-900 XWBs. The option of replacing all the A330-200s and A330-300s with A330-900 NEOs and similarly the option to replace all A330s with Boeing 787-900s, was simply not feasible. The choice Fiji Airways ended up with was to acquire two A330-900 NEOs or two A350-900 XWBs.

The cancellation by Hong Kong Airlines because of their own financial difficulties of their two A350-900 XWBs production, and the offer by Airbus of these aircrafts to Fiji Airways, presented an exceptional and unique opportunity. The A350-900 XWB with its 25 percent fuel saving, greater range and payload is way better than any A330-900 NEO.

As a result of further robust negotiations with Airbus and the lessor, Dubai Aerospace Enterprise (DAE Capital), Fiji Airways achieved another groundbreaking Sale and Lease Back (SLB) transaction deal. With the acquisition of two Airbus A350-900 XWBs, Fiji Airways earned a substantive SLB transaction gain from Airbus.

Fiji Airways negotiated and concluded a 12-year lease with DAE for each of the Airbus A350-900 extra wide bodies with very favourable return conditions. More importantly, Fiji Airways achieved a very exceptional monthly rental for 12 years for the two Airbus A350-900 XWBs, which is equal to the monthly rental Fiji Airways is currently paying for the current A330s, Mr. Speaker, Sir.

Fiji Airways have concluded a very favourable of what we call, a Total Care Service Agreement with Rolls-Royce for the engines. Those of you who do not know, you do not simply just go and buy a plane with all the engine, you have to negotiate all of these separately. Basically the Airline saw opportunities to make some great deals and took it. This is at a time, of course, when no one predicted COVID-19 pandemic.

While the offers were very good, the nature of the deals were hardly exceptional. Most airlines own 40 percent to 50 percent of the aircraft because of the large Pre-Delivery Payment Deposits (PDPs) that have to be made in advance of the manufacture of the aircraft and the residual value risks. For example, how the annual depreciated book value tracks against the market value. If the book values are higher, then it requires realignment. Fiji Airways complies with this best practice and in any event, we do not have a big balance sheet to finance PDPs for more wide-body aircraft like Airbus A350.

The SLB, Mr. Speaker, Sir, acquisition of five Boeing MAX8 was part of Fiji Airways Fleet Modernisation Programme to replace the five aged 20-year-old Boeing 737-800 NGs (Next Generation). The Max 8 is an upgrade to 737-800 with more capacity, large engines and has a 15 percent fuel saving. Of course, Mr. Speaker, Sir, it was later revealed, software issues led to its grounding with two unfortunate air crashes; one in Ethiopia and one in Indonesia.

Mr. Speaker, Sir, the United States of America (USA) Federal Aviation Administration (FAA) and the European Aviation Safety Agency (EASA) regulators are currently conducting flight tests to check out the software fixes and that initial revised pilot simulator-based training documentation has already been circulated. Boeing are expecting the MAXs to operate commercially again by the end of October 2020. The two MAXs we took delivery of actually have been flown to Alice Springs because the deserts are the best place to park planes because it does not actually have that level of humidity that can cause damage to an aircraft.

Mr. Speaker, Sir, when it comes to acquisition, all airlines have two options. They can purchase aircraft from the Original Equipment Manufacturers (OEMs), like Airbus or Boeing, or they can rent the aircraft from aircraft leasing companies known as lessors. When it comes to leasing of a brand new aircraft, the leasing term is invariably a minimum of 12 years.

Normally, short-term leasing of a brand new aircraft is not even available from any lessor and in any event, it will not be financially viable to have short-term lease. Short-term leasing of even existing aircrafts from existing airline companies comes at an exorbitant price with very stringent and disadvantageous return conditions. A good example is the leasing of aircraft from Miami Milano, as well as from Etihad, a short-term agreement at a high cost.

Mr. Speaker, Sir, aircrafts are not purchased or rented from already manufactured stock displayed in a showroom floor, like a car yard. You do not go to a car display yard, I mean, you can go to a car showroom and buy a motor vehicle, you do not have a showroom for aircrafts. Whether you rent them or buy them, aircrafts are manufactured to the airline specification and manufacture and delivery normally takes over a 24-36 months period. In some instances, the aircraft OEMs have much longer manufacture and delivery backlogs. When Fiji Airways acquired the Boeing MAX 8s, the backlog was six years because they had sold over 4,000 Max 8s.

All aircrafts have a catalogue price and all airlines normally conduct extensive purchase campaigns to get the aircraft manufacturers, like Airbus and Boeing to compete. This culminates in what we call a Best And Final Offer (BAFO) and eventually, the Last And Final Offer (LAFO) from both aircraft manufacturers. The LAFO price for the aircraft is the net flyaway price, the price airlines actually pay.

Mr. Speaker, although the aircraft engines are an integral part of the aircraft, separate negotiations are held with the original engine manufacturers, like Rolls Royce and/or General Electric to arrive at their net flyaway price for the engines. The negotiated engine net flyaway price is then incorporated by Airbus or Boeing, as the case may be, in the final aircraft net flyaway price.

In addition, Mr. Speaker, Sir, the negotiations with engine OEMs, like Rolls Royce and General Electric, includes acquiring and contracting the ongoing engine maintenance support programmes, such as the Total Care Service Agreements. The airline is required to pay a Total Care Service Agreement amount for every flight hour to the engine OEM. In other words, the original manufacturer will have to pay them money for that to cover future engine overhaul, in other words, like repairs, et cetera.

With every aircraft purchased, the aircraft OEM require PDP deposits, also amounting to around 20 to 25 percent of the catalogue price of the aircraft, to be paid progressively from the signing of the purchase agreement until the aircraft is manufactured and delivered. On delivery of the aircraft, Mr. Speaker, Sir, the balance of the purchase price, that is 75 percent to 80 percent, is either paid directly or financed by obtaining a 12-year commercial bank loan.

Whilst the aircrafts are mortgaged as security for such commercial bank loans, the commercial banks often use or also require what we call European or US Export Credit Agency (ECA) support, which is equivalent of EXIM Bank, in the form of payment guarantees. In the US, it is called the EXIM Bank. Pursuant to these guarantees, the export credit agencies effectively promised to pay the commercial banks in the event that the airline or the Special Purpose Companies (SPCs) defaults in making loan repayments. SPCs, I will come to this, this is very basic stuff, Mr. Speaker, Sir. Similar processes exist across other industries, who set up SPCs or special purpose vehicles.

The commercial banks also require that the country where the airline business is registered has adopted the Cape Town Convention (many of you may have not known this) but post 2007, we actually adopted the Cape Town Convention. This Treaty, Mr. Speaker, Sir, facilitates aircraft financing by requiring the country to amend its laws to provide creditors, for example, banks and aircrafts lessors, within international recognised set of rights, in the event an airline defaults or insolvency and to guarantee the priority of the creditors' claims against their parties subject to registration on the international register which is located in Ireland.

Mr. Speaker, Sir, Fiji ratified the Cape Town Convention some years back, which also gives assurance to many financiers and, indeed, to airline leasing companies including banks that we, as a country, will honour all our obligations in the event that the collateral is called upon. That additional assurance is why Fiji Airways is able to require or acquire, I should say, interest rates which are significantly lower. If we did not actually ratify the Cape Town Convention, or if we did not have the special purpose vehicle, this aircraft will be less affordable for us.

Credit agencies normally require a specific financing structure which includes the aircraft being owned by independent SPCs and mortgage to security trustee who acts on behalf of the credit agencies and the commercial banks until full repayment of the loan. The aircraft mortgage is recorded in the register located in Ireland. A third party corporate service provider is normally appointed by the security trustee to own and manage the SPC and employees in the corporate service provider act as directors. Honourable Nawaikula and Honourable Tabuya would know that many law firms in Fiji, for example, set up companies with their own people as directors - credit the company off the shelf.

Mr. Speaker, Sir, employees of the corporate service provider act as Directors and ensure compliance with local corporation laws. These are all highly technical, and it is the normal practice for airlines the world over. The reason why the ECA is required in structure is to minimise the risk associated with enforcing the aircraft mortgages and repossessing the aircraft in the event that the airline defaults in its payment obligations or becomes insolvent.

To facilitate this, Mr. Speaker, Sir, the ECA financing structure, the right to take delivery of entitled to the aircraft is assigned by the airline to the SPC so that upon delivery, the SPC owns the aircraft - the SPC that leases the aircraft to the airline which is through finance list, and then the airline pays rent to the SPC. The amount of rent that the airline pays is equivalent to the loan repayments that the SPC is required to make to the commercial bank.

No amounts are retained by the SPC, and let me repeat this, no amount is retained by the SPC, Mr. Speaker, Sir, because it is merely a payment conduit. Once the commercial bank loan is repaid in full via the lease payments by the airline to the SPC and then on from the SPC to the commercial banks, the aircraft ownership reverts back to the airline from the SPC. That is why Waqavuka Financing Limited is our SPC as part of the aircraft acquisition process.

The nature of Waqavuka Financing Limited is well documented, but that has not stopped it from being misrepresented by politicians in and outside of this Parliament, aided and abetted by the rag newspaper. I have seen this everyday coming out. "Who runs the show?" the big Waqavuka question. Pie in the sky! Honourable Professor Prasad - "AG living in a fantasy of Bula Bubble", all these, sort of, nonsense, continuous propaganda.

Mr. Speaker, Sir, of course, they are happy to regurgitate and be spoon-fed, but here are the facts. Fiji Airways purchased three new A330-200s from Airbus, as part of their integral restructuring plan to restore Fiji Airways' profitability. Fiji Airways obtained a loan from FNPF to pay Airbus the required 20 percent of PDP deposit. Fiji Airways arranged financing for the 80

percent balance owing on delivery through a consortium of German Commercial Banks using the three aircrafts as security. I hope everyone is still with me now.

Now, a condition of the consortium of the German Commercial Banks was that, that the financing or loans had to be guaranteed also by the European export credit agency. This means that if Fiji Airways fails to make a rent payment and subsequently Waqavuka fails to make the loan repayment, then the export credit agencies will step in and make the payments to the commercial banks.

One of the benefits of the export credit agency support is that the interest rate charged by the commercial banks to Fiji Airways, Mr. Speaker, Sir, is far lower than the normal financing interest rate, as the risk to the commercial bank is lower with the ECA guarantees in place. I remember, Mr. Speaker, Sir, that is because of the Treaty we signed and the fact that we set up a special purpose vehicle. The ECA conditions which have to be met for them to provide guarantees were:

- Fiji Airways had to pass the credit assessments; and
- Fiji Airways had to agree to the typical ECA financing structure that I have just outlined through the SPC.

Waqavuka Financing Limited is owned and managed by a Commercial Service Provider (CSP) called Vistra. Vistra is appointed by the security trustee and recently took loan from the Deutsche Bank, when it required Deutsche Bank's corporate service business.

The Directors of Waqavuka are employees of Vistra. The Fijian name *Waqavuka* was chosen for the SPC to create a unique Fijian link. The SPC Waqavuka has granted a registered mortgage of the three aircrafts in favour of the security trustee which is KfW IPEX-Bank which is a lead German commercial bank. This is common practice in aircraft financing. The mortgages are recorded with the register located in Ireland.

Mr. Speaker, Sir, basically we can think of Waqavuka as a warehouse holding the aircraft title deeds until the bank loans are repaid. Waqavuka is a neutral entity, sitting between Fiji Airways and the commercial banks and the ECAs. It does not retain any money, it makes no profit and records no losses. None of the people on this side of Parliament or anyone outside is a Director. Waqavuka simply remits aircraft rent repayments it receives from Fiji Airways to the commercial banks in loan repayments, and that is it.

The consortia of ECAs, commercial banks and Waqavuka are actually represented in Fiji by an independent law firm of solicitors – Howards. Get Richard Naidu to tell you and talk to Wylie Clark and get all that information. He is the lawyer representing Waqavuka. Neither Fiji Airways, the commercial banks who provided the loans, FNPF nor the Fijian Government have an ownership interest in Waqavuka.

Mr. Speaker Sir, I just have got only two more pages, if you could let me finish, Sir. There is nothing sinister about this. It is a path for the course of a commercial agreement. I have time and time again requested that the Opposition wrap their minds around these commercial arrangements and the deal in reality and not conspiracy theories.

Now, because this is common practice, because most aircrafts loan from commercial banks and supported by ECA guarantees and because most of these guarantees require for securitisation purposes, SPCs independently hold ownership of the aircraft until repayments are completed. There are many SPCs out there. That should not be fodder for conspiracies theories. That simply proves, this is common practice. All other airlines are doing it, it is common practice.



Another common practice is that the security company appoints an independent company with the required expertise to administer and manage the SPC. Those company directors of Waqavuka Financing Limited are also directors of 139 other Irish companies. Mr. Speaker, Sir, 32 of these companies are now closed. That is expected when a SPC realises a special purpose. Loan is paid, company goes.

Vistra Capital Markets (Ireland) Limited is one shareholder, which is Vistra Alternative Investments (Ireland) Limited. The Director of Waqavuka Financing Limited since 2016 is one Ms. Hardiman, who is also listed as Director of 132 other Irish companies. Again, that is not some conspiracy. Obviously, the fact that Vistra are administrators and managers of 130 other SPCs, bears testimony to the expertise and the scale, reducing the cost we charge for the services.

Mr. Speaker, Sir, the Honourable Tuisawau has declared, he believes that Fiji Airways is Fiji's national asset. It is high time, the Honourable Member and others actually act like it. This is not rocket science. These are normal commercial arrangements employed by airlines all around the world. No one should keep themselves into thinking that sitting here in Suva, they are unveiling some vast global conspiracy. In reality, they are simply subjecting the nation to the misunderstanding of how the aviation industry operates.

Mr. Speaker, Sir, Fiji Airways is more than any other strategic national asset. It is our most valuable national asset, and through years of foresight we have built Fiji into the aviation hub of the region. For the first time, we have established the Aviation Academy with a MAX 8 full flight simulator. We have an A330 full flight simulator.

Today, Mr. Speaker, Sir, there are only 12 installed MAX 8 simulators in the world, and with the substantial simulator training required by Boeing and the regulators of all MAX pilots, since their return to service occurs, there will be an over demand for simulator time. We stand to make substantial profit from our MAX 8 simulator going forward. Not only will our Fijian pilots be able to access those simulators whenever they want, but also we will be having pilots coming from all over the world because once MAXs come on board, it will be a requirement for all them to access the simulator. If there is only 12 and we already had 400 that was manufactured prior to that, prior to the grounding of it, obviously there is a huge demand.

We will not have to send our pilots to the A330 training to Singapore, to stay in expensive hotels, spend two weeks (our poor pilots), they have a time slot of 2.00 a.m. or 3.00 a.m. Mr. Speaker, Sir. It would seem that rather than they help us to set the stage, the Opposition are hell-bent on bringing our carrier and our country to its knees.

During this pandemic, Mr. Speaker, Sir, Governments worldwide have bent over backwards to ensure their national airlines survive. They realise the monumental economic impact an airline has on a country, in particular on an island nation State, like Fiji, and so does this Government. We really hope that the Opposition share the recognition soon. Thank you.

HON. SPEAKER.- I thank the Honourable Attorney-General. I now give the floor to the Leader of the Opposition's designated speaker. Honourable Tuisawau, you have the floor, Sir.

HON. RO F. TUISAWAU.- Thank you, Mr. Speaker, Sir. The presentation by the Honourable Minister for Economy was basically a repeat of the interview of the CEO Fiji Airways on *Mai TV*. All the details there have been repeated by him.

The other point I would like to emphasise is that, we are for Fiji Airways. We are not here to undermine Fiji Airways, it is just good governance, accountability, the rule of law and transparency,

which is what we are emphasising on. After yesterday, all the information is presented today. Where was that information before today? That is the question we would like to ask and the people of the nation want to know. Why was that information held back?

Let me read out a report on the *Washington Post* on 26th April, 2019, and I quote:

**“Ireland is a tax haven**

The financial professionals and lawyers who have developed the corporate tax avoidance industry like to avoid terms such as “tax haven”. Instead, they prefer language about regulated entities that spread risk... However, the Senate, the E.U. parliament and a growing list of social science experts prefer more straightforward language.

Ireland’s corporate-friendly tax policies have been controversial for decades. However, they were transformed during the financial crisis... it used a long-standing feature of the corporate tax code known as “Section 110” to attract international investment. This feature basically allows for the legal creation of “special purpose vehicles” (like Waqavuka), that can structure themselves to pay little or no tax... also tend to have few or no employees. They are legal constructs to store capital and wealth.

Such special purpose vehicles and other investment funds have led to the development of a massive shadow banking sector, which Ireland’s Central Bank has little power to regulate. The international Financial Stability Board estimates almost €2.5 trillion (\$2.8 trillion) in assets are administered in Ireland’s shadow banking sector.”

That is a very reputable analysis by the *Washington Post*. Why do they call Ireland’s financial sector as shadow, using the words “shadow banking”? That is something which I am asking the Honourable Attorney-General to clarify to us.

The other issue, Sir, regarding what the Honourable Attorney-General explained on Waqavuka, let me just get to the point where he stated the shares owned by Waqavuka - owned and serviced Vistra. Fiji Airways does not have any interest. In the *Daily Hansard* on 15th March, 2018, he was questioned by the Honourable Nawaikula, and let me quote:

“Can the Honourable Minister please explain or clarify the ownership and leasing arrangement, especially the status of Waqavuka Holdings because rumours out there say, the planes are owned by Waqavuka Holdings with interest in Ireland and Germany?”

The Honourable Attorney-General and Minister for Economy said, and I quote:

“Madam Speaker, the Honourable Nawaikula would serve himself really well if he stops relying on rumours. Madam Speaker, as has been explained previously, Waqavuka Holdings is 100 percent owned by Fiji Airways.”

So he just contradicted himself today and that is really the inconsistent information that we are concerned about, which is why I am moving a motion this afternoon for another further inquiry because information keeps on coming in drips and drabs.

The SPVs are special components in there which also mentions investors and the funds being generated. That is in the Central Bank of Ireland documents. I will share that again when I come up with my motion, so all those things are not clear from his explanation today. That needs a special

inquiry and I am asking the Honourable Attorney-General to come clean to the nation on those elements that I have mentioned. *Vinaka*.

HON. SPEAKER.- I thank the Honourable Ro Tuisawau. I now give the floor to the Leader of the National Federation Party, the Honourable Professor Prasad.

HON. PROFESSOR B.C. PRASAD.- Thank you, Mr. Speaker. I will have more to say when we discuss the motion later today.

But at the outset, Mr. Speaker, Sir, I just want to raise this issue; we had a notice of three Ministerial Statements that came on time and then suddenly, it was withdrawn and then the Ministerial Statement by the Honourable Attorney-General came after that. They do not seem to be organised, they are uncoordinated amongst themselves. There must be some confusion on who is going to do what, so sort things out there. I was looking forward to hearing you, so let us not take the Parliament for a ride and you know you can inform us, and then suddenly withdraw and do all sorts of things.

HON. A. SAYED-KHAIYUM.- You walked out of Parliament yesterday.

HON. PROFESSOR B.C. PRASAD.- I did not walk out of Parliament. Mr. Speaker, we can absent ourselves from Parliament and we have the right to do that.

Anyway, Mr. Speaker, I think the Honourable Attorney-General spent a lot of time talking about the process of leasing and the nature of the aviation industry's acquisition of aeroplanes and all that. I think, a lot of that information we know, it is not something new, and I think he has spent a lot of time, again, attacking the Opposition. Yes, we are not aviation experts, neither is the Honourable Attorney-General himself.

But I think what does come out again from his statement, Mr. Speaker, is the lack of clarity or disclosure on the actual lease arrangement payments. For example, the loan, the sum repaid, the SPC, how much Fiji Airways is paying that company to act on behalf of Fiji Airways, to transfer those payments to the banks, et cetera. I think there still is a lot of questions and that is why we are saying that until we have really full disclosures and perhaps, the past disclosures as well, we will not have a very clear idea of what is going on.

I think the Honourable Ro Tuisawau correctly said that there is still a lot contradiction because yesterday the Honourable Attorney-General said, the early return of leased aircraft negotiations are in the process for the early return of two Airbus A330-200, as well as one Boeing 737-800 aircraft. However, on 28th August in a *Fiji Village* report, the Fiji Airways Chief Executive Officer said, "ownership of the A330 aircraft would revert to ownership of Fiji Airways once loans are fully repaid." Those are the contradictions.

I think, we need that disclosure, Mr. Speaker, to have very clear disclosure about what we are doing and the details of those agreements. I mean, you can talk about the process and that is fine, this is what needs to be done. But unless you disclose all the details and that is why we have always said that the taxpayers of this country own 51 percent and the other 46 percent, of course, is owned by Qantas.

We are not a 100 percent owned company and that is why it is always important for us to have those disclosure reports tabled in Parliament and part of the confusion that we have right now, Mr. Speaker, none of us from this side have a conspiracy theory about what needs to be done and who is doing what. But it is just at the lack of disclosure, lack of the ability of this Government to

bring to this Parliament the annual reports and the financial statements. We cannot even locate all the financial statements in the Companies Office.

HON. GOVERNMENT MEMBER.- You sent a wrong person.

HON. PROFESSOR B.C. PRASAD.- We will send him again in order to check because he spent 24 hours there, Mr. Speaker, Sir.

HON. GOVERNMENT MEMBER.- Nonsense!

HON. PROFESSOR B.C. PRASAD.- It is very important that instead of explaining the process, let us put those disclosures in front of Parliament, in front of the people of this country and then we have discussions. Then there will be clarity, there will be no misinformation, no conspiracy theory but in the absence of all that, we expect that and people will ask questions. Thank you, Mr. Speaker.

HON. SPEAKER.- I thank the Honourable Leader of the National Federation Party for his contribution.

Honourable Members, we will now suspend proceedings for refreshment and we will resume in half-an-hour.

The Parliament adjourned at 10.42 a.m.

The Parliament resumed at 11.10 a.m.

HON. SPEAKER.- Honourable Members, I now call upon the Honourable Attorney-General and Minister for Economy, Civil Service and Communications to move his motion. You have the floor, Sir.

### **PUBLIC HEALTH (AMENDMENT) (NO.2) BILL 2020**

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, pursuant to the resolution of Parliament on Monday, 31st August, 2020, I move:

That the Public Health (Amendment) (No. 2) Bill 2020 (Bill No. 31/2020) be debated, voted upon and be passed.

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

HON. SPEAKER.- Honourable Members, before I call on the Honourable Attorney-General, I remind all Honourable Members that pursuant to the resolution of Parliament, debate will be limited to one hour.

I now call upon the Honourable Attorney-General to speak on his motion. You have the floor, Sir.

HON. A. SAYED-KHAIYUM.- Thank you, Mr. Speaker, Sir. As highlighted on Monday, this amendment to the Public Health Act essentially allows for the Honourable Minister for Health to be able to charge quarantine fees to non-Fijian citizens. Some of them are coming through.

Currently, the law does not allow the Honourable Minister for Health to charge quarantine fees to other people individually. He is obliged under the current law that anyone kept under quarantine must be paid for by the State essentially, and given that foreigners are coming to Fiji, we expect them to pay their own quarantine fees, so this is what we are seeking to do, Mr. Speaker, Sir.

Essentially, there are a few changes, in the sense, that we have inserted a new definition of the terms, “station” and “isolation station”. Clause 2 of the Bill clarifies that ‘station’ and ‘isolation station’ means, any premises approved by the Minister for the purpose of isolation. So we have hotels and various other places that he may designate, we have one particular place where a person is living on a resort by themselves with their entourage, so he can declare that to be their station in itself.

Mr. Speaker, Sir, the Bill also goes on to, of course, give the Honourable Minister the powers to make regulations that would prescribe the fees. Normally, the fees are not stated in the Act itself, but stipulated in the regulations. So, obviously, we need whoever is going to come in, we will put the fees or the charges related to the RFMF, the Navy and the Ministry of Health staff personnel. As highlighted the other day with the Blue Lanes, these people are coming in, we have to monitor them, but they are coming here on the understanding that they will actually be charged some fees and which they have to pay themselves.

Essentially, that is what this amendment seeks to do, Mr. Speaker, Sir. Thank you.

HON. SPEAKER.- I thank the Honourable Attorney-General.

Honourable Members, the floor is now open for debate and I call on the Honourable Dr. Lalabalavu. You have the floor, Sir.

HON. DR. RATU A.R. LALABALAVU.- Thank you, Mr. Speaker, Sir.

Mr. Speaker, Sir, I rise to contribute to the debate on the Public Health (Amendment) (No. 2) Bill 2020. It seeks to enable the Honourable Minister to make regulations for fees to be levied upon non-citizens travelling to Fiji, who require isolation.

Mr. Speaker, Sir, I do not intend to speak very long, given we have eight Bills to consider today but the unfortunate misuse of Standing Order 51, in my view, and this is also the considered view of this side of the House, and the manner of governing by ambush where the Government did say that Bills would be introduced, the secrecy with which Bills are not revealed until three days before they are to be debated and enacted, is indicative of the panic and fear in trying to always win through the ambush of the Government.

These Bills could have been tabled a month ago, to enable all citizens and stakeholders to have their say. Travellers have been allowed into the country since the pandemic was announced by the World Health Organization (WHO) in April, five months ago. In my view, there is no excuse for this misuse of Standing Order 51 and the secretive and dictatorial practice of bringing Bills by ambush to the people of Fiji and the Opposition, whose role is to scrutinise Bills and govern action, and the use of taxpayers' funds.

Mr. Speaker, we understand other jurisdictions are also levying fees on non-citizens and given the current economic situations, it is imperative to ensure that they do not become a burden on the public purse, given their own volition to travel to Fiji.

Our only concern, Mr. Speaker, is that, perhaps the discretion given to the Honourable Minister for Health would allow certain travellers the option to choose their own place of isolation in particular, because they are paying for their own quarantine. Our advice to the Honourable Minister is to, as far as possible, ensure that all travellers are quarantined in one location, where they are strictly and properly supervised for the full 28 days period, given the long incubation period of this virus. Mr. Speaker, we certainly do not want them to be able to come and go as they please because they would do this if they choose private isolation premises, rather than one control by the authorities.

With regards to the nurse who has contracted COVID-19, expressed concern on proper hygiene practices and safeguards are in place and that all health personnel have access to full Personal Protective Equipment (PPEs) required to prevent them from contracting this virus. They are already placing their lives on the line and the least the Government owes as an employer, given they are on the frontline, is to ensure they have the necessary PPE, sufficient rest and there is sufficient staff to carry out all required isolation and treatment.

Mr. Speaker, Sir, I also query the welfare of citizens in other countries. They are importing COVID-19 from patients who are already at high risk, having travel for medical treatment and now health personnel who are in close contact because of these patients have more severe complications, given their immune systems are compromised. For the public health and safety, can the Honourable Minister outline the considerations given to prioritise the return of these patients, given the pandemic spreading rapidly in India? Now, it has overtaken the United States in terms of the rate of infection.

Mr. Speaker, Sir, as Opposition, we are here to perform our role as Members of the Opposition in the interest of the people of Fiji because as a democracy, the views of all are heard. Our

Government may have fair listening or working with Opposition, we assure them of our commitment to our role to work together. No one person knows everything and the exchange of ideas is where the new ideas and solution can arise. Bipartisanship has been proven to boost the confidence of its citizens and that is what our nation needs at this time of uncertainty, to see the leaders working together.

With that, Mr. Speaker, Sir, that is my contribution and thank you for the opportunity to speak on this Bill. We whole heartedly support the Bill before the House.

HON. SPEAKER.- I thank the Honourable Dr. Lalabalavu. Honourable Kepa, you have the floor.

HON. RO T.V. KEP A.- Mr. Speaker, Sir, with this Bill that is before us is the amendment to the Public Health Act, part of the wider public health response to the pandemic was the imposition of curfew which not only helped curtailed the spread of coronavirus (COVID-19), but also gave reassurance to the citizens that Government was serious about trying to prevent and control the spread of this virus.

The added rumours for us, especially for the women, was minimising the movement of criminal elements, although it has not had any effect on all citizens as some people are still wondering around at all hours of the night, so that is a continuing challenge for Government. But for the prevention, control and suppression of COVID-19, it is working quite well, as evidenced from the containment.

However, for those on the frontline, the risks remain high. Therefore, our sympathy and prayers goes out to the nurses and for the nurse who has contracted the virus. We wish her a good recovery.

Now, coming to the amendment to the Act, Mr. Speaker, Sir, justification for amendment to the Public Health Act seems sensible on the surface, but reading between the lines seem to raise more questions than answers.

- Why are you juggling money with people's lives?
- If you really wanted to build a fund provided from the Consolidated Fund, is there no other creative way of doing it?
- Why risk the lives and livelihood of our relatives living in the islands of Lau and other maritime areas of Fiji by allowing over 70 yachts to enter and berth in their waters?
- Why has Government not taken seriously the objection and concerns voiced by the people of Vanuabalavu?
- Their worry in the maritime areas is, what will happen to them should, God forbid, there be an outbreak of the virus? Who will look after them? Where will they go?

Another question Mr. Speaker, Sir, what about our people coming from overseas, whose parents hold Fiji passports but they, themselves, hold passports from other countries, yet they have registered in the VKB?

(Hon. J.V. Bainimarama interjects)

HON. RO T.V. KEPÄ.- That can be responded to by the Honourable Attorney-General, Honourable Speaker.

This category of people, who are registered in the VKB, help to contribute an average of \$587.5 million in 2009 and that is about the average for the past few years because with their remittances, it allows Government to expand its services. Mr. Speaker, Sir, how will they be treated when they come here?

As Fijians, by virtue of the fact that they are in the VKB, where they have contributed immensely to the services of Government, or will they be treated as in the category of non-Fijians entering Fiji, as stated in 1.4 - Background of the Bill, and I quote:

“Given the current provisions in Part 7 of the Act, any expenses incurred in relation to the isolation of non-Fijians entering Fiji must also be a charge on the Consolidated Fund.”

However, for prudent financial management, non-Fijians entering Fiji should pay for any expenses incurred in relation to their isolation. To implement this, amendments to the existing provisions in Part 7 of the Act are required.

So, with those questions and queries, I would just like the Honourable Attorney-General to respond to that when he is making his right of reply. Thank you, Mr. Speaker, Sir.

HON. SPEAKER.- I thank the Honourable Kepa. Honourable Minister for Commerce, Trade, Tourism and Transport, you have the floor.

HON. F.S KOYA.- Thank you, Mr. Speaker, Sir. I rise to support Bill No. 31 to amend Part 7 of the Public Health Act 1935. The amendment is basically to charge non-citizens any expenses incurred in relation to isolation on the Consolidated Fund discretionally, as opposed to mandatory requirements.

Mr. Speaker, Sir, the Government has been managing the containment of risks associated with the pandemic by safely opening up our borders within the Fiji COVID Safe Economic Recovery Framework. This has been implemented by the Cabinet-approved COVID-19 Risk Mitigation Taskforce (CRMT), comprising of Permanent Secretaries for Health and Medical Services, Economy and Commerce, Trade, Tourism and Transport.

Mr. Speaker, Sir, as part of the Framework, conditions and mandatory requirements have been imposed on all returning citizens and non-citizens, and these include the mandatory requirement of 14 days quarantine and there is a real time PCR test, at least, 72 hours before travel. So far, we have managed to contain all the COVID-19 cases within our border quarantine and while our team works tirelessly to facilitate cross-border movement and keep Fijians safe, Mr. Speaker, Sir, this comes with additional costs which also relates to maintaining quarantine facilities and testing as border control measures.

Mr. Speaker, Sir, the Fijian Government covers the costs for all Fijian citizens - mandatory quarantine and COVID-19 test. This has always been our commitment and our duty to Fijians. However, the increasing number of non-citizens, returning diplomats, et cetera, visitors who have come in accordance with the Framework, has resulted in increased costs and use of resources. These particular costs are swab COVID-19 test costs for non-citizens, maintaining Government mandated quarantine facilities and the replication of quarantine conditions and testing at alternative sites for high value individuals and for individuals who cannot be kept in quarantine for medical reasons, Sir.



It is also to facilitate quarantine conditions and border testing for the Blue Lane Initiative under the Framework.

Mr. Speaker, Sir, our Health and Military Officials are working day and night away from their families to provide surveillance. Medical support at these quarantine facilities in order to cover associated costs for non-Fijians entering Fiji will be charged as part of the proposed amendments.

As we continue to support the recovery of the Fijian economy amidst this pandemic, Mr. Speaker, Sir, the Government needs to opt for sustainable methods to facilitate the safety of our people. As such, Sir, I support Bill No. 31 to amend the Public Health Act 1935. Thank you, Sir.

HON. SPEAKER.- I thank the Honourable Minister.

HON. MAJOR-GENERAL (RET'D) S.L. RABUKA.- Mr. Speaker, Sir, if I may, we only have two speakers to speak on this, but I just have a very simple question that perhaps, we should keep in mind. The charge on Consolidated Fund and the Honourable Attorney-General and Minister for Economy has mentioned Military and Police personnel. They are already covered in the budget for those expenditures in their Ministries. But there are also things that used to be known as duty pay and transport, ration and medical supplies, et cetera, that are used outside of the normal duties and in the execution of this legislation when it comes into being, and subject to Sales Issue Voucher (SIV).

The only other question I have is on reciprocity (I wrote that but have difficulty pronouncing it). Is there any other nation in the world that gives Fiji citizens, isolated in those countries, free treatment or free isolation that is charged to their consolidated account? If that is already happening, perhaps we should look at that also. *Vinaka*.

HON. SPEAKER.- I thank the Honourable Leader of the Opposition. Honourable Leader of the National Federation Party.

HON. PROFESSOR B.C. PRASAD.- Just a quick one, Mr. Speaker, Sir. We support the Bill, I think non-Fiji citizens coming to Fiji and going into quarantine should actually pay their expenses because most countries are charging foreigners as well. So, we support the Bill, Mr. Speaker, Sir,

HON. SPEAKER.- Thank you. Honourable Minister for Infrastructure, Meteorological Services, Lands and Mineral Resources?

HON. J. USAMATE. Mr. Speaker, Sir, I just rise to support the motion. I think this is a very timely intervention. As we know, all of our citizens coming back, they have the right to go into quarantine at the expense of the State, the people of this country who are the taxpayers of this country. Obviously, as has been done in other countries, if people from other countries want to come in, then they should pay for that particular cost, so we support that on those grounds.

I just want to point to the two comments that were made from the other side, first of all, by the Honourable Lalabalavu, why his issue has been taken up by section 51 of the Standing Orders. It is something that is pertinent right now. It is something that is happening right now, we need to make a change right now because already, we have started to utilise these procedures where we require people to pay for their charges themselves. Obviously, it is something that is timely and is pertinent, and that is why it has been taken through this particular route.

The second point that I wanted to talk about refers to one of the issue that was brought up by Honourable Kepa. She was asking whether we are juggling lives and the economy at the same time. I think there is nothing further from the truth. I was reading today that earlier on this week, there has been a report from French Polynesia that they have opened up their economy to tourists to fly in and all of a sudden, their COVID-19 cases have gone up by more than 400 plus, from visitors flying in. You will not see that in this country, why? Because we have kept a very tight lid.

The Ministry of Health has kept a tight lid on our borders. We are making sure that if cases come in, they are kept at the border. The Honourable Attorney-General mentioned yesterday that there was an assessment done by a group of company called Turlane where they are assessing what other countries that people should travel to, given this COVID-19. Fiji was rated number one! That is the reflection of the tightness of the systems that we have put in. Thanks to the Ministry of Health, the Security Forces, the RFMF and everyone who has been involved.

I know, that under these amendments, it will empower the Minister responsible for Health and Medical Services to make regulations to charge fees and I am sure that part of that processes is to make sure that no COVID-19 cases come through our borders. This is something that will be monitored very strongly by our Security Forces and also by the Ministry of Health.

For those reasons, Mr. Speaker, Sir, I totally support and endorse this Bill and I hope that everyone in this House will do so also. *Vinaka vakalevu.*

HON. SPEAKER.- I thank the Honourable Minister. Honourable Minister for Health, you have the floor.

HON. DR. I. WAQAINABETE.- Mr. Speaker, Sir, I fully support the Bill before the House, and apologise that I might be looking at my phone because I have been trying to download on to my i-pad and my laptop my speaking notes and I could not do so.

Mr. Speaker, Sir, COVID-19 has posed a threat worldwide and as we know, there are well over 20 million worldwide who are infected with the disease and more than a million as we speak, have now passed away. We also know that the threat remains all over the world.

Just this morning, Mr. Speaker, I had an e-mail correspondence from the group which I belong to - the International Society of Surgery (ISS), saying that they are not sure about next year's conference whether it can happen or not. Suffice to say, that already people are looking beyond this year and even into next year about the impact of COVID-19 all over the world.

The amendments that have been made to the Public Health Act, first, as one of the supplementary Bills, one of the Consequential Bills that was passed with the Supplementary Budget was an initial amendment to the Public Health Act, giving powers to the Minister and also to the Permanent Secretary, under the regulations, so that they can be able to quarantine and carry out the lockdowns and the measures that have been done.

We also understand the main reason for the amendments that have been discussed today is the fact that now we are receiving more and more people coming back into the country. The initial Act which was enacted in 1935, with further amendments in 1945, 1960 and in 1975 has meant that Government has to accrue all the costs and being able to safeguard the citizens of this country from anything possible through the importation of infectious diseases.

Mr. Speaker, under the Public Health Act that we are talking about Cap. 111 and also the Quarantine Act Cap. 112 where we are given the powers to be able to quarantine those who come

into the country, specifically for the Public Health Act, Part 7 and 81 talks about the expenses of isolation and disinfection. It basically talks about the fact that Government has to bear all these costs.

The beauty about the amendments that we are making today is that, we are being able to have the opportunity to ask those who come in that are not from Fiji, to bill them appropriately for the measures around quarantining them, but also make sure that we set the safeguards and the processes in place to continue to keep our country COVID-contained.

Mr. Speaker, Sir, I must also add here and reiterate that one of the important parts of the COVID containment, apart from the amendments that have been made to this Act with the Supplementary Budget and the Consequential Bills around the Public Health Act - the COVID-19 component and what we are discussing today in this Bill, is the importance of a contact tracing App.

I would like to say that before I finish today, Mr. Speaker, Sir, is the importance of the contract tracing App or the careFIJI App. The importance is for us at the Ministry of Health to have the ability for us to trace those who may have the disease, God forbid, if there is community transmission. We know it is none. The question that people have asked me is why do we need to download the App when we have no community transmission?

Mr. Speaker, Sir, we have countries that have endless days without community transmission, and it has happened. We have also heard in the news recently that one of our healthcare staff who has been working in the isolation facility, despite all the important infection control measures that we have in place, following the procedures and the protocols because this is a contagious disease, also developed COVID-19. So, it is not only in the matter of just downloading the particular careFIJI App but also it is important from the Ministry of Health perspective of being able to be ready, or be in a state of readiness. While we are going through this economic recovery, we are also in a state of readiness. God forbid that we never have community transmission but we are ready and we are telling the world that we are ready.

That is the reasons why I commend the amendments to the Bill in the House today, is the ability to be able to strengthen the areas around quarantine that we, at the Ministry of Health, are doing, specifically to those who may not be Fijian citizens but also as I have said, in addition to that, is the fact that we have to all do our part and download the careFIJI App.

I thank you, Honourable Speaker.

HON. SPEAKER.- I thank the Honourable Minister for Health. Honourable Attorney-General, you have the floor for your right of reply.

HON. A. SAYED-KHAIYUM.- Thank you, Mr. Speaker, Sir. I think the Honourable Minister for Health and the Honourable Minister for Infrastructure, Meteorological Services, Lands and Mineral Resources and other speakers have also touched upon the necessity to have this, but just to clarify a couple of points. I think someone raised it from the other side that just because they may be paying for the quarantine costs, it does not mean that they get to have the final say in where that quarantine or the station will be. It has to be assessed by the Ministry of Health itself and there has to be all the various safeguards put in place and must be within the COVID-19 Fijian Economic Recovery Framework.

Again, the issue of the yachts has come up, Honourable Kepa has raised it again and again, as has been highlighted by the Honourable Minister for Health that when yachts come in, they do not simply just come into Fijian waters and can sail anywhere. They have to serve the quarantine period. In the same way, if a returning Fijian comes to Fiji, they have to serve the quarantine period and then

they can wander around Fiji. It is the same, they are both human beings. Even though they are foreigners and one is a Fijian, they both have to serve the quarantine period. Therefore, the risks are all assessed before they are actually allowed to go to other parts of Fiji, so that risk is actually minimised.

Honourable Kepa, remittances obviously comes from a lot of people and it is not just those in the Vola Ni Kawa Bula (VKB). But the reality of the matter is that you have to be Fijian citizen for you to be given preference in respect of you coming back. Of course, those people who are related to Fijian citizens and have not chosen to take Fijian citizenship, and if they are under age they, of course, can, they have their full right to do so.

Mr. Speaker, Sir, the other point I want to also highlight is that, the issue about India has been raised a couple of times now. These people who have been accepted from India and recent ones have actually been Fijian citizens who actually went to India for surgery. We cannot leave them, they are Fijian citizens.

Unfortunately, this did not happen because the Samoan Government a few months back, in fact, did not allow their citizens to go back and some of them were, in fact, stranded in Nadi and we actually had to look after those Samoans. They went to Samoa, they waved to their relatives through the glass windows and then they said, "No, you go back to wherever you came from", so the next port that they came from was actually Nadi. So we actually had to look after them. We do not want to do the same with our citizens, so that is the position we have taken. Obviously, when they come back, a lot of these people have been through traumatic medical procedures and we cannot abandon them. They do their tests before they come on and there are various safeguards being put into place.

Mr. Speaker, Sir, just very quickly, you may not remember this but you actually had alluded to us in one gathering that some relatives of yours were also doing the catering for the people being in quarantine. They get fed really well, they actually get fed desserts, et cetera, so these are the Fijian citizens and they are not paying for it. We have to pick up the tab for it which has now run into millions of dollars.

The other point that I also want to make is that, going forward and I am glad Honourable Members of the NFP are here because we have talked about the careFIJI App. It is critically essential to have the careFIJI App, it is not a political issue. It is a health issue, and I am really glad that a lot of the Members of the Opposition, SODELPA, I mean, actually have the App and I want to thank you for that because you are also, of course, leaders in your community. When you do go back out, you will be telling people the virtues of actually having this App and how critically important it is because it saves lives.

The last point I want to make very quickly, all this is changing quite phenomenally on a daily basis. There is a country now, I forget, I think one of the South American countries, one of their islands is actually allowing tourists to come back only if you have actually had COVID-19. If you had COVID-19, you have been cleared from it, then you can go to that island only. So they want to build what they call the 'herd immunity'.

There is an island in Spain where it has got its own airport and the Spaniards are actually allowing Germans to have direct flights from Germany, go straight to the island, do their holiday and then go back. So they obviously are also trying to mitigate the risks arising from the economic impact of this pandemic.

We will have to be able to be creative but also, at the same time, our utmost priority is our health risks and this Bill, of course, goes towards us, in fact, the overall strategy in managing those risks, including the financial risks. Thank you, Mr. Speaker, Sir.

HON. SPEAKER.- I thank the Honourable Attorney-General. Honourable Members, Parliament will now vote.

Question put.

Motion agreed to.

[A Bill for an Act to amend the Public Health Act 1935 (Bill No. 31/2020), enacted by the Parliament of the Republic of Fiji. (Act No. 30 of 2020)]

HON. SPEAKER.- Honourable Members, I now call upon the Honourable Attorney-General and Minister for Economy, Civil Service and Communications to move his motion. You have the floor, Sir.

### **PHARMACY PROFESSION (AMENDMENT) BILL 2020**

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, pursuant to resolution of Parliament on Monday 31st August, I now move:

That the Pharmacy Profession (Amendment) Bill 2020 (Bill No. 32/2020), be debated, voted upon and be passed.

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

HON. SPEAKER.- Honourable Members, pursuant to resolution of Parliament, debate will be limited to one hour. I now call upon the Honourable Attorney-General to speak on his motion. You have the floor, Sir.

HON. A. SAYED-KHAIYUM.- Thank you, Mr. Speaker, Sir. I will be very brief, as we had discussed the merits of this amendment. Essentially it brings about a particular uniformity amongst the licensing of all licences, whether they are a pharmacy licence for outpatient purposes given to a hospital or a pharmacy that is operated by an individual outside the private hospital premises, and they have a pharmacy business licence given on a yearly basis as to all pharmacists.

Mr. Speaker, Sir, that is the uniformity it brings about. Of course, it has a transition provision for the change in the authorisation period of this particular provision that the amendment will be bringing about. Thank you, Mr. Speaker, Sir.

HON. SPEAKER.- I thank the Honourable Attorney-General. The floor is now open for debate on this motion. Honourable Dr. Ratu Lalabalavu, you have the floor.

HON. DR. RATU A.R. LALABALAVU.- Mr. Speaker, Sir, I rise to contribute to the debate on the Pharmacy Profession (Amendment) Bill 2020 which seeks to ensure private hospital pharmacies also have a one-year licence requirement which applies to all other existing pharmacies.

This new Bill is an insertion to the amendment made in 2017. It is standard practice universally that all pharmacy business practices or premises licence have a lifespan of one year only. In that sense, it appears that this was an oversight and the Government now wishes to correct that

anomaly where the private hospital was operating without requirement to be certified and inspected annually like all other existing pharmacies.

Mr. Speaker, Sir, this requirement will, therefore, level the playing field, and ensure quality and safe practices by pharmacists when delivering pharmaceutical care to the people of Fiji. The only comment as to why this insertion was not considered in the 2017 amendment, as this was a basic requirement for issuing a licence by any authority. My question is, Mr. Speaker, Sir, was there sufficient consultation done by the Ministry to bring any Bill to the House, as this insertion indicates that the fundamental requirements has been updated which can do more harm than good to the public?

Mr. Speaker, there is also a question of conflict of interest. Some have questioned whether a private hospital should have an interest in the pharmacy sector because it can lead to conflict of interest. In such cases, it can cause lobbying of prescribed medicines led by the doctors, and hospitals can push medicines which are kept by their own pharmacies. This can lead to a disadvantage for patients as they may end up paying more than they should, if they do not have the option to purchase medicine from other pharmacies, in particular, generic medicine which are more affordable.

Mr. Speaker, Sir, the risk is that the private hospital, rather than concentrating on the health of patients, their attention is diverted to generating money for pharmacies. This will also restrict the progression of new and emergent pharmacies because it discourages pharmacists from operating their own pharmacies. If this is allowed, it should be vice-versa, pharmacists should also be allowed to have an interest in medical clinics where pharmacists can open a surgery and have a doctor there. Why should private hospitals be privileged?

On that note, Mr. Speaker, I wish to highlight some points which could be taken on board by the Government:

- (1) Ensure that private pharmacists' primarily role is to provide quality pharmaceutical services and should not be profit-driven.
- (2) Ensure that medicine regulatory authority is well resourced and have the capacity to monitor and enforce these regulations.
- (3) Consistency in applying these laws in both, private and public hospital pharmacies.
- (4) Empower the medicine regulatory authority to assist them in enforcing these laws. Current laws do not allow them to issue spot fines.
- (5) Ensure medicine are affordable to the public due to the COVID-19 impact on the economy. With these new amendments, how will it impact availability, accessibility and affordability of medicine in the rural areas?
- (6) Ensure medicine treatment guidelines are standardised across public and private hospital clinics, to guide the rational prescribing of medicine, especially for antimicrobials since Fiji has had cases of carbapenem resistants.

Fiji is, however, fortunate to have an antibiotic that is still working to cure this bacteria. However, this is the only last option that is available globally, and if you are not careful, Fiji will be in the worst situation.

Mr. Speaker, in light of those concerns, I recommend that the Honourable Minister undertake further consultations on the Bill, in particular, the stakeholders and the general public for their views, and more safeguards to be built into this Bill before it is brought back to the House.

With that Mr. Speaker, Sir, I thank you for the opportunity to speak on the Bill and from this side of the House, we support the motion.

HON. SPEAKER.- I thank the Honourable Dr. Ratu Lalabalavu. Honourable Maharaj, you have the floor.

HON. A.A. MAHARAJ.- Thank you, Mr. Speaker, Sir. I rise to give my short contribution with regards to this particular amendment to the Pharmacy Profession Act 2012. Sir, pharmacy is a service-based industry, governed by ethics and code of conduct and this is why the pharmacy business is so heavily regulated.

One should not compare a pharmacy business to a supermarket. The age of profit should never supersede the ethics and patient care. Very rightfully said by the Honourable Attorney-General while presenting this Bill, we need annual licence for the pharmacy owner, who is a registered pharmacist. The pharmacist on duty and the premises also need to have a licence in order to operate the pharmacy.

However, the licence that is actually approved to any pharmacist is a lifetime licence, so it has some implications on it which I will try to explain. Because of the patient care being paramount, pharmacy owners and pharmacists on duty need to go through certain amount of training every year in order to get their licence renewed. Likewise, pharmacists should have their licence renewed annually, as this will hinder the owners of the pharmacy and the pharmacists themselves from getting involved in unethical and corrupt practices.

The current practice is, if the owner forces a pharmacist to get involved in an unethical practice, the pharmacist's licence could have been revoked and nothing happens to the owner of the pharmacy. However, with this amendment, the pharmacy owner can lose the pharmacy licence, so pharmacists on duty would be protected. For example, if I have a pharmacy and I forced my pharmacist to do unethical practice, his/her licence will be revoked but nothing will happen to me or my pharmacy. So, this amendment comes in a timely manner and shall, I, as the owner of the pharmacy gets involved in any corrupt practices, or force my pharmacist, I can be taken to task.

That is basically the gist of this amendment and it has come in a timely manner to avoid all these corrupt practices that are happening in the pharmacy. Now, the Honourable Minister will actually have the powers to revoke the pharmacy licence of those who are actually involved in such corrupt practices. With those words, Sir, I support the Bill. Thank you.

HON. SPEAKER.- I thank the Honourable Maharaj. I now give the floor to the Honourable Professor Prasad. You have the floor.

HON. PROFESSOR B.C. PRASAD.- Thank you, Mr. Speaker, Sir. I did some consultation in the last two or three days with respect to this Bill. Obviously, I have no issues in terms of regulating pharmacists and pharmacy owners, I think it is important that, that is done. But I want to use the opportunity because a lot of people that I had talked to raise concerns about the rising price of medication...

(Honourable Member interjects)

HON. PROFESSOR B.C. PRASAD.- Mr. Speaker, can I just tell the Minister to let me speak, please.

(Laughter)

(Honourable Member interjects)

HON. SPEAKER.- Order, order!

HON. PROFESSOR B.C. PRASAD.- I think he has got a terrible habit of interjecting which does not make any sense.

(Honourable Member interjects)

HON. SPEAKER.- Order!

HON. PROFESSOR B.C. PRASAD.- I know him very well, so I can say that. It is his old habit and it does not go away.

(Laughter)

HON. PROFESSOR B.C. PRASAD.- The other issue that they raised, Mr. Speaker, Sir, was pharmacy owners who run a chain of pharmacies and essentially, those who are wholesale distributors, who supply goods to other pharmacies or smaller ones at a cheaper price without exorbitant market. So, these are questions that are probably not in the ambit of the Bill but these are important issues that people have raised.

The other issue, Mr. Speaker, Sir, is I know that the Private Hospital pharmacy, people are telling me that the medication there is cheaper than what they get in private pharmacies, outside of the hospital pharmacies. I am not sure whether this is going to have any impact on it or not. I personally do not think so, but these are issues that people have raised with respect to what is happening within the pharmacy industry.

The other point, Mr. Speaker, Sir, that people raise is the unavailability of some of the drugs that is supplied by the Government Pharmacy, the pharmaceutical services. Some of the doctors who stock basic medicine in their surgeries or medical premises are saying that it is difficult, may be right now it is more difficult because of the COVID-19 pandemic, because of the difficulty in getting or accessing the supply, but those were some of the concerns that were raised by the people.

I hope this is not, in any way, going to constrain private hospitals to run their own pharmacies and provide cheaper prescriptions or medication for their patients to go into those hospitals, as compared to those available outside. With, that, Mr. Speaker, Sir, I thank you.

HON. SPEAKER.- I thank the Honourable Professor Prasad. Honourable Minister for Health, you have the floor.

HON. DR. I. WAQAINABETE.- Thank you, Mr. Speaker, Sir, and I support the motion before the House. The amendment ensures that pharmacy services operating in an environment that promote quality and affordable pharmacy services will benefit people and maintaining quality services critical to ensuring that patients and people get the best out of accessing quality medicine for their care. The amendment also helps to protect the rights and interests of both the pharmacy but also the practitioners as they deliver their services.



Mr. Speaker, Sir, the Pharmacy Act 2011, and again, if you look at the Medical and Dental Practitioners Act 2010, the most important thing is to protect the independence and autonomy of the prescriber and the dispenser. I think that is very important. And all the other areas around health have begun to go into a yearly registration. For example, when I started being a doctor, once you sign in to become a doctor, you are a doctor for life, now it is not. You have to be able to show that you are part of their Continuing Professional Development (CPD) and that CPD point is then taken to the Medical Council and then depending on that, whether your licence is, again, renewed for another year.

The Honourable Dr. Ratu Lalabalavu will also have to ensure that he meets certain points to be able to be registered as a doctor and also as a General Practitioner every year. It is not only with the professionals, not only doctors, but also with the allied health, for example, health inspectors, dieticians, radiographers and also pharmacists.

Mr. Speaker, Sir, in 2017, there was an amendment to this Act to allow hospitals to have the opportunity to run a pharmaceutical or pharmacy business. What the Act is saying essentially is that, we want those pharmacies to be registered on a yearly basis. This is in keeping with what is happening with the professionals. The professionals are being registered on a yearly basis. We also want the pharmacist himself or herself, to be able to meet the certain standards.

What has been found in the past, Mr. Speaker, Sir, is that, a certain pharmacy, for example, will abide by all the rules and regulations, tick all the boxes and then become registered, and as the Honourable Maharaj had discussed, over the intervening few years - four, five, six, seven and 10 years, has completely gone astray from what the purity of the initial registration was. So what the Act intends to do, is to hold pharmacy businesses accountable and transparent on a yearly basis just as the professionals are being asked to be accountable, professional and honest on a yearly basis.

I thank you for this opportunity to contribute to this motion, and I support the motion before the House, Mr. Speaker.

HON. SPEAKER.- I thank the Honourable for Minister for Health. I now give the floor to the Honourable Attorney-General to speak in reply. You have the floor, Sir.

HON. A. SAYED-KHAIYUM.- Thank you, Mr. Speaker, Sir. I think the Honourable Minister for Health and Medical Services and Honourable Maharaj have also clarified some of the issues, and also Honourable Dr. Ratu Lalabalavu from the other side.

Just by way of information, the licence actually issued to them in 2018, but they did not start an outpatient pharmacy until about three months ago. Those of you know Suva Private, you know where the old cafeteria is as you enter, is on the right hand side.

Mr. Speaker, Sir, the other point I want to highlight was that, some issues that Honourable Professor Prasad raised in respect to the cost of medicine, et cetera, there is no doubt that Fiji has a number of suppliers, there are some people who are wholesalers and there is also opportunities and talking to Ministry of Health to be able to source drugs from other sources too, as long as they have their valid certification in Fiji for a long period of time. Certification was restricted to only countries, like Australia and New Zealand, so therefore many of the drugs that are generic-base, we were not able to access.

Mr. Speaker, Sir, the Act also seeks to address one other particular mischief which is, if you see Suva Private Hospital's case, the owners of Suva Private are also the owners of the insurance company that provides health insurance. What we understand now is that the health insurance

company which is related to the company that owns the hospital, has now said, “You cannot use your health card downstairs. You must use your health card only in the pharmacy upstairs.” There is one other pharmacy downstairs. So there could be that type of restrictive trade practice, if you like, and using that market power, to be able to restrict people from accessing other pharmaceuticals.

What this does, Mr. Speaker, Sir, is that, it creates that level playing field, it provides for the consumer which, in this case, is the patient, to be able to actually shop around. And if all the pharmacies, whether owned by the private hospital or owned by an individual or another company, they will be able to compete on a level playing field. Essentially, we are not doing anything different, all the pharmacy businesses will get treated alike, in other words, one-year business, and all pharmacists will actually get treated alike also.

Honourable Maharaj actually mentioned a very valid point about the issue of the difference between the pharmacist and the pharmacy business. You do not want the pharmacists to may be actually engaged by the pharmacy business to actually suffer from that perspective. So, Honourable Members, I support this motion. Thank you, Sir.

HON. SPEAKER.- I thank the Honourable Attorney-General.

Honourable Members, Parliament will now vote.

Question put.

Motion agreed to.

[A Bill for an Act to amend the Pharmacy Profession Act 2011 (Bill No. 32/2020), enacted by the Parliament of the Republic of Fiji. (Act No. 31 of 2020)]

HON. SPEAKER.- Honourable Members, I give the floor to the Honourable Attorney-General to move his motion. You have the floor, Sir.

### **TELEVISION (AMENDMENT) BILL 2020**

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, pursuant to the resolution of Parliament on Monday, 31st August, 2020, I move:

That the Television (Amendment) Bill 2020 (Bill No. 33/2020) be debated, voted upon and be passed.

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

HON. SPEAKER.- Honourable Members, I remind you that the debate is limited to one hour, pursuant to the resolution of Parliament. I now call on the Honourable Attorney-General to speak on his motion.

HON. A. SAYED-KHAIYUM.- Thank you, Mr. Speaker, Sir. The Television (Amendment) Bill 2020 seeks to amend the Act to provide for the mandatory licensing, online streaming services, such services as broadcast live sporting events on a pay-per-view basis.

Mr. Speaker, Sir, I do not want to go into the details but I will allow more time for Honourable Members to contribute towards it but essentially in a nutshell, we are seeking to have those companies

or individuals that are going to livestream events where they can make a commercial gain, they have to be actually licensed under this particular Act, Mr. Speaker, Sir.

The Principal Act, Mr. Speaker, Sir, we are seeking to amend to reflect those new changes to say, for an Act to amend the television and certain online streaming provisions.

Mr. Speaker, Sir, the Act itself will see the amendments. Essentially, it is a replication of the provisions that are applicable to television companies that need to operate under this particular Act, and this will protect sporting organisations. It will not undervalue the events over which they have copyright rights and also proprietary right in terms of the viewing.

HON. SPEAKER.- I thank the Honourable Attorney-General. The Honourable Leader of the Opposition, you have the floor.

HON. MAJOR-GENERAL (RET'D) S.L. RABUKA.- Mr. Speaker, Sir, this is a pretty straightforward one which we do not wish to oppose, but I wonder if we would be able to police this. How are we going to police it as people can set up their own livestreaming facilities and have their own arrangements for those who will be benefiting from the live streaming for some commercial benefits, which we are trying to avoid in this Bill?

The Bill is straightforward, we are getting to this era of technological developments and there will be more and more regulations and legislations that will come into place. It is the policing of them that will probably be the issue, so that is our concern.

I would also like to raise our regret that the participation of the provinces in the television industry in Fiji has now disappeared. They were involved in the original arrangement with Television Fiji and Television New Zealand with the Yasana Holdings, whether that has been replaced by the interest of Fijian Holdings and anything like that. This is a memory from the past so I do not know how that has evolved over time of the television industry development in Fiji.

We are in support of this Bill, but apart from clarifying the policing of it and also our participation in general perhaps, outside the ambit of this Bill should be clarified. Thank you, Mr. Speaker.

HON. SPEAKER.- I thank the Honourable Leader of the Opposition. Honourable Professor Prasad, you have the floor.

HON. PROFESSOR B.C. PRASAD.- Mr. Speaker, thank you.

HON. SPEAKER.- I am sorry, I could not see you.

HON. PROFESSOR B.C. PRASAD.- That is fine, Mr. Speaker, thank you.

I just have a very quick question which the Honourable Attorney-General can answer in his right of reply and this is something that people have brought to us, Mr. Speaker.

The main basis for the Bill is to stop, what we call, unscrupulous people to record live events for commercial purposes. Some people are asking the question, if people just record live events and share it with others without any commercial gain, they seem to be worried about it. My understanding is that the Bill does not apply to those kind of recording, so I hope the Honourable Attorney-General can clarify that.

HON. SPEAKER.- Honourable Attorney-General, you have the floor.

HON. A. SAYED-KHAIYUM.- Thank you, Mr. Speaker, Sir. Mr. Speaker, Sir, I thank the Honourable Leader of the Opposition for his support for this particular amendment. The issue about Fiji TV is still owned by Fijian Holdings Ltd as the majority shareholder and they are listed on the South Pacific Stock Exchange.

Regarding the query by Honourable Professor Prasad, as highlighted in the introduction of this Bill, this is for essentially commercial gain, so it is to prevent people from charging money. For example, I may be at a match and I want to show my cousin somewhere, who is not at the match, I can record it and then send it to him or her but I am not charging them any money for it. Some people, of course, may argue and say that if I am going to record the entire game and just share it on my *Facebook* page and I advertise in saying, “Guys, I am going to show you the entire game.” People may go to my *Facebook* page, and I am not making any money out of it.

Ostensibly, it is also undervaluing the proprietary rights of that particular rugby match or football match or netball match. So, these are the kind of issues they are going to deal with and it is very hard to police, but this is for commercial gain. There are people who have actually come into Fiji and there is one gentleman who came in, he was selling these boxes and he actually went off to the Office of the Solicitor-General saying, “I want to sell these.” They asked him a very simple question. “Do you have the copyrights over all the programmes you are going to show?”

I think it was actually advertised in one of the newspapers saying, “Buy \$200 for a box and you can watch all these wonderful programmes from all over the world.” But he was actually downloading all of that or showing all of that without paying any licence to the original owners of that particular copyright or the intellectual property, so he was stopped.

Recently, that same gentleman, I understand, was doing it for the Battle of the Giants. We rang up Fiji Football Association and said, “You actually may be in breach of it, so you need to geo-fence it.” We cannot control what he is doing offshore. He may be actually marketing it to people in New Zealand or Australia. A lot of Fijians who migrate suddenly become very passionate about anything Fijian. They will want to see every rugby match, every football match or anything that is happening in Fiji and they do not mind paying for it. This gentleman is using only one sort of camera and just recording the whole thing.

We had asked them to geo-fence it because on the other hand, Fiji Football Association or Fiji Rugby Union could be selling those rights to Fiji TV or FBC or MaiTV, and they go off and fork out thousands of dollars. But then the value of them paying for that is actually undermined, so that is the mischief that we are trying to address. Thank you.

HON. SPEAKER.- I thank the Honourable Attorney-General. Honourable Members, Parliament will now vote.

Question put.

Motion agreed to.

[A Bill for an Act to amend the Television Act 1992 (Bill No. 33/2020) enacted by the Parliament of the Republic of Fiji. (Act No. 32 of 2020)]

HON. SPEAKER.- Now, I call upon the Honourable Attorney-General, Minister for Economy, Civil Service and Communications to move his motion. You have the floor, Sir.

**COMPANIES (AMENDMENT) BILL 2020**

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, pursuant to resolution of Parliament on Monday 31st August, 2020, I now move:

That the Companies (Amendment) Bill 2020 (Bill No. 34/2020) be debated, voted upon and be passed.

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

HON. SPEAKER.- Honourable Members, the debate is limited to one hour, pursuant to resolution of Parliament. I now call upon the Honourable Attorney-General to speak on his motion. You have the floor, Sir.

HON. A. SAYED-KHAIYUM.- Thank you, Mr. Speaker, Sir. I will go to the heart of the matter because we had discussed on Monday some of the key points of the actual Amendment, but there are three or four fundamental principles.

There are entities that are set up for charitable purposes. Generally in Fiji, these entities are registered under the Charitable Trust Act. We had a lot of complaints from members of the public and the law was amended in 2013 to actually ensure that those entities registered under the Charitable Trust Act, provide an Annual Report to the Registrar of Titles. The Registrar of Titles is the repository and the Register where you can register a charitable trust.

Subsequently, we have also found, Mr. Speaker, Sir, that a number of these organisations or groups of people getting together are not registering necessarily under the Charitable Trust Act, but registering as companies, limited by guarantee. So, therefore, they are not necessarily caught by the Charitable Trust Act in terms of them to declare their annual account on an annual basis and make it available to the Registrar of Titles and anyone can go and check out their annual returns or annual accounts.

Mr. Speaker, Sir, the amendment seeks to address these two mischiefs, if you like, and find a solution. The first solution is in respect of the Charitable Trust Act, notwithstanding the fact that the Act was actually amended to ensure that all these organisations actually provided their annual reports or annual accounts, most of them have not been doing so and, unfortunately, the Registrar of Titles has not been enforcing it too.

So, the amendment to the Charitable Trust Act in this particular amendment that we are seeking is that, the Registrar of Titles has the ability now name and shame organisations. The Registrar of Titles can actually say, "All these registered charitable organisations have not provided their annual reports, this is the name of the organisation, these are the trustees of the organisation", and can publish them. A similar provision rests with the Fiji Revenue & Customs Service (FRCS).

The second issue is administrative, which is not part of this so we have asked the Registrar of Titles to please, enforce the law.

The second amendment has been sought and that is why it has come under the Companies (Amendment) Bill 2020 is that, it now requires that any organisation that has registered as a company under the Companies Act, limited by guarantee or otherwise for charitable purposes with the view of not making a profit, and in particular receives donations from members the public either individuals or organisations or Government or international organisations, international agencies, must also give their annual accounts to the Registrar of Companies. And should they not do so, then the Registrar

of Companies has the ability to name and shame these organisations. We have seen that there are couple of these entities that have been registered, frankly they have not filed their annual reports for the past number of years and that is not correct. Thank you, Mr. Speaker, Sir.

HON. SPEAKER.- I thank the Honourable Attorney-General. Honourable Members, the floor is now open for debate on this agenda item. Honourable Prime Minister, you have the floor.

HON. J.V. BAINIMARAMA.- Thank you, Mr. Speaker.

Mr. Speaker, I stand in support of the motion and I would like to say that with the COVID-19 pandemic and the increase in donations being made to entities for charitable purposes, there are serious concerns that many of those entities are not actually utilising the donations for the purpose for which the donations were made. The submission of annual returns and annual reports for charitable trusts and public companies, large private companies and management investment schemes, provide public accountability and transparency.

If those entities receive donations for a charitable purpose, this would be reflected in their annual returns and annual reports. Specifically, as you have heard the Honourable Attorney-General mention, section 29A of the Charitable Trust Act 1945, requires every charitable trust to submit an annual return to the Registrar of Titles, at least, once in every year.

The annual return must contain a copy of the audited annual accounts of the charitable trust and where a charitable trust fails to submit an annual return, the Registrar of Titles is required to cancel the incorporation of that charitable trust, unless the Registrar of Titles is satisfied that there are good reasons for the failure to submit the annual return.

The Registrar of Titles has not been cancelling the incorporation of charitable trusts as required under section 29A, as we have heard from the Honourable Minister for Economy, thus, it is imperative that the enforcement of the provisions of the Charitable Trust Act is improved.

Mr. Speaker, Sir, prior to the COVID-19 pandemic, a number of entities registered charitable organisations as private companies under the Companies Act, rather than as charitable trusts under the Charitable Trust Act. As the Companies Act does not require small, medium and private companies to prepare their financial statements and submit annual reports, unless their own members require it, these companies' activities do not fall within the regulatory oversight framework of charitable trusts.

The Companies (Amendment) Bill 2020, Mr. Speaker, seeks to amend the Companies Act to require companies that receive a donation, whether in cash or in kind from any other person or entity, whether locally or from abroad for a charitable purpose, to prepare their financial statements and to lodge their annual reports with the Registrar of Companies within four months after the end of the financial year.

The term 'charitable purpose' is defined, as we have heard, Mr. Speaker, is having the same meaning as defined in the Charitable Trust Act, and the Companies (Amendment) Bill also empowers the Registrar of Companies to name and shame companies that fail to prepare their financial statements and lodge their annual reports with the Registrar of Companies.

Thank you Mr. Speaker, Sir, and I support the motion.

HON. SPEAKER.- I thank the Honourable Prime Minister. Honourable Kumar, you have the floor.

HON. P.D. KUMAR.- Thank you, Mr. Speaker, Sir. It would come as a great surprise to me that anyone sitting in this Parliament would even consider speaking against the tabled amendments to the Companies Act 2015 which is before us. Certainly, not from the Opposition, who only recently raised in Parliament the very issue of transparency being linked to annual reports and the important role that annual reports play.

Mr. Speaker, Sir, the underlying principles of accountability, transparency and avoidance of misuse of funds given to charities or NGOs, particularly through donations and charitable activities, is self-evident and a cornerstone of good governance of all organisations and institutions across every sector in Fiji. The NGOs and charitable companies must not be separated from this good governance requirements.

Mr. Speaker, Sir, no one who is in a leadership or decision-making role of an organisation, who acts with propriety and in the best interests of the charity and the Fijian people, would think twice about this amendment. In fact, they would welcome it as a confirmation of the commitment to the highest ethical and operational standards.

All good people who do good works sitting on charitable and NGO Boards and Committees, would want those who donate or contribute funds to know their verified audits and reports, that their charities' funds have been properly managed, accounted for and distributed solely for the purpose of the charity.

Mr. Speaker, Sir, there are many in this country who sit on charitable Boards and who act with the highest standards and they would want to clearly, humbly and respectfully show evidence of the operational excellence of their charity by ensuring that timely and independently verified annual financial statements and annual reports are communicated to all.

Mr. Speaker, Sir, our Government's commitment to modern professional standards in this area reflects good practice instituted for charitable organisations elsewhere in the world. Furthermore, charity scams and the misuse of funds are on the rise in some countries and it is imperative that we are vigilant here in Fiji. Mr. Speaker, Sir, let me share a few examples of what is happening globally in this phase.

In the United Kingdom, the practice is as follows. The Charity Commission of England and Wales registers and regulates charities, to ensure the public can support charities with confidence. They ensure charities can thrive and inspire trust. They hold charities to account, deal with wrong doing and harm, inform public choices, give charities the tools and understanding they need to succeed and keep charities relevant for today's world. They can take enforcement action where there is malpractice or misconduct found in charities, and they ensure charities meet their legal requirements for reporting and accountability.

Mr. Speaker, Sir, our next door neighbour, Australia, the practice is as follows. The Australian Charities and Not for Profit Commission was established under the Act. It registers and regulates Australia's 58,631 charities. Its purpose had been built on those of the UK's Commission. The names of all directors or committee members of a charity are publicly available on the website upon registration of a charity.

It is legislated requirement that all charities in Australia are to provide an annual information statement. The annual information statement of charities are then available on their website. Again, transparency and accountability, and the protection of all those impacted by charities' activities, including service delivery and fundraising, are the underlying principles.

In India, Mr. Speaker, Sir, many States and central government agencies have regulatory authority over Not for Profit Entities. For example, all Not for Profit Organisations are required to file annual tax returns and audited accounts statements with various government agencies.

All the CSOs in India need to comply with Government legislation that regulates the sector. These are in place to ensure CSOs meet a basic level of public accountability. They include practices like, disclosing financial records and detailing the activities the CSOs undertake. The example of India is to show the common theme which is, accountability and transparency to people and to the donors.

Mr. Speaker, Sir, Fiji is not the first country seeking disclosure from Not for Profit Organisations and charities. We do not have to go too far, we are aware of the Peoples Community Network (PCN) case which is before the Court. It is related to Lagilagi Housing Project and some of the members even approached me in terms of what the Ministry of Housing is going to do in this case. Again, if this particular institution was providing regular financial statements and annual reports, at least, that would have given us the red signals.

Mr. Speaker, Sir, I do not see any reason why we should not support the Bill. I thank you for the opportunity and I support the motion before us. Thank you.

HON. SPEAKER.- I thank the Honourable Minister. Honourable Aseri Radrodro, you have the floor.

HON. A.M. RADRODRO.- Thank you, Mr. Speaker, Sir. I rise to make a short contribution on the Bill before us, Bill No. 34 of 2020, to amend the Companies Act 2015. To start off, Mr. Speaker, Sir, I think there needs to be a show of intellectual honesty by the mover of this motion.

Mr. Speaker, Sir, the intent of this Bill, as stated under the Clause 1.2, is to require charitable trusts registered under the Charitable Trust Act to prepare audited annual accounts and it is possible for charitable organisations to avoid the requirements by opting to not register as a charitable trust at all but instead, incorporate a small or medium private company under the Act. And by doing so, such companies may operate without the need to submit audited accounts or annual financial statements, unless their own members require them to do so.

Mr. Speaker, Sir, the Charitable Trust Act was amended in 2013 because prior to that, the Act does not require the organisations that are registered under the Charitable Trust Act to submit the necessary documents, like annual accounts and annual reports of charitable trusts. In 2013, it changed all that and yesterday or the day before, we were discussing about the COP 23 Presidency Trust Fund.

Mr. Speaker, Sir, before I delve into the details of that, I would just like to inquire with the mover of the motion, the Honourable Attorney-General, about Legal Notice 78 regarding definitions of charitable trusts that was dated 1st September, 2020, and the definition that has been stated there. It says that for charitable purposes, it is community development through targeted programmes in urban, rural and maritime regions; development initiatives in the agriculture sector; development initiatives for youth in communities, urban, rural and maritime regions; the welfare of animals; the provision of food, medicine and relief supplies. This is dated 30th day of August, 2020.

Mr. Speaker, Sir, by looking at this definition, I am not a legal person, but it is very wide ranging. So the question that I need to ask the Honourable Attorney-General is, does this include religious organisations, school bodies who have formed charitable trusts, also under the same arrangement?



Mr. Speaker, Sir, there is also the Land Bank arrangements. We have the iTLTB and then we have the Land Bank. The trustees are created under the Land Bank arrangement, so do they fall under these amendments?

The lacuna that has been highlighted in this Bill, Mr. Speaker, Sir, just wanted to address that all companies need to disclose all the donations that have been received by the companies, whether in cash or in kind. The question is, is the 2013 amendments not enough to address this?

Because it is the role and responsibility of the Registrar of Titles to ensure that these charitable trusts do their annual reports and annual audits and submit accordingly, but if they do not, why can they not just do the name and shame as being highlighted also in this....

(Honourable Member interjects)

HON. A.M. RADRODRO.- Why do we have to amend the Companies Act? Why can we not just edit and amend the Charitable Trust Act? Why do you to bring it into the Companies Bill?

(Honourable Members interject)

HON. A.M. RADRODRO.- Why do you have to register there when it is already registered under the Charitable Trust Act?

(Honourable Members interject)

HON. SPEAKER.- Order!

HON. A.M. RADRODRO.- The other issue, Mr. Speaker, Sir, is the role and responsibilities. It is a question of good governance. When this comes under the Companies Act, there is penalty that also comes with those that do not comply with the Companies Act.

If you see the Companies Act, there are different types of companies that are listed there. Even this does not specifically distinguish the type of companies that will be included in the Companies Act and the roles that its trustees or its directors will have to play. It just says, name and shame. What about the roles of the trustees?

That is why, Mr. Speaker, Sir, I stand to strongly oppose this Bill, unless there is a clear clarification from the mover of the motion.

HON. SPEAKER.- I thank the Honourable Radrodro. Honourable Qionibaravi, you have the floor.

HON. ADI L. QIONIBARAVI.- Mr. Speaker, Sir, just a short contribution, I would like to ask a question to the Honourable Attorney-General.

I remember of a body registered under the Companies Act as a company without share capital and limited by guarantee. We have been required by FRCS to submit audited accounts and file tax returns yearly, and we have been complying with that. My question is, how does that requirement by FRCS gel with the proposal that you are making to the House today?

HON. SPEAKER.- Thank you. Honourable Qereqeretabua, you have the floor.

HON. L.S. QEREQERETABUA.- Thank you, Mr. Speaker. I have to come over here because our microphones do not appear to be working.

Mr. Speaker, I just wanted to say a few words. If we are talking about transparency, accountability and good governance, can I just ask, what is the delay in the enactment of the Code of Conduct legislation that binds us Members of Parliament to ethical standards?

The Standing Committee on Justice, Law and Human Rights tabled its review report on the Bill in April last year but it has not been brought to the floor of Parliament for debate and I just wanted to know why.

We saw double standards this week when the report on the Madrid Protocol by the Standing Committee on Foreign Affairs and Defence, was tabled on Monday, debated and passed two days later on Wednesday or yesterday, but this important legislation - the Code of Conduct legislation, was first moved in this House in April 2016, revived in November 2018 after the Elections, reviewed and tabled in April 2019, is gathering dust.

While we have been asked to order charitable organisations to be transparent, we ourselves are not bound by any ethical standards that this Government has bragging on about. Also, Mr. Speaker, Sir, I just want to ask the Honourable Minister that he defended the COP 23 Trust Fund by saying that some donors do not want to be named and that is why they are not publishing the list of donors, why the change in the situation? What if some donors to charitable funds do not want to be listed as well.

Just to reply to the Honourable Prime Minister, you made a claim that some of these organisations are not using donated funds for their intended use, where did you get that information from? Thank you, Mr. Speaker.

HON. SPEAKER..- I thank the Honourable Member. Honourable Ro Kepa, you have the floor.

HON. RO T.V. KEP A.- Thank you, Mr. Speaker, Sir, mine will be a very short contribution.

Mr. Speaker, we are living in hard economic times but this latest amendment to the Companies Act is the third one since 2015, which makes Government look really desperate. It is good to ensure uniform compliance, Mr. Speaker, the standards and obligations under the law. However, the timing of this pursuit of charitable companies, many of whom do important work to supplement the Government's social welfare obligations, makes it look like a witchhunt.

Charitable companies also do work to help the community and the underprivileged where Government simply cannot go, for example, the Home of Compassion and St. Vincent de Paul, are just a few of the charitable organisations that have been up and running for years. What kind of consultation has been taken up with those organisations to tell them about this new Bill that is being fast-tracked in this House today?

My question here, Mr. Speaker, is what about our *sol i*? This is the *sol i* that we give every Sunday in church and because of COVID-19, people have been asked by some religious bodies that if they cannot attend the church, to send it to the bank account. So, where is this Bill in terms of the faith-based organisations, in terms of the *sol i* and their fundraising, to be sure that there may be some charitable companies who may not be compliant and one or two entities may be taking advantage of the situation? Government has been quite heavy-handed in the past. Honourable Attorney-General, you should go after the big tax evaders, not the charitable organisations.

The accompanying explanatory note on 1.6 which empowers the Registrar of Titles to name and shame, this is very shameful. You should be ashamed, Honourable Attorney-General. To name and shame those charitable trusts which do not comply with stringent reporting requirements, sets a depressing, mean-spirited and negative tone.

You should try to work in partnership, Honourable Attorney-General with other organisations, especially those who do work that governments cannot do and conduct proper consultations and dialogue before coming down heavy-handed on them. Thank you, Mr. Speaker.

HON. SPEAKER.- I thank the Honourable Ro Kupa. Honourable Attorney-General, you have the floor in your reply.

HON. A. SAYED-KHAIYUM.- Thank you, Mr. Speaker, Sir. I actually thought that the Honourable Members from the other side would support this because it actually does ensure that those people who donate funds know that the money is actually being spent for the purposes for which that particular organisation holds itself out to be. It is very simple.

Honourable Aseri Radrodro, let me start with you. This Act that came into being in 1945, it says, and I quote:

“charitable purpose” includes any of the following purpose, that is, to say:-

- (a) the supply of the physical wants of sick, aged, destitute, poor, or helpless persons, or of the expenses of funerals of poor persons; (that is definition one)
- (b) the education (physical, mental, technical, or social) of the children of the poor or indigent;
- (c) the reformation of criminals, prostitutes, or drunkards;
- (d) the employment and care of discharged criminals;
- (e) the provision of religious instruction, either general or denominational, for the people;
- (f) the support of libraries, reading-rooms, lectures, and classes for the instruction of the people;
- (g) the promotion of athletic sports and wholesome recreations and amusements of the people;
- (h) encouragement of skill, industry, and frugality;
- (i) rewards for acts of courage and self-sacrifice;
- (j) the erection, laying-out, maintenance, or repair of buildings and places for the furtherance of any of the purposes herein mentioned; such other purpose as may be declared by the Minister to be a charitable purpose.”

It is very wide already, so do not accuse us of making it wide on 1st September. All those areas that you read out, was not what was there from the beginning, what you read out was what we have amended, as the powers given to the Minister.

- (1) Community development through targeted programmes in urban, rural and maritime regions. We are seeing organisations going out and collecting money for these purposes.
- (2) Development initiatives in the agriculture sector. There are some organisations cropping up saying they are going to support the agriculture sector, we do not know where the money is going.
- (3) Development initiatives for youth and communities in urban, rural and maritime regions.

- (4) The welfare of animals.
- (5) The provision of food, medicine and relief supplies.

There are people setting up ad hoc organisations, we have seen after post-TC *Winston* and they go out and hold themselves out to donors saying, “We supply relief supplies.” So people actually do not go to credible organisations, like Red Cross, they start giving it to those individuals who suddenly become charitable people but half the money is gone.

We saw organisations that, for example, said, “Please, you may recall after *TC Winston*, we said we will exempt people from paying VAT if they brought in donated goods.” They brought in containers and what we found that all those goods were being sold - no duty, no VAT but they are pocketing the money. That is the mischief it is trying to address.

Mr. Speaker, Sir, the other point raised by Honourable Aseri Radrodro was, what about faith-based organisations? They do not register under the Charitable Trust Act, they are registered under Religious Bodies Registration Act 1881. So, please, do not try and obscure all of those issues or create some kind of opaqueness in what we are doing. This is a very simple provision.

Honourable Qereqeretabua, you did not actually speak on the Act itself. She talked about the two Bills which no other Government, even though it was a requirement under the much lauded 1997 Constitution by NFP, it said “that Parliament must make laws”. The Honourable Leader of the Opposition should know this, so there should be laws regarding code of conduct for public office holders, including Members of Parliament (MPs). They did not put in place any laws.

It was the Bainimarama-led Government and the FijiFirst Government that actually brought the two Bills for Code of Conduct, before this Parliament. It went to the Committee and now we have to review it, it is before this Parliament. So, please, do not be a distraction, in fact, I was not going to raise this actually, Mr. Speaker, Sir.

The audacity of asking the Honourable Prime Minister, where are you getting this information from? If a charitable organisation is doing the right thing, is receiving donations, what is wrong in them simply supplying their annual accounts. What is wrong with that? Why are you being so conspiratorial about it? What is the fear? Do you think those organisations are your political agenda?

Mr. Speaker, I think that is what they are worrying about.

(Honourable Opposition Members interject)

HON. SPEAKER.- Order, order!

HON. A.SAYED-KHAIYUM.- In fact, Mr. Speaker, Sir, I am admitting this publicly, one thing that I personally cannot stand is hypocrisy, when people say one thing and they do something else. They pontificate about transparency but actually do not practice it.

Last week, Ben Qionibaravi from our Office wrote to the Supervisor of Elections who is the Registrar of Political Parties because we have had our list of donors published. That is fine, we do not go and do anything about it. I think Mick Beddoes has published it online, that is fine. So we said, “Let us find out if NFP and SODELPA are actually compliant.” Lo and behold, Mr. Speaker, Sir, SODELPA is compliant, they have been supplying their list of donors, and the response that we got from Mesake Dawai, the Registrar of Political Parties says, “The Fijian Elections Office is currently dealing with compliance matters in getting NFP to submit their list of donations.” This

Party has not supplied its list of donors since about 2014 and 2015. Not at all! This is why Mr. Speaker, Sir....

HON. PROFESSOR B.C. PRASAD.- A Point of Order, Mr. Speaker, Sir. That is an irrelevant aspect of his speech.

(Honourable Members interject)

HON. SPEAKER.- Order, order!

HON. PROFESSOR B.C. PRASAD.- The issue of NFP's account is with the Supervisor of Elections. We submitted audited accounts, re-audited by the Office of Auditor-General and if the Supervisor of Elections did not have those requirements from 2015 and when he found out that it should have been there, he requested us.

We have supplied all the list of donors to him, whatever discrepancies that he has identified will be sorted out within. Let us not bring that issue that is currently with the independent office of the Supervisor of Elections. He will have the pleasure to see the list of donors, Mr. Speaker.

(Honourable Government Members interject)

HON. SPEAKER.- Order, order!

I thank the Honourable Professor Prasad. Honourable Attorney-General, you have the floor.

HON. A. SAYED-KHAIYUM.- Thank you, Mr. Speaker, Sir. The fact of the matter is, I already have the list of donors, I am not going to publish it. I really do not care who donated to your Party, and that is their personal choice, we do not want to publish it, like you people want to do.

What we are concerned about is that you come here to this Parliament and pontificate about transparency, yet you yourself have not complied with the law. SODELPA did, FijiFirst did, you did not. Accept it!

Mr. Speaker, Sir, this is the type of hypocrisy that I am talking about. Whether the accounts were audited or not, that is another issue but the fact of the matter is that, there was a legal requirement that the two largest political parties in this Parliament complied with. You did not, that is the fact!

HON. PROFESSOR B.C. PRASAD.- That's not true!

HON. A. SAYED-KHAIYUM.- This is why Mr. Speaker, Sir, Mesake Dawai actually says, "We cannot give you the list", and that they have given NFP time until Wednesday to comply with that.

This is why I keep on saying, and this is why it is very frustrating, we need to come here with clean hands. We need to come here on a principle and valid basis, and to come and do the side-track distractions, make all those kinds of comments, Honourable Qereqeretabua, find out what is happening in your party?

It is very interesting Mr. Speaker, Sir, I have been through the list. If you look at our list of donors, we actually have names. Over here in their list of donations, they actually have fundraising dinner or something \$70,000. *Goshfulia* which means, puri and meat - \$40,000. How many people contributed to that? Who were the people? You will never find that in our accounts, Mr. Speaker,

Sir. So, please, let us get back on track. When the two largest political parties can comply with the law, what is wrong with NFP not complying?

Mr. Speaker, Sir, the other point I also wanted to make was the issue about the name and shame.

(Honourable Members interject)

HON. SPEAKER.- Order, order!

HON. A. SAYED-KHAIYUM.- Honourable Kepa talked about the name and shame. Mr. Speaker, Sir, we already have the name and shame provisions in the Fiji Revenue and Customs Service. They do, do that, we are going after the big taxpayers, in fact, compliance has increased significantly. In the 2006-2007 World Bank Report, they had said that one-third of the Fijian economy was in the black, we are happy to say that the level of blackness has reduced in the Fijian economy.

Mr. Speaker, Sir, the reason why we are doing this name and shame and, again, I go back to the fundamental principle. Honourable Qionibaravi, the fact of the matter is that, if your organisation has been set up and the public is giving you money, so your company is limited by guarantee because you do not receive public donations. Your company from memory does not receive public donations, you are limited by guarantee I think for educational purpose, I cannot remember. That is what you are doing but you do not receive donations.

If you are going to receive donations, so if Honourable Nawaikula comes along and says, I think that your company, limited by guarantee, is a company that I should donate my money to because you set up for the purpose of education, then he is entitled to know how that money was actually spent. It is very basic. If you have a limited liability company where you do not receive donations, that is fine, he can do whatever he likes, just simply comply with whatever law exists.

That is all we are saying, the name and shame, Mr. Speaker, Sir, is because notwithstanding the fact that since 2013 charitable organisations were required to give in their accounts, most of them have not been complying. If tomorrow we go and de-register them then you will say, "Hey why have you got rid of this charitable organisation, it was doing good work". So, one step you can take is to de-register them altogether, or we name and shame them, bring them in line, their donors say, "Hey, please, reveal your accounts, then we will start donating to you." That is the whole purpose of it.

In the same way, we have name and shame at FRCS. So, that naming and shaming extends to those registered in the Charitable Trust Act and those charitable organisations that are registered as a company limited by guarantee that receive donations. You will see that specifically in the actual Bill itself, where the definition is actually given. Thank you.

HON. SPEAKER.- I thank the Honourable Attorney-General.

Honourable Members, Parliament will now vote.

Question put.

Motion agreed to

[A Bill for an Act to amend the Companies Act 2015 (Bill No. 34/2020) enacted by the Parliament of the Republic of Fiji. (Act No. 33 of 2020)]

HON. SPEAKER.- Honourable Members, we will now suspend proceedings for lunch. Parliament will resume proceedings at 2.30p.m.

The Parliament adjourned at 12.56 p.m.

The Parliament resumed at 2.30 p.m.

HON. SPEAKER.- Honourable Members, I now call upon the Honourable Attorney-General to move his motion. You have the floor, Sir.

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, with your indulgence, I was trying to get your attention but I wanted to raise a point of order under Standing Order 62(1) that says, and I quote: “When speaking a member must not impute improper motives to any other member.” If I could raise a point of order, Sir?

HON. SPEAKER.- What is your point of order, Honourable Attorney-General?

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, the general point of order is under 74, but specifically it is under Standing Order 62(1). I wish to raise a point of order and clarify on Honourable Tuisawau’s response that in 2018, I stated Waqavuka is 100 percent Fiji Airways owned. Now, the Honourable Tuisawau has researched further and now taking my statement out of context.

What I essentially meant was that, once the loan has been fully paid, the ownership of this SPC and that the title of the aircraft is transferred back to the airline. That was what was raised. There are about five or six pages which, Mr. Speaker, Sir, in this instance, could be Fiji Airways.

Fiji Airways has the right to take ownership of the aircraft back from the SPC. This is Fiji Airways legal right under the lease agreement between Waqavuka and Fiji Airways. This is what Waqavuka Financing Limited is, SPC, as part of the aircraft acquisition process.

Mr. Speaker, Sir, I had further provided explanation available in the *Daily Hansard* on 19th February, 2020. I refer Honourable Tuisawau to that too. In February, I further clarified to which I reiterated that the Opposition, again, has a particular agenda. It would seem, Mr. Speaker, Sir, that the Opposition was not able to grasp the complexities involved with aircraft financing. I urge the Honourable Member to refer to the contribution I had made in the February Sitting which clarifies the issue.

Also, this morning, I further clarified the workings of Waqavuka, Mr. Speaker, Sir, and I, again, urge him, please, do not impute improper reference. Thank you.

HON. SPEAKER.- Thank you. Honourable Attorney-General, you have the floor now to move your motion.

### **IMMIGRATION (AMENDMENT) BILL 2020**

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, pursuant to the resolution of Parliament on Monday, 31st August, 2020, I move:

That the Immigration (Amendment) Bill 2020 (Bill No. 34/2020) be debated, voted upon and be passed.

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

HON. SPEAKER.- Honourable Members, the debate is limited to one hour, pursuant to resolution of Parliament. I now call upon the Honourable Attorney-General to speak on his motion. You have the floor, Sir.



HON. A. SAYED-KHAIYUM.- Thank you, Mr. Speaker, Sir.

The Immigration Act was promulgated in 2003 and commenced in 2005. The amendment, Mr. Speaker, Sir, seeks to achieve a number of the following policy objectives which include, for example, clarification of ambiguities, correct the redundancies in the Act when it was originally drafted and, of course, align the age range of a child from 21 years to 18 years which is the definition of a child now.

Mr. Speaker, Sir, these amendments are necessary to bring clarity to the Act and facilitate proposed amendments to the Citizenship of Fiji Act 2009 and Immigration Regulations, as we have seen on Monday that we have three Bills that are related to the Immigration Department now, which is the Passports (Amendment) Bill 2020, Citizenship of Fiji (Amendment) Bill 2020 and, of course, the Immigration (Amendment) Bill 2020.

Mr. Speaker, Sir, without taking up too much time, we have already discussed many of the issues pertaining to this. We have provided clarification, now I would like to open up the floor for debate and wish to clarify any anomalies that may arise, or any clarification. Thank you, Mr. Speaker, Sir.

HON. SPEAKER.- I thank the Honourable Attorney-General.

Honourable Members, the floor is open for debate. Honourable Ratu Naiqama Lalabalavu, you have the floor.

HON. RATU N.T. LALABALAVU.- Thank you. Mr. Speaker, Sir, I rise to make some contributions on the Bill that is before this august House and in doing so, I apologise for jumping the gun a bit when the Bill was introduced for the first time. I got confused because you even allowed debate when it was only the first reading, and since it is now up for debate in this particular instance, I, therefore, wish to bring to the notice of the Government of the day the issues that I have regarding the child. Perhaps, if I may rephrase the sentence that I had used earlier on, to be more clearer in what I was trying to drive at here, Sir.

Sir, I would like to bring the attention of the Honourable Attorney-General to the Immigration Act 2003, especially under section 8(i) and in particular section 8(g), which allows the following categories of persons that are entitled to enter, reside and work in the Fiji Islands without having obtained a permit under this Act. In particular for this amendment, Sir, we are talking about children, or addressing the child as well.

We, on this side of the House, would like to bring to the notice of Government that this was something that was there to take care of children that were born outside of Fiji. They have been given citizenship or passport to that effect wherever they were born and in particular, Sir, I declare my interest here, with regards to children who belong to those who are serving in the British Armed Forces, not forgetting the Fiji residents' children who reside overseas.

The provisions that used to be there but was amended in 2007 and now, we are bringing in this particular amendment again, we only wish to raise this issue right here because when these children come back to Fiji with their parents, who happen to be registered in the Vola ni Kawa Bula (VKB), it is very difficult for them to enter.

We fully understand the meaning of what it is that when one is registered in the VKB, they are able to access their *mataqali* land and their land is the *vanua* and the *vanua* is sovereignty. However, when parents come back with their children who were born overseas, it is very difficult for

them to enter. Now, they can either apply for citizenship overseas, which makes it difficult for them to enter, or they can either enter now to apply for citizenship.

When you compare it to section 8(1)(g), it kind of gives the allowance there by virtue of them being registered in the VKB, their parents and some of our children as well are registered in the VKB. By virtue of that, still with new amendments and the amendment of the Immigration Act 2007 that has resulted in some of the children coming back, even though they have been providing remittances, et cetera, they are being treated like visitors now, even though part of them are being registered here in the VKB to the respective *mataqalis* in which their respective parents belong to. It is that anomaly that we see that affects children. If we receive remittances from these citizens, children or family of ours that are abroad, we can understand, Sir, how important it is to address the issue of remittances.

Remittances is well known to the Honourable Attorney-General. It was hovering around \$500 million to \$700 million as revenue for Government every year before the pandemic but now, it has gone down. In effect, Sir, most of the people who are going to be involved are members of our community. Just because of the opportunity to work abroad, for education, et cetera, their children are going to miss out, and when they come back, they will be treated as visitors.

So, the suggestion here, Sir, the powers under section 9(2) of the present registration, if the PS's are allowed to provide permits to visitors who want to come and visit, reside and work, what about the extended family of ours when they come back? Would they be given some kind of indefinite visa, so to speak, right at the border, instead of them going through a process that takes quite some time, quite long and quite embarrassing as well, for them to be taken to the side and be thrown questions at, et cetera? Perhaps, if something could be simplified here, to go back to what was there then and to ensure that if they have been registered in the VKB, they are part of us. That is all I want to raise, Sir, thank you.

HON. SPEAKER.- I thank the Honourable Member. Honourable Professor Prasad, you have the floor.

HON. PROFESSOR B.C. PRASAD.- Thank you. Mr. Speaker, I want to refer to Bill No.35 as well, and say something about Bill Nos. 36 and 37 because I believe, Mr. Speaker, that these Bills have been rushed to Parliament in comparison to what the other Bills were.

It is understandable that they came under Standing Order 51 but having looked at these Bills a little bit more, Mr. Speaker, the immigration laws, citizenship laws, residency laws and visitors' permits are very important laws. However, it determine a number of considerations for countries globally. When we look at investment, tourists or anyone, whether they are investors or people looking at a particular country, they would be looking at all those laws and I think it is very, very important for us to refer these Bills to the Committees so that there is some consultation with the appropriate stakeholders.

I have had some discussions with a few people in the last two days, Mr. Speaker, and I agree with their sentiment. I think the Bills do not have clarity in terms of the transition, for example, the citizenship law, whether someone who decided to come to Fiji to work, knowing that in five years' time they would be able to apply for citizenship or be able to live here. What is going to happen when, for example, someone has completed four years and it was just going to have another year to be eligible for citizenship in five years?

I have looked at a lot of other countries as well, like Australia, New Zealand, United States of America, countries where our people go, citizenship laws require five years in America and in five years, if you are a spouse, you have only two years. So, I think we need more discussion on these

Bills, Mr. Speaker, because it is going to send an important signal and I think post-COVID around the world, these laws would be really important. People would be looking at better countries already which are changing these laws, offering citizenship, changing their immigration laws residency requirements to bring tourists and investors.

There are a lot of countries which are in the process of looking at these laws, Mr. Speaker, from the point of view of investment, tourism, et cetera. I think it is important for these Bills to be discussed more extensively by our own people in this country and also time for others, who might be sitting out there in overseas, looking at opportunities in Fiji and comparing Fiji with countries in the Indian Ocean, the Caribbean, which are already interestingly changing their citizenship laws and immigration laws. Perhaps, we need a bit more discussion and a much extensive consultation and discussion to see whether we have got all the grounds covered.

I actually urge the Government to withdraw this Bill and refer this to a standing committee. Thank you, Mr. Speaker.

HON. SPEAKER.- I thank the Honourable Member. Honourable Prime Minister, you have the floor.

HON. J.V. BAINIMARAMA.- Thank you, Mr. Speaker. I rise to speak on the Immigration Bill. I just want to tell Honourable Professor Prasad that he is talking on the wrong Bill - he should be talking on the Immigration Bill and not the Citizenship Bill. At any rate, for someone to become a citizen, it no longer takes five years. You have been told that in this House.

Mr. Speaker, the Immigration Act provides safety and security for our nation through the securing of our borders and at the same time, maintain adequate level of control mechanisms on movement of people.

In addition, to combat transnational crimes, such as human trafficking and trafficking in persons, the Immigration (Amendment) Bill 2020 seeks to amend the Immigration Act to achieve the following policy objectives, to:

- (i) clarify ambiguities and correct redundancies in the Immigration Act;
- (ii) align the age range of a child in the Immigration Act to under 18 years in accordance with the Constitution;
- (iii) remove the requirement that permits must only be issued for three years at first instance, so as to allow for permits with longer terms which provide greater assurance to permit holders;
- (iv) assure persons who may be granted a permanent residence permit on the basis of an investment in Fiji that their permits may only be revoked if there is a clear breach of the conditions of the permit applicable at the time the permit was granted; and
- (v) increase the penalties for certain offences under the Immigration Act.

Mr. Speaker, those amendments are necessary to bring clarity to the Immigration Act and to facilitate proposed amendments to the Citizenship of Fiji Act 2009. The Immigration Bill clarifies the powers of the Minister for Immigration in allowing the entry of visitors who had overstayed their permit and amend the prescribed penalties. In addition, Mr. Speaker, the Bill corrects the cross referencing of the list of offences in Schedule 3.

Based on those remarks, Mr. Speaker, I support the Bill. Thank you.

HON. SPEAKER.- Thank you, Honourable Prime Minister. Honourable Jale, you have the floor.

HON. A. JALE.- Thank you, Mr. Speaker, for allowing me time to contribute to this motion. My father's brother joined the British Army in 1961, he was in the United States for 21 years. He married in USA, had children and has since passed on.

Section 1(g) of the Immigration Act 2003 allowed Fijians who are registered in the VKB to enter Fiji and to stay in Fiji for the duration that they would like. They did not need to have a visa to enter Fiji, so that was the situation in 2003. That section of the Immigration Act was changed in 2007 through a promulgation. This is the promulgation that was brought about in 2003, removing section 1(g), and this is the issue that I would like to raise - section 1(g) has been deleted.

My uncle left Fiji to join the British Army because Fiji was the British colony at that time. He went there to serve this country and also serve the Commonwealth as Fiji was part of. My cousins were born in Britain and through marriage, are not allowed to enter Fiji when they wish to come. They are registered in the VKB, they have customary rights to our land in Ono-I-Lau but when they want to come here, they have to apply for a visa to come.

I am pleading with the Government, let us reconsider that. To me, it is really unfair. Why was that change made? Why was change made for people who are registered in the VKB to enter their country? That is what I am asking and I am asking the Government of the day, please look at what was there in 2003 and why was it changed?

I would like those who are born abroad, but are registered in the VKB to be treated equally as us because they are part of Fiji. They own land in Fiji and they are registered in the VKB so they should not be discriminated, that is what is being done to them. They are Fijians and they should be respected and treated equally.

I would like to say a few things here so that the Government knows. When I drink grog with *iTaukei* in Fiji, they bring a lot of issues to me. They raise issues about the ill concerning the economy (that we are facing at the moment) and other issues that are of grievance to the *iTaukei* in Fiji. They always say and blame only one person who, in their view, is causing all these. They blame the Honourable Attorney-General for all the ills and all the problems that the *iTaukei* are facing at the moment. I would like to raise that so that he knows.

They do not point a finger at the Honourable Prime Minister but they point a finger at him. They do not point a finger at any other *iTaukei* Member of Parliament on the other side, they only point a finger at him. I am asking them to, please, take note of the concerns of the *iTaukei* in Fiji and what the *iTaukei* people are asking. What is the Honourable Prime Minister doing? What are the other Members of Parliament on the other side doing when they see the erosion of the rights of the *iTaukei* in the Constitution and some of the policies of this Government? Thank you very much, Mr. Speaker, Sir.

HON. SPEAKER.- I thank the Honourable Jale. Honourable Gavoka, you have the floor.

HON. V.R. GAVOKA.- Thank you, Mr. Speaker, Sir. I also wish to speak on this motion but similar to what the Honourable Professor Prasad has said, I would really urge the Government to withdraw these Bills. I know we are talking about immigration now but I think this applies to the citizenship of Fiji and passports also. I think these Bills have far-reaching consequences on our country and I think it needs to go to the Committee for this to be properly discussed.

A lot is at stake and I think the right thing to do is, to take it to the people and hear what they say. For me since Monday, people have been calling me, people who have been here for four years and they were hoping to be naturalised after five years were asking, what will happen now? We have created a lot of anxiety with the people in Fiji, our own people and those who are hoping to be naturalised as citizens of the country. So it came as a shock to them and they know that it is going to be law, it is going to be passed today. We know that the Government will prevail over this and it will be law in the next few days and it is causing a lot of anxiety in the community.

Mr. Speaker, Sir, on the issue of *iTaukeis*, what the Honourable Ratu Naiqama and Honourable Jale have indicated is very true. I go back to the time I was a young parent with my children who were born at that time and it was always the advice of Ratu Sir Penaia Ganilau, the Governor-General then, later the President, the *Tui Cakau* then that whatever you do, you must register your children in the VKB. These came out very strongly to every *iTaukei* parents at that time, and I am going back to when my children were born in the 1970s.

He prevailed on us over and over again, "There are not many of us in this planet," he always said that. "Make sure you register the children in the VKB." And when they are registered, we believed then and we believe today that they should have all the rights that we have, either if you live in the United Kingdom (UK) or live in Fiji. They should not have to ask for permits in this country, they should not have to be treated as someone who cannot get employment in this country. That is what we understood when we were growing up, the security that you are an *iTaukei* and that you are in the VKB.

Mr. Speaker, Sir, that underscores the gravity of what we are discussing today and I just wish that Government will relook at it and withdraw these Bills and we do it another time. It needs to be done but done properly because the repercussions and ramifications to our people can be quite severe.

That, Mr. Speaker, Sir, is my plea to the government, please withdraw these Bills and let us do it another time. Thank you.

HON. SPEAKER.- I thank the Honourable Gavoka. Honourable Qionibaravi, you have the floor.

You do not wish to speak but your name is on my list. However, you can speak on another occasion. Honourable Attorney-General, your right of reply.

HON. A. SAYED-KHAIYUM.- Thank you, Mr. Speaker, Sir. There seems to be a lot of anomalies or confusion either deliberately-generated or probably through being ignorant.

But if I could take Honourable Members through this particular Bill, Mr. Speaker, Sir, if you look at all the countries in the world, the Immigration Act itself sets in place the basic gist of the immigration laws of that country. But the fundamentals of the day-to-day application of immigration is through the immigration regulations. And if the Honourable Members on the other side had actually looked at it, they would have actually understood what it means when you look at the amendment of the Immigration Act itself.

If you look at the amendment itself before Parliament, Mr. Speaker, Sir, they are quite minor, but it allows the Minister responsible for immigration which is the Honourable Prime Minister, to make a number of regulations. For example, the fundamental things like age, has been changed from 21 years to 18 years. What that means Honourable Lalabalavu, and we have discussed this on Monday when we tabled the Bills using your example, if your son has a child who was born in Britain does not have Fijian citizenship he is, in fact, entitled to come and reside in Fiji, as long as they are

below the age of 18 years, for whatever period. In fact, they become a citizen on the back of their parents. That is allowed. We are not touching any of that. If you look at the amendment, we are not touching any of those provisions.

Mr. Speaker, Sir, the other point that has been raised and I want that clarified, if you look at the regulations, Honourable Professor Prasad is way off mark, he is just talking about citizenship, we will come back to that later, you were not here on Monday when we talked about it holistically, and we never have transitional provisions in the Immigration Act, we have transitional provisions in the Citizenship Act. For example, Honourable Gavoka raised the issue saying, “We have been here for four years and five months.” There is a transitional provision in the actual Bill that says that if your application is already before the Immigration Department, it will be treated under the old provisions. But obviously, if it is not, then it will be treated under the new provisions, just like in any other law.

Mr. Speaker, Sir, under the regulations, it governs the areas, for example, granting of visas, applications of visa, persons who need visas to enter Fiji, arrival, immigration clearance, exit immigration clearance, restriction of movements of persons, exit immigration cleared, master of ship to obtain certificate of clearance before departure, list of passengers, et cetera, provided pursuant to section 6 of the Act, endorsement of travel documents, removal of re-entry restrictions, bonds and security, what is required when someone gets a work permit, refusal of permit, waiver of conditions, conditions to grant a visitor permit, duration of the visitor permit, criteria to grant provisional protection permit, conditions to grant provisional protection permit, duration of provisional protection permit, meaning of spousal relationship, all of these come under this particular provision under the regulations in all the countries.

Governments, in fact, Dutton is well known for this, changes the rules not going through Parliament necessarily, but through regulations. All countries do that to allow that level of flexibility in what we call operational matters. The Parliament make those substantive provisions in the overall arching of the philosophy of the law, but these are what we call very operational-driven laws, if that can be understood.

Mr. Speaker, Sir, the other point about this is that, Honourable Jale ventured into a new area altogether. Of course, he said that I am the, sort of, evil person behind all of these. Mr. Speaker, Sir, the reality of the matter is that, we are talking about the Immigration Act. Perhaps, he is trying to do me a favour by telling me that I am the evil person as to try and fix up your ways. The fact of the matter is, if you look at Section 28 of the 2013 Constitution, this section has never had a similar provision in any other law - Denarau, Momi, land was converted, it is a fact. The *iTaukei* land was converted to Freehold land. Under the 1970 Constitution....

(Honourable L.D. Tabuya interjects)

HON. A. SAYED-KHAIYUM.- Please, pay attention. I am talking to him because he raised the issue. I am talking to you, Mr. Speaker, Sir, through you to him.

(Honourable L.D. Tabuya interjects)

HON. SPEAKER.- Order, order!

HON. A. SAYED-KHAIYUM.- Honourable Tabuya would have gained a lot if she listens.

Section 28, Mr. Speaker, Sir, has given unprecedented protection to *iTaukei* landowners. They will never have any of the land ever converted to Freehold land. The 1970 Constitution, the

1990 Constitution and the 1997 Constitution did not give that guarantee. Any good lawyer will tell you that.

No other Constitution in Fiji's history, Honourable Jale, has ever said that the landowners must be paid fair market value in the Constitution. In the Constitution, we have had mahogany leases being paid peppercorn rents. The Honourable Prime Minister, post-2007, changed the poundage for mahogany leases. All of those changes have been made - equal distribution of land lease monies, a lot more transparency in all those areas, free education - those are the things, Honourable Jale, that you should be talking about when people raise those issues.

(Honourable Members interject)

HON. A. SAYED-KHAIYUM.- Please, do not give it an ethnic tinge. Do not turn this into a racial issue.

(Honourable Opposition Members interject)

HON. A. SAYED-KHAIYUM.- He is, he is! He made it into a racial issue.

HON. SPEAKER.- Order, order!

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, why is it that the Honourable Jale can stand up and talk about the fact that the *iTaukei* feel threatened, et cetera, by me? And when I am actually trying to answer the question, they all try to shut me down. It is simple, let us call a spade a spade. That is the reality of the matter.

Anyone who is registered in the VKB below the age of 18 years has the perfect right to gain citizenship through their parents. If they are over the age of 18 years and have never been a Fijian citizen, they have the right to apply to get citizenship. It does not, in any way, mean that they would lose their right to be registered in the VKB, it is very simple.

Mr. Speaker, Sir, according to international law, if we agree to say that, then every other citizen of this country must be given that right, even though they may not be a landowner but their parents lived in Fiji before. That is under international law.

(Honourable Opposition Member interjects)

HON. A. SAYED-KHAIYUM.- Fiji is not an island in the globe, we are inter-related.

(Honourable Opposition Members interject)

HON. SPEAKER.- Order, order!

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, nowhere in the world has VKB, I admit, and you can be registered in the VKB. Nothing is stopping you.

(Honourable Opposition Members interject)

HON. SPEAKER.- Order, order!

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, if a person, for example, is in the VKB but has never been a Fijian citizen and they lived in the UK for the past 25 to 30 years and they are terrorists or they are drug dealers, they have been in prison, it does happen. People are drug dealers.

At the moment, if anyone wants to apply for citizenship in Fiji, whether they are former Fijians or a new person who wants to be naturalised, they have to run through the loops that the Honourable Prime Minister as Minister for Immigration and his Office will process. That is about national state sovereignty and about allowing as to who will become citizens of the country. But there is nothing stopping anyone.

Let me unequivocally say this, nothing is stopping anyone who is legally entitled under the law to be registered in the VKB, even though they may not be born here. There is nothing stopping anyone who is in the VKB and is below the age of 18 years from obtaining their citizenship through their parents. There is nothing stopping anyone who is registered in the VKB over the age of 18 years from applying for their citizenship through the process, that every other person needs to go through in conformity with international law. It is very simple, Mr. Speaker, Sir, plain and simple. So, I do not know where all these, sort of, came about from.

Mr. Speaker, Sir, they also forget that there are, not that many, but there are some *iTaukei* people who are not even in the VKB. We are going to be talking about the Adoption Bill. So, what about those *iTaukei* people who may have gone to the British Army, who are not in the VKB, what about their rights?

You see, this is the problem. That is right, they apply like everyone else. Every other person applies like everyone else. You cannot have two sets of rules. You on one hand talked about the rule of law, the rule of law means the law applies to everyone and the laws apply equally to everyone when it is applied. That is the basic principle of the rule of law.

Honourable Jale, we can have a discussion outside. I thought you are quite a reasonable person but maybe you need to be educated a bit more about the 2013 Constitution and tell you about the rights that are not protected. If people are going to make racial overtones and give it a racial tinge in terms of policies we are implementing, then obviously it is your duty as a Member of this Parliament to put them on the right path and tell them the truth, not actually feed into the flames.

Mr. Speaker, Sir, it is unfortunate we have to go down this path. But if I can come back to the Bill, the Bill seeks to correct some of the anomalies within that and, of course, it gives the permanent residency permit issue on the basis of investment in Fiji. That is very substantial, Honourable Professor Prasad talked about this, and we are now empowering the Minister for Immigration to be able to issue permanent residency for those who propose investments. The Minister for Immigration will set various benchmarks. I think in Australia few years ago, you could obtain permanent residency if you brought in a million dollars. I think it was in New Zealand a few years ago, it was half a million dollars, you will get permanent residency.

As we have stated on Monday, we are not in the business of selling our passports, but we are in the business of trying to attract investment into our country and people who may want to come and live here have the opportunity to obtain permanent residency.

We have also said, Mr. Speaker, Sir, if you look at this particular provision which is the most substantive amendment, if you look at Clause 4(12) and Honourable Professor Prasad should read this that says, and I quote:



“A permanent residence permit issued on the basis of an investment in Fiji, as provided for under regulations -

- (a) must not be revoked unless there is clear breach of the conditions of the permit; and
- (b) is only subject to the conditions of the permit which were applicable at the time the permit was granted.”

It basically means, if the Honourable Prime Minister in this regulations, says, “Anyone that brings in US\$5 million, we will grant them a 15 year permanent residency.” So, what it means is that, a person then feels confident because of this provision in the Act itself (not regulations) to know that if I bring in my US\$5 million, the Honourable Prime Minister in two weeks’ time or two years’ time will not change then say, “I am going to revoke your permanent residency, unless you bring another US\$5 million more.” This gives that person the surety of the law because if he does do that, then they can actually take him to court. It is an administrative decision and, therefore, he is bound by the law to ensure that if he sets a particular condition now, he cannot change those conditions later.

Of course, the conditions of permanent residency means, for example, you do not engage in criminal activities. If the person engages in criminal activities, of course, then the Honourable Minister for Immigration has the right to cancel their permanent residency and send them back. We have had numerous cases, a lot of Fijians have been sent back from Australia, and New Zealand, et cetera, and USA more so. So, that is what this provision is for, Mr. Speaker, Sir, and all the other substantive provisions is in respect of section 68(4) of the principal Act in substituting the offence, the penalty provisions for that. Thank you, Mr. Speaker, Sir.

HON. SPEAKER.- Thank you, Honourable Attorney-General. Honourable Members, Parliament will now vote.

Question put.

Motion agreed to.

[A Bill for an Act to amend the Immigration Act 2003 (Bill No.35/2020) enacted by the Parliament of the Republic of Fiji. (Act No. 34 of 2020)]

HON. SPEAKER.- I now call upon the Honourable Attorney-General and Minister for Economy, Civil Service and Communications to move his motion. You have the floor, Sir.

### **CITIZENSHIP OF FIJI (AMENDMENT) BILL 2020**

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, pursuant to resolution of Parliament on Monday, 31st August, 2020, I now move:

That the Citizenship of Fiji (Amendment) Bill 2020 (Bill No. 36/2020) be debated, voted upon and be passed.

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

HON. SPEAKER.- Honourable Members, the debate is limited to one hour, pursuant to the resolution of Parliament. I now call on the Honourable Attorney-General to speak on his motion. You have the floor, Sir.

HON. A. SAYED-KHAIYUM.- Thank you, Mr. Speaker, Sir. I will be very brief, as we had discussed many of these matters in the introduction of the actual motion itself on Monday.

Essentially the Citizenship of Fiji (Amendment) Bill seeks to amend the Act to provide the criteria for the grant of a certificate of naturalisation. Currently, a person only needs to be lawfully present in Fiji for five years out of 10 years, prior to lodging an application for naturalisation. So if I come here even on a work permit, I am working here for five years, continuously stay here in Fiji for five years, I am eligible to get citizenship. It is actually what some may say is quite easy to get citizenship in Fiji. Mr. Speaker, Sir, this is also the very same requirement under the Immigration Regulations 2007.

Mr. Speaker, Sir, the Bill itself looks at permanent residency and citizenship, but they are two very different things as we have discussed. It is, thus, imperative that they do not have the same base or foundational requirements or criteria to obtain. I will let the Honourable Prime Minister discuss the details of the Bill itself.

Essentially what we are seeking to do is, again, reducing the age criteria from 21 years to 18 years. Mr. Speaker, Sir, it talks and fixes up many of the anomalies relating to, for example, residency permits granted to students. We have an anomaly at the moment, so if I am a Pacific Island student, for example, if I come here on a student visa and my spouse accompanies me, she actually gets a residency visa to stay with me. She is not here on a student visa but as a spouse. If I stay here for seven years, my seven years as a student visa is not going to count towards my five years in getting the citizenship, but my spouse will. That is the anomaly.

The anomaly is that, the spouse who is actually here at the behest of the student, will be eligible for citizenship but the principal applicant who is student will not be applicable because it is not taken into account. So, Mr. Speaker, Sir, we are tidying up all of these, to ensure that the Honourable Minister for Immigration is able to put in place the right regulations.

Essentially, what we are saying is that, we are making it a lot more difficult for people to get citizenship of Fiji and I will stop there, Mr. Speaker, Sir, and clarify any anomalies that may arise or any queries. Thank you.

HON. SPEAKER.- Honourable Members, the floor is now open for debate on this agenda item. Honourable Prime Minister, you have the floor.

HON. J.V. BAINIMARAMA.- Thank you, Mr. Speaker. I rise to speak on the Citizenship of Fiji (Amendment) Bill 2020. The Citizenship Act, as you have heard, Mr. Speaker, was promulgated in 2009 and commenced on 10th of April of the same year.

The Citizenship Act provides for the acquisition, renunciation and deprivation of Fijian citizenship. The Citizenship of Fiji (Amendment) Bill 2020 seeks to amend the Citizenship Act to provide the criteria for the grant of a certificate of naturalisation.

Currently, a person only needs to be lawfully present in Fiji for five years out of the ten years prior to lodging an application for naturalisation. The Citizenship of Fiji (Amendment) Bill 2020 seeks to introduce a new set of requirements which, amongst other things, require the applicant to be the holder of a permanent residence permit at the time of lodgment, and to have been lawfully present in Fiji as a permanent resident for 10 years out of the 15 years prior to lodgment.

Permanent residence permits are granted under the Immigration Act based on conditions and entitlements provided under its framework. It is important to note, Mr. Speaker, however, that any

changes to the Permanent Residence Framework will not negate the citizenship criteria proposed under the Citizenship of Fiji (Amendment) Bill 2020, namely that the person must physically reside in Fiji for an aggregate of 10 years out of 15 years, and also hold a permanent residence permit in that period in order to qualify for citizenship by naturalisation.

The Citizenship of Fiji (Amendment) Bill 2020 also seeks to amend the Citizenship Act to lower the age criteria for provisions in relation to children, as you have heard, from 21 years to 18 years in line with the Constitution.

The Citizenship of Fiji (Amendment) Bill 2020 also amends section 23 to state that for persons who hold special purpose permits or co-extensive residence permits granted in relation to a student permit, the period in which they hold such permit must not be counted when calculating the time period that the applicant has lawfully resided in Fiji.

Currently, Mr. Speaker, due to the drafting of the Citizenship Act special purpose permits and co-extensive resident permits granted in relation to a student permit may be taken into account on completing the time in which a person was lawfully a resident in Fiji.

Special purpose permits are currently granted by the Department of Immigration in various specific circumstances, such as, to persons seeking to enter Fiji for medical treatment, foreign persons heavily relying on a member of their family who is a Fijian citizen and persons living on a yacht entering Fiji for a fixed and approved period of time. These permits are intended to be temporary in nature and thus, should not be counted for the purpose of acquiring citizenship.

This is the same approach, Mr. Speaker, used under the Citizenship Act for visitor permits and student permits as per section 23(a). Therefore, the Citizenship of Fiji (Amendment) Bill 2020 seeks to amend the Citizenship Act, to ensure that visits to Fiji that are essentially temporary or transient in nature do not count towards the attainment of citizenship. Based on those remarks, Mr. Speaker, I support this Bill. Thank you.

HON. SPEAKER.- I thank the Honourable Prime Minister. The floor is still open. Honourable Leader of the Opposition, you have the floor.

HON. MAJOR-GENERAL (RET'D) S.L. RABUKA.- Mr. Speaker, Sir, I believe this is also a very straightforward amending Bill that updates certain requirements in the original Act. But the question I raise is the same as those that have been raised before, children of Fiji citizens born in other countries.

There are normally, three categories in other countries, Mr. Speaker, Sir. One of them is 'descent' which would cover all the questions that we have raised about children of service personnel who are serving abroad, children of sporting people who go and play abroad and retire overseas and have children overseas, and many countries around the world have that simple statement of citizenship by descent, citizenship by birth and citizenship by immigration and naturalisation. If we can bring our Act to cover those areas.

It is a straightforward document, a straightforward Act by a responsible country that has in mind the interest of the fluidity of the population of the world now, and also the interests of the original settlers or the first citizens. Thank you, Mr. Speaker, Sir.

HON. SPEAKER.- I thank the Honourable Leader of the Opposition. Honourable Mosese Bulitavu, you have the floor.

HON. M.D. BULITAVU.- Mr. Speaker, Sir, I just wish to support the Bill which is before the House. It is quite straightforward, as the Honourable Leader of the Opposition has alluded to. One of the main aims of this particular Bill is to bring the current law in practice in conformity with the Constitution, and that brings it into the consistency rule. If not, then it will be inconsistent, null and void.

The other thing about this particular Bill is on the definition of ‘permanent residence permit’ and the ‘special purpose permit’ which the Honourable Minister prescribed under section 9(4) of the Immigration Act 2003.

The other thing, Sir, is the required persons applying for citizenship by registration on the basis of their marriage to a Fijian citizen to be lawful present in Fiji for three years under Permanent Residency Permit, as prescribed by regulation.

One of the changes too suggested in Clause 5 of the Bill, seeks to introduce the new set of requirements which is inter alia required for an applicant to have permanent residence permit at the time of lodgment and to have lawfully be present in Fiji 10 years out of 15 years prior to lodgment. I think that is a fair requirement and from this side of the House, we totally support it, as this Bill conforms to the Constitution. *Vinaka vakalevu, Sir.*

HON. SPEAKER.- I thank the Honourable Bilitavu for his contribution. I give the floor to the Honourable Qereqeretabua. You have the floor, Madam.

HON. L.S. QEREQERETABUA.- Thank you very much, Mr. Speaker, Sir. I rise to contribute to the Bill before us. I am going to read three emails from people who have reached out because the Bills have not gone through the Standing Committee and there has been no public consultations, in particular with a group of people who have invested their lives, blood, sweat and tears to live in Fiji. I just wonder when we are considering this Bill, if there is any measure of commitment from people who have given up everything to come and live in Fiji, investing in here, buying businesses.

I would like to just read you a story that was emailed to me recently, Mr. Speaker, Sir. It says, and I quote:

“On 11th August, 2020, I filed my paperwork for my Citizenship Time Calculation. It took three weeks to have the CT Calculation returned to me today (yesterday) by which time the Honourable Attorney-General’s new amendments had been declared in the press to be law. By this new law, I no longer qualify to become a citizen of Fiji.

I have worked in the tourism industry since 1993 when I started as a diving instructor. For the past 27 years, I have devoted my careers solely to Fiji, working my way up to management positions in several resorts. There have been a few years in between that I have not lived in Fiji but during these years, I started my own Fiji marketing business that represented Fijian tourism products throughout North America and these clients included; Yasawa, Tokoriki, Taveuni Island Resort and Capital Cook Cruises Fiji.

In 2010, my husband and I finalised the long and arduous purchase of an island resort in Fiji. Due to the commitment of aging parents, we were not initially able to move back to Fiji right away, but came back and forth regularly. More than six years ago, we moved back to Fiji full time and are now owners/operators and we employ 80 to 90 staff in normal non-COVID-19 time. We are also raising our family here.

I understand the need to amend these laws. I have been concerned about immigrating into Fiji for some time now but how can the Honourable Attorney-General retroactively enact amendments to a law without first consulting the public.”

If I may read another email, Mr. Speaker, Sir. I have three emails. This is from a gentleman, and I quote:

“I myself am eligible and was almost finished getting the documents together - new birth certificate from New Zealand, medical check, character references, police clearance reports, here and New Zealand, etcetera. It all takes time and I have been busy at work but was planning to have my application completed within a week. But this new Bill has been introduced that will wipe out my hard-earned five years here and possibly restrict me from ever gaining citizenship to the country I love. I saw everything to move to Fiji and have little option of returning. Fiji is now my home and I would dearly love to confirm that by becoming a citizen.”

Third and finally, Mr. Speaker, Sir, I quote:

“There are a number of us who are in the middle of preparing our paperwork, having just fulfilled in the days previous, a few weeks or months, who are potentially now not going to be eligible for another five to ten years. Personally, I was waiting a couple of weeks until my latest investment permit was approved in order to apply. It is purely an issue of timing for me and many other hard working people, who already call Fiji home and wish to continue to do so. That is my intervention and I just wanted to know if there was any measure of commitment to becoming a citizen in Fiji.”

Thank you, Mr. Speaker, Sir.

HON. SPEAKER.- I thank the Honourable Qereqeretabua. Honourable Minister for Defence, you have the floor.

HON. LT. COL. I.B. SERUIRATU.- Thank you, Mr. Speaker, Sir. I will be very short but I just want to share my experience. Although, we have covered the Immigration (Amendment) Bill 2020, but on citizenship, I have two daughters who were born in New Zealand and they were New Zealand citizens. When I got back into Fiji, they had no problem entering the country because they were children and there was no problem at all coming into the country. They remained until they turned 18 years when I had to apply for their citizenship to be Fijians. The good thing now is, there is dual citizenship.

One of the problems that we see with our people living abroad is, first, when it comes to the VKB, as long as I am in the VKB, although they are New Zealand citizens they can automatically be entered into the VKB. There is a distinction between entering them into the VKB and being a citizen because my two daughters came back with New Zealand passports into the country but I can enter them any time while they are in the country.

The problem is, most of our Fijians living abroad, they have totally forgotten about entering their children into the VKB. Of course, the age clauses well in the Citizenship Act, because most of them when they want to register them as Fijians, they are already 18 years. This is one of the issues constantly raised with the Honourable Prime Minister, because of the fees. If they are entered as children to be citizens, they only about \$265, but when they turn 18 years they pay about \$3,000 and this is also a contentious issue.

But the beauty now is that, there is no problem, as long as I am registered in the VKB, regardless of their citizenship, my children can be entered into. But they have better options too now because of the dual citizenship, so they can maintain their UK passport, my girls still maintain their New Zealand passport and they also have a Fijian passport now, Mr. Speaker, Sir.

On the Citizenship of Fiji (Amendment) Bill 2020, as Minister responsible for security, I like the introduction of this new set of requirements, particularly on permanent residence permit at the time of lodgment and to have been lawfully present in Fiji as a permanent resident for out of 10 years or 15 years prior to lodgment. Mr. Speaker, Sir, that is very critical for us. Of course, we welcome people to come and work and do business in Fiji, but in terms of security right now, Mr. Speaker, Sir, Australia is repatriating citizens - Kiwis particularly, who have been involved in gangs and whatever in Australia because of this.

Mr. Speaker, Sir, I have talked about Tonga. The deportees from other countries that are now in Tonga and I have got the information about drugs in Fiji, this is something that we need to be careful about and I like this clause, because we have to be careful. We are a sovereign country, we need to look after our own people as well and this new set of requirements, particularly “lawfully present in Fiji” is something that we need to look at very seriously. Mr. Speaker, Sir, I like this amendment on this Bill. Thank you, Mr. Speaker.

HON. SPEAKER.- I thank the Honourable Minister for Defence.

Before I give the floor to the Honourable Attorney-General, I was just a bit baffled that when you were searching regarding the immigration fees, you turned to the Minister for Women to give you the figure. I am a bit lost there.

Honourable Attorney-General, your right of reply.

HON. A. SAYED-KHAIYUM.- Thank you, Mr. Speaker, Sir. I think the Honourable Prime Minister has laid out much of the provisions, the pertinent ones, and also the Honourable Minister for National Security.

Mr. Speaker, Sir, the Honourable Qereqeretabua, obviously loves to play populist politics. The first email she read was about someone who has already lodged the application. If she read Clause 9 of the Bill, it says, and I quote:

“The Principal Act is amended after section 22 by inserting the following new section –

*“Transitional-Citizenship of Fiji (Amendment) Act 2020*

22A. – (1) An application for citizenship lodged with the Fijian Immigration Department on or prior to 31 August 2020 must be assessed under the criteria applicable on that date.”

In other words, as of this Monday, if he had lodged an application, you would be treated under the old system or the old laws. In other words, if you have done your five years, you would be getting a citizenship. Anything after 31st August, 2020, the new laws will apply, and she used the word “retroactively”. I think the word is “retrospectively”. There is no retrospective application of this law. Retrospective means, going back in time. She is not listening, she would do to listen. Retrospectively means, going back in time. This law does not go back in time, Mr. Speaker, Sir.

The other emails or whatever she read, let us not pull the strings out. It does not mean that these people who currently are on a permit, I assume they are on a work permit or some other type

of permit, it does not mean those permits will not be renewed. They are not being booted out because of this. One of them, obviously, has just been here for five years.

There are people in this country who have been here for 10 years and have got their citizenship. There are women who have been married to Fijians and have been here for years and have not got their citizenship. There are a lot of women and men who marry Fijians, when they come to Fiji for years, they cannot work. Honourable Lynda Tabuya, you probably know that, they cannot work. They have to go and apply for a work permit, like every other person. But in other jurisdictions, when you marry a citizen of that country, you essentially immediately granted all those rights. In Fiji, we do not grant these rights.

If Honourable Bulitavu was single and he married a foreigner, she would come in and be entitled to work in Fiji under this new proposition. These are the anomalies, in fact, this is a very rights-based approach to what we are trying to do - conformity with the international law and conformity with the equality provision under Section 26 of the Constitution.

In the other Bills too, we have recognised *de facto* relationships. That is also recognised under the Family Law Act. The FNPF, in a segment of property. Mr. Speaker, Sir, all of these have been addressed through these particular amendments to the Immigration Act.

I just want to make one more point because this has been laboured, section 8 of the existing Act quite clearly says and the Honourable Minister for Defence also talked about it, he also talked about the Immigration Act equivalent to section 8(2). Section 8 of the Citizenship Act says, "A child born outside of Fiji may become a citizen by registration on or after the commencement date, if at the time of the child's birth, either parent was a citizen."

Honourable Lalabalavu, with your example, if your son is in the British Army I do not know whether his spouse is a Fijian citizen or not, but I assume she is not so assuming she was not and she gave birth, irrespective of the mother be a foreigner, the child will be allowed citizenship. Now, we have women going to the British Army. Even if you a Fijian woman enlisted in the British Army, married a foreign male, their child will still be entitled to Fiji citizenship. It applies both ways now.

A foreign child adopted by a citizen, when that child reaches the age of 18 years, he/she may become a citizen by registration. A child who is under the age of 18 years when either parent became a citizen may become a citizen by registration, and it goes on. So, these are the provisions that have not been touched at all.

As the Honourable Minister for Defence highlighted, it has that level of flexibility. Indeed, the Minister for Immigration under Section 8 of the Immigration Act says, "The Minister may, by order in the Gazette, exempt any other person or class of persons from the requirement to obtain the permit, subject to the conditions the Minister prescribes in the order."

Mr. Speaker, Sir, we also have in the Immigration Act a number of organisations that are actually exempt from getting permit specifically and they relate to faith-based organisations. They will have an entire list of those organisations where they give special treatment. For example, if we are bringing a Bishop or we are bringing up a Pundit, we are bringing Molvi from wherever, they are all allowed to bring them in. Here is the list. Start from the Anglican Church up to 27 Young Women Christian Association Forum. Part B - Ambassador for Christ, Child Evangelical Fellowship for Fiji, Fiji Campus Crusade for Christ, so a whole list, there is 35.

(Honourable Opposition Member interjects)

HON. A. SAYED-KHAIYUM.- It is all here! Mr. Speaker, Sir, this relates to organisations.

My point is that, that level of flexibility, Honourable Lalabalavu, you already have those provisions. As Honourable Minister for Defence highlighted, that shows the level of responsibility on the parents too to do the right thing. And if you want to apply the rule of law equally, you will have to apply it to all Fijian citizens. That is the point, otherwise, you will be taken to court under the Constitution.

Mr. Speaker, Sir, again, my point is that, the Citizenship of Fiji (Amendment) Bill 2020 provides that level of flexibility. It gives us that level of security within. As you know that we were allowed multiple citizenship. Honourable Seruiratu's daughters hold New Zealand citizenship and Fijian citizenship. If one of them migrates to Australia and becomes citizen, she can hold all three passports, no problem! We have allowed multiple citizenship.

Today, under the current laws, there are people in Fiji who become citizens of Fiji and if they do something naughty, we, at the moment, cannot get rid of them but Australia does. If a person has become a naturalised Australian, the Australian Government cancels their citizenship and boots them out. So, from a safety and security perspective, as well as from national sovereignty perspective, Mr. Speaker, Sir, we need to ensure that our laws actually comply with international standards and this is what these three amendments seek to do. Thank you, Mr. Speaker, Sir.

HON. SPEAKER.- I thank the Honourable Attorney-General. Honourable Members, Parliament will now vote.

Question put.

Motion agreed to.

[A Bill for an Act to amend the Citizenship of Fiji Act 2009 (Bill No. 36/2020), enacted by the Parliament of the Republic of Fiji. (Act No. 35 of 2020)]

HON. SPEAKER.- I now call upon the Honourable Attorney-General to move his motion. You have the floor, Sir.

### **PASSPORTS (AMENDMENT) BILL 2020**

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, pursuant to the resolution of Parliament on Monday, 31st August, 2020, I now move:

That the Passports (Amendment) Bill 2020 (Bill No. 37/2020) be debated, voted upon and be passed.

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

HON. SPEAKER.- Honourable Members, the debate is limited to one hour pursuant to the resolution of Parliament. I now call on the Honourable Attorney-General to speak on his motion. You have the floor, Sir.

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, this is the last of the Bills in relation to the Fijian Immigration Department, so I will be very brief.



The Honourable Prime Minister who is responsible for the immigration will also be speaking but the Bill essentially seeks to amend the Act to achieve four key objectives. First, it is to provide for more suitable nomenclature under the Act which is the actual title of the Act itself. If you see the title, it is currently Passports Act 2002 to the Travel Documents Act 2002 because under this Act, we are not only issuing passports but we actually issue travel documents also.

The other minor amendment, Mr. Speaker, Sir, and predominantly also, if you see from Clause 7 onwards, it is all to do with the offence provisions and, in fact, increasing the penalties under the particular Act. Thank you, Mr. Speaker, Sir.

HON. SPEAKER.- I thank the Honourable Attorney-General. Honourable Members, the floor is now open for debate on the motion. Honourable Prime Minister, you have the floor.

HON. J.V. BAINIMARAMA.- Thank you, Mr. Speaker. I rise to speak on the Passport (Amendment) Bill 2020.

The Passport Act 2002 was promulgated in 2002 as Act No. 25 of 2002 and commenced on 3rd January, 2008. As you have heard, Mr. Speaker, the Passports Act provides for the issuance and production of travel documents for persons living and entering the Republic of Fiji. The Passports (Amendment) Bill 2020 seeks to amend the Passports Act to achieve four key policy objectives.

Firstly, the Passports (Amendment) Bill 2020 seeks to provide for more suitable nomenclature under the Passports Act. The proposed amendment thus seeks to change the short title of the Passports Act from the Passports Act 2002 to the Travel Documents Act 2002. The short title of the Passports Act currently refers to passports, but the Act and Regulations under the Act provide for other travel documents, not solely limited to passports.

The proposed amendment, Mr. Speaker, also seeks to change the name of the Department of Immigration to the Fijian Immigration Department. The Passports (Amendment) Bill 2020 also seeks to amend the Passports Act to delete references to 'unmarried minor' and substitute the more appropriate terminology of 'child', and to lower the age criteria of the child from 21 years to 18 years, in line with the Constitution.

Furthermore, Mr. Speaker, the Passports (Amendment) Bill 2020 seeks to amend the Passports Act to increase the penalty for offences under the Passports Act for more appropriate benchmarking, in line with other Fijian laws and the laws of other jurisdictions with similar offences.

The Passports (Amendment) Bill 2020 seeks to amend the Passports Act, to shift the responsibility of the Director of Immigration under the Passports Act to the Permanent Secretary responsible for the Immigration Department. This amendment, Mr. Speaker, is made to reflect the fact that Immigration is a highly sensitive policy area who, its Permanent Secretary must work closely with the Minister because the Officer is responsible to the Minister under Section 127(3) of the Constitution for the efficient effective and economical management of the Ministry.

Furthermore, Mr. Speaker, the Permanent Secretary must be guided by the values and principles of State service under Section 123 of the Constitution which include being free from corruption. Additionally, experiences domestically and internationally have shown that immigration is an area prone to corruption and undue influence, and this is unacceptable, Mr. Speaker, particularly considering the linkages between immigration and national security.

The Permanent Secretary is appointed subject to the Disciplinary Authority of the Public Service Commission under Section 125 of the Constitution and it is more appropriate for the legal

authority under the Passports Act to be held by the Permanent Secretary. This added oversight mechanism ensures that the Office of the Permanent Secretary is subject to a higher standard of accountability and can be, if needed, directly disciplined and even terminated by the Public Service Commission outside the General Orders of the Civil Service.

Based on those remarks, Mr. Speaker, I, therefore, support the consideration of this Bill. Thank you.

HON. SPEAKER.- I thank the Honourable Prime Minister and I give the floor to the Honourable Tabuya, you have the floor, Madam.

HON. L.D. TABUYA.- Thank you, Mr. Speaker. I rise to contribute on the motion before the House and I am in support of this Bill from this side of the House, especially the changes that are needed, talking about the definition of the child to confirm 21 years to 18 years old in line with the Constitution.

Mr. Speaker, just a situation for the Government to consider at this time, especially when the borders are closed and we are not travelling much or at all, there are usually situations where a passport is usually the only proof of citizenship for individuals who are here in the country. There are times when passports go missing or are stolen or lost in a fire, and then in order to get a replacement it either takes time but it is quite costly, so if the Government could consider having the issuance of a citizenship certificate which would be more cost effective, available right away but has a proof of citizenship, even for those who are not born here but are now citizens. It is just something to consider.

Passports takes a while sometimes they do not have them in stock, they run out, or quite costly for those even are required to provide proof of citizenship when applying for jobs. So just something for the Government to consider issuing citizenship certificates while they wait for their passports, especially at this time we are not travelling now.

That is my contribution before the House, otherwise, Mr. Speaker, I support the motion that is before the House. Thank you.

HON. SPEAKER.- I thank the Honourable Tabuya. Honourable Bulitavu?

HON. M.D. BULITAVU.- Mr. Speaker, I rise to support the motion that is before the House for few reasons:

- (1) The name of the Immigration Department now will change to the Fijian Immigration Department, and that gives clarity to our identity worldwide and also those that are coming into our borders.
- (2) The issue of travelling documents, especially these are requirements too. Even as accused persons in Court, one of the wording that they use is the surrendering of your travelling documents not passport. So all that are factored in and these brings it into harmony with the current practice.
- (3) The other thing too, Sir, is the changing of definition of “unmarried minors” to “child”. I think that is a word that is more friendlier and also understandable by people rather than unmarried minors. In terms of the age, that also brings into conformity with the 2013 constitution on the age requirement.

- (4) The issue on the powers of the Director of Immigration, transferring to the Permanent Secretary responsible for Immigration under the Prime Minister's Office, I think this was an issue in 2017 and 2018 when the Department of Immigration was part of the Ministry of Defence, National Security and Immigration. It came to the attention of the Standing Committee on Foreign Affairs and Defence and it was part of the recommendation too, that an organisational structure be established for the Department of Immigration, given their core function was with the Ministry of Defence but they were transferred structurally to the Prime Minister's Office.

The reason as alluded to by the Honourable Prime Minister, given the accountability will now be on the Permanent Secretary, subject to the various standards that are there on accountability and also the subsequent consequential amendment of shifting the responsibility of the Director of Immigration and transferring that power to the Permanent Secretary responsible for immigration. I think we are fine now that the Department of Immigration has finally been absorbed into the organisational structure of the Prime Minister's Office. That is all I have to say Sir, in support of the motion which is before the House.

HON. SPEAKER.- I thank the Honourable Bulitavu for his contribution. Honourable Rasova, you have the floor.

HON. S.R. RASOVA.- Thank you, Mr. Speaker, Sir. I would like to contribute to the motion before the House. I was just going through the amendments and I see here in Clauses 7, 8, 9, 10, 11, 13, 14 and 15, we have just exempted most of the fees in Fiji in regards to the taxes, et cetera, and here we have just increased the penalty fees from \$10,000 to \$50,000 in Clause 7 and from \$1,000 to \$5,000, a difference of \$4,000.

In Clause 18, it is about \$2,000 to \$10,000, a difference of \$8,000 and in Clause 10 from \$1,000 to \$5000, a difference of \$4,000 in penalties and \$20,000 to \$5,000 in one year. In Clause 13, from \$1,000 to \$50,000, a difference of \$49,000 in penalties. We have here some kind of money making scheme. That is my contribution before the House. Thank you, Mr. Speaker, Sir.

HON. SPEAKER.- I thank the Honourable Rasova. Honourable Attorney-General, you have the floor for your right of reply.

HON. A. SAYED-KHAIYUM.- Thank you, Mr Speaker, Sir. I would like to thank the Honourable Bulitavu for his comments. Honourable Rasova, the penalties are increased because these are offences. Obtaining passports by false pretence, we want to discourage people from doing that. That is why we are increasing the penalty. Do you want the penalty to be low so people can continue to do that? What you have said, it does not make logical sense.

These are offences and we want Fijians passports to have a particular level of integrity. The reason why we have higher penalties, so that people do not do these criminal acts. We now have, for example, with the e-passports that are now being delivered, a person living outside Suva can go to the post office making arrangements. We now have some of our High Commissions that can actually issue passports. So obviously, we want to ensure that people do not abuse the system, and that is why it is there as a deterrence

Mr. Speaker Sir, Honourable Tabuya talked about citizenship certificate. Generally, if you are born in a country, you are a citizen, you do not get a certificate. You normally get a certificate if you are a naturalised citizen. If you go to Australia, they have this in the town hall where they will have a ceremony for all those who become the new Australians and you go up to the Minister or MP and pick up your citizenship certificate.

Recently, the Prime Minister's Office started doing that, when new naturalised citizens actually get a certificate. But, please, remember, the only formal identification is passport to prove your citizenship. The one other critical document that proves your citizenship is your Voter Identification Card because you can only be a Fijian citizen to be a voter and you can get that quite easily. It has got the digital features in it to protect your identity and that is very easily obtained.

What we also talked about is the National Identification Card which is the Fiji National Identification Card project (FNIC). The project has slowed down due to COVID-19 but, please, remember that the Voter identification card is a formal identification.

Mr. Speaker, Sir, with those comments, I have no further matter. Just simply one last thing. Honourable Bulitavu highlighted the consequential amendments which is very simple, just replacing the words, 'Director of Immigration' with 'Permanent Secretary' or 'Immigration Department' with 'Fijian Immigration Department'. Thank you, Sir.

HON. SPEAKER.- I thank the Honourable Attorney-General. Honourable Members, Parliament will now vote.

Question put.

Motion agreed to.

[A Bill for an Act to amend the Passports (Amendment) Bill 2002 (Bill No. 37/2020), enacted by the Parliament of the Republic of Fiji. (Act No. 36 of 2020)]

HON. SPEAKER.- Honourable Members, for the purposes of complying with Standing Orders in respect to sitting times, I will allow a suspension motion to be moved. I now call upon the Leader of the Government in Parliament, to move his motion. You have the floor, Sir.

### **SUSPENSION OF STANDING ORDERS**

HON. LEADER OF THE GOVERNMENT IN PARLIAMENT.- Mr. Speaker, Sir, 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 the remaining items as listed on today's Order Paper.

HON. A.A. MAHARAJ.- Mr. Speaker, Sir, I beg to second the motion.

HON. LEADER OF THE GOVERNMENT IN PARLIAMENT.- Thank you, Mr. Speaker, Sir. Again, subject to the Business Committee, we still have one day, to my understanding, and Schedule 1 and Schedule 2, as listed in today's Order Paper. Therefore, the request for us to sit beyond 4.30 p.m. to complete the businesses listed on today's Order Paper.

HON. SPEAKER.- Honourable Members, the floor is open for debate on this motion.

There being no one wishing to take the floor, Honourable Leader of the Government in Parliament, you have the floor.

HON. LEADER OF THE GOVERNMENT IN PARLIAMENT.- I have nothing further to add, Mr. Speaker, Sir. Thank you.

HON. SPEAKER.- Honourable Members, Parliament will now vote.

Question put.

Motion agreed to.

### **RESUMPTION OF DEBATE ON THE ADOPTION BILL 2018**

In Committee:

#### Part 1

MR. CHAIRMAN.- Honourable Members, the floor is now open for comments on Part 1.

Honourable Members, Parliament will now vote on Part 1.

Question put.

Motion agreed to.

Part 1 stands as part of the Bill.

#### Part 2

MR. CHAIRMAN.- The floor is now open for comments on Part 2.

Honourable Members, anyone wishing to take the floor?

(Chorus of 'Noes')

HON. SPEAKER.- Parliament will now vote on Part 2.

Question put.

Motion agreed to.

Part 2 stands as part of the Bill.

#### Part 3 – Division 1

MR. CHAIRMAN.- Honourable Members, the floor is open for comments on Part 3 – Division 1.

Honourable Members, Parliament will now vote on Part 3 – Division 1.

Question put.

Motion agreed to.

Part 3 – Division 1 stands as part of the Bill.

Part 3 – Division 2

MR. CHAIRMAN.- Honourable Members, the floor is open for comments on Part 3 – Division 2.

MR. CHAIRMAN.- Honourable Tabuya, you have the floor.

HON. L.D. TABUYA.- Thank you, Mr. Chairman. I refer the Committee to Clause 11(1)(c), which requires the consent of the father as stated there on the list. I query that definition because there is no definition in the definition section of the father. I refer to children of single mothers who do not wish for their father to be involved in the child's and has sole custody as a result from the single mum.

The requirement of the consent of the father that is stated there does not say the father if he is known" or if the mother consents to the father being able to be present in the child's life. As you may recall in the past, the practice was that a single mother could register their child to her father and in the VKB to her father's own *mataqali* as a result. So I am just questioning or querying because the definition of 'father' is not in the definition section. How can you reconcile should the issue come up of a single mother that does not wish the father to be involved in giving consent for adoption?

It is outlined in Clause 11(2), however, it is not specific to the single mother who has her child registered to her own *mataqali* in the VKB, which will take precedence in terms of her ability to consent. That is my query to the Honourable Attorney-General, thank you.

MR. CHAIRMAN.- Honourable Attorney-General?

HON. A. SAYED-KHAIYUM.- The Honourable Member has referred now to Subclause 2 which does say for the definition of 'father', it says there in Clauses 2 and 3, and I quote:

“(1) ...Child's father is anyone who -

- a) has acknowledged paternity by signing child's birth registration;
- b) has acknowledged paternity and has custody or access rights to the child by court order or by agreement;
- c) has acknowledged paternity and has supported, maintained or cared for the child under a court order; or
- d) has acknowledged paternity and is acknowledged by the birth mother as the child's father.

(2) Notwithstanding Subclause (1), if the child is in the permanent custody of the Director, the only consent required is –

- (a) the consent of the Director; and
- (b) the consent of the child, if required under subsection (1)(a).

Now, you will see that Clause 11(1)(d) says, “any person appointed as the child's guardian”. The example that you are using, for example, sometimes the grandfather becomes the child's guardian. So in that instance, the grandfather steps into the father's shoes, or the grandfather is the guardian. That fixes up that gap.

HON. L.D. TABUYA.- Therefore, Honourable Attorney-General, because of Clause (2), there is no instance where a single mother can just exclude the father altogether, if he suddenly comes forward to lay a claim to a child.

HON. A. SAYED-KHAIYUM.- Yes, if none of the requirements to Clause 11(2) are met, then the birth mother is the one to give consent for adoption. That can be proven through the court system, as you know. For example, you might have instances where a lot of women or some women who may not know who the father is or they do know and they do not want to acknowledge and there has been no legal guardian stepping in the shoes for the biological father. We have many women who have raised children on their own so in that instance, they would be able to go to court and say that they are the only parent. That is why you have got the provision there.

MR. CHAIRMAN.- Thank you, Honourable Bulitavu, you have the floor.

HON. M.D. BULITAVU.- Just to clarify what the Honourable Tabuya is seeking, she also referred to Clause 12 and that is where the birth mother's consent comes in.

MR. CHAIRMAN.- Honourable Minister for Women?

HON. M.R. VUNIWAQA.- Thank you, Mr. Chairman. Clause 17 also addresses the issue of consent where the person whose consent is required has abandoned or deserted a child, so in those instances under Clause 17, consent may be dispensed with by the court.

MR. CHAIRMAN.- Thank you. Honourable Nawaikula?

HON. N. NAWAIKULA.- I just want to say that in a court process it is usual, when you apply for adoption, where you cannot obtain or there is a difficulty of obtaining the consent of either parties, to ask the court to dispense with that or to replace his consent with that, it is the usual procedure and it is in the Act. It is covered.

MR. CHAIRMAN.- Honourable Attorney-General?

HON. A. SAYED-KHAIYUM.- No, I think the Honourable Nawaikula was basically supporting what we have just said.

MR. CHAIRMAN.- Honourable Members, Parliament will now vote on Part 3-Division 2.

Question put

Motion agreed to

Part 3-Division 2 stands as part of the Bill.

### Part 3 - Division 3

MR. CHAIRMAN.- The floor is open for comments on Part 3-Division 3. Honourable Adi Qionibaravi, you have the floor.

HON. ADI L. QIONIBARAVI.- In Clause 19(3), the fine of \$50,000 and potential imprisonment is severe. We have a culture that recognises informal adoption within families. Some operate by way of culture and tradition. For example, I am talking about culture in indigenous Fijian

families where the eldest child can be raised by an uncle - informal adoption, Sir. There is nothing in this Bill that talks about informal adoption.

HON. A. SAYED-KHAIYUM.- Mr. Chairman, if I may very quickly clarify that, Honourable Qionibaravi, if you look at the next Clause, it says, and I quote:

- “(1) A birth parent or guardian of the child may arrange a private placement of a child with prospective adoptive parents.
- (2) As soon as practicable before a private placement, the prospective adoptive parents must notify the Director of their intent to receive a child in their home for adoption.

That addresses the issue.

HON. ADI L. QIONIBARAVI.- Thank you.

MR. CHAIRMAN.- Thank you. Honourable Members, Parliament will now vote on Part 3-Division 3.

Question put.

Motion agreed to.

Part 3-Division 3 stands as part of the Bill.

#### Part 3 - Division 4

MR. CHAIRMAN.- Honourable Members, the floor is now open for comments on Part 3-Division 4.

HON. N. NAWAIKULA.- Can I please make a comment and I will ask the Honourable Attorney-General to confirm?

MR. CHAIRMAN.- Honourable Member, just a point of clarification, I will give the floor to the Honourable Attorney-General. You have the floor.

HON. A. SAYED-KHAIYUM.- Mr. Chairman, I think Honourable Nawaikula wants to speak on the same section as I was just going to but he can ask his question.

HON. N. NAWAIKULA.- Mr. Chairman, we were very worried about Clause 30, especially 30(1)(a) which says that the adopted child has the same rights in relation to the adoptive parent as a child born to the adoptive parent.

We felt that this might mean, especially for the indigenous people, that once the adoption order is given, that child will automatically have the right to be recorded in the VKB and you will know that I had given notice that I will be moving a motion under Standing Order 87 to amend that. But we decided otherwise and we have decided to confirm and get clarification and see if we can get that resolved with the other side so we attended to the Honourable Prime Minister and Honourable Attorney-General to clarify that.

We have been given and assured (the legal draftsman was called) that, that is not the case. That section does not imply that once the adoption order is given that child automatically can be



registered in the VKB. I now ask, please, if the Honourable Attorney-General can confirm our meeting and clarify that as well.

MR. CHAIRMAN.- Thank you, Honourable Nawaikula. I give the floor to the Honourable Attorney-General.

HON. A. SAYED-KHAIYUM.- Thank you, Mr. Chairman, Sir. I want to thank Honourable Bulitavu and Honourable Nawaikula for approaching us at lunch time.

Mr. Chairman, Sir, this issue, of course, has been one of the most contentious ones and clarification has been sought, in fact, since the time the Bill was actually tabled and appeared before the Committee in 2016.

Mr. Chairman, Sir, we, of course, want to have the Adoption Bill passed and move forward by addressing the need to update the Adoption of Infants Act 1944.

In the Adoption Bill 2018, Mr. Chairman, Sir, you will see that the resolution is similar to the existing Adoption of Infants Act 1944 and, that is, essentially not overly prescriptive. It remains silent on the issue and to leave it to the jurisdiction of the *iTaukei* customary laws as provided for under Section 26 of the Constitution to resolve any matters, they need to obviously have consultations. Sir, if I could elaborate.

Mr. Chairman, Sir, *iTaukei* customary laws should rightly provide for these issues concerning *iTaukei* customs and practice. As the Honourable Nawaikula said, for someone to be registered in the VKB, actually the landowning unit has to consent to that. They all have to agree to the fact that someone is to be registered. Should there be any dispute, it is dealt with by that particular landowning unit. As we also know, Mr. Chairman, Sir, different landowning units have, at different times, dealt with certain matters or sometimes, the same matters differently, depending on which landowning unit it is.

Mr. Chairman, Sir, for the avoidance of doubt, I would like to clarify once and for all that an Adoption Order issued under this Bill will not affect either the:

- right to customary ownership of land;
- right to communal access to marine resources or *qoliqoli*; or
- right to bestowing of chiefly title or rank.

Mr. Chairman, Sir, if you look at Section 26(8)(g) of the Constitution, it says, and I quote:

“(8) A law, or an administrative action taken under a law, is not inconsistent with the rights mentioned in this section (which is the discriminatory provisions) on the ground that it –

- (g) to the extent necessary and without infringing the rights or freedoms set out in any other section of this Chapter, gives effect to the communal ownership of *iTaukei*, Rotuman and Banaban lands and access to marine resources or the bestowing of *iTaukei*, Rotuman and Banaban chiefly title or rank.”

For example, what it means in practical terms is, if certain landowning units have a process where they only appoint males as chiefs, no one can go running off to the Court and say, “My rights, for example, as a female has been infringed under Section 26 because it says we should not be

discriminated on the basis of our gender.” So that person cannot challenge the chiefly title being bestowed only on a male. In practical terms, that is what it means.

If, for example, a landowning unit does not want to include someone in the VKB and it goes to the NLC and they decide that, “No, they cannot register the person.” They cannot go running off to the Court and say, “Under Section 26 of equality before the law, my rights had been breached”, because you have the proviso under subsection 8(g).

Mr. Chairman, Sir, the other point that I also wanted to make is that, if you look at clause 30 says:

- (1) When an adoption order is made -
  - (a) the adopted child has the same rights in relation to the adoptive parent as a child born to the adoptive parent.”

I cannot, as an individual, pass on any communal rights to anyone else. I can only pass on, in law, in terms of hereditary or through willing. I can only pass on what is mine. So, if I have my own house, if I have my own bank account, I can will that to my son or daughter. I cannot will my landowning unit membership to my son or daughter. That is a communal right.

This is the difference between communal ownership of land, as opposed to individual ownership of land. Of course, that does not mean if someone is from Tailevu and belongs to a particular landowning unit, if they go out and lease a land from iTLTB or the Land Bank and the lease is under their name. They can will that to their adopted child but they cannot will the ownership of the communal ownership of the land. So, it is quite clear from that perspective, if you read from a legal perspective, also leaving aside even the customary laws, you cannot pass on something to someone if you do not actually have possessory and proprietary rights over it, as an individual.

That is why we have left the Adoption Bill entirely silent in respect of that because we think that section 31(a) covers that. The reason also, Mr. Chairman, Sir, we have left it silent because as we know in certain landowning units, some landowning unit members have allowed adopted children to be registered in the VKB. They have allowed that. So, we do not want to interfere with that, it is up to them. Some are bit more territorial, some are bit more flexible and that is up to them.

Mr. Chairman, Sir, therefore, the Bill does not have an effect on the customary laws and communal ownership rights, nor does it purport to give a person who has been adopted the legal right to be registered in the VKB. I am saying, say if tomorrow if I am a member of a landowning unit and I go and adopt a child, it does not mean that my child will automatically become a member of the landowning unit, I have to talk to my landowning unit. That is the matter between them and between NLC. It is a private matter.

Mr. Chairman, Sir, we believe that it should be left to the iTaukei Lands Commission to decide and the owners of the relevant landowning unit. The Adoption Bill 2018 will not delve or meddle in the matters concerning *iTaukei* customary laws and chiefly titles or marine resources.

Conclusively, Mr. Chairman, Sir, of course, a lot of submissions have been made and the Ministry of iTaukei Affairs and a number of other people have actually made representations and this is the best way forward by ensuring that section 31(a) is about individual ownership, not communal ownership and regarding specifics and regarding individual landowning unit, they can decide that on their right.

Mr. Speaker, Sir, there is a legal principle and I never can pronounce Latin words properly but it is '*Nemo dat quod non habet*' which is a Latin word meaning, you cannot give what you do not have.

Mr. Speaker, Sir, the effects of a final adoption order under this Bill will only allow the transfer of personal property or individual rights. So, the right to your ownership of land and *qoliqoli* is a communal one. The land and *qoliqoli* in question is owned communally and not individually by the landowning unit. So, no one person has the right to pass on that right to his or her adopted child, unless the relevant customary laws and landowning unit is in question.

In fact, even your own biological child, you cannot even pass on certain rights to them, if it is communally owned. They themselves have to be in the VKB by their own right, so that is the clarification, Mr. Speaker, Sir. We have had a discussion and the law is quite clear in that respect and we believe that it gives various protections, notwithstanding all of this. Clause 26(8)(g) gives that protection, so if any law seeks to breach Clause 26(8)(g), you can take them to court. In this case, you will not have to. Thank you.

MR. CHAIRMAN.- Thank you. Honourable Lynda Tabuya, you have the floor.

HON. L.D. TABUYA.- Thank you, Mr. Chairman, Sir. I refer to Clause 26(4), I just wish to make a submission on that about the legal representation of a child, Mr. Chairman, and referring also to Clause 11 where it requires the consent of the child to be adopted if the child is over 12 years. It places a great importance on the need for the child to be represented legally. This is a really good section to look at the interest of the child, as well as the views of the child.

Mr. Chairman, I have an adopted child. I adopted her when she was four years old, she is now 20 years. I remember the experience working with the Department of Social Welfare at the time, when there was a Case Officer assigned to handle the adoption. At that time, she had to just deal with the Case Officer and it is unfortunate to mention that the Case Officer was not quite sensitive to the needs of the child. I think that person was very busy with other cases, very inundated, hardly available, so that was the very tough experience for a four year old at the time.

We were limited in terms of being able to see her, needless to say we did adopt her finally and that was a great experience. What I am trying to share here, Mr. Chairman, is perhaps to expand the heading of that particular clause, not just to limit to legal representation, which is a lawyer that looks at court and evidence, but to consider what the Honourable Attorney-General knows is a wider person who can represent a child more widely which is commonly called a *guardian ad litem*, and it is used in other jurisdictions and not necessarily a lawyer and they can be legally trained. They also provide counselling for the child, they also are there to negotiate and to talk to the child and to consult with the child, just to see whether the child is there to review them.

Mr. Chairman, Clause 26 is a good clause. Perhaps, just to consider to widen the representation so the court is not just limited to appointing a lawyer but can appoint anyone they see fit, including a lawyer. So it could be a lawyer that has counselling experience, the child could be referred to counselling services so that the court is not just limited to the legal representation of a child, but to also consider looking at the broader definition which is a *guardian ad litem* which is pretty much anyone that the court can appoint to assist and to represent the child when they are making the decision to consent or they are about to leave their familiar surroundings to join a new family, and those children who come from orphanages who have to leave that comfort zone to join a new family. So they have a more broader representation than just what is in clause 26. That is all, Mr. Chairman. Thank you.

HON. A. SAYED-KHAIYUM.- Thank you, Mr. Chairman. I thank the Honourable Member for this point, but if I could refer her to Clause 26 itself. It says:

“If the court considers it is in the child’s best interests for the child to be separately represented, the court may order that the child is to be separately represented, and may also issue such other orders as it considers necessary to secure separate representation.”

Generally, the reason why we have left that clause there is to obviously give them access to any counselling orders. They may say, “Refer this person, the child, to a counsellor” because this Division is all about court proceedings.

Even within the court proceedings, Honourable Radrodro will also tell you that even when the Ministry or the Director has a responsibility, they also as you see in other sections, can access counselling and the court may also, through the legal representation say, that this child actually does need counselling or someone who can actually perhaps get the emotions out if there is any other matter that needs to be addressed. So it is fairly wide and can address those issues that you are saying.

MR. CHAIRMAN.- Thank you. Honourable Bulitavu, you have the floor.

HON. M.D. BULITAVU.- Thank you, Mr. Chairman. Just to add on to what the Honourable Attorney-General has just said, the key spirit of this particular Bill is just in the best interest of the child, so in whatever situation, the best interest of the child will be paramount.

Back to Clause 30(1)(a), just to add on to what the Honourable Attorney-General and Honourable Nawaikula had alluded to, as a member of the Standing Committee for Justice, Law and Human Rights, we had discussions with the Ministry of iTaukei Affairs and also the iTaukei Lands and Fisheries Commission (ILFC), and also present in one of our joint meeting were the drafters and also the Director Child Services from the Ministry of Women and Social Welfare, as well as UNICEF. In our discussions, I think we went into detail. If those of you would be interested in our discussion, it is available online in the verbatim report of the Committee meeting on 11th July, 2019 where we went into detail.

The Commissioner of ILFC had gone into details on the rules governing the entry into the VKB. One of the very important things that he has established is the powers that govern this and where his authority comes from. That was back to any instructions as to entries to register native land back in 1926 by Governor Eyre Hutson. That is how far that goes back, that is the authority of the rules and policies that exist today. Those type of mechanisms in place right now, as confirmed by the Commissioner of NLC to the Committee and also agreed by all stakeholders that were around the table that the Native Lands Commission will not enter any adoptive child in the VKB because they only work on the original birth certificate, not adoptive birth certificate.

That is the rule that clears everything out and from that reasoning too and those measures, I and my fellow Committee Members form the opinion with the Government Members that there were sufficient safeguards in place in regards to Clause 2, Clause 30(1)(a). *Vinaka vakalevu*.

MR. CHAIRMAN.- Honourable Nawaikula?

HON. N. NAWAIKULA.- Mr. Chairman, can I just clarify from a technical point of view? What happened is that, if people or client come to you for adoption and as soon as you see that the person to be adopted is a minor, you apply to the Court for what is called the “*guardian ad litem*”.

In about 99 percent of the cases, the person appointed will always be a Welfare Officer and not a lawyer. Section 26 takes care of that, in my view, and that is the same section that we use because the court has the discretion to see. It is always in the best interest of the child, so you have to convince the court that this or the person you are proposing will do his work in the best interest of the child.

HON. M.R. VUNIWAQA.- Mr. Chairman, I just want to add to the discussions, if you look at section 5 as well, it takes further into account the need to provide the necessary information and counselling to a child involved in an adoption process. I reiterate the position right now in relation to the involvement of Child Welfare Officers in relation to every adoption that happens in the country, where we are required to provide reports to the court in relation to the best interest of the child.

Apart from that, for children who are of the age to give consent under this proposed Act, over 12 year old, section 14 requires that they go through counselling and that particular section actually sets out all the relevant information that they must be equipped with before they can give the relevant consent. That also applies to guardians who are supposed to be giving consent or the parent that is required to give consent. So, I see the concern in relation to a holistic package of information that is available to the adoptive parents and the adopted child, but the Bill covers those concerns very adequately.

HON. SPEAKER.- Thank you, Honourable Attorney-General?

HON. A. SAYED-KHAIYUM.- Thank you, Sir. I have nothing further to add on that particular section.

MR. CHAIRMAN.- Parliament will now vote.

Question put.

Motion agreed to.

Part 3-Division 4 stands as part of the Bill.

#### Part 4

MR. CHAIRMAN.- Part 4 is open for comments. Honourable Nawaikula?

HON. N. NAWAIKULA.- Just a short comment, Mr. Chairman. We are happy that this has been introduced. This was something that was lacking before and this gives the opportunity for inter-county adoption. It was very, very difficult the last time.

MR. CHAIRMAN.- Thank you, Honourable Members. Parliament will now vote for Part 4.

Question put.

Motion agreed to.

Part 4 stands as part of the Bill.

#### Part 5

MR. CHAIRMAN.- The floor is now open for comments on Part 5.

Since there are none, Honourable Members, Parliament will now vote on Part 5.

Question put.

Motion agreed to.

Part 5 stands as part of the Bill.

#### Part 6

MR. CHAIRMAN.- The floor is now open for comments on Part 6. Honourable Members, Parliament will now vote on Part 6.

Question put.

Motion agreed to.

Part 6 stands as part of the Bill.

#### Part 7

MR. CHAIRMAN.- The floor is now open for comments on Part 7.

Honourable Members, Parliament will now vote on Part 7.

Question put.

Motion agreed to.

Part 7 stands as part of the Bill.

#### Schedule

MR. CHAIRMAN.- The floor is now open for comments on the Schedule.

Honourable Members, Parliament will now vote on the Schedule.

Question put.

Motion agreed to.

Schedule stands as part of the Bill.

MR. CHAIRMAN.- Honourable Members, that brings us to the end of the Committee of the Whole Parliament. Parliament will now resume sitting.

#### The House resumed

HON. SPEAKER.- Honourable Members, we will suspend proceedings for refreshment and we will resume in half-an-hour.

The Parliament adjourned at 4.46 p.m.

The Parliament resumed at 5.18 p.m.

HON. SPEAKER.- Honourable Members, I now call on the Attorney-General and Minister for Economy, Civil Service and Communications, to move the third reading of the Bill.

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, pursuant to Standing Order 88, I move:

That the Adoption Bill 2018 (Bill No. 32/2018) be read a third time and do pass.

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

HON. SPEAKER.- Honourable Members, I now call upon the Attorney-General and Minister for Economy, Civil Service and Communications to speak on his motion. You have the floor, Sir.

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, I will be very brief, given that the Whole Committee has just approved the Adoption Bill 2018 unanimously.

Mr. Speaker, Sir, the Adoption Bill, in fact, incorporates into domestic law the Hague Convention on Inter-Country Adoption. This is in compliance with our obligations under private international law.

The other Hague Convention, Mr. Speaker, Sir, on Inter-Country Abduction has already been implemented into Fijian Domestic Law with the regulations made through the Family Law Act, so it now completes that particular process and Fiji's compliance with private international law.

Mr. Speaker, Sir, I would like to take this opportunity to thank a few people, in particular, Ms. Shelley Casey, who is the consultant from the United Nations Children's Fund (UNICEF), who worked closely with Government to facilitate the drafting and the initial policy framework and consultations for this particular Bill.

Ms. Shelley Casey, Mr. Speaker, Sir, is herself a lawyer by profession, with 20 years of experience in child protection and child justice. She began her career as a public prosecutor in Canada and now specialises in law reform for children. She has worked in 25 countries, including working in the Pacific in Solomon Islands, Kiribati, Vanuatu, South East Asia and the African region.

Mr. Speaker, Sir, I would also like to thank the numerous representatives from other organisations, including the Fiji Human Rights and Anti-Discrimination Commission and Save the Children's Fund. We also had with the Ministry of Women, Children and Poverty Alleviation's Department of Social Welfare consultations, including a national coordination committee on children which, apart from Government representatives, consisted of, for example, the Fiji Law Society.

Mr. Speaker, Sir, numerous submissions, of course, were made. As you know, this has been before the Committee now for a number of years and a lot of the NGOs actually appeared before the Committee itself.

Mr. Speaker, Sir, the amendments, of course, has now given a number of clarity on, for example, *de facto* couples to adopt under the Bill, introducing new provisions that ensures the court may only issue an adoption order when it is satisfied and given proof to the effect that the adopted child will be granted the right of residence, additional protection to the child and, of course, it includes post-adoption monitoring systems which allows adoptive parents to provide post-adoption reports.

Mr. Speaker, Sir, I think the passing of this Bill is a milestone and I would like to thank all Honourable Members of the Committee who contributed to the formulation of this Bill and the various discussions and also for all their support. We now, as Government, through our different agencies, look forward to the implementation and, indeed, the smooth running of this Bill, practical implementation of it and work with the legal profession, the Ministry of Women and various other stakeholders. Hopefully, it will give rise to career paths also for counselling and various other social services that can be provided from not just Government but from outside Government itself. Thank you, Mr. Speaker, Sir.

HON. SPEAKER.- I thank the Honourable Attorney-General. The floor is open if there is anyone wishing to take the floor. Honourable Bulitavu, you have the floor.

HON. M.D. BULITAVU.- Thank you, Mr. Speaker, Sir. I would just like to support the motion and also thank fellow Committee Members and the Honourable Chairman, Honourable Deputy Chairperson from the Government side and all the hardworking secretariat, probably some they have probably gone home.

I thank the Office of the Solicitor-General and the drafter, who was assigned to this particular Bill, Ms Tima Vakadewabuka, and also all the people who came to make submissions, both oral and written submissions, and all the places that we visited around Fiji doing our public consultations and public hearing. I think this particular Bill opened up our eyes and ears as we went around the country.

I thank Parliament too, Mr. Speaker, Sir, for providing the support through Hansard, IT and communications, Mitieli Uculoa. We visited some areas that had no electricity and we had to connect to other sources so that we are able to conduct our consultation, visiting all the areas.

We also thanked Honourable Sharma. Being a former teacher and also a Radio Announcer, he was also a very good interpreter in the Hindustani language as he was able to go through the Bill and the background of the Bill to allow discussions to flow.

We also thank the Director Child Services - Ms. Ela Tukutukulevu and Ms. Salote Kaimacuata, a former Magistrate working with UNICEF, all those consultants who were travelling with the Committee around the country, for providing clarifications and legal opinions to questions that came from the floor.

Finally, but not the least, we would like to thank the Honourable Attorney-General for clarifying matters at noon today during our lunch break with the Honourable Prime Minister, the Honourable Minister for Defence and the Leader of the Government in Parliament. That was probably why the Committee of the Whole went smoothly, given that everyone was on the same page and we wish the Honourable Minister for Women and her Ministry well for they will be implementer of this Bill.

This particular Bill is a domestication of a Convention that was in the process, so this is the process where we create our local framework to reflect the spirit of that Convention which is the best interest of the child. Applicants will be waiting for this particular Bill, to put in their applications and also benefit from what we are endorsing here today. To everyone *vinaka vakalevu* and thank you, Mr. Speaker, Sir.

HON. SPEAKER.- I thank the Honourable Bulitavu. As no one else wishes to take the floor, I give the floor to the Honourable Attorney-General for the right of reply. You have the floor, Sir.



HON. A. SAYED-KHAIYUM.- Thank you, Mr. Chairman, Sir. I do not have anything further to add, except to say two points that I would like to make. I think the fact that the two Honourable Members came across at lunch time to seek clarifications, you should know the door is always open and you can get a lot of clarification by simply making approaches to us, as opposed to probably bringing motions. Honourable Jale, you can come and get clarification rather than making racist comments on this floor.

Mr. Chairman, the other point I also want to make and normally I do not thank them because they are always very shy and ask me not to do it, but I would like to specifically thank the Solicitor-General's Office. They see it as part of their work, as Honourable Bulitavu highlighted. It has been going on for a couple of years now and Tima, of course, is the one who has been responsible. Each of the legal officers get assigned to a particular Bill or sometimes one or two or more of them actually work on it and she has been at the forefront. I would like to acknowledge the work she has done in bringing that clarity. So thanks to everyone all around and I look forward to the passing of this particular Bill, Mr. Chairman. Thank you.

MR.CHAIRMAN.- I thank the Honourable Attorney-General.

Question put.

Motion agreed to.

Bill reported without amendment, read a third time and passed.

[A Bill for an Act to provide for local and inter-country adoption of children and access to information regarding adoption and for related matters, Bill No. 32 of 2018, enacted by the Parliament of the Republic of Fiji. (Act No. 37 of 2020)]

HON. SPEAKER.- Thank you, Honourable Members. We will move on.

Honourable Members, I call on the Chairperson of the Standing Committee on Social Affairs, the Honourable Pillay, to move his motion. You have the floor, Sir.

### **MINISTRY OF YOUTH AND SPORTS 2016-2017 ANNUAL REVIEW REPORT**

HON. V. PILLAY.- Honourable Speaker, I move:

That Parliament debates the Review of the Ministry of Youth and Sports 2016-2017 Annual Report which was tabled on 13th May, 2019.

HON. G. VEGNATHAN.- Honourable Speaker, Sir, I second the motion.

HON. SPEAKER.- I now invite the Chairperson of the Standing Committee on Social Affairs to speak on the motion. You have the floor, Sir.

HON. V. PILLAY.- Mr. Speaker, Sir, the Ministry of Youth and Sports' core responsibilities are to establish a policy environment that provides strategic support systems, capital distribution of sports equipment and grants acquittals, initiatives for personnel development, character building, sports policies, implementation and community-based youth-led programmes.

There are two core programmes coordinated and facilitated by the Ministry of Youth and Sports:

- (1) Youth Development Programmes. The Programme provides assistance to youth through advisory empowerment and capacity building, including specific skills training.
- (2) Sports Development Programme. The Programme focuses on the development of sports infrastructure nationwide through the provision of grants to Fiji National Sports Commission (FNCS), National Sporting Organisations (NSOs) and the Fiji Sports Council, as well as the provision of basic sports equipment and the development of rural playing fields.

The Committee upon being referred the Ministry of Youth and Sports 2016-2017 Annual Report, invited its senior officials on Monday, 18th March, 2019, to provide its submission. During this meeting, Officials from the Ministry elaborated on the key strategic development plans, basically focused on areas on utilisation of modern technologies, better information management using big data, developing research to support decision-making, strengthening, monitoring and evaluating platforms, improving communications with partners, strengthening relationships and collaborations with stakeholders and aligning staff capabilities and qualifications with the Ministry's affairs.

As part of the Ministry's progress, it works in collaboration with the Fiji Corrections Service to put young people through the Seeds of Success Programme. The purpose of the Programme is to instil a level of discipline based on understanding responsibilities, as well as building self-confidence. Also the Committee noted that the Ministry successfully worked with the Fiji Police Force in particular, sports-related programmes, to develop discipline, teamwork and respect for rules, as well as improve fitness through physical activities.

Mr. Speaker, Sir, in the area of sports, the Ministry's focus was on developing rural sports fields and supporting NSOs through skills and organisational development, often time through the signing of MOUs with other countries. The Ministry continues to support the work of the Fiji National Sports Commission and the Fiji Sports Council.

The Committee commends the team of committed and motivated individuals, who have worked together to bring the Ministry of Youth and Sports to new heights. There is no doubt that, that great success will continue. Thank you, Mr. Speaker, Sir.

HON. SPEAKER.- I thank the Honourable Chairperson. Honourable Members, the floor is now open for debate on the motion. Honourable Leader of the Opposition?

HON. MAJOR-GENERAL (RET'D) S.L. RABUKA.- Thank you, Mr. Speaker, Sir. I would like to thank the Chairperson and Honourable Members of the Committee for this Report.

I just want to focus on their first recommendation, that the Ministry continues to strengthen its network and broaden the cooperation with other Ministries, such as the Ministry of Employment, Productivity and Industrial Relations; Ministry of Agriculture, Rural and Maritime Development; Ministry of Local Government, Housing and Environment; Ministry of Women, Children and Poverty Alleviation; Ministry of Health and Medical Services; Ministry of Education, Heritage and Arts; Ministry of iTaukei Affairs; Ministry of Fisheries and Ministry of Forestry; and other stakeholders in order to implement the Programmes that will help retain youth in rural and maritime areas.

Mr. Speaker, Sir, I believe that, that recommendation is being made through everyone in this House and every Government agency, particularly, to stem the rural-urban population movement. When we look at why we have that movement of population, particularly, young people, from the

rural to the urban areas, the word is in the second recommendation, "...that in addition to the above, the Ministry should also aggressively increase awareness and its engagement in terms of opportunities." We move to the urban areas, Mr. Speaker, Sir, for the opportunities that they offer, opportunity to further education, opportunity to further their sporting careers and opportunity to find employment.

The first recommendation and the word 'opportunities' is what we, as lawmakers, should really be looking at and I congratulate the Committee and what they have done to come up with that recommendation. Now, it is our duty with the Civil Servants to bring a series of actions and programmes what will produce the outcome that you are recommending, that we take out the opportunities or spread the opportunities, and not leave them in the urban areas. If we can do that, we not only empower the people in the outer island and the rural communities, we stem the rural-urban population movement and we have a more general and fair distribution of national wealth. Thank you.

HON. SPEAKER.- I thank the Honourable Leader of the Opposition. Honourable Minister, you have the floor.

HON. P.K. BALA.- Thank you, Mr. Speaker, Sir. I rise to respond to the Report on the review of the Ministry of Youth and Sports 2016-2017 Annual Report, and I believe that there is almost seven recommendations. Firstly, let me commend the Honourable Members of the Committee for their comments and recommendations that are going to be useful for the Ministry of Youth and Sports, moving forward.

Mr. Speaker, Sir, I would like to preface my remarks by saying that given the current situation under the COVID-19 pandemic and its implications, most of their recommendations will become pathways for the Ministry in the medium to long term, while it also focuses on short term solutions on a priority basis. Such an approach means that we are going to give meaning to the Action Plan of the Ministry and its goals and aspirations in a structured and a meaningful way, Mr. Speaker, Sir.

I would like to turn to the comments and recommendations in the order presented. Mr. Speaker, Sir, as highlighted by the Honourable Leader of the Opposition, the recommendation on page 7 says, and I quote: "The Committee recommends that the Ministry to continue to strengthen its network with all other Government Ministries." My response to that is that, my Ministry is building its capacity in order to address youth issues and retain youth in rural areas. This has been an area of challenge, and we are turning that into an area of opportunity.

Mr. Speaker, Sir, the current pandemic has provided an opportunity for all the stakeholders in this area to reflect on plans for economic and community development in their local areas. This has been through active work with youth groups, including the recent rollout of grants for initiatives in their local areas. We are also encouraging and providing support to all the communities involved in these programmes, for example, in all the *mataqalis* and local settlement bodies in the project, as I will highlight later in my address.

Mr. Speaker, Sir, the Ministry takes on board the recommendations for a whole of Government approach to youth and sports and this has been one of the strong points of the FijiFirst Government over the past two terms, as has often been highlighted by the Honourable Prime Minister.

Mr. Speaker, Sir, we value the input of other line Ministries because the Ministry of Youth and Sports has never been and will never be a Ministry that works in isolation from other Ministries and, indeed, wider stakeholders, including community groups, youth groups and national sporting

bodies, as highlighted in the individual collaboration that we have with those Ministries, to which I will now turn.

In the Ministry of Employment's Department of National Employment Centre, volunteer staff are engaged to assist the Ministry in operational areas to enhance and diversify the workforce. Mr. Speaker, Sir, in return, the Ministry provides volunteers with NEC work opportunities due to employment experience and allowances.

The Ministry of Agriculture provides technical advice to our young farmers and provides agricultural input which is beneficial to youth engaged in farming. Mr. Speaker, Sir, it has also assisted in identifying markets for the youth to work with agro-based projects.

The Ministry of Forestry has been part of the Ministry's empowerment programme and trainings through the provision of chainsaw operators programme. They have also been part of a recent collaboration in the Youth for Climate Action Programme where 100 youth have been employed through a volunteer programme of tree-planting.

The Ministry of Environment has been part of our empowerment programme related to waste management and coast care club, Mr. Speaker, Sir. These programmes involves youth clubs in identifying practical waste management practices and also ensuring coastal and shoreline upkeep.

The Ministry of Women's partnership has always been in terms of empowering young girls, those within the youth age from 15 years to 35 years. Gender-based violence training is supported by the Ministry of Women.

The Ministry of Fisheries' youth empowerment programme is through an ongoing support for youth projects in fisheries.

In the Ministry of Rural and Maritime, Mr. Speaker, Sir, we have the resource sharing arrangement that includes logistics and areas of mutual support.

The Ministry of Health and Medical Services conducts free medical check-ups for youth and advice on health and wellness during our Youth Empowerment Programme which is an ongoing exercise.

The Ministry of Education, through the Ministry of Youth and Sports, was given the green light to implement the Duke of Edinburgh International Awards in schools and continues to do so successfully.

Through the Ministry of iTaukei Affairs' collaboration on the SMU Village Development Programme to implement an MOU signed between the Ministry of Youth and Sports and the Korean Government, three villages were identified and are being assisted and piloted through this MOU. Mr. Speaker, Sir, last week, we were in Tailevu to do the ground breaking for the first project.

Mr. Speaker, Sir, my Ministry is embarking on a new programme called Youth Farm Programme launched last week. It involved the utilisation of vacant land in rural areas for farming. Concern for land utilisation has been sought from landowners and we have received a huge response. We work closely with the relevant Ministry in obtaining approvals and in getting these projects off the ground.

Mr. Speaker, Sir, another recommendation is that, the Ministry should also increase awareness and its engagements with youth in terms of opportunities available to improve their lives in urban and peri-urban areas.

Mr. Speaker, Sir, the Ministry of Youth and Sports recently appointed 29 Assistant Youth Officers. Those Officers are stationed across Fiji and are in different localities to ensure focus is also towards heavily populated areas in urban and peri-urban. Youth club registration is a major focus to identify and support youth needs and register locations, as well as create awareness regarding the Ministry's programme and activities.

Mr. Speaker, Sir, we have also opened up Youth Offices in Savusavu, Nausori, Sigatoka, Nadi and Ba, where our Assistant Youth Officers are operating from.

Mr. Speaker, Sir, the next recommendation is that, the Ministry has strengthened its working relationship with the Ministry of Civil Service to ensure the successful implementation of the Civil Service reforms.

Mr. Speaker, Sir, the Ministry is updated with all reforms spearheaded by the Ministry of Civil Service. The Human Resources (HR) Team takes part in the HR Forum organised by the Ministry of Civil Service which meets monthly, to look after HR issues. In the latest HR audit exercise, the Ministry obtained a clear audit. The Ministry of Civil Service has provided training for the Senior Management in terms of reviews of personnel and attended policies.

Mr. Speaker, Sir, the next recommendation from the Committee is for the Ministry to fill all vacant positions. This recommendation has to be given context on Government hiring and recruitment during the COVID-19 pandemic and its impact on such processes. We have identified key positions that will need to be filled and we will progress on a needs base approach to ensure that we comply with the current policies. Currently, 85 percent of the established positions have been filled.

Mr. Speaker, Sir, the next recommendation from the Committee is for the Ministry review its systems and processes to enable better coordination with internal and external stakeholders. The Ministry has reviewed its Standard Operating Procedures (SOP) to address these issues. The Ministry has initiated a stakeholder workshop as part of the Ministry's Operational Plan to support the achievement of annual service delivery targets and long term objectives with better and more efficient uses of digital interface.

Mr. Speaker, Sir, the next recommendation from the Committee is that, the Ministry must engage a whole of Government approach to address pertinent issues affecting youth in Fiji. The Ministry has reviewed its Youth Empowerment Programme and has developed six new modules which includes; law and order, health and wellbeing, climate change, soft skills and project management. Furthermore, the Fiji Youth Council was established, replacing the former National Youth Council in 2019, as the platform to harness youth voices on youth issues.

Mr. Speaker, Sir, the Ministry is currently finalising an online learning management platform that will deliver empowerment programmes to reach all youth, which will complement our face to face programme.

Mr. Speaker, Sir, the next recommendation is on database. I am pleased to inform this august House that the first phase and second phase of the database has been completed. This included the initial set of database which is fully functional and operational. This will also include the NSO directory.

Mr. Speaker, Sir, moving forward, the Ministry has in place operational plans in strengthening the database on an ongoing basis to address demands in the field.

Mr. Speaker, Sir, the next recommendation from the Committee is for the Ministry should communicate in writing and give timeframe to the sporting bodies to provide their views and submissions. Policy consultation and validation was undertaken in 2019 and participation included, from all the national sporting bodies during the process of national sports and recreational activity policy.

Mr. Speaker, Sir, the next recommendation from the Committee is the issue on life after sports and further recommends for wider consultation to be carried out with National Federations, and current and former sportsmen and sportswomen.

Mr. Speaker, Sir, after the endorsement by Cabinet, it will empower the Ministry to have NSO participation at all levels for effective policy implementation and to draw up 'life after sports' programme.

With those few words, Mr. Speaker, Sir, I thank you for this opportunity.

HON. SPEAKER.- I thank the Honourable Minister. Honourable Prime Minister, you have the floor.

HON. J.V. BAINIMARAMA.- Thank you, Mr. Speaker, Sir. I rise to speak on the motion by Honourable Pillay but before I do so, Sir, I would like to make a comment on the comment that was made by Honourable Jale on the Bill.

I just want to say that out of the group on the other side, I thought he would be one of the sensible ones but obviously not. He not only insulted the Honourable Attorney-General but insulted everyone on this side of the House. I think his comments was very unparliamentary. That is all I want to say on the comments made by Honourable Jale.

Mr. Speaker, Sir, our young people in Fiji represent around 70 percent of the total population. Therefore, priorities of any government or community must be set to consider the priorities of our young people, our next generation. We need to develop the full potential of young people in Fiji, not only through formal education but also through non-formal education.

My Government, Mr. Speaker, is always ready to take on the challenge of ensuring that we provide innovative ways to support our young people in this modern society with rapid changes and growing challenges. Fiji was progressing economically until we were forced to respond to the COVID-19 pandemic, but we will grow again.

Fiji is now an upper middle income country among the nations of the world. Our youth need to have the assurance that they will find meaningful employment and that they will have the education, skills and human qualities necessary for the job market of the future. So, we will continue to focus on education, encourage national and foreign investment, maintain a stable economic environment and provide programmes that nurture and prepare our youth. If our young people are active and engaged, if they are optimistic about their future, if they are encouraged to take on new challenges and experiences that will help them see their greatest potential, no doubt, Mr. Speaker, we will be building the future of our country.

Mr. Speaker, our Government's efforts in ensuring that it works collaboratively with the private and public sectors through the provision of training and technical skills, will continue. With the continued support of my Government to youth through the Ministry of Youth and Sports, and the provision of training facilities and sporting infrastructure, I know that we will achieve our constitutional responsibility to our leaders of tomorrow.

On those remarks, Mr. Speaker, I therefore, support the Report. Thank you.

HON. SPEAKER.- I thank the Honourable Prime Minister. Honourable Chairman, you have the floor for your right of reply.

HON. V. PILLAY.- Mr. Speaker, Sir, I would just like to thank the Honourable Prime Minister and the Honourable Minister for Youth and Sports, as well as the Honourable Leader of the Opposition. I also would like to thank my Committee colleagues - the Honourable Vegnathan, Honourable Nagata, Honourable Salote Radrodro and Honourable Dr. Ratu Lalabalavu. Thank you, Mr. Speaker, Sir.

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

Question put.

Motion agreed to.

HON. SPEAKER.- I now call upon the Chairperson of the Standing Committee on Public Accounts, the Honourable Maharaj, to move his motion. You have the floor, Sir.

### **COP 23 PRESIDENCY TRUST FUND 2ND SEMI-ANNUAL REPORT 2017**

HON. A.A. MAHARAJ.- Mr. Speaker, I move:

That the Parliament debates the Report on the COP 23 Presidency Trust Fund Second Semi-Annual Report for the period 1st November, 2017 until 30th April, 2018 which was tabled on 4th April, 2019.

HON. V. PRAKASH.- Mr. Speaker, I beg to second the motion.

HON. SPEAKER.- I now invite the Chairperson of the Standing Committee on Public Accounts to speak on the motion. You have the floor, Sir.

HON. A.A. MAHARAJ.- Thank you, Mr. Speaker.

Mr. Speaker, Sir, as the Chairperson of the Public Accounts Committee, who moved the motion, I take this opportunity to speak on the motion to debate on the Public Accounts Committee Report on the COP 23 Presidency Trust Fund Second Semi-Annual Report for the period 1st November, 2017 until 30th April, 2018 which was tabled in Parliament on 18th May, 2018.

Mr. Speaker, Sir, for the information of the House, pursuant to Section 8(1) of the COP 23 Presidency Trust Fund Act 2017, the Ministry responsible for finance which is the Ministry of Economy, must prepare a report every six months on the activities and expenditure of the COP 23 Presidency Trust Fund, including the financial statement of the Fund, and submit the report to Cabinet within six months from the end of the six-month period to which the report relates.

Honourable Speaker, Sir, the COP 23 Presidency Secretariat was established in March 2017 to oversee and manage the operations of the Fund. Even the utilisation of the Fund for procurement is in accordance with the Procurement Regulations 2010. Further, the Financial Policy Guideline consistent with the Financial Management Act 2004 and Financial Instructions 2010 were also

developed for the Fund. It was also important to note the Ministry of Economy overseeing and also assisted in the accounting functions of the Fund.

Mr. Speaker, Sir, the Committee, in its review, recorded a bilateral and multilateral funding support that was directed to the COP 23 Presidency. Also noted are COP 23 Presidency Trust Fund utilisation breakdown and the outcomes of COP 23 in Bonn, Germany.

Mr. Speaker, Sir, the Committee in its review, noted the COP 23 Presidency Trust Fund Secretariat Office within the six months of the reporting period, a total sum of FJ\$11 million was received as donations to the Fund. The donor countries and organisations comprised of:

- (1) Germany;
- (2) United Kingdom;
- (3) Russia;
- (4) Asian Development Bank;
- (5) Delai Naron Trust contribution;
- (6) Significantly some other donations received from Belgium, Estonia, Korea, Spain, Qatar and the Australia and New Zealand Bank for support of the Pre-COP Blue Ocean event.

Mr. Speaker, Sir, the funds utilised for the period leading up to the COP 23 included:

- (1) Management and operations of the Secretariat Office.
- (2) Support for the COP 23 Presidency Leadership personnel.
- (3) Fielding the team in Bonn for November COP 23 and the funding of the Fijian Pavilion and its associated site events and cultural programmes.
- (4) Supporting engagement by membership of COP 23 Presidency leadership at key international UNFCCC or related events, including One Planet Summit in Paris and meeting in Bangkok and Tokyo.
- (5) Global Climate Action Agenda which promotes greater pre-2020 action under the leadership of COP 23 High Level Champion, the Honourable Minister Inia Seruiratu.
- (6) Maintenance of extensive communication programme including the COP 23 website, traditional and social media outreach, drafting and event management.
- (7) Training and building capacity for Fijian National Team and the Fijian Presidency Team.
- (8) Further partnership with Governor Brown of California - COP 23 Special Envoy for States and Region.
- (9) Further the relationship with the private sector.
- (10) Progress numerous legacy projects for Fiji and Pacific.
- (11) In keeping with past COP hosts experience, a Fijian team member was posted in Bonn as UNFCCC liaison officer.
- (12) Developing of an extensive Cultural and Communication Plan.
- (13) Other Presidency support services including; strategic advice, negotiations support, assistance with fundraising, capacity building, logistical support, communication and documenting drafting.

Mr. Speaker, Sir, also reflected in the Report were the outcomes of COP 23 Bonn, Germany in which Fiji worked closely with the co-host – Germany, and staged a successful COP that brought to the fore both, the human challenges and innovation of the Pacific response to climate challenges and the Bula spirit of warm and inclusiveness and this includes key 2017 and COP 23 outcomes as outlined below:

- (1) Talanoa Dialogue.
- (2) Financing for vulnerable nations.



- (3) Inclusive processes - these are agreements that were reached to include traditionally marginalised voices of gender, local communities and indigenous people, a pioneering “Open Dialogue” was held between parties and non-party stakeholders.
- (4) Koronivia Joint work on Agriculture.
- (5) Oceans Pathway Partnership Launch.
- (6) Grand Coalition for Climate Action.
- (7) Fiji/Pacific Outcomes – these were the number of reports or initiatives that were launched, including the Pacific Regional NDC Hub, Pacific Climate Finance and Insurance “*Drua*” Incubator, the 5 and 20 years National Development Plan, National Adaptation Plan Framework and the NDC Roadmap for Energy.

Mr. Speaker, Sir, to conclude, I sincerely commend the effort of the Standing Committee on Public Accounts in the compilation of this Report that is before the House. We acknowledge the COP 23 Presidency Trust Fund Secretariat Office and Ministry of Economy response towards the COP 23 Presidency Trust Fund Second Semi-Annual Report for the period 1st November, 2017 until 30th April, 2018.

Mr. Speaker, Sir, with those comments, as the Member moving the motion for the debate on the Standing Committee on Public Accounts’ Report, I thank you for the opportunity.

HON. SPEAKER.- I thank the Honourable Chairperson. Honourable Members, the floor is now open for debate on this motion. Honourable Qereqeretabua, you have the floor.

HON. L.S. QEREQERETABUA.- Thank you, Mr. Speaker. I rise to contribute to this debate.

Mr. Speaker, on Tuesday during the debate to note the contents of the First Semi-Annual Report, the Honourable Attorney-General labelled my comments as gratuitous sarcasm. But he failed to address the fundamental issue that I raised which was first highlighted in Parliament in May last year by the Honourable Leader of the Opposition, which is the waiver of procurement regulations and abuse of tender process by the Honourable Attorney-General and Minister for Economy, in awarding Qorvis, a consultancy contract of US\$2.295 million or at the time, a little over FJ\$4.658 million.

Mr. Speaker, Sir, this was a clear abuse of authority and gross violation of the procurement regulations and this is the document that clearly proves this abuse. It describes Qorvis as a friend of the Fiji Government. Mr. Speaker, Sir, there is no mention of Qorvis in the second Semi-Annual Report and I hope it will be in later reports that will come before Parliament.

At the same time, Mr. Speaker, Sir, I want to ask the Honourable Attorney-General to state whether or not any other firm providing services to the COP 23 Presidency, received such a waiver of procurement regulations and tender processes. Why I am asking this, Mr. Speaker, is that last year, after changing the name of the COP 23 Presidency to the Climate Change Trust Fund, there was another amendment made to delete specific reference to procurement regulations and make general reference to Financial Management Act 2004. I hope that the waiver of procurement for Qorvis was not repeated but it is for the Honourable Attorney-General to state whether or not that happened.

Mr. Speaker, Sir, on the note of transparency and accountability, just before we broke for lunch, the Honourable Attorney-General while commenting on the audited accounts of the National Federation Party and the donor list provided to the Elections Office I had sent to him as Registered Officer and General Secretary of the FijiFirst Party that he was reading from, I commented that I

should know what is happening in my Party. I certainly do, Mr. Speaker, Sir. As a Vice-President, I am a member of the Management Board, we recently had a successful working committee meeting and will on 26th September, 2020, hold our next Annual General Meeting.

We are transparent and accountable and we are not a two-men rule who, under the FijiFirst Party constitution, are the only two people eligible to become party leader - no AGM, no congress and an undemocratic constitution that violates every democratic norm, including the 2013 Constitution and the Political Parties Act. We find it strange that despite having such a draconian constitution, similar to the unjust and feudalistic 1990 Constitution that entrenched key positions, FijiFirst was still registered. No wonder, transparent procedures were trashed in respect of waiver of procurement regulations when it came to the COP 23 Presidency.

By the way, Mr. Speaker, Sir, *gosh fulia* is not only *puri* and goat curry, it is also appetizers and beverages, and the Honourable Attorney-General knows this very well. It is probably well below the standards and the thought not many in the FijiFirst has when it has its fundraising with the good school of the businesses community at venues like a luxury home in Domain in Suva, in Ba at the home of a director of a hardware giant, a posh residence in Simla, Lautoka, belonging to a sugar city businessman, and at a first class restaurant in Denarau and, yes, Honourable Attorney-General, an event was organised to fundraise for the National Federation Party at Khatriya Hall in Suva on Sunday, 21st October, 2018.

That was the same evening that the Honourable Attorney-General at the FijiFirst meeting at Samabula Primary School told voters (before they have goat palau), that not supporting the Honourable Voreqe Bainimarama in the Election would be akin to putting a dagger to their necks. Therefore, Mr. Speaker, I would suggest that people who live in glasshouses do not throw stones at others. Thank you.

HON. SPEAKER.- I give the floor to the Honourable Adi Litia Qionibaravi. You have the floor.

HON. ADI L. QIONIBARAVI.- Mr. Speaker, Sir, I rise to make few comments on the Report by the Public Accounts Committee and would like to thank the Chairman and Honourable Members of the Committee.

The second Semi-Annual Report is very informative, it allows one to understand what has happened with the Report and I am very pleased to also note the audited accounts, Mr. Speaker, Sir.

It is part of the Second Semi-Annual Report, the audited accounts from 28th December, 2016 to 31st October, 2017. I noted there were some anonymous donors - countries and organisations who probably do not want to be named.

My only other comment, Mr. Speaker, Sir, is that PricewaterhouseCoopers have a statement which reads, 'Restrictions on Use', and I quote from Page 5 of the Report:

"This report is made solely to the Permanent Secretary for Economy and the Ministry, as a body. Our work has been undertaken so that we might state to the Permanent Secretary for Economy and the Ministry, as a body, those matters we are required to state to them in an auditor's report and for no other purpose. To the fullest extent permitted by law, we do not accept or assume responsibility to anyone other than the Permanent Secretary for Economy and the Ministry, as a body, for our audit work, or for the opinions we have formed."

There is probably some understanding between the COP 23 Secretariat and Government on why that body is only made for the Ministry of Economy. But I am pleased that it has been tabled in

this House, it has been looked at by the Standing Committee on Public Accounts and it is a certified opinion, Sir, on the accounts.

My only other suggestion for Government, if they can look at section 7 of the amended Act - the Climate Change Trust Fund Act, to include the fact that there is a need to table accounts to Parliament, that is, for that to be stated in section 7 of the amended Act.

With those words, Sir, I commend the Report before the House. *Vinaka*.

HON. SPEAKER.- I thank the Honourable Qionibaravi. Honourable Attorney-General, you have the floor.

HON. A. SAYED-KHAIYUM.- Thank you, Mr. Speaker, Sir. I want to talk about the Trust Fund Report. As has been shown that in all the procedures, Honourable Qereqeretabua does not understand the Financial Management Act nor the regulations, the Minister has the power to waive under certain conditions, and those conditions did exist.

In fact, just yesterday or day before yesterday, when we broke up for morning tea, I actually gave a waiver for the project that Honourable Seruiratu is talking about which GIZ is actually funding. The law needs to be able to allow the Minister under certain conditions, which obviously can be audited, to give waivers and that is part of the job. There is nothing illegal about it, they do not know what they are talking about.

And then to try and, sort of, buffer that by listing out where we had our fund-raising, yes, we had it there. The difference is, we actually list all our donors, you do not. That is the difference. So let us not try and obfuscate the issues. Every single person, or a company director, you have company directors giving you money, let us not make it a big deal. All I am saying is that, you did not comply with the law, you did not give the list of donors, SODELPA did, FijiFirst did.

What happens within the party, we do not interfere about your working committee or whatever, that is your own business. What you do, whatever, that is your own business. What SODELPA does, they have leadership challenges, that is their own business, we do not comment on that.

(Honourable Opposition Member interjects)

HON. A. SAYED-KHAIYUM.- You keep your nose out of that.

What we are talking about, it is just in passing, but what we are talking about is in respect of you not complying with the law. That is the issue - not complying with the law, and no amount of obfuscation will change that fact.

Mr. Speaker, Sir, regarding this particular Report itself, one point I would like to continuously highlight is the benefits that Fiji has received as a result of our participation. I would like to firstly thank all the donors who actually contributed to this particular Fund, we raised in excess of \$14 million.

Mr. Speaker, Sir, the funds that were given by these donors range from individual countries to organisations, and the donors and those organisations gave the funds specifically, Honourable Professor Prasad you should note this, for COP 23 purposes and then subsequently any climate-related purposes. They did not give this fund to Government Consolidated Fund. That is a point of difference. That is why we created a Trust Fund, specifically for this.

We, in fact, went one step ahead and actually brought a specific law in relation to that Trust Fund. We could have set up a Trust Fund instead of bringing in any law specific to that, but we did that. We brought it up to this Parliament, we stated exactly what the objectives were, then we had Parliament approve that particular law and then we put all the monies in there. There is a huge point of difference in respect of what you are trying to picture or trying to portray as to what the ground realities were. There is a huge point of difference!

They have an obsession with Qorvis, Mr. Speaker, Sir, but they should have looked at the type of PR that was generated because of Fiji's participation in COP 23 and the amount of footprint that we actually ascertained, we were able to get because of the type of right people we engaged. As we have explained previously before, because Qorvis was already engaged by Government for work in shore, on shore here, they were the most suitable partners to be able to carry out that work for us offshore because they understood what was already happening in Fiji. It just makes common sense. There is no smokescreen whatever it is, nothing opaque about it. Again, continuously, because of the obsession of these minor matters which they try to make out into some kind of conspiracy, they are unable to actually comment fruitfully on the subject matter at hand.

Mr. Speaker, Sir, we have highlighted what we have achieved through the Fijian participation in COP 23 as highlighted yesterday and I want to reiterate that again, the:

- Talanoa Dialogue, which still continues till today, able to socialise it internationally;
- Paris Agreement Implementation Guidelines;
- historic agreements on three key issues;
- Fijian COP 23 Presidency is successfully facilitated;
- finalisation of the United Nations Framework Convention on Climate Change (UNFCCC) Gender Action Plan;
- achieved a historic breakthrough to develop the Koronivia Work Plan on agriculture that bridges the nexus between climate change and agriculture;
- finalise the development of the local communities and indigenous people's platform which recognises the need for indigenous people in the UNFCCC space; and last but not least
- Adaptation Fund replenishment which is very important.

As we had informed Parliament on Tuesday, Mr. Speaker, Sir, the Fijian COP 23 Presidency advocated the need for a greater balance between adaptation and mitigation, funding with more emphasis on adaptation efforts. In this regard, the priorities of the Fijian COP 23 Presidency helped replenish the Adaptation Fund with a total of US\$93.3 million from bilateral donor support. In fact, most of the Small Island Developing States (SIDS), many of the Island States and the Climate Champion will testify to that, till today talk about this legacy of how Fiji has been able to actually get these issues that were, in fact, on the periphery, into the centre of the discussions of the UNFCCC process.

The other aspect, of course, Mr. Speaker, Sir, I have already highlighted that, we have a number of other reports. Of course, this is the Second Semi-Annual Report. We have got the Third Semi-Annual Report from 1st May, 2018 to 31st October, 2018. We have the Audited Financial Report COP 23 Presidency Trust Fund for the period ended 20th December, 2016 to 31st July, 2017, and the Audited Financial Report for COP 23 Presidency Trust Fund for the period ended 1st August, 2017 to 31st July, 2018. Those are the documents that will be coming up soon, Mr. Speaker, Sir. They are all there for anyone to see, what had happened and how the funds were actually used. Thank you, Mr. Speaker, Sir.

HON. SPEAKER.- I thank the Honourable Attorney-General. Honourable Chairman, you have the floor for your reply.

HON. A.A. MAHARAJ.- Thank you, Mr. Speaker.

Mr. Speaker, Sir, I would like to specially thank the two Honourable Members who basically spoke on the COP 23 Presidency Annual Report. Just a reminder to Honourable Lenora Qereqeretabua, we were discussing the COP 23 Presidency Trust Fund Second Semi-Annual Report and not FijiFirst Annual Report.

I would like mention at this point in time for Honourable Members not to make a mockery of the Committee Report. A lot of hard work was placed in compiling this Report and when we are debating this Report, we should actually be debating on this Report. If you do not take any constructive input with regards to the Report, please do not stand up and speak. Do not make a mockery of the Committee's Report.

Sir, I have two more comments. Firstly, with regards to the comment made that the COP 23 Presidency Trust Fund Account was not audited, I would like to confirm that the Trust Fund Account was audited as mentioned in the six-monthly Report. The audit was conducted by an independent external accounting firm – PricewaterhouseCoopers.

Secondly, the COP23 Precedency Trust Fund Account was audited as required by the donors and in compliance with the requirements of the Trust Fund Act associated Financial Policy Guideline and Procurement Regulations 2010 and with the applicable condition in the funding agreement with donors.

With those words, Sir, I would like to thank you for giving me this opportunity.

HON. SPEAKER.- I thank the Honourable Chairman. Honourable Members, Parliament will now vote to note the content of the Report.

Question put.

Motion agreed to.

HON. SPEAKER.- I now call upon the Honourable Ro. Filipe Tuisawau to move his motion. You have the floor Sir.

### **INQUIRY INTO THE FINANCIAL STATE AND OVERALL VIABILITY OF FIJI AIRWAYS**

HON. RO F. TUISAWAU.- Thank you, Mr. Speaker, I move that:

Parliament establishes a special committee under Standing Order 129 to enquire into our national airline Fiji Airways. The Member of the Special Committee shall comprise the Honourable Members as listed.

HON. RATU S. MATANITOBUA.- Mr. Speaker, I second the motion.

HON. SPEAKER.- I now invite the Honourable Ro Filipe Tuisawau to speak to his motion. You have the floor, Sir.

HON. RO F. TUISAWAU.- Thank you, Mr. Speaker, Sir. I know it is an interesting subject to the Government side and there have been a few statements on it, including a Ministerial statement. It is good that a few things have been clarified, and I acknowledge the Honourable Minister for Economy on that.

It is interesting to note that in one of the past Annual Reports - 2016 Annual Report, the company name is listed there, Waqavuka Financing, the nature of the business - renting of air transport equipment, purchasing, financing, storing, leasing of aircraft and type - a charge on a ship or aircraft or any share in a ship or aircraft, persons and title, there is KFW GMBH which looks like the German lenders. As shared by the Honourable Minister for Economy, the current shareholder - Vistra Capital Markets, however, in 2016 its ownership was 100 percent Deutsche International Corporate Services Ireland Limited.

It is not really a detailed report but it is interesting that there were a few directors in 2016; Reece Owens served for three years from 2013 to 2016, David McGuinness - 8 months and Emil McGrath 2½ years, Lynda Ellis - 2 years/8 months between the period 2013 to 2016. As mentioned by the Honourable Minister for Economy Bronagh Hardiman, who is the sole director now, also lists his costs to Waqavuka and credit limits. One of the interesting parts of the Report, they mentioned some key factors - negative comments and influential sectors.

Pre-tax profit decreased by 10.2 percent, compared to the previous trading period and 8.3 percent decline in total assets. Sales in the latest trading decreased by 7.9 percent. The Company is part of a group that has undergone recent changes in directorship. Key financials, cash, they do have cash - not much though - €682 - 2013, €10,349 - 2014, €18,917.

However, in the total current assets - €17,563,230, that was in 2013; 2014 - €18,157 and then 2015 - €18,621 and liabilities which, sort of, matched those. I suppose, that is linked to the leasing, as mentioned by the Honourable Attorney-General.

There is also a profit and loss, so there are funds going in and out. There is an operating profit listed there, interest payments, pre-tax profit, et cetera. There is also listed trade debtors, short-term finance, liabilities and total assets.

Honourable Speaker, what I am saying is, it is not really that it is there inactive, there are funds going in and out. However, as I had expressed this morning, there is concern regarding Ireland. It is seen by the European Union Parliament and the US Senate that it has a shadow banking centre.

It is viewed as a tax haven which Ireland's bank has little power to regulate. It is described as Ireland's shadow banking centre and I suppose the question we would ask is, why are public funds of our nation being channelled through a tax haven or shadow banking centre? The publication is titled, "Shining a Light on Special Purpose Entities in Ireland". This release refers to an entity, such as Waqavuka.

The publication identifies about six types of entities. The first model which is the Standard Securitisation Model is relatively straightforward and is also a model most commonly employed. In this model, a bank passes debt, such as mortgages to the Irish resident Special Purpose Entity (SPE) which issues debt securities to investors based on cash flows behind this debt. These debt securities are easily tailored to investors and are often issued in senior and subordinate tranches. The proceeds of these debt sales are passed to the bank via the SPE. Motivations for the bank include; receiving proceeds of this debt issuances, reducing loan portfolios and earning servicing fee income. So there are elements of fees in these kinds of entities.

The second model which is the Split Returns Model is employed in various ways by both, securitisation and non-securitisation vehicles sponsored by banks. The Irish SPE holds a portfolio of investment assets such as debt securities and returns are split between the bank and SPE's debt. In particular, the Irish SPE issues bonds with fixed rate of interest to investors that are redeemable on request. The SPE then uses the proceeds to purchase a portfolio of high quality long-term floating rate Government bonds.

The third one is the interesting one which is the External Financing Model which is the third model in SPE which adequately described Waqavuka. In this model, the bank transfers assets to SPE which ring-fences the assets as collateral backing debt issue to investors. The assets are governed by Irish property rights in the event of a dispute. This SPE is set up as a standalone entity outside of the sponsor's group structure.

There are several entities mentioned here (the sponsor's group could be the Fiji Airways or the bank, I am not very sure about that) with a charity or other body technically owning the SPE so that assets are not accessible by the bank as described by the Honourable Attorney-General. This ownership is technical with contracts structured so that investors have priority over assets, so that is another entity which is there. I had mentioned the sponsors - the bank and investors of the SPE. The bank also guarantees the Irish SPE.

The loan participation notes, again this another question which needs to be clarified. Is this a separate vehicle entity, or what is it? They are then issued to intermediaries, on to investors and flows, meaning debt repayments, or what is it? That is the question I am trying to get. Returning to the bank via SPE.

Again, as it is mentioned here, the intermediary. This is why we are pushing for an inquiry because in this explanation, there are various components/entities within the SPE. The intermediary is usually quoted on a stock exchange, often the Irish Stock Exchange, and such listing requires a prospectus describing their debt issues, including the risk factors which is approved by the home country regulator. So who is the home country regulator, is it Fiji, the Irish or where was the prospectus issued?

The bank achieved cheaper funding or access to funding markets by guaranteeing the assets, so it is a two-way benefit - those guaranteeing the assets which is Waqavuka, and the bank which funds the purchase or the lease. This business model describes SPEs in various countries and the predominant activity of Russian sponsors SPEs.

So it is used a lot by Russian organisations and to me, that is the worrying part. I am not saying that something is happening, but as someone who is proposing a motion for inquiry, these are the parameters we need to look at because there is a lot unanswered questions. Just recently in March, *Reuters* reported on a bribery scandal in Airbus. Let me read it out, and I quote:

“Fallout from the Airbus bribery scandal reverberated around the world as the head of one of its top buyers temporarily stood down and investigations were launched in countries aggrieved at being dragged into the increasingly political row.

Airbus agreed to pay a record of \$4 billion (\$3.1 billion pounds) in fines after reaching a plea bargain with prosecutors in Britain, France and United States over alleged bribery and corruption stretching back at least 15 years.

Airbus declined to comment...

Prosecution documents agreed by Airbus detailed a global network of agents or middlemen in transactions across the group's business and run from a cell in Paris where the group had part of its headquarters, split between France and Germany.

Outlines of the operation and its annual budget of 250 million to 300 million euros (\$277 million to \$332 million) has been reported by Reuters.

Prosecutors also cited parallel projects or investments alongside some negotiations, including sponsorship by Airbus then parent EADS of a Formula 1 team owned by top officials at AirAsia, a major customer.

AirAsia Group said Chief Executive Tony Fernandes and Chairman Kamarudin Meranun would step aside for at least two months while both the airline and government probed allegations.

Fernandes, one of the aviation's best known executives, already faces domestic pressure after backing former Malaysian Prime Minister Najib Razak in 2018 elections. Najib was ousted by Mahathir Mohamad, prompting Fernandes to apologise for backing the loser.

In Ghana, a political storm erupted over accusations of Airbus payments to a relative of a government official in connection with the purchase of military transport planes.

Britain's Serious Fraud Office (SFO) said the agent had no aerospace experience, having previously worked in a football merchandising and as a facilities manager. It did not say what the agent, who had been helped by two unnamed British television actors, did with the money."

But there are various incidents and cases related to that Airbus unit which had about €200 million to €300 million, assisting it with purchasing of Airbus.

In Kuwait, the Parliament there has agreed to look into whether Airbus aircraft came from the Gulf Arab State, so we could also do the same thing. One of the Parliaments is doing that, so why not us? We are not investigating this, but this is just an inquiry as stated in the motion. It would be good for the public because it has been raised, and also good for the Fiji Airways and the Government side.

Government and airlines around the world have launched their own investigations into that issue regarding the \$4 billion settlement with prosecutors, alleged bribery and corruption, stretching back more than a decade. A three-member Parliamentary Committee has been passed with reviewing airbus orders and needs to submit a report.

I also share, Mr. Speaker, Sir, this issue which is really about transparency, good governance and accountability and this is what we are asking for, not only this side of the House but the members of the public, even the Fiji Airways staff. I acknowledge that explanations have been given and information provided by the Fiji Airways Chief Executive Officer (CEO). Again, I emphasise that we are not here to undermine Fiji Airways.

The Enron scandal led to the bankruptcy of Enron. This is another example of situations which have developed where there has been lack of accountability and transparency in corporate governance. Enron was one of the largest audit and accountancy partnerships in the world. In



addition to being the largest bankruptcy organisation at that time, Enron was sighted as the biggest audit failure and executives had been charged using accounting loopholes, Special Purpose Entities, poor financial reporting and were able to hide millions of dollars in debt from failed deals and projects.

In terms of other incidents, the Panama Papers, (some of you may have heard about it) millions of leaked documents detailed financial and attorney-client information for more than 214,488 offshore entities. So, Waqavuka is an offshore entity in Ireland. The documents, some dating back to the 1970s, were created by, and taken from Panamanian law firm and corporate service provider, Mossack Fonseca, and were leaked in April 2016.

The documents contained personal financial information about wealthy individuals and public officials that had previously been kept private. While offshore business entities are legal, reporters found that some of the Mossack Fonseca shell corporations, shell entity such as what I have just described, were used for illegal purposes, including fraud, tax evasion and evading international sanctions.

Mr. Speaker, Sir, if we have this vehicle within Parliament, it will answer a lot of questions, and I think it will be good for the nation that we have that. A lot of comments had been made, a lot of questions had been asked and maybe, assumptions made, but just to emphasise that this is not a witchhunt or anything, it is basically just to clear things, to ensure there is transparency, accountability and we have to keep in mind that Fiji Airways is not a minor issue. It is a 51 percent company owned by the people of Fiji. It is not owned by the Fiji Airways CEO or the Minister, and it has exposed taxpayers of Fiji to \$455 million government loan guarantee, \$200 million has been taken as loan from FNPF and just recently, the \$75 million via Reserve Bank of Fiji. So, there is a total of \$655 million that will be added to the already \$7 billion national debt.

According to the Fiji Airways CEO, they are currently swallowing up maybe \$20 million or \$38 million. He mentioned two figures and we are not sure when the airline will fly again, when it will return to profitability. So, \$1 billion revenue has become zero, bulk of the staff had been laid off, recurring costs are \$20 million to \$38 million and the CEO has also revealed that even though they build up their cash reserves of which \$60 million was from profits, the recurring cost can still bring the airline down as this cash would probably just last another six months. In the end, it could result in a national financial crisis for the nation, as debt is now going onto nearly 80 percent of GDP.

Mr. Speaker, Sir, that is the rationale behind this motion and I believe that it will be a good exercise, it will also clarify issues, it will also clear the air and get rid of rumours, innuendos and also misconceptions that had been created, and it will also be good for the national airline.

Before I sit down, I, again, emphasise that this side of the House, the Opposition, wants the airline to survive and we want it to be a sustainable entity. But then we want to be assured that the financial situation, in particular, the management of the debt and the entities existing which are facilitating that, such as Waqavuka, are transparent and accountable and also subject to good governance processes. *Vinaka.*

HON. SPEAKER.- I thank the Honourable Tuisawau for his motion.

Honourable Members, the floor is now open for debate on the motion. Honourable Professor Prasad, you have the floor.

HON. PROFESSOR B.C. PRASAD.- Thank you, Mr. Speaker, Sir. If this inquiry, indeed, is to go ahead, then one thing I think that the Committee ought to look at and I know Honourable

Gavoka has been highlighting and I think it is an important issue and that is, to investigate the question, what was the effect of the Military Government's 2012 Decree which destroyed the Government's relationship with Qantas, the 46 percent shareholder of Fiji Airways? It is no point blaming everyone else, including the Opposition, which the Honourable Minister and even the Fiji Airways CEO tried to do at the Press Conference that they held in Nadi on 26th August, 2020, Mr. Speaker, Sir.

At that Press Conference, Mr. Speaker, the CEO quite clearly blamed Qantas for taking \$95 million in revenue from Fiji Airways. He was very clear. He said that Qantas should not be competing with Fiji Airways, and said that Qantas should be the strategic partner. He further said that Qantas should be helping Fiji Airways to buy aircraft and train pilots. So why is Qantas not doing this?

I think the CEO knows why, the Honourable Minister also knows why, but one thing that the CEO said quite rightly, Mr. Speaker, Sir, was that Fiji Airways is a small airline by comparison or in relative terms, so it needs a strategic partner like Qantas. And I think that was one of the reasons why in 1996, the then Government allowed Qantas to actually increase their shareholding to become a 46 percent shareholder.

Mr. Speaker, Sir, this should have been a huge opportunity for Fiji Airways. It was an opportunity for Fiji Airways to be helped by a bigger airline which actually Qantas is a force in the global aviation industry, and for many years that was what happened.

Mr. Speaker, Sir, the Government, as we know is a 50 percent shareholder in Fiji Airways and Qantas has 46 percent. Anyone who knows about business, if you have a partner, if you are an owner and you have a share of 51 percent and someone else has 46 percent, then obviously if the other partner nearly owns half the company, you would want to work with that shareholder. You do not then fight with your shareholder, you cooperate and you work together, Mr. Speaker, Sir,

Mr. Speaker, if you read the Articles of Association of Fiji Airways, you will see that those Articles actually set out rules for working together. They set out the rules for making decisions together. Both parties must agree and work together on major decisions. However, Mr. Speaker, after that 2012 Decree, all that was taken away and, of course, the Honourable Attorney-General was the legal advisor, and the Decree is now obviously an Act - Civil Aviation Ownership and Control of National Airlines Act.

So the question is, what was the effect of this Act, Mr. Speaker? It was essentially to override the Articles and the decision-making in those Articles, and because the Fiji Government did not want to cooperate with Qantas, it basically wanted to order Qantas around.

Mr. Speaker, as a result of this Decree, Qantas stopped appointing Directors to the Fiji Airways Board. There are supposed to be four Qantas Directors on Fiji Airways Board. Those Directors was supposed to be people with expertise and would provide support to the airlines. So for more than seven years, there has been no Qantas representation on the Board, yet they still own 46 percent of the shares.

Mr. Speaker, this is what the Government probably needs to understand, that Fiji Airways is, indeed, small. I think Fiji Airways, more than ever, needs Qantas now. Qantas does not need Fiji Airways. I mean, if they own 46 percent of the company, Mr. Speaker, and Qantas is a huge airline, we need to work with them. If you are Qantas in this situation, if you are a 46 percent shareholder and the 51 percent shareholder in the company treats you like this and says, "You have no say", what

would they do? Obviously, they would not help Fiji Airways to train pilots or buy planes or give other support.

Mr. Speaker, when the Fiji Airways CEO complained about what Qantas did, who should he be blaming, should he blame Qantas? Should he blame the Minister? Should he blame the Government? Should he blame Fiji Airways Board? Mr. Speaker, I was really surprised at this news because everyone knows that this is the way in which this Government has behaved on many other things, so it is not surprising why this has happened.

Mr. Speaker, Sir, this is one of the reasons why this could be a very useful issue that the Committee could investigate or inquire as to what is happening, how did that Act change this whole relationship between Qantas and Fiji Airways. And Qantas, may I repeat that, Mr. Speaker, still owns 46 percent of the shares.

(Honourable Members interject)

HON. PROFESSOR B.C. PRASAD.- You guys can have some discussions first.

Mr. Speaker, I think, if there is one issue, if this committee were to go ahead which is very unlikely, of course, this Government never agrees to a bipartisan committee or a special committee to investigate anything, but if they change their mind and this committee goes ahead, then I would say that this is one of the things that needs to be inquired by the committee. Thank you, Mr. Speaker.

HON. SPEAKER.- I thank you. Honourable Prime Minister, you have the floor.

HON. J.V. BAINIMARAMA.- Thank you, Mr. Speaker, I rise to speak on the motion by Honourable Tuisawau, but for someone who is supposed to know something about what is happening around us, Honourable Professor Prasad has no idea of what transpired in 2012. He thinks he knows, but he does not know.

(Honourable Professor Prasad interjects)

HON. J.V. BAINIMARAMA.- But you explained it!

He does not know that Qantas then had Fiji Airways by the throat, by the neck. They had the veto power. We could not buy any plane. We could not fly anywhere without Qantas saying, "yes". Does that make sense to you? I think it is a matter of pride for Honourable Professor Prasad to get out of the stupid notion that we were having problems with Fiji Airways.

Mr. Speaker, Sir, when Honourable Tuisawau introduced his motion, I got the notion of what he had wanted us to do. But then he started to wonder off and he lost me when we got to Russia. I just could not figure out what we were doing there.

I want to tell the Honourable Member that lucky for the Honourable Member there is actually a document that already explains exactly what he is after. It is called the Fiji Airways Financial Results which are transparently published for anyone to read. So, I have to wonder what the Honourable Member expects his proposed committee will do, to read to us those financial results as a bed time story. While we appreciate his offer, I can assure you, we are all sleeping just fine, particularly so with the knowledge that we are supporting our carrier through the challenge of the Coronavirus.

If we all get out of this room and walk down there for about half a mile, it will be a better exercise than the exercise he says that we should go on on this. On top of that, Mr. Speaker, our Honourable Attorney-General already gave us the detailed explanation on the Airline's financial position. I share his frustration that while airline companies are receiving support from Governments all over the world, only in Fiji does anyone question why that support must be given?

We have been citing the same financial figures since the very day we presented the Government guarantees to the Airline. The finances have not changed, Mr. Speaker. They are the same as the day this Parliament unanimously approved the Government guarantees to the Airline.

Now, Honourable Tuisawau and Honourable Prasad seem to be racing to see who can backtrack from that approval fastest, it is obvious why. They both think there are votes in there for them. It is 2022 all over again but I think it is also more to do with pride. They cannot back track from that. That is how they both think.

They want to look for new pockets of votes and they think Fiji Airways' former staff are where they will get their votes from. They are not really being honest. They are not being genuine. If they were, they would have raised this issue when we presented the guarantee. Now, they have become what everyone cannot stand about politicians, doing or saying anything for votes.

When it concerns the Airline's overall viability, Mr. Speaker, lessors and financiers are much more qualified to assess Fiji Airways's financial position than any individual on that side of the Chamber, and those lessors and financiers have shown their utmost confidence in Fiji Airways's financial position demonstrated by payment deferrals and new loan facilities.

Those lessors and financiers are not standing in the next election, Mr. Speaker, they are unbiased, unlike those Honourable Members sitting on the other side. Again, Mr. Speaker, should we decide to waste our time and money on this special committee? I really have to wonder what game changing revelations the Opposition believes they have for us.

We know there is a global pandemic and we know that the revenue from passenger air travel cannot return, so as long as the borders remain closed, Fiji is currently COVID-contained but Australia and New Zealand are not. We are praying that our Australian and New Zealand friends are able to contain the COVID-19 outbreak. In the meantime, we are making sure that Fiji is in the best possible position to resume flows of tourism as soon as it is safe to do so.

We are not dithering on an indecisive committee. We know what must be done and we are doing it. Unlike Honourable Members on the other side, especially the three who seem more willing to support our national carrier's competitors than the Fiji Airways itself, this side of the Chamber stands with our national Airline.

We will defend it from the brutal impacts of the COVID-19 pandemic. We will defend it from the campaign of lies and deceit from the Honourable Members of the Opposition. We will see, Mr. Speaker, it returned to a position of strength. Therefore, I do not support the motion. Thank you.

HON. SPEAKER.- I thank the Honourable Prime Minister. Honourable Kepa?

HON. RO T.V. KEPA.- Mr. Speaker, I speak on the issue where the former managing director and CEO and I think Honourable Professor Prasad also alluded to it, when Fiji Airways lost more than 90,000 passengers to Qantas in 2019. I think I know some of those passengers, Mr. Speaker, who decided that they would prefer to book through Qantas than through Fiji Airways and they are not only from Australia, Mr. Speaker, they are also from Fiji.

We want to be patriotic but why is Fiji Airways allowing Qantas to take the Fiji Airways passengers? I used to have a friend who used to do my bookings for my flights overseas and he used to book me through Fiji Airways and then a few years ago he died, so I had to do my own bookings. The Honourable Members on the other side, including the Honourable Prime Minister and the Honourable Attorney-General and all their Ministers, would not know what I am talking about because they do not do their own bookings.

I decided to go to a travel agent to do my booking and on the day that I arrived there, he told me, "Sorry, there is no more Fiji Airways seats but there are some Qantas seats left." I asked, "What is the difference between Fiji Airways seats and Qantas seats?" He said, "Well, Qantas seats are on special right now so it is cheaper than if you were to book through Fiji Airways."

Mr. Speaker, same plane, same destination and everything else. Is there any other difference? He said that if you fly with Qantas, you are allowed two bags. Fiji Airways only gives you one bag, although they own the aircraft, Mr. Speaker. So, I asked, "If I were to fly with Fiji Airways and I wanted to take an extra bag, how much would that be?" He said, "\$200. But if you fly with Qantas, they allow you to take two bags." So that is one reason many people, patriotic as they are, Mr. Speaker, fly with Qantas if Qantas seats are available.

You know, Mr. Speaker, that Fijian women do not travel light, so who is going to go with one bag if you can take two bags? So I am suggesting to Fiji Airways that they need to do a questionnaire.

(Honourable Member interjects)

HON. RO T.V. KEPA.- You only fly first class, so you would not know, and paid for by Government, I have to add.

Mr. Speaker, 90,000 passengers lost to Qantas is not a joke and if passengers are voting with their feet to go to Qantas rather than fly with Fiji Airways, that is telling you something, Mr. Speaker. I would suggest to Government that they have a questionnaire or a survey or something because they are losing millions of dollars because passengers are booking with their feet and booking with Qantas. When you go to Los Angeles and you can fly with two bags whereas if you were to fly with Fiji Airways and you will have to pay for the extra bag, that is about US\$300, which is a lot of money. So, this is nothing to be joked about.

When COVID-19 is over and travelling restrictions are also over, we can, once again, be welcomed home by Fiji Airways. We would certainly want to fly again with Fiji Airways, Mr. Speaker. Maybe, they might be able to recoup and recover some of their 90,000 passengers that they lost and make profits that Qantas is now accused of taking away from Fiji Airways. Thank you, Mr. Speaker.

HON. SPEAKER.- I thank the Honourable Member. I give the floor to the Honourable Gavoka. You have the floor, Sir.

HON. V.R. GAVOKA.- Thank you, Mr. Speaker. Yesterday, on 2nd September, the CEO of Qantas said this, "Qantas will bounce back stronger than ever." These are the people who own 46 percent of Fiji Airways, they used to be part of the management of Fiji Airways and they are saying words that we want to hear during this crisis. All we hear from the other side is, "This is COVID-19, it cannot be helped," all the scenario to make us feel sorry for our national airline which we all love. But here is the partner saying it yesterday, "Qantas will bounce back stronger than ever."

HON. A. SAYED-KHAIYUM.- So did the CEO of Fiji Airways but you didn't hear it.

HON. V.R. GAVOKA.- Mr. Speaker, hear this, the major strategic partner was raising money in Australia to the tune of \$2 billion. We ask the question, could we not have gone to them to help us with the funding for Fiji Airways? Why did it have to be just the taxpayers of Fiji?

It is almost like we are wasting our time talking to the other side. Here is someone who can contribute to the funding of Fiji Airways during this crisis and they are ridiculing every issue of this airline. They are living in a la-la land, those Honourable Members across the aisle.

Interestingly, they said their equipment are all ready for post-COVID-19 and their fleet is 787 Dreamliners. We got a lecture yesterday on fleet management and all that and why it is wrong to do this, but here is our major partner relying totally on the Dreamliner, the aircraft that they had recommended for Fiji Airways.

Mr. Speaker, you complain about losing passengers to Qantas. The Qantas guys love Fiji. They would not have dropped their own metal into Fiji if we had the relationship with them. Why did we make it untenable for four Directors of Qantas to sit in the Board of Fiji Airways? Why did you do that? You remove them from the Board, they owned 46 percent. What do you think they are going to do? They will do what they need to do for their business.

In the past, they had soft spot for Fiji Airways, but the problem with FijiFirst, Mr. Speaker, they do not know how to develop relationships, they do not know how to nurture it. At that time in 2012, we had what we call in Fiji the Decree factory here in Fiji. Decrees were flying left and right, and that was one of the Decrees written to remove the Qantas Directors from the Board. So it is a sad story and I would wish that we carry out an inquiry into this, Mr. Speaker, and really determine why did we really want the Qantas Directors out of the Board?

The Honourable Prime Minister says, "Oh, well, they were having the final say on the new routes, they have a final say on the purchase of equipment." Yes, of course they did, because some years back they absorbed the losses incurred by Air Pacific then, which could have bankrupted this nation. Qantas, Ansett and Air New Zealand all bidded to run or manage Air Pacific. Qantas won the bid because they absorbed the losses.

HON. A. SAYED-KHAIYUM.- Please tell the truth!

HON. V.R. GAVOKA.- Mr. Speaker, what is the truth here? Qantas absorbed the losses and the conditions they put into that was, one, that they will have the final say on the purchase of the equipment and they will have the final say on the new routes. Mr. Speaker, Sir, what brought down Air Pacific at that time was when they leased the DC10 from Air New Zealand, which was a wrong aircraft for Fiji.

HON. A. SAYED-KHAIYUM.- Who appointed Savu?

HON. V.R. GAVOKA.- I mean, that is in the bye and bye, Mr. Speaker.

That was what happened, they bought a DC10 from Air New Zealand which was not suitable for the route for Air Pacific. And the route system, they had what we call the Project America, which was the first service into North America but only through Honolulu. They were relying on another company to bring in people from mainland USA to Honolulu and for Air Pacific to pick up from there. It was a disaster. That was Qantas said, "This is why you lost money, we will absorb the losses but on these conditions, we will have the final say on the type of equipment you purchase and

the routes you are going to fly into.” That was clear to everyone. I do not know how it is the regime and FijiFirst said, “This is unacceptable. We will have a Decree and throw mud at Qantas.”

Mr. Speaker, Sir, it is insane. The aviation industry knows that it was insane, and Mr. Speaker, part of the insanity with FijiFirst was that, yesterday we were told that the Governor of the Reserve Bank of Fiji (RBF) was serving as Chairman of FNPF which was the conflict of interest. Can someone explain to me, how is it that the CEO of Fiji Airways is Chairman of the Fiji Development Bank (FDB) which is lending money to Fiji Airways through RBF?

The RBF is lending money to Fiji Airways through FDB and the CEO of the company becomes Chairman of FDB. If that is not conflict of interest, Mr Speaker, then what is it?

Mr. Speaker, a lot needs to be done. Fiji Airways needs this. We need this tribunal to inquire into it. We all love our airline, we want to make sure that it is strong as it was in the past and the way it should be. It is just too bad that FijiFirst continues to believe that they are the only ones who have the answer, that this small Airline can ignore its partner, instead of benefiting from its partner - Qantas. Thank you, Mr. Speaker, Sir.

HON. SPEAKER.- I thank the Honourable Gavoka. Honourable Attorney-General, you have the floor.

HON. A. SAYED-KHAIYUM.- Thank you, Mr. Speaker, Sir.

Mr. Speaker, Sir, I would like to draw Honourable Members’ attention to the actual motion itself. The motion says, “To establish a special committee to enquire into the financial state and overall viability of our national airline - Fiji Airways.”

Mr. Speaker, Sir, the mover of the motion actually talked a lot about the location of Waqavuka in Ireland, et cetera. Just to contextualise, the Honourable Member should know that the Airbus is actually owned by the UK, German and French Governments, and a couple of other small European countries. The parts of the fuselage, et cetera, are made in different parts of Europe and they come together in Toulouse in France.

The ECA that I spoke about actually is government-backed in Europe, and that is why the banks actually give you a much better credit or interest rate because the loan itself is backed by the Export Credit Agency. So, any conspiratorial theory source that you may have quoting one article about Ireland and it being a tax haven has absolutely no implication on Fiji Airways, nor the accounts of Fiji Airways. Someone today sent me photographs of 10 years of Annual Reports of Fiji Airways which is in the Companies Office, Honourable Professor Prasad, please, go and have a look.

Mr. Speaker, Sir, it is unfortunate that we always seem to be traversing the same grounds over and over and over again. It is kind of becoming really monotonous, talking like to school children and saying the same thing over and over again. Let me go to the Chicago Convention. None of the Members on the other side spoke about the Chicago Convention.

The Chicago Convention talks about an effective control of an airline. You cannot, under the Chicago Convention, claim to be a national carrier if you do not have effective control. Fiji’s ability to go and negotiate bilateral Air Services Agreement (ASA) was actually undermined by the fact that when we went and spoke to different countries on the ASA, and because most of our ASAs had actually not been revamped for decades, they said to us, “You cannot hold yourself out to be a national airline because you are not in effective control.” Effective control means, that you control

the airline. We held 51 percent of the shares in Fiji Airways or Air Pacific, as was known then, it still is. The limited liability company is still known as Air Pacific.

Therefore, in the application of the Chicago Convention, the Articles of Association which gave Qantas veto powers over 15 areas of operation, became null and void. Qantas's shares still remained, we did not nationalise. We could have, we did not. Nothing was nationalised. At no point in time, someone said from the other side, "We stopped them from coming." We did not. They still have those chairs empty at every Board meeting. They are the ones who have chosen not to come.

Mr. Speaker, Sir, let me highlight one other issue. Qantas, under the Shareholders Agreement, Honourable Gavoka knows this specifically well, Akuila Savu was appointed as the CEO under the Honourable Leader of the Opposition's Government. He was not the right person for the job. As a result of that, the Airline went under, it was not because of just one aircraft. Let us speak the truth.

Fiji Airways or the Government of Fiji then went cap-in-hand to Qantas at that point in time, (I think from memory they owned about 12 percent or 14 percent), they want a capital injection and Qantas said, "Alright, we will inject these funds but these are the conditions." You do not lose money just because of one aircraft, let us speak the truth.

Mr. Speaker, Sir, you may argue and say that at a particular point in time, you may actually say, "Alright for a period of time, we will let you have veto powers." But to have veto powers in perpetuity with no end in sight and to still call itself a national carrier? When we act as a poorer cousins of Qantas? Where every time Fiji Airways wanted to fly to new destinations, they were stopped, because they simply saw us as the feeder airline. We simply feed them in their major routes from Fiji, that was it. They will bring the people from long distance, you little boys here from Fiji, just fly the Sydney-Nadi route, do the Auckland route. Maybe, they did go to Los Angeles, that was it. That is the reality.

When that deal was struck – the Shareholders Agreement and in the Shareholders Agreement, there were what we call in general commercial terms "pre-emptive rights". In general commercial terms, if you and I are shareholders in a company in this particular instance, it was not actually slanted. If Qantas wanted to sell its shares, then it would actually offer to sell and then if Fiji Airways wanted to buy, they would buy at the price that Qantas actually offered to sell at.

If the Fiji Government wanted to buy but did not want to buy at that price, then the Shareholders Agreement said, "You go to an independent third party, whatever value the independent third party gives, that is the price at which Qantas sells, that is the price at which the Fijian Government buys." You could only offer to sell, you could not offer to buy, so Fiji Airways could not offer to buy. We had to wait for Qantas to offer to sell. It is very unusual, but that was the situation.

Before this, in 2012, Qantas came to us and said, "We want to sell our shares." We said, "Great!" And the price that they wanted to sell their shares in Fiji Airways at 46 percent was way above what the market value was, way above. We said to them, we really want to buy because our thinking was, we will then go off and get a strategic partner. Strategic partner means getting someone who is actually going to be developing the strategy with you and fitting into that strategy, to grow the airline, not to stagnate it and then when they said, "We sell." We said, "Great! We want to buy, but sorry Mr. Qantas, the price is still too high, let us put in place the mechanism under the Shareholders Agreement." Guess what Qantas did? They became ridiculed and said, "We are not offering to sell, this is actually a proposal to sell. Therefore, you cannot go to the independent third party to get the independent third party valuation." Finished, so it ended there.



We wanted to grow our national carrier, we need our tourism to grow. We needed more markets. We need to go to Hong Kong, we need to go to China and we need to go beyond. We are now doing San Francisco, we were doing that before the pandemic. We were looking at the A350 to go to Dallas and even Chicago because we were only tapping into the West Coast of America. They were the plans we had, Mr. Speaker, Sir. That is what A350 would give. Honourable Gavoka, please listen!

(Honourable V.R. Gavoka interjects)

HON. A. SAYED-KHAIYUM.- Please, Mr. Speaker, Sir.

HON. SPEAKER.- Order!

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, that is what we planned to do. Qantas, in the meantime, with the veto powers, as I have told this Parliament so many times we have discovered, they used to arrange our insurance, we used to pay more than what the market rate was. We went out and got ourselves the insurance and paid far less. The engineering costs, everything came down.

That is the reality, Mr. Speaker, Sir. And I say there is nothing wrong with us controlling our own national airline if it is going to be our national airline. Absolutely nothing wrong with that!

HON. GOVERNMENT MEMBERS.- Hear, hear!

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, the reality is that, Qantas had veto powers over which routes we could fly, who would be the CEO, what kind of capital investment we would have - 15 areas of operation, Mr. Speaker, Sir,

Mr. Speaker, Sir, the Honourable Gavoka had said that Qantas has these dreamliners. Actually, they have A380s, A330s, they have 787s, they have 737s, they have A332-200s, 300s, they still have a couple of 747-400s; it is a mixture.

Mr. Speaker, Sir, the other point that I wanted to also make (and I have been controlling myself from saying this), Honourable Gavoka had a go at the CEOs. I told Honourable Gavoka privately about this, that Dave Pflieger signed a three-year contract. And he signed up again for a second term but his wife got cancer and that is why he left. In the fourth year, his wife got cancer, which was why he had to leave Fiji. Unfortunately, Dave may actually not like me saying this. It has come to that stage where I have to say it. I have tried to keep it a very personal matter.

The other bloke who came in, he was a German bloke. He was a former Olympian of Germany, he received a phone call from Merker's Government because Air Berlin was going under, because Etihad or whoever was with them and they asked him to come and rescue the airline, that is why he left. Of course, he was not able to rescue it, whatever the circumstances were because he was facing a lot of difficulties. These were the circumstances.

Mr. Speaker, Sir, today, I would like to publicly acknowledge Andre Viljoen. He is a damn good CEO, Mr. Speaker, Sir. The type of negotiations he has entered into, in the acquisitions and the way he has taken this company forward is phenomenal.

Honourable Kepa talked about the 19,000 passengers being lost. Despite that, and despite as I stated the other day, a projected loss of \$100 million because Qantas is starting their own aircraft, bringing in their own metal and they still made a \$60 million profit. That one bag you are talking

about, that has changed, Honourable Kepa. Maybe, you should have travelled sometime after that because they had to compete with Qantas and Qantas was throwing everything, bells and whistles.

The question, Honourable Professor Prasad needs to ask is this, if you own 46 percent in a company in particular in the aviation sector, why would you run your own aircraft against the company in which you have a shareholding?

Why would you? It make sense to code share, as we now do with American Airlines, British Airways and so many other airlines - part of the one world system. We work together, we have inter-airline agreements. We do code sharing, you do not compete directly on those routes. And here, they are pontificating that and holding up as if it is something great and wonderful, just to undermine our national carrier.

Alan Joyce said that - Alan Joyce with a fantastic salary of \$24 million a year or whatever it is, that our CEO said that. How come no one is quoting him? He has given so many positive messages. How come they do not talk about our assimilator, our aviation school? There is enormous potential in that, the potential to move away completely from expatriate pilots because our Fijian pilots can go there. We have all our assimilators here. It is lost on them completely, completely lost on them!

Mr. Speaker, Sir, the issue about the CEO of Fiji Airways being made Chairman of the FDB, if the loan was given or was being negotiated while he was the Chairman of the FDB, that is a conflict. The loan has already been given out. We got the CEO because he is a good financial person. His background is actually in finance, then he came into the aviation sector. That is why he was appointed.

Mr. Speaker, Sir, in fact, I do not have much more to add but I, obviously, do not support the motion and I urge Honourable Tusawau, I think he seems to be coming on middle ground but he ended off into Russia and what have you, please, the reality of the matter is and I implore Parliament, I implore all Honourable Members on the other side, I feel very passionate about this.

(Honourable Opposition Member interjects)

HON. A. SAYED-KHAIYUM.- No, you don't!

I feel passionate, Mr. Speaker, Sir, not for political points scoring, I feel passionate about it because it is such an integral part of our economic structure and wellbeing.

Mr. Speaker, Sir, many people have said, why do we rely so much on tourism? Before all of this, the Opposition used to ask us, "When are you going to hit \$1 million?" People used to ask us that. Now, they are saying, "Oh, we should have some other industries." Yes, we are trying to diversify our economy, but in order for us to make a good foot forward, we need the national carrier.

Alan Joyce is also on record for saying a few weeks ago that they are not going to fly overseas until, I think, June of next year. So, if they are going to open up the borders, if the Bula Bubble works, they are not going to fly here. We shut down Fiji Airways, so who are we going to wait for? Will we wait until June for Qantas to fly into Fiji? Is that what we are going to do?

I implore Honourable Members of the Opposition, please, think deeply about this issue. Let us not get into all these shenanigans. Put your egos aside. This has got nothing to do with any of that.

We will create more Fijian jobs. Yes, the terminations have taken place. Other airlines have done that. Air New Zealand has fired 4,000 people. They do not seem to talk about that. The fact of

the matter is, we need the carrier because we need our tourism sector. I worry about these things when I think about it at night, alright when will the borders open? We are getting our COVID-19 plans in place, economic recovery framework is there, we talked to everyone else to get in place. We need the economy. We need the jobs, this is not our making.

I implore you, please, let us not waste our time. We need to be serious about this. Please, leave aside the political points scoring. As the Honourable Prime Minister said, "Don't line your pockets with votes." I urge you and I say this with the most sincerest of pleas, "It is very serious matter, it is of national importance, economic importance and we have to be nationalistic about this, not just for the sake of being nationalism but for the fact it is good for our economy and good for our future."

Mr. Speaker, Sir, I do not support the motion.

HON. SPEAKER.- Thank you. Honourable Nawaikula?

HON. N. NAWAIKULA.- Mr. Speaker, I sit here and I get worried, I worry about the public listening to the Honourable Attorney-General. I ask myself, how can a person, who has singlehandedly brought this mess upon the nation, cannot accept responsibility? I feel that he has too much pride to admit that he, of all people, is the person who is responsible for the mess we are in.

We must admit that Fiji Airways is now technically bankrupt. It is technically bankrupt. He admitted that 95 percent of the planes are not flying. There is zero income and the reason for that, Mr. Speaker, is one person, him.

From the start until where we are here now, he decided to take it upon himself. He decided he wanted to play with the big boys. He kicked out Qantas and he got into all these with too much pride because he was not reasonable. And where has that landed us? We have nothing. He must admit that he is the person who is the cause of the problem to the nation now.

Now, if you think about it, the solution that they did, fair enough! Qantas was behaving that way. Fair enough because it was allowed to during the negotiation. They had a contract. The contract allowed Qantas to do that and we do not have the reason. The reason was there, expressed briefly by Honourable Gavoka, so he was entitled to do that as a matter of contract. And what was the solution that you did? You did not go back to that obligation. You resolved to a Decree, very selfishly. Very selfish, indeed, to do that. You should treat them as you were in a contract. So what did they do? They decided to pass a Decree and that Decree does not allow Qantas any input. With the Decree, it kicked Qantas out. So do not expect Qantas, do not expect any other country to come to your help in your time of need. You must know that.

What is Qantas saying now? They will bounce back. What is the CEO of Fiji Airways saying now? He is crying to the nation saying, "If you do not help us, we will barely go up." His only solution is to come to the nation. Who is the nation? The public. That is my fear. No one is going to help Fiji Airways. No company overseas will help Fiji Airways for what they did to Qantas. They will look back and see, what did they do?

They chased out their partner by a Decree. Totally unlawful. They did an unlawful act, so who, in their right mind, will come in? So the best thing to do is to sell or go into liquidation because otherwise, they will keep coming here, time and time again, just like they are doing to Fiji Sugar Corporation (FSC). The same thing! Fiji will be burdened with that.

What is happening at FSC? Ten years of accumulative losses to \$402 million and year after year after year, they are coming to Parliament for help. And now, they are almost telling us that, that is what they are going to do. They are foretelling us that they will come to Parliament time and time and time again, asking for guarantee, asking for assistance to Fiji Airways, just as they did to FSC. That is my fear and that is my concern, Mr. Speaker, and it is not a laughing matter.

Mr. Speaker, Sir, they took \$200 million from FNPF and we guaranteed them with another \$405 million. I am not sure, and we have to check the *Daily Hansard*, the total liability that the people of Fiji have guaranteed. And the fear and concern is, Mr. Speaker, that tomorrow, that will happen. The next time Parliament sits, something will come up, just as they did to FSC, because no overseas company or country, not even Qantas, would come to their help because of what they did.

They had a legal contract with Qantas, but what did they do? They brought a Decree to take Qantas out, kicked them out. It is a very personal thing, a very selfish thing. It is unlawful and sinful. You must bear the consequences. Do not come to the people of Fiji to help you, bear your own loss!

HON. SPEAKER.- Honourable Ro Tuisawau, you have the right of reply.

HON. RO F. TUISAWAU.- Thank you, Mr. Speaker, Sir. I note that the Honourable Prime Minister and Honourable Attorney-General have not really mentioned the problem that we are trying to solve, which is the debt. As mentioned by Honourable Nawaikula, how do we manage the debt of Fiji Airways going into the future? That is the fundamental problem.

They have gone into all sorts of details, and we are not saying that there are unprofessional people managing Fiji Airways but what we are saying is, what is their responsibility to the people of Fiji which the debt with Fiji Airways and how will that accumulate or progress into the future? That is why we are proposing this committee, in order to look into the issues which will make it worse, and one of that is, *Waqavuka*, et cetera, and the kinds of arrangements they have in place.

The fundamental problem here is the inability to have empathy, the inability to listen and to understand that there are others who might have better suggestions, and that is the fundamental issue that we are facing as a nation - the attitude that 'I am always right'.

I remind the Government side that two weeks ago, the *Fiji Sun* did a survey and indicated that the support of Government is falling below 50 percent. So if they continue along this trajectory, at the end of the year, it might probably be 40 percent and by 2022, it might be 30 percent or 20 percent, and you are out. So this kind of committee, instead of going below 50 percent, would have taken you above 50 percent.

It is just an attitude change and the ability to recognise what your responsibilities are to the people of Fiji in terms of the debt which is already there - \$455 million Government guarantee, \$200 million from FNPF, so how much more will FNPF support Fiji Airways? We have already taken money out from the people's funds and maybe 30 percent of Government support for the COVID-19 assistance. How long will that go on and how long will you continue to support Fiji Airways?

That is why, Mr. Speaker, is very, very important for them to also understand the input, not only from Honourable Opposition Members but also members of the public, those who are also experts and experienced, and that could have been taken on board by the inquiry. But, unfortunately, the Government side has decided to continue on its normal path which is, 'I am always right'. Thank you.

HON. SPEAKER.- Honourable Members, Parliament will now vote on the motion.

Question put.

Motion is defeated.

HON. SPEAKER.- I now call upon Honourable Gavoka to move his motion. You have the floor, Sir.

### **INQUIRY INTO FREEHOLD LAND HELD BY FIJI SUGAR CORPORATION**

HON. V.R. GAVOKA.- Mr. Speaker, Sir, I move:

That Parliament resolves to establish a special committee under Standing Order 129, to inquire into Freehold lands held by the Fiji Sugar Corporation and to consider the welfare of the traditional landowners and sitting cane farmers on such land.

The members of the special committee shall comprise the following:

- (1) Hon. Viam Pillay (Chairperson);
- (2) Hon. Vijay Nath (Deputy Chairperson);
- (3) Hon. Dr Salik Govind;
- (4) Hon. Viliame Gavoka; and
- (5) Hon. Inosi Kuridrani.

HON. L.D. TABUYA.- Mr. Speaker, Sir, I second the motion.

HON. SPEAKER.- I now invite the Honourable Gavoka to speak on his motion. You have the floor, Sir.

HON. V.R. GAVOKA.- Mr. Speaker, Sir, let me start with a story of a beautiful place called Naidovi. Naidovi, Mr. Speaker, Sir, is in Cuvu, its fronting the beautiful Cuvu Bay. The villages of Rukurukulevu, Voua, Vunahawira and Hanahana are adjacent to Naidovi, a thriving community for many generations commencing from the establishment of CSR with their base in Naidovi. It is generally known as Cuvu as it fronts Cuvu Bay, and the most beautiful in Fiji.

The Colonial Sugar Refining Company (CSR) workers, mostly indo-Fijians, had made their homes there and it was what was then known as CSR Lines. Archaic dormitories, mostly cramped, is a norm with CSR all over Fiji.

It was a thriving community, Mr. Speaker. Traders had set up in Naidovi and some have grown and became household names in Fiji, such as Punjas, and that was where they started from, in Naidovi in Cuvu. The community was very close with most *itaukeis* gaining conversational knowledge of Hindi, and the Indo-Fijians, the Nadroga dialect. It continues to be that way today albeit without CSR.

The land at Naidovi, Mr. Speaker, Sir, where CSR operated, was acquired in a manner that people of the Villages have been questioning for generation. Mr. Speaker, the story of Naidovi is similar to many parts in Fiji where CSR operated.

CSR owned land in Ba, Nadi, in Saivou, in Vuda, Lautoka, Tavua, Tovatova, Cuvu, Labasa, parts of Macuata, Malomalo and Rakiraki. Perhaps, some of these young generation do not know who CSR was, which stands for Colonial Suva Refining Company Limited. It was from Australia and it became the biggest miller and a monopoly in Fiji, operating the Penang Sugar Mill, Rarawai,

Lautoka and Labasa Sugar Mills.

(Honourable Member interjects)

HON. V.R. GAVOKA.- Yes, that was the other part of history. I am referring here to the more viable part of CSR in Fiji.

Mr. Speaker, Sir, at one point, the Lautoka Sugar Mill operated by CSR, was the biggest in the Southern Hemisphere. When I remember that, I am saying, this must have been a company, this must have been quite an operation here in Fiji to operate the biggest sugar mill in the Southern Hemisphere. Southern Hemisphere is what? Brazil, Australia, the countries in the Indian Ocean and part of South Africa, I mean, that is how big CSR was. They created critical mass for sugar like no other industry in Fiji. I have often spoken about agriculture here and I have always wished that we could set up a support system similar to what CSR started here in Fiji.

Mr. Speaker, Sir, they had the four Mills, they had the support system for sugar, including the network of railways they created, which is not likely to be equated in Fiji. Growing up in the Western Division and seeing all these railways, I did not really think about it much, but when you look back today and you look at the network into the hills and valleys of Nadroga, Navosa, Ba, Tavua and Rakiraki, the way they set up the railway system was quite phenomenal.

Only now, I begin to appreciate what went into that. My colleagues in the Standing Committee for Economic Affairs will testify to this, when we were doing Bill Nos. 19 and 20 on sugar, we asked FSC on how much it will cost to revive the railway network, and they said a figure like \$600 million or \$700 million. Imagine, this was done quite some generations ago. Of course, there was a dark side to CSR, with the manner with which they exploited the *Girmitiyas* and their descendants.

What I have here, Mr. Speaker, is a book that I suggest we should all read. Many books have been written about the way the *Girmitiyas* were mistreated, but one that is truly illuminating is this one here - *Enslaved in Paradise*, by Mr. Rajendra Prasad. He was the Town Clerk of Ba, I believe during the time when my colleague, the Honourable Minister for Employment, Productivity, Industrial Relations and Youth and Sports was Mayor of Ba. He now lives in Auckland and has written a few books, but this one here is very illuminating. It talks about the treatment they received and it is unbelievable of what happened here in Fiji to the *Girmitiyas*. And for most of us, we should appreciate what they have contributed to this country and we should all remember the sacrifices they had made for Fiji.

Mr. Prasad makes a case that the Fijians were betrayed by the British, the chiefs and the leadership of Fiji. I do not necessarily agree with all that he says but on page 178 of his book, he makes assertions and throws light on what CSR was like, and I quote:

“Even in 21st Century, truth continues to elude the *iTaukeis* as they continue to view the Colonial Rulers as benevolent, and oblivious to the robbery of over 500,000 acres of prime land by the Europeans. The CSR company, the sole miller of sugar in Fiji itself, held over 75,000 acres of Fiji’s most productive land.”

Mr. Speaker, Sir, I believe it is common knowledge that CSR acquired land in ways that were dubious. The CSR exited Fiji in 1973 after selling to the Fiji Government and after that, we formed the Fiji Sugar Corporation to own and run the business in Fiji...

(Honourable Government Member interjects)

HON. V.R. GAVOKA.- Yes, right, I think it was SPSM and then FSC, yes.

...and to manage the four Sugar Mills and the Freehold properties.

The Freehold land were converted to State land without titles. Farmers were granted lease under ALTA. There is a desire by the farmers to buy the land that they occupy and own them as freehold. A particular farmer, a Mr. Mohammed Yunus, former Secretary of the Fiji Muslim League, a sitting farmer on CSR land, is proposing that sitting farmers are given the option to buy the land as freehold. They want the lease paid on the land for all those years, 46 years in this case, to be applied towards the purchase price, that they get a loan from the Sugar Cane Growers Fund for 30 years at 1 percent to 1.5 percent with the interest to pay for the balance. He has copied us on his correspondence to the Honourable Prime Minister on this issue.

Of course, some land fronting the beaches have been sold to companies, like that in Naidovi, ideal for resort hotels. In Naidovi today, the land has been sold to one of the local hoteliers; ex CSR land, and it is ideal for a hotel. If you know Cuvu Bay, you have Shangri-la on the left, there is Cuvu Beach and Kaba on the right owned by the Methodist Church. They said it is huge, it can be another Denarau in the years to come.

Mr. Speaker, the wishes of the traditional landowners need to be accommodated, who want the wrongs of the past to be corrected, and at the same time accommodate the aspirations of the sitting tenants in all ex-CSR land. It is strongly felt within the *iTaukei* owners, people I had talked to, that they want the tenants protected. Perhaps, a 99 year lease is arranged, but the ownership returned to them, perhaps through a buy-back scheme using the proceeds from the lease to settle with the State.

Mr. Speaker, Sir, we should do this responsibly, ensuring no one loses usage of the land, while ownership is rightfully restored. Dialogue can start right away through a tribunal being recommended through this motion.

Mr. Speaker, tribunals and Parliamentary sittings are confidence-building measures and we should not always view them negatively. We need them in times like this.

Mr. Speaker, I would urge the House to support this motion. Thank you.

HON. SPEAKER.- I thank the Honourable Gavoka for his motion. I now give the floor to the Honourable Saukuru. You have the floor, Sir.

HON. J. SAUKURU.- Mr. Speaker, Sir, I wish to contribute to the motion before the House. From the outset, may I categorically state that this is an issue that many customary landowning units in Fiji are facing.

Mr. Speaker, Sir, we wish to reassure Government that landowners are your willing development partner. It is, therefore, common sense that Government must always make every effort to work with our customary landowners.

Mr. Speaker, section 8 of the Crown Lands Act states, and I quote:

“When any native land which has been acquired by the Crown for public purposes under the provisions of the Crown Acquisition of Lands Act or any other written law is no longer required for such purposes, the Minister, after consultation with the Cabinet, may, by order, declare such land to be native land and such declaration shall be recorded in the

name of the unit from which it was acquired in the Register of Native Lands kept under the provisions of section 8 of the Native Lands Act.”

Sir, in responding to the motion, I will be drawing from three important evidences that relates to the motion which the Honourable Minister for Lands may wish to investigate further.

- (1) Drasa Crown Grant 1050;
- (2) Vadrayawasewa Crown Grant 1261; and
- (3) Teidamu Crown Grant 3197.

Mr. Speaker, the land parcels above are situated along the Drasa Flats within FSC’s Drasa sector. \*The Drasa Training School was very famous in the early days of sugarcane farming in Fiji. The said land parcels were a significant part of the early establishment of the sugar industry and have served its purpose. In the meantime, the nearby villages of Vitogo, Naviyago and Matawalu have overgrown in their population beyond the capacity of their village boundaries.

Sir, in January 2012, Fiji declared a state of disaster over flooding and landslides that killed, at least, six people. I was in my village when you paid a visit to the flood-affected areas in the West. Back then, there were suggestions from Government that the villages needed to be relocated to safer grounds.

I am, therefore, requesting the Honourable Minister responsible to please, consider the reversion of the said land parcels from Crown Grant to Native Land, as they have served their purposes.

Lautoka Water Reserve NG 187; Mr. Speaker, on 26th September, 1926 the Mataqali Nadakuvatu, Mataqali Noibatiri, Mataqali Vidilo, Mataqali Matarisiga and Mataqali Tunuloa, granted 3,177 acres of their land to the Crown for public purposes. The grant was made under the Native Grant No. 187. The grant area by the five Mataqali became known as the Lautoka Water Reserve with the Director of Lands, on behalf of the Crown, became the registered proprietor of NG187, now known as the Lautoka Water Reserve.

Mr. Speaker, Sir, construction of the Vaturu Dam began in 1980 and became operational from 1984. The Dam is the main source of water supply for the Nadi and Lautoka urban areas. It is located about 30 kilometres from Nadi. The catchment area were approximately 40 square km for slightly less than 8 percent of the total area of the Nadi River Catchment. The four tributaries of Waidamu, Savunaba, Nukunuku and Wainibau Creeks form four sub-catchments which drain into the Vaturu Reservoir.

In accordance with section 8 of the Crown Lands Act, we seek the consideration of the Minister for Lands and order the reversing of Native Grant 187 to Native Land.

Vatukoula Gold Mines; Mr. Speaker, Sir, the Fiji times of 26th July this year ran a story with the following heading, “Eighth royalty payout brings smiles to Nasomo landowners.” Furthermore, at the event in Nasomo in Vatukoula, the Honourable Minister for Lands and Mineral Resources highlighted that from 2018 to-date, a total mineral royalty fair share of approximately \$6.5 million has been distributed to landowners and landowning units of which, approximately \$522,000 was paid to the Nasomo Landowners Trust.

But the Honourable Minister said, and I quote:



“These royalties are earned from bauxite, gold and silver whereby approximately \$1.6 million is retained by the State.”

Mr. Speaker, Sir, section 5 of the Fair Share of Mineral Royalties Act 2018 states that 80 percent of mineral royalties is to be given to landowning units and customary fishing rights holders and 20 percent is retained by the State.

Mr. Speaker, Sir, allow me to set the record straight. We have 107 Vola Ni Kawa Bula (VKB) registered Villages in the Ba Province and Nasomo is not one of them. There are 593 VKB registered landowning units in the Ba Province and there is none in Nasomo.

Mr. Speaker, Sir, Nasomo is a settlement with its members coming from all other parts of Fiji and are not the customary landowners of the gold mines at Vatukoula, which is closest to the *Vanua o Bila*. To further prove my point, Sir, members of Nasomo Settlement are not paying provincial levy to the Ba Provincial Council.

Mr. Speaker, Sir, it is my plea with the Honourable Minister for Lands for the reversion of the land at the Vatukoula Gold Mines to a Land Tribunal or to the Native Reserves Commissioner, to be able to establish the customary landowners.

Mr. Speaker, Sir, the International Covenant on Economic, Social and Cultural Rights (ICESCR) obliges States parties to undertake steps using the maximum available resources and by all appropriate means to realise economic, social and cultural human rights or the principle of progressive realisation.

I thank you, Mr. Speaker, Sir, for giving me the opportunity to support the motion before Parliament. Thank you, Sir.

HON. SPEAKER.- I thank the Honourable Saukuru for his contribution. Honourable Prime Minister, you have the floor.

HON. J.V. BAINIMARAMA.- Mr. Speaker, I rise to speak on the motion by Honourable Gavoka. But I must begin by saying that it is really a confusing motion. I do not know whether Honourable Gavoka meant to be so unspecific, nor can I say exactly what this next and latest meaningless committee will be looking into.

He has not clarified whether he is talking about the FSC's freehold land on which tramlines, buildings and Mills are built or whether he is referring to the FSC's estate cane farms. He may not know enough about the FSC to know what land he is referring to, so let me educate him on the various properties held by FSC.

Mr. Speaker, as of August 2020, FSC owned a total of 239 hectares of freehold land and 911 hectares of sugarcane estate farms that are leased from the Ministry of Lands' Land Bank and the iTaukei Land Trust Board. Out of the 239 hectares of freehold land, 97 percent of it is occupied with Mills, tramlines and buildings, including staff quarters, halls, offices, sector offices, churches, schools, wharves and civil yard.

Out of the 97 percent, FSC has informed that a total of 2.2 hectares of land in Vunisamaloa Road, Ba, alone had been illegally occupied by 61 households and have developed that into squatter a settlement over the years. A very small portion of the land remains vacant and it is located in a flood-prone area. Mainly, it has been used as grazing land by nearby communities in Tavua. There is no land to spare, Mr. Speaker, that is it.

Mr. Speaker, 911 hectares of sugarcane land comprises of FSC's seven Estate Farms. The Drasa, Waqadra, Rarawai, Malau and Labasa Estates are under lease from the Department of Lands, Vunikai Estate is iTaukei land acquired by FSC through iTLTB and the Seaqaqa Estate Farm has been acquired through the Land Bank.

Apart from the Seaqaqa Estate, over 96 percent of the sugarcane land in the rest of the six estates have been fully utilised. The remaining 4 percent which is mainly in the Rarawai Estate is being used for dumping bagasse and mill mud. All estates are being managed by FSC's own staff, excluding the Seaqaqa Estate which is being managed by a contractor.

Mr. Speaker, the Seaqaqa Estate was acquired by FSC several years ago. It is mostly hilly terrain. The land development on the Seaqaqa Estate is in progress, so far nearly 25 percent of the arable land has been brought under cane.

Mr. Speaker, those seven Estates are large parcels of land suitable for commercial farming and can achieve economies of scale, particularly with mechanisation, which we know is best suited to flat land. The FSC has pledged to fully mechanise all activities on the cane farms, hence the focus on bringing all flat land area under cane.

Mr. Speaker, so far FSC has achieved full mechanisation of all activities on the Drasa Estate right from cane planting, cultivation, fertilisation, weedicide application and cane harvesting. Other Estates have achieved full mechanisation in cane harvesting and weedicide application. While fertilisation is still manually done on Rarawai, Penang, Waqadra, Labasa and Seaqaqa Estates, cane planting has been mechanised on majority of these Estates.

Mr. Speaker, the average yield from the seven Estates is around 70.5 tonnes per hectare, ranging from a high of 87.5 tonnes from Drasa Estate to 45.1 tonnes from Seaqaqa Estate. About 20 hectares of the Rarawai Estate and 30 hectares of Drasa Estate have been used by the Sugar Research Institute of Fiji to conduct its research and development activities under its cane improvement.

Cane management and cane protection programmes are activities that mainly include large mill trials, plant breeding, propagation of seed cane using hot water treatments, conducting trials for tolerant cane varieties and field demonstrations for technology transfer, among other activities. All of those new farms have accessed cane planting grants and input subsidies.

Not only that, Mr. Speaker, FSC has approached the producers who are not actively producing and supplying cane to Mills as well. As of last year, nearly 19,770 hectares were left idle, all of which should have been utilised for cane cultivation. The reason these lands are left unutilised range from sitting tenants now residing abroad, land disputes, lack of interest from sitting tenants, land used for grazing, farms being abandoned, unavailability of labourers or other developments have taken place.

The FSC with the help of the Department of Lands and iTLTB have approached these producers, as we call them, to begin cane cultivation. Some of these new producers have shown interest and have begun cane planting with the support from the Ministry's cane planting grant.

In addition to this, Mr. Speaker, FSC has already developed nine joint ventures with the landowners. Through the establishment of such joint ventures, communities have been granted income-generating opportunities.

After recording the lowest production of 1.39 million tonnes of cane in 2016, the industry has made tremendous efforts and recorded continuous positive growth in cane production. Significant

milestone have been achieved, including mechanisation of cane harvesting, supply of trucks, establishment of tissue culture laboratory, soil chemistry laboratory, payment of guaranteed price and insuring cane growers.

Mr. Speaker, this has been accomplished solely by the Ministry of Sugar Industry, the FSC, industry Institutions and our hardworking growers. They did not need to wait on some special committee to tell them what to do. They did not need to waste time cutting through political bureaucracy. They got the support they needed from Government to do what needed to be done and that is how they will continue to operate. The FSC has its own competent Board, as well as Board subcommittee, property manager and property valuers and surveyors, as panel of experts that provide advice and oversight over FSC's properties.

The industry is well structured and capable enough to run the sugar industry. Establishing a special committee will not add any value to anyone, save for the Members opposite. I can tell you that in the consultations that the industry conducted last year, we received more valuable input from the public than we ever got from any Honourable Member of the Opposition.

How can you not make a single contribution during the consultation process and then have the audacity to demand that we appoint you to some special committee? If you had really cared, you would have made some concrete submissions during our consultations, but you really do not care. You do not really have ideas, you just want us to give you a stage so you can try and score some political points.

Mr. Speaker, Sir, I have explained the situation. Once again, the work of the Opposition's latest proposed committee can be reviewed and dealt with in a matter of minutes without wasting any more time and money than necessary. Of course, I reject this motion. Thank you.

HON. SPEAKER.- I thank the Honourable Prime Minister. The Honourable Niko Nawaikula you have the floor.

HON. N. NAWAIKULA.- Mr. Speaker, Sir, I wish to contribute and clarify a point raised by the Honourable Prime Minister. He was referring to kinds of land and the land that is relative to the motion that we are talking about here are all freehold land that are now being held by FSC. These comprise mainly arable land, the best areas for sugarcane. All these land were stolen from the native owners.

Stolen because in 1882, when the Native Lands Ordinance was passed to forbid the sale, all lands were required to be vested with the native owners. Then in 1905, a Governor by the name of Imthurn came and passed the law to allow the sale of native land, to allow native owners to sell. Why? Because FSC wanted the land.

Ironically, Governor Imthurn had something in common with the present Prime Minister. He suspended the Great Council of Chiefs, possibly for the same reason too. We do not know because it was unpurposefully. But those are the land that owners had been identified and instead of classifying them as Crown grant, like the Native Ordinance did in 1882, they were called Native grants. So, for all the lands that are now Native grants and most of these are turned into freehold for the FSC, the native owners are known - the mataqali landowners.

The motion is simply asking, please, consider the welfare of the traditional landowners, whose land was stolen from or the State grabbed because of that amendment in the Act by Imthurn, as well as the sitting cane farmers because we now have the situation where possibly FSC has to cover its loss. It has been losing all the time and it is selling off its Estates and a lot of this is touching

on to this freehold. So before it does that, please, I think the Government is obliged to really look into the welfare of the people whom the Government stole the land from, as well as the farmers who are using it. So, I support the motion.

HON. SPEAKER.- I thank the Honourable Nawaikula.

HON. A. SAYED-KHAIYUM.- Mr. Speaker Sir, I would like to bring the legal perspective to this particular motion.

Mr. Speaker, Sir, landownership obviously, has always been protected under the various Constitutions. Honourable Gavoka and Honourable Nawaikula talked about Native grants. Yes, they did take place, and there were Native grants in 1906, 1907, 1908, 1910 and 1939 was the last Native grant that was actually given to FSC. Not all of them were actually given directly to CSR, some were given to other individuals and they subsequently were sold to FSC. There were a number of other Crown grants, they go way back to 1881, all the way up to 1882.

The reality of the matter is, Mr. Speaker, Sir, the ownership of all those lands actually have been preserved. Honourable Nawaikula does know this. When the *1970 Constitution* was negotiated between the then leaders of Fiji, including the first Prime Minister of Fiji, Ratu Mara, it did not say that any of the land ownership was in doubt, nor did the 1990 Constitution. It preserved the ownership of all those lands.

In fact, the 1997 Constitution which is lauded by the NFP and the others, Chapter 2 of the Constitution specifically said, and I quote:

“The ownership of Fijian land according to Fijian custom, the ownership of freehold land and the rights of landlords and tenants under leases of agricultural land are preserved.”

The reason, Mr. Speaker, Sir, why you need the surety in law, as was actually realised also by our Independence negotiators, that if you are going to unilaterally change the title of those lands overnight, it will completely throw the financial system into chaos, because many of those lands including, for example, some of the land on which hotels sit, banks sit, towns and cities sit, are on the titles in which they bought it for and have been mortgaged. So mortgagees would run away, the banking system would actually collapse. That is why, Mr. Speaker, Sir, we have what we call the ‘Buy-Back System’.

The Buy- Back System, Mr. Speaker, Sir, does not change the ownership. It basically says (the Government started this previously) that if there are various lands, it only applies to *iTaukei* landowners if they believe that that is their land, and which has now passed on to another title and they want to buy that land back, they can with the assistance of Government and with their own funding buy that land back from whoever is the owner. They can, of course, then add it to their own plots of communal ownership of land. That is how the system works.

What is being proposed and I am glad Honourable Gavoka mentioned ‘Buy-Back’ in one of his lines, although he seems to be a bit ambiguous about it, the fact of the matter is that FSC, however the land was acquired, actually has proper title over all those lands. In the same way Honourable Nawaikula would know that Suva Peninsula, including parts of Rewa Street, et cetera, was actually given away by Ratu Seru Cakobau to an American company. We all know that, because there was an American ship that was burnt so as compensation, he decided to give away this land and they got freehold title. Then they subdivided and sold it. Parts of Savusavu and parts of Bua were actually

given away by various chiefs – read *The Charter of the Land* by Peter France They will give you exact examples.

The reality of the matter, Mr. Speaker, Sir, is that actually has passed on. As unfortunate as it was, the fact of the matter is, it is the fact. As unfortunate as it was, the legal parameters of this country, right from Independence on 10th October, which is coming closely nearby, that system of ownership remains.

Now, the point of difference, of course is this, at Independence, only 81 percent of all the land in Fiji was *iTaukei* land. Today, 91 percent of all the land in Fiji is *iTaukei* land. Out of the balance of the 9 percent, approximately 4.5 percent is Freehold land and 4.5 percent is Crown land. That is the reality.

Mr. Speaker, Sir, the other point I want to highlight and also go back to the current Constitution which is the 2013 Constitution, in Section 29(5) it says, and I quote:

“All land that existed as freehold 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 or is acquired by the State for a public purpose under section 27.”

Mr. Speaker, Sir, of course, the current Constitution goes on to say in Section 28(1) of the 2013 Constitution, and I quote:

“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.”

The 1997 Constitution, the 1990 Constitution and the 1970 Constitution did not have a similar provision. This is why from 1970 all the way to 2013, we had, even in this post-Independence period, had *iTaukei* land that was actually converted to Freehold land. And we have cited these cases a number of times - Momi and Denarau. We have had the other side saying to us, “Well, it was done within the law.” Yes, it was done within the law, but the law was weak. The law allowed for the permanent alienation of *iTaukei* land.

Mr. Speaker, Sir, I just wanted to highlight, Honourable Nawaikula knows this.

HON. J.V. BAINIMARAMA.- No, he doesn't.

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, the Honourable Prime Minister has already spoken about what FSC does. He has also mentioned that, yes, there are certain land. The FSC does not only own Freehold land, it also has various leases on some of the land that they actually lease out to the farmers, they sub-lease it, or they lease it for their own purposes.

I am extremely glad about one thing Honourable Gavoka has said, which unfortunately not many people in this Parliament have said and, that is, recognising, of course, the dark side of CSR. The CSR did a lot of good in respect of gaining export, but the manner in which they gained it and the manner in which they repatriated their exports out of Fiji and at one time, Mr. Speaker, Sir, I think Wadan Narsey actually wrote a paper on this, Fiji was making far more money from sugar than CSR operations in Queensland. That is how effective it was but also more importantly, the cost of production was so low because the labour cost was so low. They actually got cheap labour during the time of Gimit, it was slave labour, essentially. There has, of course, been social amnesia and historical amnesia about the Gimit time.

In respect of Naidovi, I know the area well too. Naidovi is one area adjacent to the beach area and that beach area has been sold to the Tanoa Group, we understand, by FSC. And as we all know, Honourable Nawaikula will also tell you and those of you who know, who come from sugarcane areas, a lot of the time, the FSC quarters of what I call the CSR *turagas*, one quarters would actually stand on vast amounts of land.

In those days, we had the colonial administrators, they would be sitting perched on a hill and probably the quarter acre or three-quarter acres of land. If you go to Naidovi, there is probably only one or two quarters. That is the land that they have sold but adjacent to that, through Local Government, we are doing the subdivision. That land there adjacent to the FSC property is actually Crown Grant, not to anyone else, but still owned by the State.

Those people living in Naidovi, now that the area has been subdivided, they will all get 99-year leases, those people have been living there for 60, 70 years. They were not necessarily cane farmers, they were actually cane labourers and they have been for years and decades living on what we call "tenancy at will". Every year, the State, previous Governments would just give them one year lease. This is why the quality of the homes are not good because they cannot go to the bank and put the land as collateral, so you put up a tin shack and some people have lived like that for 60, 70 years. A few generations have passed through them. The Government is obviously trying to remedy that issue by issuing them proper leases.

But in respect, Mr. Speaker, Sir, of what the motion is saying, it is to consider the welfare of the traditional landowners and sitting cane farmers on such land. Most of this Freehold land, we do not actually have sitting cane farmers, except the ones that may be leased out to the cane farmers and they are active cane farmers.

The other issue about the traditional landowners, there are no active landowners on these land. So I cannot see the nexus between the motion and what was actually being said, Mr. Speaker, Sir. I thought I just highlight the legal parameters of this, thank you.

HON. SPEAKER.- I thank the Honourable Attorney-General. Honourable Bulanauca you have the floor.

HON. M. BULANAUCA.- Thank you, Mr. Speaker. I just wish to highlight a few areas in which this motion has come up and I cannot see why we could not allow a committee to go and investigate further into areas associated with FSC land.

As the motion says, yes, freehold land by FSC but there are also land that have already been mentioned by the Honourable Prime Minister called Crown land or leased land to FSC in those areas. But I think the main purpose of this motion is to have a look at the needs of the landowners who have been affected in around the FSC areas of Nadroga, Ba, Ra and Macuata, as I know they are actually landowners there willing to meet and to get some of their land now been occupied by FSC today, reverted to them.

There is a need for a committee to go around and have a look and report back as to what is appropriate or reasonable thing to do in order to solve that need from the landowners who are lacking land at the moment, particularly on land that have been taken up by FSC - Freehold land, Crown land, Native grant, Crown grant, et cetera.

The need is there. Freehold land and it has become FSC's land, as I have already mentioned. There are various types of land and FSC has already given them out, even factories, quarters, sector offices, research areas, et cetera. They used to have a school there to teach farmers on how to plant

cane. Those are the exact areas where we need this committee to go and investigate on the land they are using right now. If they are not useful, we can find out a way for them to use the land or give it back to the landowners.

Also we have to know about the transfer of ownership of those land to FSC. Firstly, through the Native Lands Commission for FSC or individual claimers at that time. Secondly, through acquisition - Crown acquisition of land ordinance.

If it is acquired for certain public purposes, whether for FSC or CSR to establish sugarcane stations here in Fiji and is no longer in use, then they have to return it to the landowners. That is exactly why this committee needs to go and inquire. Most land are still required by FSC, fine, give it to them. When they are no longer required, it should be returned to the landowners who are praying out for their needs in order to solve them. It is important.

Thirdly, it is the way of transferring the land to FSC through Native land, as already being mentioned particularly in the early 1900s by Governor Imthurn where he suspended the Bose Levu Vakaturaga - the Great Council of Chiefs and had to sell and give away our Native land. That year they stopped it, but that is another way of getting the land, to turn it into Freehold, Crown grant or Native grant.

All we are trying to say is to get this committee to inquire further into that and get the proper way of doing things and make certain decisions that can help us. So it is important that we support this motion, particularly where FSC is no longer using the land whether it is tramline or sector office, or an experimental land which they are now using as a commercial land in Vitogo. So those kinds of things that we need to come up with as part of the report of this committee. It is important, Mr. Speaker, Sir, to have a look at that.

Plus on the other side, we need to look at the landowners needs as well. We need to resolve that wherever we can, this committee to inquire in terms of where FSC stands. If it is to remain and where it can be reverted, then it needs to be reverted. The way of reversion, we can decide how to revert it, by buying back or just return to the landowners according to the law. That is the very purpose of the committee to go into it, inquire and come back and report back to us or whatever authority is concerned, the Department of Lands or FSC or whoever.

It is important that we move ahead with that. Also, there is need for the landowners to go into farming as well but also we cannot forget the needs of FSC. We support that. The needs for FSC, we can even increase whatever FSC needs to do whether it is offices or infrastructure or where to plant cane. So it is important that this inquiry goes ahead and report back to us so that we can exactly know the needs of FSC, the needs of the landowners and the need of everyone else, who has an interest in that area, whether you are going to buy it back or revert it according to an Act or lease it, but we need to fulfil the needs of those landowners, the FSC, as well as the Government. We are looking at it already.

Lastly, Mr. Speaker, Sir, when this committee goes out, it does not even interfere with the separation of powers – the Parliament, Executive and the powers of the Judiciary.

I thank you for allowing this motion to come here. All that the committee has to do is go there and inquire - what are the facts there are and report back or make recommendations to us or to the relevant Ministry concerned.

HON. SPEAKER.- Honourable Member, you are starting to repeat yourself.

HON. M. BULANAUCA.- I am finishing off, Mr. Speaker, Sir.

HON. SPEAKER.- You are starting to repeat yourself.

HON. M. BULANAUCA.- So that will be referred to those various Ministries.

The committee comes back and makes the recommendations and where there has been criminal offences, the Judiciary can work that out through the various courts and tribunals. So it is important that this committee go and find out the facts and bring it back to us and make it right for FSC, the landowners and the Government as a whole.

HON. SPEAKER.- Honourable Gavoka, you have the floor.

HON. V.R. GAVOKA.- Thank you, Mr. Speaker and I thank my colleagues who have contributed to this debate and to me, this confirms that we need this committee. There is a lot of history here, a lot of complex issues, but we cannot ignore the fact that we know that there is rumblings within the traditional landowners about some of these land and the desire of the tenant to feel secure in where they are today.

I think it behoves us, as leaders today, to set this tribunal in place and, of course, a tribunal is going to be a committee comprising three from the Government side and two from this side. I do not know, maybe some of the people on the other side do not know how a committee operates. We cooperate in a committee, we come up with compromises and we come up with recommendations that is bipartisan. But we cannot continue this way where rumblings are there on both sides and it is leadership for us to do this. And as articulated by Honourable Bulanauca, they are going to bring back the findings and throw a lot of light into this issue, which should enable us to make informed decisions, so let us not be afraid of tribunals.

I do not know, with six years of Parliament, whether FijiFirst has ever agreed to a tribunal. No, never! Six years of Parliament, they have never agreed to a tribunal. I do not know what the fear is, what is the fear here? It is clear as day that you do not have all the answers. On balance, you have made a mess of things, so let us be bipartisan and let us get this tribunal to sit.

HON. GOVERNMENT MEMBER.- It is a committee not a tribunal.

HON. V.R. GAVOKA.- And as I have said, we need confidence building measures in this country today. The banks are not lending money, there is no confidence. Parliamentary sittings give confidence to people. Parliamentary tribunals mostly give confidence.

Confidence will not come if you continue to behave like a dictatorship. It will not come, I can guarantee you that. Banks will continue to charge high interest rates because of the governance of this country, so make use of the effort, make use of the opportunity, let us have this tribunal set up and let us get to the bottom of this for the good of our people.

Mr. Speaker, I would urge everyone to forget whatever has happened and think of the people who are there, and set up this tribunal. Thank you, Mr. Speaker.

HON. SPEAKER.- Honourable Members, the Parliament will now vote.

Question put.

Motion is defeated.



HON. SPEAKER.- We move on to the next Item in the Order Paper. For the first Oral Question for today, I call on the Honourable Qereqeretabua to ask her question. You have the floor, Madam.

## QUESTIONS

### Oral Questions

#### Passage of Heavy Goods Trucks - Residential Subdivision (Question No. 127/2020)

HON. L. S. QEREQERETABUA asked the Government, upon notice:

Can the Honourable Minister for Commerce, Trade, Tourism and Transport inform Parliament why heavy-goods trucks carting construction and infrastructure development raw materials such as quarry stones are allowed to pass through the densely populated residential subdivision of Tavakubu in Lautoka, instead of using the designated alternate route of Natabua Road?

HON. F.S. KOYA (Minister for Commerce Trade, Tourism and Transport).- Thank you, Mr. Speaker, Sir. It is actually nice to be back in Tavakubu, Sir, after having gone to Malaysia, Ireland and Dubai with two bags on Qantas.

Mr. Speaker, Sir, I thank the Honourable Member for her question. First of all, I am a resident and was born in Lautoka. Tavakubu is about 725 acres, so a little bit of specificity might have helped me with the question but I am going to try and answer it as best I can.

Mr. Speaker, Sir, for the past few weeks, the Land Transport Authority (LTA) has been undertaking surveillance in the areas of Wairabetia, Saru, Natabua and Tavakubu. This is part of their enforcement strategy on load management and overloading, as required under the Land Transport Act 1998.

The reason for the surveillance Mr. Speaker, Sir, is that, there is an 18 tonne restriction placed on Velovelo Bridge by the Fiji Roads Authority (FRA), and the approved detour route by the FRA for heavy goods trucks is Warabetia Road, Saru Road and Natabua Road and vice versa.

Mr. Speaker, Sir, it is actually incumbent on all heavy haulage operators to comply with the restrictions on routes provided by the agencies as we are very mindful that there are 71 critical bridges in the country which need to be replaced in the next five years to 10 years, and 40 of these bridges need to be replaced within four years to five years. These are actually legacy issues that were not dealt with by the previous Governments.

The FRA, Mr. Speaker, Sir, and the LTA are closely coordinating on these restrictions to ensure compliance by heavy haulage trucks. Sir, LTA is actually enforcing the laws with heavy goods vehicles that are not in compliance to the approved detour route.

However, Mr. Speaker, Sir, that does not take away the fact that the road in the Tavakubu Subdivision, if I am correct, is actually a public road which facilitates public right of passage for the movements of vehicles and of pedestrians, and it has been confirmed in our investigation, Sir, that the road in Tavakubu is actually too narrow and cannot accommodate trucks transiting through it.

But, Mr. Speaker, Sir, the only trucks that were observed by the LTA Enforcement Team are the ones that are actually being used by the FRA contractors undertaking major maintenance works and 40 metres away from the Tavakubu Police Post.

Furthermore, Sir, Housing Authority is also undertaking some subdivisional work in that area which is the reason why there are trucks that maybe seen in that area. Flame Tree Development Limited also uses the trucks to transport material from the Saru Quarry to development sites across the Natabua Road and not the Saru to Tavakubu Road.

Mr. Speaker, Sir, safety is actually paramount to this Government and always will be. Whilst we have not received any such complaints, we encourage the residents of Tavakubu area to register their complaints with the LTA, if they have any, and I urge the Honourable Member to write across to me with a specific event that you are actually talking about, and we will do something about it. I would urge Honourable Opposition Members also to, please, ask before they come to Parliament and take up valuable time with these questions, Mr. Speaker, Sir. I thank you, Sir. I hope that suffice.

HON. SPEAKER.- I thank the Honourable Minister. We move on the second question for today.

Honourable Members, Honourable Nand is currently in the Sigatoka Hospital and I have allowed the Honourable Bhatnagar to ask the second Oral Question for today.

Progress on the National Tree Planting Initiative  
(Question No. 128/2020)

HON. V.K. BHATNAGAR asked the Government, upon notice:

Can the Honourable Minister for Forestry update Parliament on the progress of the National Tree Planting initiative?

HON. O. NAIQAMU (Minister for Forestry).- Thank you, Mr. Speaker, Sir. I rise to respond to the question raised by the Honourable Member and provide an update to this august House on Fiji's Tree Planting Initiative.

The 30 million trees in 15 years initiative is an ongoing campaign that the Ministry of Forestry is most honoured to coordinate on behalf of Government and the nation. At the broader level, this tree planting revolution is aimed at renewing our people's appreciation of trees, forests and nature as a whole. It is aimed at addressing climate change, while also providing myriads of opportunities for socio-economic development. And in a post COVID-19 era, trees and forests could help restore nature and mitigate against global pandemics.

Mr. Speaker, Sir, since the initiative was launched in January 2019, I have visited 217 villages across the 14 Provinces of Fiji, and I am happy to state here today that Fijians have grasped the importance of trees and mangroves and it continues to gain traction.

A total of 614 villages, along with 80 schools around the country have participated in this Tree Planting Initiative. Business houses and non-government organisations have also played a part through their individual corporate services responsibilities.

Mr. Speaker, Sir, 2.3 million trees and mangroves covering 2,000 hectares have been planted in just 20 months. Food security is also vital, especially in this challenging time, which is why the

planting of fruit trees and the adoption of agroforestry practices is part of the Tree Planting Initiative and is weaved into this plan for its successful implementation.

The Tree Planting Initiative ensures the involvement of all dedicated Fijians from seed collection to raising seedlings and planting them as well. Therefore, I take this time to thank all the pairs of hands and for everyone's combined effort in this Tree Planting Initiative so far.

Mr. Speaker, Sir, as we prepare to celebrate the 50th Anniversary of our beloved nation, the Ministry of Forestry is also encouraging people to join us in planting trees as part of the build-up to the celebration on 10th October this year. I encourage my fellow Parliamentarians and the people of Fiji to follow the Ministry of Forestry's *Facebook* page for tree planting events that you can participate in across the country. If you cannot join us at one of these events, just let us know every time you plant a tree by completing the 30 million surveys on our website - [www.forestry.gov.fj](http://www.forestry.gov.fj). Mr. Speaker, Sir, we have established a dashboard to keep track of our tree planting revolution as well. Thank you.

HON. SPEAKER.- I thank the Honourable Minister. Honourable Member, are you wanting to take the floor?

HON. P.W. VOSANIBOLA.- Thank you Mr. Speaker, Sir.

HON. SPEAKER.- Yes, you have the floor.

HON. P.W. VOSANIBOLA.- A supplementary question to the Honourable Minister. Can the Honourable Minister confirm to this House whether the Cash for Work Concept would be also applicable to the implementation of this initiative during the coming financial year?

HON. O. NAIQAMU.- Mr. Speaker, Sir, as mentioned by the Honourable Minister for Economy this week, it is part of the programme.

HON. SPEAKER.- Thank you, we will move on to the third Oral Question for today. I call on the Honourable Jale to ask his question.

Policies to Reduce Urban Drift  
(Question No. 129/2020)

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

With urban drift affecting all 14 Provinces particularly the Maritime Provinces like Lau, can the Honourable Minister for Defence, National Security and Policing, Rural and Maritime Development and Disaster Management inform Parliament as to what policies are in place to reduce urban drift?

HON. LT. COL. I.B. SERUIRATU (Minister for Defence, National Security and Policing, Rural and Maritime Development and Disaster Management).- Thank you, Mr. Speaker, Sir, and I wish to thank the Honourable Member for this question.

Before I answer the question, let me just state a few things. Firstly, rural-urban drift is a global phenomenon and because of development, people are attracted by the streetlights and other benefits as well. I will not go into detail.

For Fiji, particularly in 1966, the rural population was around 67 percent whereas in the 2017 Census, it has gone down by 23 percent which is now 44 percent, so that proves the point that it is not happening in Fiji alone, but this is a global phenomenon.

Secondly, we need to respect the choices made by the people. People are free to make their own choices. We live in a benefit-oriented society and if people so decide to leave, then so be it because that is the democracy that we are in, not during the colonial days where we have strict laws about iTaukeis trying to leave the villages. They have to report to the Council and then they come back. People need a permit to come to town and that is why you have the *Ovisa ni Yasana* as they call it, to ensure that you go back to your village or to your community when that period expires.

Thirdly, Mr. Speaker, Sir, let me say that development is something that we do together in partnership. Of course, Government has a responsibility but at the same time, let me ask this question, what is the *vanua* doing about this? What are we, as a community, doing about this? Government can come up with all the best policies but, of course, there has to be ownership as well and this is where we need to work together, particularly if we are to address this problem.

It would be interesting, Mr. Speaker, Sir, given the recent COVID-19. I do not have the facts nor do I have the data, but there is a lot of people going back now to the rural areas for obvious reasons, which is good and probably something that we need to capitalise on so that these people or some of them, not all, can remain when the situation does improve, Mr. Speaker, Sir.

I did some analysis when I joined Government in 2007, particularly in the Northern Division and there are so many reasons behind the urban drift, Mr. Speaker, Sir:

- (1) Freedom of choice – democracy.
- (2) Lack of development, particularly in rural areas. People leave because of economic reasons. The Honourable Leader of the Opposition, when we debated about the youth report.
- (3) Economic opportunities, although resources are there, people still prefer to go and do the odd jobs in the service sector and that is why a lot of people leave.
- (4) Education was a big contributing factor to the rural-urban drift as well during that time.
- (5) Unfortunately, in some parts of Fiji, politics played a role, particularly when some Fijians were denied land. As a result, about 6,000 people left Macuata alone, to go to the urban areas because land was politicised so heavily and they were denied lease extensions and other obvious reasons.

But in terms of policies very quickly, let us look at Government's Development Plan. It clearly articulates Government's intentions, particularly ensuring that no one is left behind and we have the 5 Year and 20 Year National Development Plan and, of course, let me just touch on this.

Economic opportunities; for us to realise the economic opportunities, we need to create the environment and that environment, particularly in the rural areas and I had talked about this in my Budget response, although the Ministry has an allocation of about eleven point something million, but when we add up all the allocations in the different Ministries, it comes to about \$100 million plus, Mr. Speaker, Sir, over a certain period of time covering all the sectors and all the geographic regions in Fiji and, of course, in the rural areas.

It is important that we create the environment and for that, we need accessibility by air, sea and road and, of course, we need the relevant infrastructure. For the Maritime Division particularly, shipping is very, very critical. I remember in 2007, there were only two boats in Government - the *Dausoko* and *Vatulawa*. Now, we have about 12 boats at the Government Shipping Services (GSS),

apart from the franchises because it is so critical for the rural areas. Let us create the environment through the infrastructure. Of course, we have talked about education and Cicia is one of the best performing secondary schools now because Government created the environment. They have satellite dishes and whatever to help them with their study. So there is a lot of improvement in the programme.

The primary sector - agriculture, fisheries and forestry, I will not go into the details, particularly in these rural areas but there is a lot that Government is doing when it comes to the infrastructure. Of course, it is not only about providing them with boats and giving them other forms of assistance through the self-help programme in the Ministry of Rural Development but, of course, through agriculture, fisheries and forestry. I know for Ono particularly, apart from Lakeba, Ono is second in terms of pine and I hope after this harvesting, there will be some serious replanting as well because of the potentials that are there in rural areas. I think in fisheries, very lately in Doi, the Honourable Minister for Fisheries had just installed one solar-powered freezer. There was another one in one of the islands in Lau and I think the one for Wainigadru is being considered now. They are levelling the area. So, these are all the programmes that are in place, Mr. Speaker, Sir.

Communications; technology is very, very critical now in rural areas and, of course, leaving no one behind. The Honourable Minister for Women, Children and Poverty Alleviation and I had a meeting with Vodafone just before the Budget session, Mr. Speaker, Sir, and I am happy to say that we are yet to meet with Telecom Fiji. I think my Ministry is organising that, together with other service providers but we have met Vodafone already. Vodafone is in the process of putting up another 50 plus communication towers next year and this is good news, particularly for rural Fiji and the coastal communities. This is particularly their focus next year, on the islands and the coastal communities because we need this communication in rural communities as well.

There is so much that I can cover but perhaps, if there are any supplementary questions but it is all in the Government's National Development Plan for the next 20 years and, of course, it clearly outlines what will be happening in the various sectors. But leaving no one behind, the maritime sector particularly, we have big plans about them and, of course, that includes Rotuma, Rabi and all the other communities as well. Thank you, Mr. Speaker, Sir.

HON. SPEAKER.- I thank the Honourable Minister. Is this a supplementary question?

HON. M. BULANAUCA.- A supplementary question, Sir.

HON. SPEAKER.- Well, say so.

HON. M. BULANAUCA.- Does the Ministry have any plans in engaging and strengthening the participation of school leavers or youth in the maritime provinces in woodcraft making, weaving, seamanship and agricultural activities? Thank you.

HON. SPEAKER.- I could not hear that. Honourable Minister?

HON. LT. COL. I.B. SERUIRATU.- Thank you, Mr. Speaker, Sir. The short answer is, yes. Of course, there is special focus particularly on women and youth, and as alluded to by the Honourable Ministers in their statements today, we have the Integrated Rural Development Framework (IRDF).

The IRDF came out of the State of the Nation and Economy Report consultations that took place post-2007, before we had the Peoples Charter and I remember Pillar 7 of the People's Charter which is about the IRDF and it is the role of the Ministry of Rural Development to coordinate all the efforts by the various agencies and key stakeholders, to ensure that development programmes into

the rural areas are synergised and, of course, ensuring that no one is left behind. Again, I emphasise the focus on women and our youth as well. Thank you, Mr. Speaker.

HON. SPEAKER.- We move on. The fourth Oral Question for today, I call on the Honourable Sharma to ask his question. You have the floor, Sir.

VSAT Stations and Tsunami Sirens  
(Question No. 130/2020)

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

Can the Honourable Minister for Infrastructure, Meteorological Services, Lands and Mineral Resources enlighten Parliament on the importance of VSAT Stations and tsunami sirens and if the Ministry has any other techniques to detect or prepare the public for seismic occurrence?

HON. J. USAMATE (Minister for Infrastructure, Meteorological Services, Lands and Mineral Resources).- Thank you, Mr. Speaker, Sir. I thank the Honourable Member for his question.

We have had the Fiji seismological network here in Fiji from 1979. That was established by the Department of Mineral Resources using VHF antennas that is used to transmit the signals from remote stations that try to capture seismic activity all across Fiji. They capture these signals and they send it across to our main observatory here in Delainabua. For longer transmission, they have had repeater stations but these repeater station systems have become obsolete and also the parts of the system have become unavailable because of the changes in technology.

So, in 2003, that VHF system was replaced by this VSAT, meaning Very Small Aperture Terminal telemetry system. So, with the introduction of this VSAT monitoring, we have made the change from analogue systems to digital systems, and we are very thankful to the Japanese Government that has been assisting us in the operation of these systems from 2004.

Currently, Mr. Speaker, Sir, we have around six remote stations all across Fiji trying to capture seismological activity and they transmit this information using satellite inter-stats to our headquarters here in Suva. These remote stations are located in Dogotuki in Macuata, Lakeba in Lau, Nabukelevu-i-Ra in Kadavu, Mua in Taveuni, Dawasamu in Tailevu and Vatanitawake in Yasawa-i-Rara. These VSAT Stations transmit seismic data 24 hours a day, seven days a week and they provide the data in real time mode, so that our officers can be aware of seismic activities locally, regionally and globally. And the upgrade has extended the monitoring capacity of our Fiji Network and this contributes to the rapidity of the dissemination of earthquake information and bulletins to the relevant organisations and to the general public.

In the Ministry, we now have duty officers and staff at our Seismology Observatory based at MRD in Nabua. They are in a position to disseminate timely and correct information on all seismic events. The upgrading works that we had in 2004 include the joint seismic network between Fiji and Tonga, a partnership between Fiji and Tonga, and this has allowed our Fiji Observatory to have access to the Tonga Observatory data and vice versa for accurate determination of earthquake hypocentres between the two regions.

To date, the Fiji Seismic Network is not only for Fiji but now is interconnected through our joint collaboration with other partners in the South West Pacific where international funding and assistance continue to exist from time to time. So in 2014, we had the Oceania Regional Seismic

Network (ORSNET), which has now extended its existing network and data-sharing within the region to include; Vanuatu, New Caledonia, Solomon Islands, Samoa and PNG.

Through this, seismic detection and analysis locally and within the region has improved over the years. We are sharing information across the network and because of this, it has enabled us and opened greater opportunities, and has broadened the utilisation of the Pacific Tsunami Warning Centre located in Honolulu, Hawaii, through enhanced products for early tsunami warning systems and detection. In addition, capacity building through training programmes by engineers from Canada and also technical experts from JICA in terms of Peripheral Installations and Seismic data Analysis (PISA) were also conducted.

We also worked together with the National Disaster Management Office (NDMO) in the improvement of the tsunami sirens. This has led to the purchase and installation of 11 tsunami sirens to add on to the two that were installed initially. So a total of 13 sirens have been installed from Kinoya to Lami, and these are encored to trigger all these sirens based at the Seismology Observatory at Delainabua and that Unit, as I have said, operates on a 24/7 basis.

Other techniques; the Seismology Unit is also linked to other global seismic network whereby alerts are set to real time mode. Although seismic events cannot be predicted or forecasted in real time, detection of seismic events will remain to be an ongoing process. However, it is crucial that the seismology team continues to carryout earthquake and tsunami awareness around coastal areas so that the general public is aware of what to do in any major event that can trigger tsunami threat, and that is what we will continue to do in partnership with NDMO.

Government is investing approximately \$680,000 for the upgrade of the Ministry's Seismology Observatory functions in the current financial year, and this also covers our VSAT Stations upgrade in terms of hardware and software. Thank you, Mr. Speaker, Sir.

HON. SPEAKER. – I thank the Honourable Minister. We will move on to the fifth Oral Question for today and I call on the Honourable Ro Filipe Tuisawau to ask his question. You have the floor, Sir.

COVID-19 Economic Downturn - Assistance to Businesses  
(Question No. 131/2020)

HON. RO F. TUISAWAU asked the Government, upon notice:

Can the Honourable Minister for Economy, Civil Service and Communications inform Parliament what assistance is given to businesses who have either been forced to reduce working hours of their staff or reduce opening hours due to the economic downturn caused by the COVID-19 pandemic?

HON. A. SAYED-KHAIYUM (Minister for Economy, Civil Service and Communications).-  
Mr. Speaker, Sir, I was a little bit confused with this question because I think the question was also about the people who work, when you talk about reduced hours, so it is both, the employer and the employees, from what I gather.

Mr. Speaker, Sir, just very quickly in the interest of time, there is quite few initiatives we have put in place so as discussed the other day, we have put in place our discussions with the banks with the immediate repayment relief to financial institutions, so a lot of the businesses could defer their payment. They only pay interest, they defer the principle amount and that is uptil December this year.

The concessional funding to support MSMEs, the Honourable Minister for Commerce and Trade this morning had announced about 2,339 recipients and as you know, the announcement we did make, Mr. Speaker, Sir, was that small businesses can get concessional loan up to \$14,000 and medium businesses up to \$21,000. It is payable over five years, interest rate is very minimal, first year is grace period. That is essentially to allow these businesses to have some working capital to continue to employ people and also to meet them in their cashflow.

We had also announced in the Budget that a lot of these businesses actually do not have their own building and may be renting a shop. So if the landlord is going to give them a rent reduction, then the landlord has various tax incentives benefits that he/she can claim from Fiji Revenue and Customs Services (FRCS).

Mr. Speaker, Sir, the other initiative that we have put in place is the MSME Credit Guarantee Scheme with the Reserve Bank of Fiji (RBF) also. The Honourable Member may know about this, it is in excess of \$60 million, as we have added some more funding towards that. This is essentially that if I have a small business and I have a loan at the bank and I want to go and borrow some more money, if you come under the Credit Guarantee Scheme, the banks will actually lend you money because if you fall over, that Credit Guarantee Scheme will actually take over part of your loan to pay 50 percent of the loan. So, banks actually are a lot more willing to lend to those organisations.

Mr. Speaker, Sir, of course, there is a lot of liquidity in the market now and we hope that they will increase the rate of loans being given out to these businesses. Since COVID-19 started, there has been about \$600 million in new loans that have been given out by the banks. The reduced FNPF contributions also helps businesses because they no longer have to pay 10 percent, they pay 5 percent, and the various taxation and custom policy measures that we have already put in place.

As far as the staff are concerned Mr. Speaker, Sir, we had already informed Parliament a couple of days ago about the fact that if they have reduced hours, we are now allowing them to withdraw their FNPF but, of course, Government tops it up, as and when required and on a daily basis. As I had highlighted yesterday, now Government is paying a lot more than what it did and we expect that component of Government's contribution to increase quite significantly in the weeks ahead. Thank you.

HON. SPEAKER.- I thank the Honourable Attorney-General. Honourable Aseri Radrodro, you have the floor.

HON. A.M. RADRODRO.- Thank you, Sir. I thank the Honourable Attorney-General for his explanation on the assistance given. A supplementary question regarding the assistance to employees, for those who are currently working but would like to also access their General Account to assist in their loan repayment, et cetera, can they also access their General Account to assist in their loan repayment, et cetera?

HON. A. SAYED-KHAIYUM.- Thank you, Mr. Speaker, Sir, at this point in time not specifically, no. The FNPF Board has not agreed to that because we actually want to help those who are unemployed or have reduced hours first, to carry out their unemployment benefits and then we will see whether there is capacity to do that or not because we have to be really mindful.

In fact, we did think about it because there may be some instances where there is a requirement for that but, of course, those funds cannot be taken out by them, it has to be paid directly into the loan accounts themselves. So, that is something that we have worked out and we have to see. There may be instances where some people may not necessarily require that, because I think it will really come to the fore at the end of this year, depending on what the banks do. Thank you.



HON. SPEAKER.- We will move on to the sixth Oral Question for today and I call on the Honourable George Veganathan to ask his question.

Environment Rehabilitation Nurseries  
(Question No. 132/2020)

HON. G. VEGNATHAN asked the Government, upon notice:

Can the Honourable Minister for Agriculture, Waterways and Environment update Parliament on the Nurseries the Ministry is establishing to assist in the environment rehabilitation works?

HON. DR. M. REDDY (Minister for Agriculture, Waterways and Environment).- Mr. Speaker, Sir, I will keep it short and if Honourable Members want additional information, they can ask supplementary questions and I could answer.

Mr. Speaker, Sir, basically there are three types of nurseries that the Ministry of Waterways and Environment has developed. One is the Seagrass Sea Meadows Nursery. Mr. Speaker, Sir, this Nursery is very important in terms of its capacity to sequester carbon dioxide, so we have developed that at Nasese and have also established one at Maui Bay Resort in partnership with the owners of Maui Bay Resort. We intent to extend seagrass nurseries in other parts of Fiji.

Mr. Speaker, Sir, the other nursery that the Honourable Prime Minister opened in Labasa is the Vetiver Nursery. We have got three Vetiver Nurseries established; one in the Western Division, one in the Central Division at our Luvuluvu Depot in Nausori and one in Labasa. Mr. Speaker, Sir, I want to take this occasion to thank His Excellency, the High Commissioner of the Government of South Korea to Fiji for funding this Vetiver Nursery. Also, the Vetiver Nursery is very important for the River Bank Protection Programme that we are executing.

The third nursery that we have developed is Mangrove Nursery. We all know the importance of mangrove, which is first line of defence for any tsunami and coastal erosion, as well as it is important for the marine ecosystem.

Mr. Speaker, Sir, we have established three Mangrove Nurseries in Fiji using the Ridge to Reef Programme and the Ministry of Waterways has established a nursery in Lautoka which we will be commissioning very soon. From this nursery, we are basically using the seedlings for our coastal protection work where we are doing nature-based solutions sea wall protection projects.

Mr. Speaker, Sir, those are the three Nurseries we are concentrating on. We want to expand throughout Fiji so that anyone who wants planting material, whether it is vetiver or mangrove or seagrass, will be able to get it free from us and the intention is for us to deliver it to them, as long as they are ready to utilise their own community labour to plant it to protect and secure their own community, their infrastructure, coastal area or river bank. Thank you, Mr. Speaker, Sir.

HON. SPEAKER.- I thank the Honourable Minister. We will move on to the next Oral Question for today.

Anti-Doping Tests for Local Athletes  
(Question No. 133/2020)

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

Can the Honourable Minister for Employment, Productivity, Industrial Relations, Youth and Sports provide to Parliament a progress update on anti-doping tests and measures to curb and control substance abuse by local athletes?

HON. P.K. BALA.- (Minister for Employment, Productivity, Industrial Relations, Youth and Sports).- Thank you, Mr. Speaker, Sir, and I also thank the Honourable Member.

The Ministry in collaboration with the Oceania Regional Anti-Doping Organisation (ORADO) and the Fiji Association of Sports and National Olympic Committee (FASANOC) through the Voices of Athletes (VOA) Programme has been undertaking awareness and advocacy training sessions in anti-doping with relevant educational material suitable for our children, youth, athletes and parents.

Mr. Speaker, Sir, I would like to provide the following information with regards to doping tests. For the year 2019, there were 16 urine samples taken from Fijian athletes during international and regional competitions. With those 16 urine tests, all results came back negative.

Likewise, Mr. Speaker, Sir, Fiji Weightlifting Federation hosted the Junior World Championship and the Fijian Government contributed \$12,000 to the doping test cost. There were 18 urine samples taken from the Fiji and international athletes during the competition and all came back negative.

Mr. Speaker, Sir, the Ministry, through the Drug Free Sports Fiji, has undertaken awareness programme as well and educational sessions with the Fijian athletes at development and international level of representation. We are thankful to FASANOC through its VOA Programme that awareness and advocacy sessions and trainings have been conducted in communities, villages, schools and sporting events, to name a few.

Mr. Speaker, Sir, furthermore, the National Anti-Doping Policy has been developed and vetted by the legal professionals from the World Anti-Doping Agency (WADA). After the final consultation with the National Sporting Associations, we will table this policy to Cabinet, thank you.

HON. SPEAKER.- I thank the Honourable Minister. We will move on the eighth Oral Question for today and I call on the Honourable Adimaitoga to ask her question. You have the floor, Madam.

Update on the Current Foreign Reserves and Liquidity Level  
(Question No. 134/2020)

HON. S. ADIMAITOGA asked the Government, upon notice:

Can the Honourable Attorney-General and Minister for Economy, Civil Service and Communications provide an update on the current level of foreign reserves and liquidity?

HON. A. SAYED-KHAIYUM (Attorney-General, Minister for Economy, Civil Service and Communications).- Thank you Mr. Speaker, Sir. I thank the Honourable Member for this question.

Mr. Speaker, Sir, the foreign reserves as of last Friday, 31st August, 2020 was around \$2.3 billion which is sufficient to cover 8.7 months of retained imports. I will be very quick Mr. Speaker, Sir. In an environment where our major foreign exchange earner - the tourism sector, has been drastically impacted upon, it is critical that we move to actually protect our external stability and

instil confidence by ensuring that the level of foreign reserves remain at comfortable levels, while we work our way through the crisis and this is why we want to borrow more from offshore.

Mr. Speaker, Sir, given the relatively large fiscal deficit due to COVID-19, borrowing offshore helps to avoid a scenario where Government competes for, and actually crowds out funding to the private sector in the domestic market because if you borrow more from the domestic market, it means you put pressure in the domestic monies and, therefore, those people in the private sector will actually have to compete with you.

Mr. Speaker, Sir, increased in offshore borrowing has also significantly raised the level of liquidity and plays downward pressure on interest rates and hopefully, these will come down very soon. The interest rates on these external loans, just to highlight, are significantly lower than the cost of borrowing domestically.

Mr. Speaker, Sir, we have been working with the World Bank, ADB, Asian Infrastructure Investment Bank which obviously reflects the utmost confidence in our current state of development and its future.

The outlook for foreign reserves at this stage, Mr. Speaker, Sir, still looks comfortable and is expected to remain above the IMF benchmark for the next 12 months to 36 months. The IMF benchmark is about four months of retained imports. Mr. Speaker, Sir, the liquidity in the banking systems is currently more than adequate, around \$1.077 billion as at 31st August, 2020. We expect liquidity to remain buoyant.

As I have highlighted earlier on, but I have got the figures now, Mr. Speaker, Sir, from earlier on this year, from January to July 2020, over \$1.2 billion has been given out in new loans by commercial banks and credit institutions. From February to July this year, \$988 million has been given out in new loans to sectors, such as:

- Wholesale, retail and hotels - \$348.5 million, which is about 35.3 percent;
- Manufacturing is about 15.3 percent or \$151 million;
- Private individuals - 18.9 percent or \$107.2 million;
- Real Estate - 13 percent or \$128 million;
- Building and Construction - 49.9 percent or 5 percent which obviously we want this to go up; and
- Transport - 4.1 percent or \$40.2 million.

Mr. Speaker, Sir, the RBF has also injected around \$500 million of liquidity into the banking system via the quantitative easing programme. So, that is a quick update on this, Mr. Speaker, Sir. Thank you.

HON. SPEAKER.- I thank the Honourable Minister. We now move on to Written Questions. The first Written Question for today, I call on the Honourable Adi Qionibaravi to ask her question. You have the floor Ma'am.

#### Written Questions

#### Land Development Projects Under iTaukei Land Development (Question No. 135/2020)

HON. ADI L. QIONIBARAVI asked the Government, upon notice:

Can the Honourable Minister for Economy, Civil Service and Communications update Parliament on land development projects funded under the iTaukei Land Development allocation [Head 50-10(9)] on the—

- (a) Number of projects;
- (b) Cost and status of each project; and
- (c) Location by Division from 2018 to date?

HON. A. SAYED-KHAIYUM (Minister for Economy, Civil Service and Communications).- Mr. Speaker, Sir, I will provide the answer to the question as provided under Standing Orders at a later date.

Employment for Toppers and TELS Graduates  
(Question No. 136/2020)

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

Can the Honourable Minister for Education, Heritage and Arts provide details (by Institutions) on recipients of Toppers and TELS who have graduated and how many of those graduates are in employment since TSLB was established?

HON. R.S. AKBAR (Minister for Education, Heritage and Arts).- Mr. Speaker, Sir, I will table my response at a later sitting date as permitted under Standing Order 45(3). Thank you.

Commercial Export Licences Approved from 2018 To date  
(Question No. 137/2020)

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

Can the Honourable Minister for Agriculture, Waterways and Environment inform Parliament, how many commercial export licences has the Department of Environment approved from 2018 to date?

HON. DR. M. REDDY (Minister for Agriculture, Waterways and Environment).- Mr. Speaker, Sir, I will table my response at a later sitting date as allowed under the Standing Orders.

HON. SPEAKER.- Honourable Members, question time is now over.

Honourable Members, as I mentioned earlier, our colleague, Honourable Joseph Nand, is currently in Sigatoka Hospital and we all wish him well for a quick recovery.

I thank all Honourable Members for your contribution today. It has been a long day but we have gone through our agenda. We adjourn now until tomorrow morning at 9.30 a.m.

The Parliament adjourned at 9.18 p.m.