

PARLIAMENT OF THE REPUBLIC OF FIJI



PARLIAMENTARY DEBATES

DAILY HANSARD

THURSDAY, 11TH FEBRUARY, 2021

[CORRECTED COPY]

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THURSDAY, 11TH FEBRUARY, 2021

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 Assistant Minister for Employment, Productivity, Industrial Relations, Youth and Sports and the Honourable I. Kuridrani.

MINUTES

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

That the Minutes of the sitting of Parliament held on Wednesday, 10th February, 2021, as previously circulated, be taken as read and be confirmed.

HON. R.R. SHARMA.- Mr. Speaker, Sir, I beg to second the motion.

Question put.

Motion agreed to.

COMMUNICATION 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 electronic devices. Thank you for taking an interest in the workings of your Parliament. Thank you, Honourable Members.

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

PRESENTATION OF REPORTS OF COMMITTEES

Review Report - 2017 Audit Report on the General Administration Sector -
Standing Committee on Public Accounts

HON. J.N. NAND.- Mr. Speaker, Sir, I am pleased to present the Committee's Review Report on the 2017 Audit Report on the General Administration Sector.

The Report covers the audit results of all Government Ministries and Departments listed under the General Administration Sector. This is the second volume of the five volumes that were referred to the Standing Committee on Public Accounts.

The Report shows the financial performance of the various Ministries and Departments that were covered under this Sector and the audit issues identified at the time the audit was conducted. The Office of the Auditor-General had issued audit opinions on 23 Financial Statements of Ministries and Departments in the General Administration Sector for the 2016-2017 Financial Year.

The Committee in its communication to the Ministries and Departments, requested for updates on the progress that they have made in implementing the audit recommendations, and actions taken to address the issues that were identified during the time of audit.

It is important to note that Ministries and Departments that were scrutinised by the Committee were not invited for an interview because of the COVID-19 restrictions that were in place at that time, but were requested instead to provide written responses on the audit issues that were raised in the Auditor-General's Report.

In fact, there are matters that still need to be addressed in the recommendations and the Committee's observations for the audit issues identified within the 23 Ministries and Departments for the 2016-2017 financial year. Out of these 23, 17 Ministries and Departments were provided with unqualified audit opinions.

Of some concern, however, was the six Ministries and Departments which were provided with qualified audit opinions. The qualified audit opinion report emanated from issues ranging from unsubstantiated and unreconciled general ledger account variances, accounting irregularities in account balances, non-disclosure of account balances, board of surveys either not carried out or carried out but losses were not approved or not recorded as losses to Government, as stocktaking was not carried out.

Furthermore, the Committee identified and highlighted that capacity building is an inherent issue with accounting officers who lack basic fundamentals skills required for reconciling and maintaining accounts, lack of basic financial reporting trainings, lack of monitoring and clear supervision by Manger Finance and Senior Management.

This Report contains a few recommendations and observations made by the Committee. These recommendations have been made in good faith and we urge the relevant party to which the recommendation is made, to consider and respond accordingly. Some of the general recommendations made to the various Ministries and Departments are as follows:

- Ministries giving grants to ensure that the OAG audits the entities that receives Government grant;
- Annual Reports should be requested as part of Key Performance Indicators (KPIs) for Chief Accounting Officers for the various Ministries and Departments;
- Ministries and Departments to also consider gender budgeting; and
- Ministries and Departments to provide annual updates and achievements on funds appropriated for the National Development Plan (NDP) and Sustainable Development Goals (SDGs) related programmes and projects.

In addition to the above, the Committee also endorses the following recommendations to address the audit issues that were raised:

- Ministry of Economy should increase staffing and resources in their Internal Audit Division in order to be able to conduct (quarterly and bi-annual) internal audit inspections to all Ministries and Departments;

- Ministry of Economy should conduct regular and timely training for Financial Officers on Financial Management Information Systems (FMIS) and ensure that the system is compatible with the actual operations of the Ministries and Departments;
- Ministries and Departments should ensure that daily reconciliations are conducted and also strengthen their internal controls in terms of separation of duties and conducting supervisory checks; and finally
- Ministries and Departments should promptly take action on valid recommendations made by the Office of the Auditor-General.

At this juncture, I wish to thank my fellow Committee Members, namely: Honourable Alvick Maharaj (Chairman); former Member of Parliament, Honourable Vijendra Prakash; Honourable Aseri Radrodro; and Honourable Ro Teimumu Kepa, for their efforts and contribution in the scrutiny process of the Audit Report and the final compilation of this Report. I also extend my gratitude to Honourable Mikaele Leawere, who stood in as an Alternate Member.

With those few words, Sir, I commend this Report to Parliament.

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

(Report handed to the Secretary-General)

HON. J.N. NAND.- 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. SPEAKER.- Honourable Members, Parliament will now vote.

Question put.

Motion agreed to.

HON. SPEAKER.- I now call on the Chairperson of the Standing Committee on Economic Affairs to table his Report. You have the floor, Sir.

Consolidated Review Report of the Sugar Cane Growers Fund 2009–2018 Annual Reports -
Standing Committee on Economic Affairs

HON. V. NATH.- Mr. Speaker, Sir, the Standing Committee on Economic Affairs is pleased to submit to Parliament the Consolidated Review Report of the Sugar Cane Growers Fund 2009 – 2018 Annual Report.

The Sugar Cane Growers Fund (SCGF) provides loans to sugarcane growers for various reasons which include but not limited to:

- increasing the production of sugarcane;
- improving efficiency in planting, growing, harvesting and transportation of sugar cane;
- carrying out rehabilitation and maintenance works; as well as
- enable cane growers to participate in commercial ventures.

Earlier in 2020, the Committee had visited SCGF's Headquarters in Lautoka to better understand its functions and operations. The Members met the Chief Executive Officer (CEO) and his team and were provided with a comprehensive presentation on the mandate of the organisation and the progress that have been made over the years.

Honourable Members of the Committee were made aware of the substantive internal reforms that had taken place over the period of the Report. This was done to ensure that the internal policies and procedures align with the mandate of the organisation.

During its meeting with the SCGF Team, the Committee was pleased to note that our sugar industry has received various forms of support from international bodies such as the European Union, to assist towards cane planting programmes. The Committee strongly believes that such initiatives will take the industry forward, and encourages SCGF to continue to explore similar opportunities with other international development agencies to enhance the sustainability of the sugar industry.

The Committee noted that South Pacific Fertilizers Limited (SPFL) is a subsidiary of SCGF with SCGF holding 92.6 percent shares and Sugar Cane Growers Council (SCGC) holding 7.4 percent. During the period of review, SPFL had borrowed funds for procurement of raw materials for supply of Government-subsidised fertilisers to farmers.

The Committee noted that all borrowings had been repaid as at 31st December, 2017 and commends the Fijian Government, SCGF and SPFL for ensuring reliable supply of fertilisers to farmers. Furthermore, while the Committee appreciates the introduction of Bundled Insurance in 2018, it believes that SCGF should explore other non-covered areas, such as natural disasters.

I would like to take this opportunity to extend our appreciation to all stakeholders for their valuable input. The Committee would like to acknowledge the CEO of SCGF and his team members for being prompt in answering the various queries and questions raised by the Committee.

Finally, I would like to thank our Committee Members who were part of the team that produced this Report - the Deputy Chairperson, Honourable Veena Bhatnagar; Honourable George Vegnathan; Honourable Inosi Kuridrani and Honourable Ro Filipe Tuisawau. I also take this opportunity to thank our parliamentary staff who had given us invaluable support.

On behalf of the Standing Committee on Economic Affairs, I commend the Review Report of the Sugar Cane Growers Fund 2009–2018 Annual Reports to Parliament.

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

(Report handed to the Secretary-General)

HON. V. NATH.- Mr. Speaker, 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. RO F. TUISAWAU.- Mr. Speaker, Sir, I rise to second the motion.
Question put.

Motion agreed to.

HON. SPEAKER.- I now call on the Leader of the Government in Parliament to move his motion.

AMENDMENT TO THE 2021 PARLIAMENT SITTING CALENDAR

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

That Parliament adopts an additional sitting week of Parliament from 17th May, 2021 to 21st May, 2021.

HON. R.R. SHARMA.- Mr. Speaker, I beg to second the motion.

HON. SPEAKER.- I now call on the Leader of the Government in Parliament to speak on his motion. You have the floor, Sir.

HON. LEADER OF THE GOVERNMENT IN PARLIAMENT.- Mr. Speaker, Sir, as all Honourable Members may be aware, Standing Order 22(1) states that the Business Committee must recommend to Parliament a programme of sitting periods for each session of Parliament or each 12-month sitting period of Parliament, whichever is the shorter. Standing Order 22(3) further provides that on being adopted by Parliament, the sitting programme operates subject to any decision of Parliament to the contrary.

In such regard, Mr. Speaker, Sir, the Business Committee convened and undertook discussions on a proposed additional sitting week in the month of May. The rationale, for the information of all Honourable Members, Parliament on Tuesday, 8th December, 2020, approved the Sitting Calendar for the year 2021, a proposal which had been agreed to at the Business Committee Meeting on 26th November, 2020. At that same meeting, members of the Business Committee raised their concerns with respect to the high number of Committee Reports that were pending debate.

After much deliberation on the issue, the Business Committee agreed to dedicate a special sitting to debate and clear all the Committee Reports, and the sooner the better, so that Parliament could ensure that the debates on the Reports would still be relevant. The special sitting, Mr. Speaker, Sir, would mainly focus on clearing all the pending Committee Reports, as Parliament does not wish to have reports spilling into different years, as it has become evident in some of the parliamentary debates that issues have become highly politicised, as opposed to focussing on the contents of the Reports. As of to-date, Parliament has a total of 75 Committee Reports that are pending debate.

Mr. Speaker, Sir, I wish to commend the Standing Committee for the extensive work undertaken to produce those Reports but at the same time, Parliament has an obligation to undertake and complete debate on those 75 Reports, as well as the others which would be tabled in the March and April Sittings. Therefore, Mr. Speaker, Sir, it is pertinent that Parliament approves the additional sitting week from 17th May, 2021 to 21st May, 2021, to clear all those Reports.

I wish to reiterate, Mr. Speaker, Sir, that the special sitting week will not deal with the usual pertinent parliamentary business, such as Questions, Bills, et cetera, but that it would only focus on debate on all the Committee Reports which are pending debate.

In conclusion, Mr. Speaker, Sir, I wish to put on record that there were no objections from the members of the Business Committee and, therefore, I plead with all Honourable Members to approve the proposed additional sitting week.

Mr. Speaker, Sir, given the salient points I have put to the floor of this august House, I do commend this motion to Parliament and I hereby seek support from all Honourable Members to approve the proposed additional sitting week of 17th May, 2021 to 21st May, 2021, to be included in the current Sitting Calendar.

Mr. Speaker, Sir, I take this time to thank you for giving me the floor.

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

Honourable Tikoduadua, you have the floor.

HON. LT. COL. P. TIKODUADUA.- Thank you, Mr. Speaker, suffice to say that we support the motion before the House and that being the collective decision of the Business Committee, as you know.

Thank you, Mr. Speaker, Sir.

HON. SPEAKER.- Honourable Members, I call on the Honourable Leader of the Government in Parliament to speak in reply. You have the floor, Sir.

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

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

Question put.

Motion agreed to.

MINISTERIAL STATEMENTS

HON. SPEAKER.- Honourable Members, the following Ministers have given notice to make Ministerial Statements under Standing Order 40, the:

- (1) Honourable Attorney-General and Minister for Economy, Civil Service and Communications;
- (2) Honourable Minister for Defence, National Security and Policing, Rural and Maritime Development and Disaster Management; and
- (3) Honourable Minister for Commerce, Trade, Tourism and Transport.

The Ministers 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 no 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 other debate.

Honourable Members, 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's National Ocean Policy

HON. A. SAYED-KHAIYUM.- Thank you, Mr. Speaker, Sir. I rise to inform at this February session about Fiji's National Ocean Policy (NOP), a guiding blueprint designed to holistically protect and govern all of Fiji's ocean and marine resources.

As an archipelagic nation, our ocean defines us, and not just our borders. For thousands of years, the ocean has provide a sustenance and fill the livelihoods of our people and in doing so, helped our economy thrive. Today, we are able to put a number on that immense impact.

Studies indicate that in 2014, Fiji's marine ecosystem services would have been valued at approximately FJ\$2.4 billion. Anecdotal evidence which suggest that had the world's economy not been crippled by COVID-19, these numbers would have been much higher still in 2020. But as we note, Mr. Speaker, Sir, to continue to tap into this bounty that nature provides us, our ocean must not be raided and pillaged for the economic benefit of a single generation. Above all else, we must ensure that any and all investments in the ocean space are sustainable.

Ocean-based development needs do not only be aligned to our national development aspirations but also operate within our international climate commitments and promote the protection and restoration of marine resources in a way that will boost the regenerative capacity of our 1.3 million square kilometres of Exclusive Economic Zone (EEZ).

Mr. Speaker, Sir, Fiji's ocean is intrinsically linked to our identity as a Small Island Developing State, but we cannot let that name fool us. When it comes to our ocean space under which we have a complete jurisdiction, nothing is small about Fiji.

Our EEZ is 70 percent larger than our landmass and when it comes to the size of the EEZ, Fiji has the 26th most expensive patch of planet under our protection. With these statistics in mind, Mr. Speaker, Sir, we must see our true potential as a big ocean State, one with significant potential for a very big, very vibrant and very blue economy.

Despite the massive socioeconomic prosperities being held in the depths of our ocean, our marine biosphere is under constant threat due to global warming - a global emergency threat, as vulnerable people on its frontlines know too well, is resulting in rising sea levels, ocean acidification and mass coral bleaching. Unregulated mining activities, land development and pollution are major threats as well.

Fiji's ocean has also been subject to trans-border crime, overfishing, illegal, unreported and unregulated fishing and many other forms of mismanagement, contributing to the decline in marine and an increase in border security threats.

Mr. Speaker, Sir, such threats underscore the diverse spectrum of complex ocean issues that our development agenda must address, if we are to create a sustainable, inclusive, resilient and low carbon future for all Fijians. That is why, Mr. Speaker, Sir, the Fijian Government has not been resting on its laurels and is taking decisive action to these pressing threats to our ocean.

Back in 2017, Fiji recognised the importance of mainstreaming oceans into global discussions on climate change and launched the Ocean Pathway Partnership during the first ever United Nations Ocean Conference in New York. This is reinforced by Fiji's COP 23 Presidency to the United Nations Framework Convention on Climate Change (UNFCCC) in 2017 and showed the world that we are pioneers when it comes to protecting our oceans.

Fiji went on to reemphasise the need to strengthen the nexus between oceans and climate during COP 25 in Madrid, where climate negotiators successfully garnered international support to include oceans as part of the UNFCCC agenda. But here at home, we recognise the obstacles to effective and congruent oceans management.

Historically, Fiji's marine sector has long operated in policy silos. Multiple Government agencies are mandated to administer and regulate piecemeal segment of Fiji's marine ecosystem through numerous plans, policies and strategies. There has been no overarching national policy that provides a similar coordination point to effectively plan, allocate and manage resources for the broader sustainable management of Fiji's ocean space.

The need for an overarching domestic policy that holistically guides the ocean action and is well aligned to Fiji's international climate commitments made it clear that we needed to develop a national policy as our blueprint. So, following indepth discussions with relevant Government agencies, the Ministry of Economy commenced the comprehensive drafting process of the NOP in 2019.

Mr. Speaker, Sir, the formulation of the NOP took over a year to complete, as it took many rounds of inclusive comprehensive consultations between and among Government and Non-Government stakeholders - 11 rounds of stakeholder consultations, comprising the three open public consultations, and these took place from October 2019 to November 2020.

To ensure that our eventual Policy would complement, not compete with the existing policies and legislation, the overall development of the NOP was guided by a steering committee consisting of key Government agencies, selected from the following existing Marine Affairs Committees, the:

- (1) Protected Areas Committee through the National Environment Council of the Ministry of Environment;
- (2) Maritime Affairs Coordinating Committee of the Ministry of Foreign Affairs;
- (3) Marine Protected Areas Technical Committee of the Ministry of Fisheries; and
- (4) Marine Spill Pollution Advisory Committee of the Ministry of Commerce, Trade, Tourism and Transport.

Mr. Speaker, Sir, while many minds and voices went into the policies formulation, I would like to take this opportunity to thank and remember one in particular, the late Lieutenant Commander Silipa Tagicaki Kubuabola, who passed away earlier this month as the highest ranking female officer in the Fijian Navy. Her input towards the formulation of the NOP was invaluable and I am sure she would have been delighted to operationalise it. Lieutenant Commander Kubuabola will be sorely missed in this process.

Mr. Speaker, Sir, having elaborated the development of the NOP, please allow me to highlight the key features of the NOP. The vision and mission of NOP are respectively to achieve a healthy ocean that sustains the livelihoods and aspirations of Fiji's current and future generations, and to secure and sustainably manage Fiji's ocean and its marine resources.

Mr. Speaker, Sir, the NOP will achieve its vision and mission through seven strategic goals. These are:

- (1) Cooperation - to harmonise and promote an integrated and cooperative national approach to managing the ocean in a manner that promotes security, strive to sustainability and ensures prosperity for all Fijians.

- (2) Sustainability - to protect, restore and improve ocean ecosystems, climate services and biodiversity so these benefits contribute towards a fair and equitable participation in sharing of benefits for current and future generations through the sustainable management of 100 percent of Fiji's ocean within the national jurisdiction.
- (3) Security - to safeguard assets and ensure regulatory compliance for the multi-dimensional maritime security of 100 percent for Fiji's ocean within its national jurisdiction.
- (4) People - to promote a people-centred approach to ocean management by sharing benefits in an equitable and inclusive manner that respects all rights.
- (5) Development - to establish a solid foundation for sustainable development that includes facilitating ocean-based opportunities and innovations to ensure healthy ecosystems and secure economic livelihoods.
- (6) Knowledge - to integrate traditional knowledge, heritage and cultural practices with scientific knowledge to provide a holistic platform that can meet the contemporary challenges of the ocean.
- (7) Advocacy - recognising both, the connectivity of oceans, the need for ambitious management of the ocean and deepened understanding of the ocean climate nexus.

The NOP lays out how Fiji can engage in regional and global advocacy that aligns with and fortifies the ongoing seven endeavours. Those are the seven key issues, Mr. Speaker, Sir.

Each of these goals has an inter-dependent set of activities and a 10-year implementation plan which identifies co-ordinating agencies that will effectively carry out these activities through their respective mandates.

The implementation plan is the operational backbone of NOP and will be the proxy for multiple Government agencies to coherently implement sustainable ocean actions through 33 outcomes and 86 indicators allocated across key implementation Government agencies.

Given that 20 percent of the Fijian population live within one kilometre of the coastline and 76 percent within five kilometres not recognising the intrinsic connection Fijians have with their marine biosphere, in doing so, it places consistent community engagement and collaboration at the heart of this implementation plan. This is exemplified by the establishment of the annual Talanoa Dialogue on oceans, which will be a forum to discuss matters of importance in the ocean sector and provide accountability to the public on progress to operationalize NOP.

Mr. Speaker, Sir, the two flagship outcomes of NOP are to declare 30 percent of Fiji's EEZ as Marine Protected Areas (MPAs), with 100 percent sustainable management of our EEZ by 2030. These targets are consistent with Fiji's global commitment, such as SDG 14 - Life below water, and the 30by30 Initiative led by the Government of the United Kingdom.

Mr. Speaker, Sir, NOP has a government structure. In recognising the complexities of our ocean sector and underscoring the importance of a whole of government approach to achieve Fiji's blue economy ambitions, NOP creates a robust governance and institutional arrangement that brings together existing national committees working across the seven strategic goals.

The NOP will be overseen by the National Ocean Policy Steering Committee made up of 14 Permanent Secretaries. The Steering Committee will also include senior technical representatives of selected agencies, including non-government organisations from the private sector, academia and civil society, as needed with an observer status.

Existing national committees that address marine-related activities will be requested to deliver specific outputs and updates to the steering committee in order to facilitate the delivery of the activities set out in the 10-year implementation plan. The implementation plan will be monitored and evaluated through an annual progress report, and a five-year review report to be developed by the Ministry of Economy, on behalf of the Steering Committee, in its capacity as the Steering Committee Secretariat and custodian of NOP.

Mr. Speaker, Sir, Fiji's NOP will be enshrined into law also through the upcoming Climate Change Bill, as we merge the ocean climate nexus, and create an enabling environment to boost ocean health and curb the growing impact of climate change on our fragile marine biosphere. In particular, Part 13 of the upcoming Climate Change Bill, Mr. Speaker, Sir, Oceans and Climate, emphasises the need to protect Fiji's existing maritime boundaries and marine resources, including blue carbon stocks, such as mangroves and seagrass meadows. This section creates the legal mandate for Fiji to designate 30 percent of its EEZ as MPAs by 2030 and achieve 100 percent sustainable management of our EEZ, as we had mentioned earlier on.

Mr. Speaker, Sir, the ongoing COVID-19 pandemic and the economic standstill that has followed in its wake, makes the need for sustainable economic management even more clear. Fiji's ocean health simply cannot be compromised. For the preservation of our economy, our livelihoods and our culture and heritage, we must protect this vitality and the bounty it provides.

Mr. Speaker, Sir, as we look ahead in kick-starting the 2021 UN Decade of Ocean Science, Fiji's new national initiatives, such as the ban of single use plastic bags, our 10-Year Moratorium on Seabed Mining and the recent ban on polystyrene or Styrofoam, are more significant steps in the right direction to achieving a blue recovery.

In this respect also, Mr. Speaker, Sir, we are currently talking to the UK Government in furthering talks regarding issuance of blue bonds. I would like to just hold up this particular Oceans Policy, it will be available on the website and I urge all Honourable Members of Parliament to, please, go and read this. You can have an input, as you know that we will be having widespread consultations, as I have just highlighted, on a yearly basis and this is an effort that requires a national approach to preserve this much valuable asset of ours. Thank you, Mr. Speaker, Sir.

HON. SPEAKER.- I thank the Honourable Attorney-General for his Ministerial Statement. I now call upon the Honourable Rasova to speak in reply. You have the floor, Sir.

HON. S.R. RASOVA.- *Bula vinaka*, Mr. Speaker, Sir. Thank you very much for having me speak on this topic. I would like to thank the Honourable Attorney-General and Minister for Economy for the wonderful Ministerial Statement on Fiji's National Ocean Policy.

Mr. Speaker, Sir, I rise to provide a response to the Honourable Attorney-General and Minister for Economy on Fiji's National Ocean Policy, the guiding blueprint designed to holistically protect and govern all of Fiji's ocean and marine resources.

Mr. Speaker, Sir, we can all agree that Fiji is, indeed, blessed with large areas of ocean and maritime resources which it has both rights to use but a responsibility to manage.

I note, Mr. Speaker, Sir, that the primary purpose of the National Ocean Policy is to guide the Fiji Government towards integrated oceans management and more coordination across Government, including all stakeholders, in better decision-making processes for all matters that could affect Fiji's ocean or natural resources.

Mr. Speaker, Sir, the Ministry of Fisheries is well grounded and mandated under the Marine Spaces Act Cap 158A, the Offshore Fisheries Management Decree 2012 and its consequent Regulations of 2014, to carry out conservation and management of fisheries resources within its Exclusive Economic Zone. The question begs, why is the Ministry of Economy interfering into matters that could be handled and coordinated by the Ministry responsible?

Mr. Speaker, Sir, I believe that more time should be provided for the consultation on the Policy. This would improve the Fiji Government's vision and also ensure that it ties in with the Pacific Region's push for a sustainable blue economy to the benefit of the people of the Pacific Islands.

Mr. Speaker, Sir, *vinaka vakalevu*.

HON. SPEAKER.- I thank the Honourable Rasova for his contribution and I now give the floor to the Honourable Tikoduadua. You have the floor Sir.

HON. LT. COL. P. TIKODUADUA.- Thank you Mr. Speaker, Sir. I thank the Honourable Minister for his Ministerial Statement.

Mr. Speaker, Sir, by now, it is quite normal for us to feel suspicious whenever the Honourable Minister starts passionately postulating about new initiatives, particularly for this issue, which one would think that the Honourable Minister for Fisheries would tell Parliament about.

Now, I am, in fact, reminded of the same gusto that we heard on the Environment and Climate Adaptation Levy (ECAL) and then the plastic bag levy. The ECAL funds turned out to be an additional source of funds for Government's infrastructure development, and the plastic bag debacle spiralled into a mess with a 50 microns debate. I am sure the Honourable Minister for Agriculture, Waterways and Environment remembers this vividly. Similarly, the same excitement over the Green Bonds that has long fizzled out, and Parliament has had no update about it in a long time.

We know that the Ocean's Policy is a year overdue. This really points to the complete disorganisation of this Government.

Yesterday, the Honourable Minister told Parliament about a new carbon agreement that has been signed with the World Bank. It appears that all the initiatives relating to carbon trading are being rolled out in an ad hoc and haphazard manner.

An agreement was signed with the World Bank. Now, where is our law that should set out the scientific and technical parameters of that agreement, and be the basis of what is bought and sold?

So far the nation has seen two drafts of the Climate Change Bill, and public consultation seems to be happening in a bubble. We know what that usually means, they will take the Bill only to those who are friendly to their ideas. Bring the Bill to the House and let it go through the proper and thorough Parliamentary Committee process!

On the Oceans Policy, we are all aware that a healthy ocean is integral to the lives and livelihoods of our people, but how healthy are our coral reefs, Mr. Speaker, Sir? How are we managing ocean pollution and over-fishing domestically and internationally? How effectively are we monitoring the dumping of toxic substances and runoffs that are carried from the waterways into the ocean? Are we protecting a deep sea hydrothermal vents adequately? The second Climate Change Bill has dropped all the references to a 10-year moratorium on deep sea mining that was in the previous version of the Bill.

Some years ago the National Federation Party (NFP) had asked the Honourable Minister for Fisheries for an overarching study of the state of Fiji's oceans. Those kinds of indications can help us understand where the challenges are, and where the national resources could be directed. If we do not get that kind of assessment, this is what will continue to happen - the Government will get distracted by the latest fads that are only linked to money.

Mr. Speaker, Sir, our oceans are heating up. We see that already in the rise in coral bleaching and the steadily increasing assault of extreme weather events here in Fiji. But if we tinker about with economic interests, like carbon trading, without addressing the fundamental issues of global warming, all these initiatives will come to naught. We will spend it all on disaster relief and rehabilitation efforts, and rebuilding infrastructure, while the essential obligations of education, healthcare and employment are wilfully ignored.

We are aware that the main interest of the Ministry is for blue carbon trading possibilities, specifically on mangroves, seagrasses and saltwater marshes. In fact, the Honourable Minister himself said it yesterday, and I quote from page 445 of yesterday's *Daily Hansard*:

“The market opportunity, Mr. Speaker, Sir, is great. Carbon markets are continuing to experience steady growth, despite the global economic contractions caused by COVID-19.”

However, Mr. Speaker, Sir, we will need a lot more convincing on the sincerity of intentions about oceans protection and, I am sure, so too will traditional fishing ground owners. Thank you, Mr. Speaker, Sir.

HON. SPEAKER.- I thank the Honourable Tikoduadua for his contribution to the debate.

Honourable Members, on that note, we will take a break for refreshment. After refreshments, we will then take the two Ministerial Statements. We adjourn for refreshments.

The Parliament adjourned at 10.20 a.m.

The Parliament resumed at 10.50 a.m.

HON. SPEAKER.- Honourable Members, we will continue from where we left off before refreshment and I now call upon the Honourable Minister for Defence, National Security and Policing, Rural and Maritime Development and Disaster Management to deliver his Statement. You have the floor, Sir.

Emergency Operations – TC Yasa and TC Ana

HON. LT. COL. I.B. SERUIRATU.- Mr. Speaker, Sir, thank you for giving me the opportunity to give a Ministerial Statement on Government's response to the two recent Tropical Cyclones - *TC Yasa* and *TC Ana*, that struck parts of Fiji Group on 17th December, 2020 and 31st January, 2021 respectively.

Mr. Speaker Sir, in this new norm, disaster risk is taking on new forms and magnitude - increasingly complicated, more frequent and intense. We have had more than 10 cyclones in the last few years and *TC Yasa* is the second Category 5 Cyclone to hit Fiji since *TC Winston* in 2016.

The destruction caused by these natural hazards caused serious implications on our communities, the national economy and our development aspirations. This, Mr. Speaker, Sir, underlines the need to have a robust systemic national response, together with the co-operation and assistance of our friends and partners.

On emergency operations, Mr. Speaker, Sir, I will briefly highlight the actions and arrangements immediately before, during and immediately after the disaster and I will start with *TC Yasa*. Let me begin with the warning arrangements and the level of preparedness.

Mr. Speaker, Sir, earlier in October last year, the Regional Specialized Meteorological Centre (RSMC) in Nadi released the region's cyclone season forecast. The forecast predicted the likelihood of three to six tropical cyclones forming in the region to the West of the International Dateline, of which one to three are likely to be categorized as severe. Mr. Speaker, Sir, Severe *TC Yasa* happened to be the first for the season and was the strongest cyclone since *TC Winston* in 2016 and has become Fiji's second severe cyclone within a span of five years.

Mr. Speaker, Sir, severe *TC Yasa*, a Category 5 Cyclone had initially unleashed its wrath in the North-Western part of Fiji before it made landfall in Vanua Levu on the evening of 17th December, 2020, causing widespread devastation. The super storm then moved across the Eastern Division, impacting the Lomaiviti and the Lau Groups. The Cyclone with hurricane-force winds, flooding and storm surges caused widespread destruction to public infrastructure, homes and buildings and livelihoods in the severely affected areas. Following the advice provided through the Special Weather Bulletins by the Fiji Meteorological Office, Emergency Operation Centres (EOCs) were activated.

On the EOC activation, Mr. Speaker, Sir, given the lessons learnt from *TC Winston*, Government activated its disaster response mechanisms swiftly. From the cyclone alerts received well before the cyclone passed through Fiji, the National Disaster Management Office (NDMO) activated its National and Divisional Emergency Operation Centres to monitor the situations, plan and coordinate emergency response efforts.

The NDMO, together with the Fiji Meteorological Services, constantly issued mass rapid messaging to the general public through SMS, television and radio to alert communities in their preparations and provide advice on cyclone safety precautions.

Mr. Speaker Sir, emergency operations for *TC Yasa* was fully activated by the National Disaster Controller, who is also the Permanent Secretary responsible for Rural, Development and Disaster Management on 15th December, 2020, as *TC Yasa* was approaching the Fiji Group from the North West.

Mr. Speaker, Sir, the accuracy in forecasting the cyclone track from our Fiji Meteorological Office, coupled with increased volume of awareness on our mass media from the NDMO, contributed significantly to the level of preparedness in our people. Homes were reinforced and secured, evacuation centers occupied, protection of properties and livelihoods and the adherence to safety measures and movement restrictions. These initiatives are commendable, Mr. Speaker, Sir.

Let me touch on the state of emergency and the declaration of natural disaster. Mr. Speaker, Sir, given the severity of the looming cyclone and the anticipated level of damage and destruction it will cause, on 16th December, 2020, Cabinet approved the Declaration of a Natural Disaster in respect of the whole of Fiji. Therefore, Sir, all emergency operations carried out henceforth focused primarily on the protection of life and property, the restoration of essential public services and the provision of immediate relief to disaster victims in the affected areas.

Affected areas, Mr. Speaker, Sir, were categorised into zones according to the cyclone path, and red zones being the areas worst affected. Because *TC Yasa* made a landfall on Vanua Levu, areas classified as red zones were the whole of Bua Province, consisting of the nine Districts (*Tikina*) namely; Dama, Lekutu, Navakasiga, Bua, Vuya, Solevu, Nadi, Wainunu and Kubulau; in Macuata, the four Districts of Seaqqa, Macuata, Sasa and Wailevu; and in Cakaudrove, the Districts of Wailevu and Savusavu. Those red zones, Mr. Speaker, Sir, were given the highest of priorities in the allocation of resources and conduct of relief activities.

Following the declaration, Mr. Speaker, Sir, an operational design was quickly planned which basically defined the operational timeline and phases, key events and decision points and the end state to be achieved. Consideration was also given on worst case scenarios and three key decision points for the Commissioner Northern were particularly identified:

- (1) in the event of a COVID-19 outbreak;
- (2) an outbreak in LTDD; and
- (3) in the event of another disaster, that will bring cyclone and flooding.

Mr. Speaker, Sir, I now wish to focus on the immediate response taken. As alluded to earlier during the week by the Honourable Minister for Agriculture, Waterways and Environment, immediately on the day after the cyclone on the first chartered flight to Labasa, four Cabinet Ministers (Honourable Attorney-General, Honourable Minister for Education, Honourable Minister for Agriculture and the Honourable Minister for Defence and Disaster Management) took the flight to Vanua Levu, together with senior representatives from key partner stakeholders and organizations for an initial assessment and provide leadership and support to our officials and partners in the North.

For NDMO, Mr. Speaker, Sir, I was accompanied by the Commanding Officer 3FIR, Lt. Colonel Aseri Rokoura, and following our briefing by Commissioner Northern Division, our initial reconnaissance was aimed at assessing the status of accessibility of the main supply route between Labasa and Nabouwalu, identification of Forward Operating Bases (FOBS), secure warehouses for storage purposes and availability or otherwise of support services and capabilities.

Indeed, I am pleased to inform this august House that in a span of only 48 hours, the main access road from Nabouwalu to Labasa was cleared and fixed to make accessibility easier for

Government's response efforts to commence immediately. This also enabled the mobilization of resources for the restoration of essential services, such as water, electricity and communication.

Forward Operating Bases (FOB) were identified at Lekutu Government Station as well as Kubulau Government Station. To complement the limited storage facilities at Nabouwalu and Kubulau, Mr. Speaker, Sir, two multi-storage units provided by World Food Programme (WFP) were erected in each of the two sites as warehouses. Basically, the idea was that, because Bua was badly covered and because of the restrictions in some areas, particularly with flash flooding at Kubulau, they focused on the two Districts of Kubulau and Wainunu and, of course, in Lekutu, the two Districts of Navakasiga and Lekutu and the remaining five Districts or *Tikina* were handled by the team in Nabouwalu.

Mr. Speaker, Sir, once the Nabouwalu-Labasa main supply route became accessible, Government's first deployment to the North departed Suva on the night of 19th December, 2020, arriving in Nabouwalu on the afternoon of Sunday, 20th January, 2021, taking across emergency food, ration supplies and non-food items to most affected communities in Vanua Levu.

More than 120 personnel from the following agencies were part of that 120 men and women deployment, Mr. Speaker, Sir, the RFMF, Fiji Police Force, Water Authority of Fiji, Energy Fiji Limited, Fiji Roads Authority, Lands Department, Forestry, Fisheries, Agriculture, Health and Ministry of Infrastructure. Non-Government Organisations, such as Empower Pacific, Save the Children's Fund, Medical Services Pacific and of course, other civil society organisations as well. These agencies were part of this deployment to conduct initial damage assessments, distribute emergency food ration supplies and to also provide immediate assistance needed in affected areas on Vanua Levu.

Yesterday, there was a lot of discussions about psycho-social support and, of course, all those agencies looked into their respective areas. Also on psycho-social support, Mr. Speaker, Sir, I also wish to brief this august House that psychologists from the Fiji Corrections Service also deployed their team to the North to assist those who are already on the ground.

Mr. Speaker, Sir, this was one of the largest teams we have ever deployed from Viti Levu to support emergency operations in the Northern Division, as most of our people on the ground have been severely affected as well.

Mr. Speaker, Sir, the major focus in Vanua Levu for the first 48-72 hours was to conduct the initial damage assessment and the restoration of essential services, particularly road, land access, water and electricity and the protection and safety of those affected, especially those in evacuation centres and the distribution of the limited non-food items that was pre-positioned by the Fiji Red Cross initially.

Mr. Speaker, Sir, we were fortunate that within 24 hours after the cyclone hit Fiji, the Australian Defence Force P-8 Aircraft and the New Zealand Defence Force-C130 Aircraft and the locally based LifeFlight Fiji provided aerial assessments over Vanua Levu and Koro, as well as the other islands in the Eastern Division. This made it easier for NDMO to determine the magnitude of the devastations to better plan and coordinate rapid deployment of immediate relief and response efforts to the severely affected areas.

Mr. Speaker, Sir, five days after we initiated our first deployment to the North, the first deployment to the Eastern Division left Suva for the Lomaiviti Group on 22nd December, 2020, followed by a deployment to the Lau Group on 24th December, 2020. The transportation of relief supplies to the Eastern Division was made possible through the provisions of five Government

vessels which took across more than 150 personnel to conduct emergency food ration distribution and damage assessments in villages in the Lomaiviti and Lau Groups.

Mr. Speaker, Sir, the teams deployed to the East were, for the first time, issued tablets and wifi, to carry out damage assessments on digital platforms that fed directly onto an online dashboard that presented results in real time. This was the first of its kind through a partnership with the United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA), the NDMO and the Bureau of Statistics.

Mr. Speaker, Sir, in addition to food ration supplies, non-food items were also distributed by Government to all affected communities to help support and address their needs in the aftermath of *TC Yasa*. These items included; tents, tarpaulins, shelter tool kits, mosquito nets, hygiene kits, kitchen sets, emergency response kits, sanitary packs, buckets, mother-infant kits, bottled water, chainsaws and generators, to name a few.

Mr. Speaker, Sir, before we were, again, hit by *TC Ana*, Government has distributed a total of 47,000 emergency food ration packs worth \$4.1 million where 31,000 was distributed to the Northern Division; 2,000 to the Western Division; and 13,000 to the Eastern Division. Included with those were the 26,000 non-food items that were distributed across the four Divisions for *TC Yasa* alone.

Let me touch on the impact of *TC Yasa*, Mr. Speaker, Sir, immediately after the storm passed, close to 23,413 Fijians were temporarily relocated to 456 evacuation centres - 74 evacuation centres in the Northern Division, 192 in the Western Division, 139 in the Central Division and a total of 51 evacuation centres in the Eastern Division. Sir, 48 hours after the storm passed the Western Division, this number dropped to 16,937 Fijians in 312 evacuation centres, as opposed to the initial 456.

Mr. Speaker, Sir, based on the damage assessment conducted to date, an estimation of 139,000 people and around 31,000 households were directly affected by *TC Yasa*, with losses estimated at around \$500 million. A total of 6,184 dwelling houses were partially damaged, and 2,141 completely destroyed across the four Divisions, as follows:

- (1) Northern Division - 1,862 fully destroyed and 5,837 partially damaged;
- (2) Eastern Division - 277 fully destroyed and 310 partially damaged; and
- (3) Western Division - 2 fully destroyed and 37 partially damaged.

Mr. Speaker, Sir, the education sector was also severely impacted by the recent Cyclone with more than 90 schools damaged across the country, and the Honourable Minister has already made a Ministerial Statement and answered questions to that effect as well. However, I wish to add that in the initial planning, particularly on Phase 2 after the initial restoration, one of the key decision points was for schools to commence during Phase 2 which was on the rehabilitation and recovery period and schools were earmarked to open on 18th January, 2021. I must, again, applaud the efforts taken by all the stakeholders that ensured that we meet that deadline and enabled us to achieve that key decision point, Mr. Speaker, Sir.

I also wish to acknowledge the work undertaken by the Republic of the Fiji Military Forces (RFMF) and the Australian Defence Force (ADF) Engineers for the reconstruction, particularly on temporary fixes and most of those temporary fixes are, in fact, permanent, apart from the fully destroyed, and those with structural damages that will be considered later on as the normal part of development activities.

Mr. Speaker, Sir, on the health sector, extensive damages were made to 25 of its health facilities in Macuata, Cakaudrove, Bua and Taveuni. Despite those challenges, the Ministry of Health and Medical Services continued to work against the odds to ensure basic health services were still available to affected Fijians. We supported the Ministry of Health, particularly in containing Leptospirosis, Typhoid, Diarrhoea and Dengue Fever (LTDD) in the North, we are thankful that it is still at manageable level now and there is no outbreak. We hope and pray that it will continue to be so, so that we are not distracted with the line of operation that we have, particularly for *TC Yasa* and *TC Ana* respectively.

Mr. Speaker, Sir, on the agriculture sector, the Honourable Minister for Agriculture, Waterways and Environment has already briefed this august House on the damages recorded and also, I must add, that the NDMO is working very closely with the team on the ground to assist where possible because food security is very, very critical and not only that, because of our transition into livelihood and the empowerment of our rural farmers and fishermen.

Mr. Speaker, Sir, because of the huge devastation in the Northern Division and the expiry of the initial 30-day Declaration for the State of Natural Disaster for the whole of Fiji on 14th January, 2021, Government, through the endorsement of Cabinet, announced the extension of the 30-day Declaration only for the Northern Division, effective from 15th January, 2021. The extension was approved by Cabinet in accordance with section 17 of the Natural Disaster Management Act 1998 and upon the advice of the Emergency Committee.

The extension was also foreseen as a proactive measure to allow Government to continue to efficiently and effectively coordinate the response phases for *TC Yasa* and to assist with the early recovery phase of important sectors, such as education, health, housing and food security. Mr. Speaker, Sir, Fiji was, again, caught in the direct path of *TC Ana*, 16 days into the extension of the 30 day Declaration for the State of the Natural Disaster for the Northern Division and only one and a half months after *TC Yasa* hit Fiji.

Mr. Speaker, Sir, let me now touch on *TC Ana*. As forecasted back in October, during *La Niña* events, Fiji usually experiences elevated rainfall activity. The climate models were also favoured for above normal rainfall over majority of the Fiji Group during the months of October to December and January to March seasons. With the *La Niña* event established and in view of the rainfall outlook, there is an elevated risk of flooding in Fiji over the current wet season.

Mr. Speaker, Sir, this is exactly what *TC Ana* brought to Fiji, although only Category 2 Cyclone she brought a lot of rainfall that caused major flooding and associated hazards, including landslides and damages to infrastructure across the four Divisions and, of course, in the other sectors as well.

Mr. Speaker, Sir, currently the NDMO is wrapping up the initial damage assessments and detailed damage assessments for communities affected by *TC Ana*. A total of 6,500 households have been assessed in the four Divisions and about 31 houses confirmed as fully damaged.

In the wake of *TC Ana* a total of 378 evacuation centres were opened in all the four Divisions with a total of 3,186 evacuees sheltered. Let me assure this august House because it was initially identified as a key decision point for the Commissioner Northern Division, on what is happening now in the Northern Division. We are running on two parallel lines so that the immediate relief and responses for *TC Ana* are addressed and then we will get back onto the main line of operation which is the continuation of *TC Yasa*.

Mr. Speaker, Sir, may I conclude by saying that since *TC Ana*, we have deployed an additional 40,000 ration packs about to be distributed now particularly in the island communities of Vanua Levu and the mainland as well; 2,000 was distributed in the Western Division, particularly for those in the evacuation centres; 2,000 to the Central Division; and 36,000 to the Northern Division.

I wish to acknowledge all our partners, Mr. Speaker, Sir; the Australian Government, the New Zealand Government, the Republic of China and all those that assisted the Government of Fiji in our efforts to restore normalcy back to our communities.

Let me just conclude and once again would like to express Government's utmost gratitude and appreciation to the development partners, NGOs, business communities, first responders and individuals for the support and assistance rendered to our affected communities in their times of need. Again, I applaud the Vuvale Partnership with the Australian Government and across the Tasman as well for all their assistance. The New Zealand Government stepped in with aerial surveying expertise and, of course, they continued to replenish us.

Mr. Speaker, Sir, as we speak, yesterday there was another aircraft that landed from New Zealand that brought in some of the much needed equipment that we asked for, particularly to help in our cleaning up of the schools - water pumps, high pressure water blasters and foggers, so that we can continue with the clean-up of schools so that schools will resume.

Mr. Speaker, Sir, I would like to highlight and acknowledge the sacrifice and commitment shown by the disaster frontline workers, who worked tirelessly day and night, sacrificing their Christmas and New Year in order to help affected families who were traumatised by the devastation of the Cyclone. This display of sacrifice and commitment shown by our fellow Fijians working in severely affected areas was a testimony of human compassion in the face of adversity.

With those few words, Mr. Speaker, Sir, I thank you for allowing me to speak in this august House and present a report on the emergency response in the recent catastrophic events that confronted our beloved Fiji. *Vinaka vakalevu*, Mr. Speaker.

HON. SPEAKER.- I thank the Honourable Minister for Defence for his Ministerial Statement. I now give the floor to the Honourable Bulitavu. You have the floor, Sir.

HON. M.D. BULITAVU.- I rise, Mr. Speaker, Sir, to respond to the Honourable Minister's Ministerial Statement. I thank the Honourable Minister for covering the emergency phase of the natural disaster, starting from our preparedness phase right to the responses that have been done. Also, the current status of moving towards rehabilitation and restoration.

First of all, I would like to thank the disaster frontline workers, who all sacrificed and gave their life to the duty that they were called for by serving the people out there in the rain, during the adverse weather in trying to relocate people to higher grounds and also evacuating them to evacuation centres.

We also thank the NDMO for the various text messages and the Fiji Meteorological Services for the weather updates. It gives very formative information to the people on what to prepare for, what to do and what to expect.

I speak from the perspective of one of the areas affected by both, *TC Yasa* and *TC Ana*. One thing that these cyclones really taught us in Vanua Levu was to be prepared, not only to be prepared but how to construct our houses to be cyclone resistant. I think that is an area that needs

to be properly reviewed and probably have to look into other laws concerning village bylaws and other things that govern the construction of our houses, given that these cyclones will frequently come, given the climate change effects that we have.

On food rations, I think the Honourable Minister, had answered a question that was in our Order Paper yesterday with regards to the complaints mechanism that are in place. There have been issues, and people need to be patient. I have spoken with the District Officer Macuata and other Government Officials, even members of the public are also complaining and bursting out publically, but they need to be patient because things will come.

There are other operational gaps that could be improved later in terms of assessment. I think, for the assessment team coming to the area, there is a need for a coordinated effort between the *Turaga-ni-Koro* and all those who are there to identify the houses that were partially and wholly affected, those who might need help and those in the evacuation centres. The NDMO has those data and information that will be fed into the system by the *Turaga-ni-Koro*.

We thank the development partners and others who came in, the Good Samaritans, like the NGOs, friends and also religious groups, to give those food ration. Also the Red Cross with donation of tents, mosquito nets and solar lights, things that are mostly needed in those times.

Probably, the issue now for Vanua Levu, Mr. Speaker, Sir, would be road access. The Honourable Minister is fully aware of how we can continue to have road access into towns, especially in getting food supplies into villages and accessing hospitals and other public services which will be needed.

Water supply is very important. I think there is a big issue in Labasa on our main connection in Macuata. I think a proper and new system has to be put in place where repairs need to be done, given the constant effects of the climate that has happened.

The other thing that probably Government can look into is food security. I think for most of our plantations, after food rations finish, the cassava will also be hard and will become what we term in the Fijian language as *kadralla*. I think there needs to be other things that should come in, probably seedlings and plant suckers, to get in fast crops that will help secure food security for those in the rural areas, and also for those in the rural areas who provide vegetables to the Labasa and Savusavu markets. Those are some of the things that we face right now. There is now lack of vegetables and other crops in the Labasa Market and we look forward for the various measures that will be put in place, to help them survive so that the Northerners and those affected will not be left behind.

Again, we thank the Australian Government and New Zealand Government for their help in assisting our Government in responding to the disasters and we look forward for better partnership in the future. *Vinaka vakalevu, Sir.*

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

HON. L.S. QEREQERETABUA.- Thank you very much, Mr. Speaker, Sir. I wish to begin my response by registering our sincere thanks to the Honourable Minister for his quick action in responding to our calls to him, to have some assistance sent to a community in Wainunu, which had missed out on aid in the aftermath of severe *TC Yasa*. Thank you, Honourable Minister.

Mr. Speaker, Sir, in the worse-affected areas of Lekutu, Bua, Dreketi and Seaqaqa, many have lost their entire homes. As you know, we tragically lost four lives to severe *TC Yasa*. Crop damage has been extensive, many families depended on this, not only for daily subsistence but also for income.

It will take, at least, six months for many to get back on their feet and in a post-disaster situation, these farmers have no money. They must urgently look after their own families, rebuild their homes and the buildings in their communities. They are not able to simply go into town to buy more seedlings and materials with which to raise them, they need help - quick help to get back on their feet with seedlings, land preparation and basic tools, so that they can quickly rehabilitate their farms.

In Lekutu and Nasarowaqa, Mr. Speaker, Sir, areas that where we met a parent who told us that their food crops had been extensively damaged that it was difficult for them to feed themselves and their families, or to provide lunch for their children to take to school. It is evident that in several schools, help must be provided directly to schools in the form of food. Parents are willing to help in food preparation and cooking, if they have the material made available to them.

However, the Government needs to act now for the longer term. For crops to be harvested in a few months' time, they must be planted now. For school children to complete their lessons and pass their exams, help must be given now. For farmers who must be able to plan ahead for the next crop and the next cane payment, they must receive help now.

Critical to all these, Mr. Speaker, Sir, is information. If people know what is happening and what will be made available, they can move forward with confidence. If they know ahead of time how Government is going to help them, they can plan ahead and set aside time to use the support that Government will give them.

If people know when they will get help with building materials and resources, the community can organise themselves to provide labour and plan for their work. If farmers know that they would be helped with seedlings and tools, they can prepare their land. If teachers know when help will come to their schools, they can prepare their lessons and plan for how to make up for loss teaching time and last of all, the lesson that all of us know from our own professional lives, from being in business on our own, the discipline of planning ahead means that we are forced to think about the best use of our own resources.

Too often, unplanned disaster relief has meant too little too late - support being provided at the wrong times and in the wrong order. People are forced to change their own plans for self-help because what has been promised by Government has not arrived. Often, they have wasted their own money on food or building materials or transport, only to find out that the same support is coming to them.

What I am asking for, is for Government to give Parliament and those affected by *TC Yasa* and *TC Ana*, a proper plan on how help will be given. A proper plan will set out the information that the Government has learnt from the disaster including, who has been affected and how. It will tell us how Government has consulted with the affected communities and others who are available to help. It would help us in detail about what will be provided to each affected community. Importantly, it would tell us with reliable information when that help would be delivered. A proper plan would tell us how the Government is working with NGOs, community groups, aid organisations and a lot of businesses, to make the best use of all community resources, and even here, Mr. Speaker, there are problems.

Mr. Speaker, I now want to focus on the cooperation between Government and Non-Governmental Organisations (NGOs) and CSOs. Complementary work is important, more so in response to disasters.

In terms of response, the focus of CSOs and NGOs are prioritised to community need. When NGOs are funded, the NGOs are not in any position to compete or take a mandate of Government. The NGOs work in thematic areas, including but not limited to safety and protection, food security and livelihood and water, sanitation and hygiene. The NGOs are accountable to their donors.

It is vital, therefore, for Government to work with NGOs on a level of mutual trust, Mr. Speaker, Sir. It would be more conducive to fostering an environment of mutual trust, if Government refrain from using the authority card when dealing with NGOs because the NGOs are all working in Fiji for the benefit of all Fijians.

Finally, Mr. Speaker, Sir, I want to thank all our civil society, NGOs, business houses, faith-based organisations and each and every one here and overseas for the love shown for families, villages and other communities impacted by recent disasters. *Vinaka vakalevu.*

HON. SPEAKER.- I thank the Honourable Qereqeretabu for her contribution to the debate.

Honourable Members, we move on. I now call on the Honourable Minister for Commerce, Trade, Tourism and Transport to deliver his Ministerial Statement. You have the floor, Sir.

Economic Recovery & Ongoing Support - COVID-19, TC Yasa and TC Ana

HON. F.S. KOYA.- Thank you, Mr. Speaker, Sir. The Honourable Prime Minister, Honourable Ministers, Honourable Members of Parliament and fellow Fijians, I thank you for giving me this opportunity to take the floor to make this Ministerial Statement.

I would like to start by saying to all of us - we should realise how incredibly blessed we are as a nation and as Fijians. We are blessed because there are thousands, if not, millions of people who are still confined to their homes around the world, people who still do not have the luxury to carry out everyday activities, like go to a bar after work or even go to the movies with their families.

Mr. Speaker, Sir, I am not sure but I may be the first Member of Parliament to actually experience the Fijian quarantine facilities and process and I can tell you that it was seamless, from the time I actually departed Nadi International Airport to when I was transferred and quarantined in one of our Government designated facilities. Not only did these frontliners show diligence, detail and professionalism, it was done in the true *Bula* spirit, Mr. Speaker, Sir. And I stand in this august House sincerely thanking those unsung heroes, not only for the level of care they actually showed to me but to the countless number of Fijians and visitors alike.

Mr. Speaker, Sir, since Fiji's borders closed in March 2020, our focus was on stopping any possible importation and community transmission of the COVID-19 infection, while ensuring that we actually and safely bring Fijians back home and resuming safe economic activity.

Mr. Speaker, Sir, this is not an easy job but we are doing it anyway and we are doing it successfully. This is why reckless requests to ask that the curfew be lifted, have no place in the current COVID-pandemic environment. That particular curfew had been put in place and careful thought had been given to it. We must remember that at the forefront of our minds, is the

protection of every single citizen in this country and we are not out of the woods, so these requests that come for curfew to be lifted, you should realise what you are asking for. It is as reckless as you can be at the moment, Mr. Speaker, Sir.

Mr. Speaker, Sir, we have been guided by the Fijian COVID-Safe Economic Recovery Framework. It is under this Framework that businesses started to open, children returned to schools, domestic and international travels started somewhat and families were re-united.

Mr. Speaker, Cabinet mandated the COVID-19 Risk Mitigation Taskforce (CRMT) which has been engaging stakeholders from across all the sectors to help in our economic recovery. Under their management, we have implemented, managed and mitigated risks under each of the three phases of the Framework.

To-date, Mr. Speaker, Sir, the CRMT has allowed safe entry of close to 100 pleasure crafts under the Blue Lane Initiative of which eight were super yachts, that is, 400 passengers and crews arriving and currently exploring our shores, Mr. Speaker. With the positive socio-economic impact of the Blue Lane on Denarau, we have also been exploring the potential of Savusavu as a port of entry so that the benefits that come with it are actually shared.

Mr. Speaker, Sir, to boost economic activity, investments and business confidence, we approved 74 applications which is the 400 high net worth and technical persons under the significant economic value adding. Of these 400, approximately 150 technical experts have entered Fiji to support major capital projects worth over a billion dollars, creating employment for more than 600 Fijians.

Mr. Speaker, Sir, under the academic or education bubble, we have actually facilitated safe entry of the first group of international students with the second expected by mid this year. So, we are essentially promoting ourselves as a safe destination to study in, whilst engaging in tourism activities.

Fiji has also been able to market, Mr. Speaker, Sir, its aviation academy by engaging pilots to undertake training in Nadi and the first batch of pilots successfully completed training in November 2020, with the second anticipated to arrive this month.

Mr. Speaker, Sir, since the pandemic, film productions in Fiji and generally throughout the world were either postponed or cancelled. In a concerted effort to support our film industry, we have approved a number of productions under Film Fiji which is expected to generate about \$30 million in economic activity and more importantly, about 400 local jobs.

As the Honourable Attorney-General mentioned earlier on during the week, Sir, *Survivor* will be filming in Fiji with crews expecting to arrive in the next few days. They have to stagger the way they actually come because most of the crews are sitting in different parts of the world but all done under the guidance of the Ministry of Health. We follow the necessary protocol to protect our own citizens.

Mr. Speaker, Sir, we have also embarked on the luxury Vacation in Paradise where tourists can safely enter and holiday in Fiji, with the quarantine period being part of the holiday experience. Domestically, we have been able to open up restaurants, hotels, pubs and bars and, in fact, we have had new businesses open up over the past few months. Sir, 17 local businesses that previously operated as nightclubs have remodelled and actually opened as taverns and re-employing about 172 Fijians.

Mr. Speaker, Sir, these travel pathways and bubbles were facilitated strictly in compliance with our standard international arrivals protocols, subject to strict entry conditions - COVID-19 pre-departure testing, 14-day quarantine on arrival in Government designated quarantine facilities and border quarantine exit testing.

Mr. Speaker, Sir, creating a globally consistent approach to balancing risk, mitigation with economic recovery while prioritising health and safety is not easy, but we have done a phenomenal job.

Mr. Speaker, Sir, I want to actually stress how much work has been put in by the CRMT, the RFMF, Ministry of Health and Medical Services and the private sector. It is not easy facilitating and managing the safe entry of all those individuals and it requires a great deal of detailed and logistical planning. This is why I have said at the beginning, reckless requests do not do us any good.

Mr. Speaker, Sir, as we have all heard this week, our Care Fiji Commitment and Travel Ready Programmes have both recently received global recognition. We have prepared our industry well and rightfully so, because the world is watching.

Mr. Speaker, Sir, every single one of us in this room and every Fijian watching should be proud of what we have actually accomplished and not just take it for granted. We are an extremely lucky population around the world. Of course, we can never be too prepared.

Mr. Speaker, Sir, to date, Tourism Fiji has 187 nominated Wellness Ambassadors with about 162 of the Ambassadors successfully completing their training programme.

Mr. Speaker, Sir, with the significant demand for 'Work from Home', a new segment of tourism has actually been realised - Remote Workers. Fiji's unique positioning as a COVID-contained tropical destination has given us the opportunity to explore this market.

Mr. Speaker, Sir, regionally, we are in initial discussions with our Pacific neighbours, such as Nauru and New Caledonia, on establishing quarantine free travel. Technical Working Groups will be established to develop operational matters and health system preparedness.

Mr. Speaker, Sir, we have not forgotten the Bula Bubble, in case the other side of the House is actually wondering. Fiji is in high level discussions with our Australian and New Zealand counterparts, to actually see if we can facilitate quarantine free travel. Again, this cannot happen overnight and there are a whole host of things to consider, and we will continue to lobby for travel with our largest markets.

Mr. Speaker, Sir, going forward, we will continue to work with the industry through the Tourism Recovery Team to address operational challenges and border re-opening strategies. We will also continue to refine and align our Economic Recovery Framework to ensure that we actually leverage our current positions to stay ahead of other global tourism destinations.

Mr. Speaker, Sir, in the initial stages of COVID-19, our most immediate priority was to financially equip those Fijians and businesses who needed it most. The pandemic has affected all and its impact is actually wide and far reaching.

Mr. Speaker, Sir, as Government, we cannot be ill-equipped when dealing with this prolonged crisis. We need reforms that consider the long term needs of our economy, if we are to build back stronger. This Government has the foresight, and saw the need much earlier to forge a

more sustainable and inclusive way forward, and we have not lost momentum, Mr. Speaker, Sir, despite the two cyclones that we have actually just had.

Mr. Speaker, Sir, the Fijian Government, in the past two years, has taken bold steps to implement reforms to make doing business in Fiji much easier. These reforms also will essentially form the blueprint to our roadmap to economic recovery. Businesses have never been freer to try fresh ideas and reconsider margins and get creative in how they actually operate. We want more self-starters, new business activities and more opportunities to do business. That is why we are ensuring our systems and approval processes are streamlined and overall transaction costs and time taken is actually minimised.

A key part of our reforms has been a step towards digitalisation of the business registration process, bringing tax registration online, with plans to digitalise the building permits process in one year. We have also fast-tracked and streamlined the approval process for obtaining a construction permit for commercial or industrial purposes by establishing through the Building Permits Evaluation Committee.

We have taken proactive steps to remove the administrative burdens and reduce bureaucratic obstacles to fast-track approval processes, especially for Micro, Small and Medium Enterprises (MSMEs). There is now no longer the need, as we all know, for a business licence or actual renewal.

Mr. Speaker, Sir, amongst the most vulnerable and the most important have been our MSMEs. Why? Because they are actually the foundation of our economy. Therefore, the accelerated and equitable recovery of the economy must stem from ground up.

As earlier alluded to in this Parliament, support to MSMEs has been ongoing. With our targeted programmes and focussed on those who need it the most, the Fijian Government has paid out close to \$30 million to more than 5,500 MSMEs as part of the MSME Concessional Loan.

Our hand-holding advisory and business training has actually allowed us to train over 2,000 MSMEs in the most rural communities and we will continue to do so, Mr. Speaker, Sir.

Mr. Speaker, Sir, as policy makers, we must create an enabling environment, equipped with the right resources and access to finance to thrive. There are so many examples that I can provide of how we have made positive impacts, but I will name a few.

One of the successful recipients of the micro enterprises loan of \$7,000 was actually able to purchase some new tools for his business to secure bigger construction jobs and now, keeps nine Fijians employed in the West.

A mother of two, who was actually laid off, who is now able to start a poultry business to sustain an income and support her family.

There was a former finance officer, who used to be in the hotels. He started a bakery and that produces 300 bread loaves a day and looks to expand by adding a second bakery in Rakiraki Town, Sir.

Mr. Speaker, Sir, these are just some examples of success. Investments, domestic and foreign, are critical for the growth of industries and the introduction of new industries, moreso during this time when we actually need new investments.

The Ministry has significantly progressed regulatory reforms in the area of investment, in response to the needs of the modern investment climate. We will soon have a new investment legislation and structure.

Mr. Speaker, Sir, also, the recently signed Trade and Investment Framework (TIFA) with the United States is built on the foundation to enhance economic opportunities for sustainable and inclusive development between the two countries. The TIFA will provide a strategic framework and principles for dialogue on trade and investment, with an objective to increase economic opportunities between Fiji and the US. It will be an avenue to strengthen cooperation, facilitate market access for goods and capitalise business to business linkages and strengthen capacities in the areas of trade and investment.

Mr. Speaker, Sir, the pandemic, coupled with far too frequent natural disasters, is a human crisis and it is actually costing lives. This means any development agreement investment no matter how big or small, needs to carry with it the principles of sustainability.

Fiji along with Switzerland, New Zealand, Norway, Costa Rica and Iceland have launched negotiations on an agreement on climate change, trade and sustainability. What this means, Mr. Speaker, Sir, is we are driving a transformative approach that mutually enforces trade, climate and environmental policies with sustainability at its core.

Mr. Speaker, Sir, addressing climate change is and will continue to be Fiji's utmost priority. Fijians have been known as resilient people but it has not always been by choice. Today, it is a matter of survival for us. The hurt that has been caused by *TC Yasa* and *TC Ana* has no dollar value and can never truly be measured.

When there is a declaration of a state of emergency for a cyclone, Government Shipping Services (GSS) plays a vital role in the transportation of officials, business sectors and health experts, utility officers for relief distribution and rehabilitation works. The GSS, Mr. Speaker, Sir, has since its existence, been deployed to supply essential relief items and supplies to the outer islands impacted by these storms. We have not only been connecting islands but also Fijians who rely on maritime connectivity.

Mr. Speaker, Sir, the GSS and also private commercial operators have been instrumental in providing relief and emergency items in the aftermath of the tropical cyclones. If we look at *TC Harold*, *TC Yasa* and *TC Ana*, more than 40,000 people were assisted, more than 30 tonnes of aid distributed, including food and non-food rations, tarpaulins, tents, hygiene and emergency response kits. Additionally, Mr. Speaker, Sir, GSS has carted more than two million litres of water to the maritime islands during the dry and drought seasons.

Mr. Speaker, Sir, the Fijian Government has and always will continue to ensure that every Fijian has reasonable access to transportation. The Government Shipping Franchise Scheme (GSFS) provides services to about 10 uneconomical routes which I have actually mentioned earlier on, last year, Sir, which is the only means to access goods and services to thousands of Fijians in the maritime region.

Government, Mr. Speaker, Sir, has invested \$2.6 million towards this Scheme this year and through the efforts and commitment of the Fijian Government, we have been able to increase the budget for the Scheme and increase the number of routes to be serviced. This is an indication of the importance of our maritime islands to this Government.

Mr. Speaker, Sir, in prioritising the safe passage of vessels post-cyclone, we also worked closely with MSAF to ensure our aids to navigation, like lighthouses and beacons, are in good working conditions for seafarers. Planned maintenance for Cakau Momo, Wakaya Reef, Levuka leading lights, North Ovalau and Koro Island are actually underway. We have also attended to lighthouses in Lami, Momi, Levuka, Navula Passage, North and South Thurston, Lami Lower Lead and Vio Red Lighthouse.

Mr. Speaker, Sir, Fiji and the rest of the world remain in choppy waters due to COVID-19, but we must all stick together because this is a long hard road. We will continue to link and market Fijian businesses locally and abroad, and collaborate with the Fijian tourism sector to ensure accelerated recovery, whilst sustaining livelihoods for all Fijians. I thank you, Mr. Speaker, Sir.

HON. SPEAKER.- I thank the Minister for Commerce, Trade, Tourism and Transport for his Ministerial Statement.

I now give the floor to Honourable Tuisawau. You have the floor, Sir.

HON. RO F. TUISAWAU.- Mr. Speaker, Sir, I rise to respond to the Ministerial Statement by the Honourable Minister for Commerce, Trade, Tourism and Transport. I note that he has raised a few issues around health and I was wondering whether he has become the Minister for Health. All the other issues raised are things we already know, it is acknowledged but it is nothing new.

Mr. Speaker, Sir, there is no doubt that we all agree that we are living in extraordinary times and it is sad that Honourable Ministers on the other side are living in a dream world. The Honourable Minister does not talk about boosting the economy and he does not seem to understand the state of the economy pre-COVID 19 and now, and continues to pontificate without addressing the fundamentals.

The Government says that the Fijian economy is in line with the 2021 Budget. We all know that the economy was already in recession four years ago but despite the economy in recession, the Government continued to be bullish on our expenditure and refuse to consolidate Government finances. The Ministerial Statement confirms this trend.

Mr. Speaker, Sir, the Fijian economy experiences its largest ever economic contraction in 2020 due to the COVID-19 pandemic - it is a cover up. The sequence of events following the impact of COVID-19 on the economy and people's livelihood, the devastation inflicted by *TC Yasa* and *TC Ana*, have worsened the people's hope in rebuilding their lives and that of their families to normalcy. I believe the worst is still to come.

We must recognise and be thankful to our frontline workers who have sacrificed family time and comfort, to ensure that the pandemic is contained through initiatives as mentioned by the Honourable Minister in terms of procurement of vaccines, et cetera. I urge the Government to take a more cautious and phased approach rather than trying to fast-track the opening of our borders to allow tourists, yachts, et cetera. The lives of our citizens matter more than trying to bring in those tourists.

The point, Mr. Speaker, Sir, is that, we would not be putting all our eggs in one basket, we have very little control or no control at all of the processes, procedures, standards, protocols in different jurisdictions. Therefore, we must always be conscious and vigilant in our efforts to contain the pandemic.

We do not have the capacity in terms of facilities and resources to be able to effectively cope with the second wave. I believe our ability to cope, if there is another outbreak due to laxity, will be disastrous from our already overstressed health system and lack of our support infrastructure.

Mr. Speaker, Sir, the latest report issued by the Reserve Bank of Fiji (RBF) clearly indicates that global economic conditions remain fragile due to the daily increase in COVID-19 cases in many parts of the world. The Bula Bubble as already mentioned, we do not know when that will happen, given the current news that we have about these various strains.

The largest ever economic contraction in 2020, as stated by the Honourable Minister, poses the greatest challenge for a narrow-based economy like ours. The performance of key sectors of our economy continues to decline and unfortunately, the Honourable Minister for Commerce, Trade, Tourism and Transport has not mentioned it.

Our visitor arrivals have declined and if you look at the Budget document, there are some projections there which are totally way out of line and they have not corrected it in terms of visitor arrivals. Electricity fell by 10.12 percent; cement, -4.1 percent; gold, -10.5 percent; timber, -11.4 percent and mahogany, -22.5 percent. The only sector that grew is the agriculture sector. There is also a decline in consumption spending which has led to reduction in VAT collections.

I have taken time to highlight sector performances. The decline of performance in those key sectors have implications on employment opportunities and Government finances. Today, more than 120,000 people have lost their source of livelihood mostly in the tourism sector as mentioned. These observations have not been noticed by the other side of the House. These are based on the analysis and data from the Bureau of Statistics, Reserve Bank of Fiji but it is not plucked out of thin air. It is unfortunate that the Honourable Minister for Trade continue to turn a blind eye on the sound advice that is necessary for adjustments in terms of our moving forward.

The Government finances are in a precarious state, Government debts increased four folds; from \$2.5 billion in 2006 to almost \$9 billion today. Instead of consolidating finance, Government has continued spending on the consumption and continued borrowing finance consumption driven economy rather than encourage capital formation. These debts to be refrained, Mr. Speaker, Sir, and it is no use pontificating about all these initiatives when this debt continues to grow. So, we are currently in a debt, Sir, which continue to spiral downwards.

Mr. Speaker, Sir, for the sake of our nation and our people, I call on the Government again to take a more bipartisan approach to work with the common goal with all of us including, not only us, but also the private sector, Civil Society Organisations, trade unions and have a national economic summit which they have refused to do until now. The problem is, they think that they are always right and they will never listen to the other side or any other sectors of our society.

Finally, I would like to ask the Honourable Minister, what happen to the \$1,000 cash contribution that they were distributing prior to the 2018 Elections. Will that happen again or not?

The other question, I have there was no initiative or something on youth business. What about youth employment for cash? There are a lot of civil project works that need to be done and we can employ our youth in that, given the high unemployment of our youth and the restriction placed on the scholarship by the Honourable Minister of Economy.

Mr. Speaker, Sir, that is my contribution and to end, I would like to ask the other side of the House what is happening to the homes rehabilitation and repairs, in terms of the two cyclones,

where is the programme? Is there any programme being formulated? The last time *TC Winston* came, the initiative was taken up by the private sector and there are problems with those, in terms of delivery, unavailability of material, et cetera.

Sir, all these point to the problems with the public sector review, doing away with the hurricane relief department, the public sector reforms, in terms of moving a lot of roles for the PWD to the Construction Implementation Unit, without the proper expertise in that unit and also the tenders which delays a lot of things.

Sir, that is my contribution and I thank the Honourable Minister and hope that all our contributions today will be taken into account in moving forward. *Vinaka*.

HON. SPEAKER.- I thank the Honourable Ro Tuisawau for his contribution to the debate.

I now give the floor to the Honourable Leader of the National Federation Party. You have the floor, Sir.

HON. PROFESSOR B.C. PRASAD.- Thank you, Mr. Speaker, Sir. I thank the Honourable Minister for his Statement. In fact, some of the plans and processes that he has outlined are important and they need to continue with that. We need to plan those things, but much of it, of course, is continued upon when and how the borders open, when and how we are going to get our tourists back into the country.

Mr. Speaker, Sir, the survival of the tourism industry, as we all know, is at stake. We have no choice, but also we cannot wait much longer to ensure that our hotels and the other infrastructure, I mean, if the period that we are looking at or hoping in which we would be able to get tourism back on track to some extent is unpredictable, we do not know and there is a lot of uncertainty out there. Therefore, I think it is important for us to ensure that we are ready - our investors and operators in the tourism industry are ready to receive tourists whenever this global crisis ends.

The point I want to make, Mr. Speaker, 80 percent of our tourism industry in this country operates are Small to Medium Enterprises (SMEs) and much of that 80 percent SMEs are actually owned by Fiji citizens. In fact, much of the employment within the tourism industry, if you add them altogether - if you look at all the big operators, the large hotels, and then you look at those employed in the SMEs, they probably represent about 70 percent to 80 percent of the workers.

Therefore, Mr. Speaker, it is not only the responsibility of the Honourable Minister responsible for Tourism and I can understand why he would have concentrated on looking at some of the plans, proposals and facilitating investment in that sector, and as I have said, they need to carry that on. But I think the bigger responsibility of ensuring that thousands of workers, any SME in the tourism industry which is struggling today and which need to be supported, I do not see any kind of comprehensive plan or a process where they can get the help.

I remember, Mr. Speaker, I had suggested a worker solidarity fund. I mean, the Government reduced the FNPF contribution and is saving close to about \$4 million to \$5 million a month. So there are many workers out there who do not have access to what the Honourable Minister was saying. I mean, there are some good examples of that \$7,000, \$14,000, \$21,000 loan scheme that SMEs could get but it is a very small amount. Many thousands (I know) are out there, struggling to make ends meet.

Therefore, Mr. Speaker, I think it is important for the Government to consider a fund for all those workers who have lost jobs, who are struggling to put food on the table. I was told by an NGO representative in Nadi and she was complaining to us about everyone concentrating in Vanua Levu and not worried about how parents were struggling to get their children to school.

(Hon. R.S. Akbar interjects)

HON. PROFESSOR B.C. PRASAD.- Mr. Speaker, I can hear the interjection from the Honourable Minister for Education. Perhaps, she cannot see some of those through her heavily-tinted Prado.

Let me also quote this figure, Mr. Speaker. The Household Income and Expenditure Survey (HIES) Report has just come out on Monday and the survey was conducted in the period February 2019 to February 2020, before the onset of the COVID-19 pandemic. What it shows, of course, is that, Fiji's official poverty head count rate for 2019 and 2020 is estimated at 29.9 percent, almost an increase of about two percent from the last Household HIES in 2013 and 2014.

What this means, Mr. Speaker, is that, if you look at about 30 percent of those below poverty line at any time, in this country about 20 percent to 25 percent of individuals or families are on the margins of poverty. And I think what has happened in the last one year because of the pandemic and because thousands of people have lost jobs, the poverty rate, Mr. Speaker, could be well be over 50 percent.

I think, Government should not ignore that, but should come out and look at a package which, I said the other day, on health, education and income support. This is what we need to do until we get the economy back on track, until the pandemic is over because these three focus areas will help sustain the economy and will create a level of demand that will be sustainable and we can carry on until we see the light at the end of the tunnel when this pandemic is over. Thank you, Mr. Speaker, Sir.

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

Honourable Members, that ends the Ministerial Statement and the debate on the Agenda item. We move on.

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.

HIGH COURT (AMENDMENT) BILL 2021

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, pursuant to the resolution of Parliament on Monday, 8th February, 2021, I move:

That the High Court (Amendment) Bill 2021 (Bill No. 1/2021) 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 you that pursuant to the resolution of Parliament, the debate will be limited to one hour.

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 had highlighted some of the reasons for the amendment to the High Court Act, and if I could reiterate some of them, Mr. Speaker, Sir. Essentially, the gist of the Bill is to set up an Anti-Corruption Division of the High Court and Anti-Corruption Division in the Magistracy.

Mr. Speaker, Sir, by way of background, we, of course, had ratified the United Nations Convention Against Corruption in 2008. We also then set up the Fiji Independent Commission Against Corruption (FICAC) with the task of effectively combatting corruption, in order to promote transparency and accountability for good governance in Fiji.

Mr. Speaker, Sir, in relation to prosecuting cases relating to corruption that are reported and investigated by FICAC, FICAC institutes proceedings in the Magistrates Court and High Court of Fiji. However, Mr. Speaker, Sir, we have seen, it has created a lot of inefficiencies, lengthy litigation and, of course, there is a backlog of cases.

However, Mr. Speaker, Sir, we have seen a lot of inconsistency, given that anticorruption measures or laws pertaining to corruption is, in fact, quite modern or new in Fiji. Even if you look at the Penal Code when you had offences like abuses of office, there is hardly any prosecution under those systems, there is hardly any jurisprudence that are developed. Similarly, we have seen, of course, the inconsistency in the decisions that are being handed out by the different jurisdictions within Fiji itself.

Mr. Speaker, Sir, the other point that I also wanted to make from a legal perspective is that, FICAC has the ability to, of course, take over any corruption cases that are with the Director of Prosecution's Office or with the Police.

Mr. Speaker, Sir, the specialised courts, of course, are not new to Fiji's judicial system. We have examples, such as the:

- Family Division of the High Court and the Family Division of the Magistrates Court; Court of Review that was established to look at specifically offences on matters pertaining to the Customs Act;
- Tax Court that was established under the Tax Administration Act; and
- Employment Relations Court established under section 219 to section 225 of the Employment Relations Act.

In the United Kingdom, Mr. Speaker, Sir, where we have the common law, having its genesis from, the Queen's Bench includes a specialised court, for example, Commercial Court, Admiralty Court and the Administrative Court.

Worldwide, there has been an emergence, Mr. Speaker, Sir, of specialised courts in particular in relation to anticorruption measures. There is about 17 countries to date that have specific anticorruption courts that have been established.

Mr. Speaker, Sir, amongst others, the main objective of establishing an anticorruption court within the High Court and Magistrates Court is to achieve the consistent application of anti-corruption jurisprudence in relation to corruption cases, the specialisation of Judges and

Magistrates in anticorruption law and the adherence to international norms and standards in relation to anticorruption.

The inconsistent application, Mr. Speaker, Sir, of anticorruption jurisprudence has become a cause where different Judges and Magistrates who are presiding over anticorruption measures are also operating in isolation, whilst at the same time, presiding over a large number of other criminal cases.

Mr. Speaker, Sir, the creation of the specialised anti-corruption courts will ensure that the designated Judges and Magistrates who become specialised in that area are familiar with the development of the jurisprudence offshore, unlike some who are claiming that it is a very simple area of the law. It is actually not, it is a very complex area of the law, Mr. Speaker, Sir. This amendment to the Bill also has to partially be read in conjunction with the other amendment, which is to the Criminal Procedure Act, to remove the uncertainties.

Mr. Speaker, Sir, this will of course, create effective expeditious mechanisms dealing with anticorruption processes and methods. It may be lost on some people, that by having these specialist divisions, you are creating certainty not just for the prosecution or the development of jurisprudence but also for accused persons, because they and their lawyers will know exactly what is the jurisprudence, what is the tariff rate that is going and the application of the law itself.

Mr. Speaker, Sir, the absence of specialised courts, of course, as we have highlighted, can lead to delays. In the past, we have seen that because of delays, you have unavailability of witnesses due to intimidation, some have left the country, witnesses were being approached by defendants to influence their testimony, and in Fiji fundamentally and philosophically, we have always seen the approach to anticorruption measures where people seek restitution as a means of overcoming matters where there is finance involved. So if a person comes into your house, breaks your window and steals the television set and other things, it is seen as a far more detrimental impact on society than a person who is well educated, perhaps university degree, well connected and steals money equivalent to that amount or even larger amounts. People still think that the latter person should be, kind of, wrapped on the knuckles and say, "Don't do it again, pay back the money, go away."

However, corruption actually has a huge and deleterious effect on society. It has a huge and deleterious effect on our ability, for example, to go and talk to a donor partner, go and talk to international agencies because they will say, "Your system actually will leak the funds we will give to you." So it leaves an indelible mark on the financial system within our country and we have seen that happening on numerous occasions, Mr. Speaker, Sir.

Mr. Speaker, Sir, as we have said that, the jurisprudence is developing a lot overseas and we need that to be put into the jurisprudence development in Fiji. So, I would like to give those introductory remarks as I am sure there will be comments that I would like to respond to later on. Thank you, Mr. Speaker, Sir.

HON. SPEAKER.- I thank the Honourable Attorney-General. Honourable Members, I now give the floor to the Honourable Niko Nawaikula. You have the floor, Sir.

HON. N. NAWAIKULA.- Thank you, Mr. Speaker, Sir. I think it must be stated at the outset that we have cautioned this House and the nation of the abuse by Government, of independent bodies and the judicial system, including the Police, FICAC and even the DPP, and how this Government has used those institutions to protect itself and to protect its personnel, instead of them being independent. That, in my view, Mr. Speaker, Sir, is not a democracy. That is

fascism, tyrannical and it is dictatorship, and that is the shape and form of the country we live in and the Government we live in, where there exists fascism, tyrannicalism, dictatorship but we clothe ourselves with a Parliament and with these institutions, to show the world that we are democratic.

It must be stated at the outset that this is another way of the executive arm of Government, manipulating the judicial system. In saying that, we have this year acknowledged the appointment of one of our members of this country to be the President of the Human Rights, when we are not living the principles of democracy, as I have said. We are abusing human rights. We are doing all these, we are basically a dictatorship but we have currently a person from this country who is the President of the Human Rights Commission. That is sad! And even very lately, the abuse, again, of this human rights by sending Professor Pal away from Fiji. Even now as we speak, there has been no statement from the Human Rights Commission locally, nor from the local who holds the presidency.

If I can now turn to the proposed amendment and note here that there has been objections from many members of the public, including the Fiji Law Society and also the Indigenous Lawyers Association to this end, with a good reason. Basically, the intention of this amendment is to threaten and intimidate those who oppose and criticise the Government and that must be stated at the outset. And what the amendment does is that, it seeks to amend the High Court Act by establishing a new division which it calls the Anti-Corruption Division of the High Court.

(Honourable Member interjects)

HON. N. NAWAIKULA.- Before I touch on that, let me first discuss the process, remembering, of course, Mr. Speaker, about how we process Bills in this House. We do so, acknowledging again the principle of democracy, that the law-making process should be inclusive but this amendment came on Monday under Standing Order 51.

Standing Order 51 has the intention of denying the public, denying those who know, denying the experts their right to participate in the law-making process and we passed that. You can remember, Mr. Speaker, when this motion was put up for debate on Monday. I did not stand up because it is a waste of time. We are sick and tired of this abuse.

As I have said, we are not a democracy, we are a dictatorship because we are abusing the very process of democracy. We are not living the value of democracy. That is how it is here. We have denied all these people their rights to participate and that is the reason why the Fiji Law Society is writing, that is the reason why the whole public is complaining.

HON. OPPOSITION MEMBER.- Hear, hear!

HON. N. NAWAIKULA.- So here we are at this stage and we are being given one hour to debate this.

Let me go to the intricacies of this amendment. That is basically what this amendment is seeking to do, so that soon after this, all the cases that we current have, including ours (there are six of us who are now also part of that) will be channelled to the single court.

(Honourable Members interject)

HON. SPEAKER.- Order!

HON. N. NAWAIKULA.- That is where the interference that I am saying with the judicial system is. I am sure it will even extend, even interfering with judicial personnel as well because once you have that, the Government will be assured that all those people will be intimidated, that no one will stand up and criticise the Government, something that democracy guarantees.

There is something wrong here, Mr. Speaker, Sir, it says, “Anti-Corruption Division of the High Court”. It will not be the Anti-Corruption Division because if you look at the jurisdiction, it will not be just charges for corruption, it will include all proceedings that are started by FICAC, even if it starts with criminal charges, so it is wrong to say that it will be limited to corruption. It basically means, we will totally have a FICAC court.

The Honourable Attorney-General justifies himself that this will be a specialised court and it is common overseas. It is wrong! Specialist courts are usually determined by the volume. That is why we have the Family Court, and the Tax Court and there is another court they have not included here which is the Agricultural Tribunal. We usually do that where we have large volumes of cases that require speciality. That is the not the case here. We do not have that much cases or FICAC cases that will justify spending millions of dollars or a very substantial sum to establish a special court by itself, so he is wrong on that.

Another point that he said is, “consistency of application of the principles of jurisprudence”. Again wrong! We have the appellate jurisdiction of the High Court to do exactly that. This Judge can make his own interpretation, that other Judge can make his own interpretation, but consistency will come from the right of appeal and that is the very reason why we appeal. You appeal so that the appellate court can see to that consistency, so the Honourable Attorney-General is wrong on that point.

Another point that he said was certainty. He said, “We are doing this because it will allow Judges to know exactly what is the law and the tariff.” Again, totally wrong! That is the reason why we have the appellate jurisdiction, it is for that, but the motive is clear, Mr. Speaker, Sir. The motive is very, very clear. This Government is interfering with the separation of powers and we have stated that before.

(Honourable Members interject)

HON. SPEAKER.- Order!

HON. N. NAWAIKULA.- It is interfering with the Judiciary. It is interfering, even with the Legislature. We know that, but we are not mentioning it.

(Honourable Members interject)

HON. SPEAKER.- Order!

HON. N. NAWAIKULA.- And this is another, so it is manipulating the court system so that it will threaten and intimidate those who oppose and criticise you. That is the very reason.

We need to change this Government, we need to remove it. There are two ways, I am told; one, is the way they came in, for the Army to come in, but I am not going to talk about that. The other way that I wish to recommend to the people is by election. We have next year for the election and we have suffered enough...

(Honourable Members interject)

HON. SPEAKER.- Order, order!

HON. N. NAWAIKULA.- ... by the abuse and the mismanagement of this Government.

The whole country has suffered, individuals have suffered and we have had enough. So, I recommend to every individual, please, next year, when you go to vote, remove this Government. They have destroyed the economy and now they are manipulating the judicial system for the very reason to keep them there and for the very reason to threaten and intimidate.

They have done that. The FICAC and other constitutionally established independent bodies are not independent, and the sad thing for us is that, we cannot rely on our friends - the UN to help us. The US will not help us, New Zealand will not help us, Australia will not help us. We have to rely on ourselves and the only legal way that is there before us, is to vote and I beg everyone, please, vote this Government out. Thank you, Mr. Speaker, Sir.

HON. SPEAKER.- I thank the Honourable Nawaikula for his contribution to the debate.

I will take the Honourable Minister for Commerce, Trade, Tourism and Transport first, and then Honourable Waqanika. You have the floor, Sir.

HON. F.S. KOYA.- Mr. Speaker, Sir, I find it quite rich that someone who has been a part of some anti-democratic things that have gone on in this country, someone who has just been a part of threats and intimidation to a particular part of the population can stand here in this House and say that we are threatening and we are not being democratic. Now, is that not lovely, Sir, that someone who actually flouted the law, threatened and intimidated people and because of him, was the root cause of some of our problems because there are lot of people that left Vanua Levu because of him, Sir.

HON. OPPOSITION MEMBER.- No!

HON. F.S. KOYA.- Because of the threats and intimidation caused by him. Yet, it is so rich, Sir, that he can stand here and proudly say that we are being undemocratic and threatening and intimidating. Well, let me give you a one-word answer, Honourable Member, garbage, absolute garbage! That is the whole point.

Mr. Speaker, Sir, this actual proposed Bill intends to create a specialised court within Fiji's judicial system. That is not new, Sir, it is not new, it has been done with the Family Court and the other Courts that are actually in the land and it has been done all over the world. We are not creating a court of our own that we can actually intimidate a judge to do it, no, Sir, absolutely further from the truth! That is what, maybe, they do but we have not, and we are not going to do such things.

Mr. Speaker, Sir, there has been inconsistent applications and decisions on a number of corruption-related cases, from what I understand, and sometimes the law is actually applied differently to anti-corruption cases across the judicial system, and the Honourable Attorney-General is 100 percent correct. The development of the jurisprudence is actually important to this particular area.

Mr. Speaker, Sir, corruption cases are actually very complicated and in the words of what FICAC has actually published just recently as of yesterday, it is actually a gateway - corruption leads to many other crimes. It is a gateway to drug-related offences and terrorism. Maybe, the stuff that has actually been published by Fiji Independent Commission Against Corruption (FICAC),

everyone should read it because it is actually very important. So it is important for us to keep it in check.

Just for example, Mr. Speaker, Sir, some of the more lenient sentences, while others actually find a much higher one in particular circumstances, acquittals and guilt also for the very same offence. There needs to be some consistency in the decision-making processes so we can actually have a level playing field, Mr. Speaker, Sir.

Mr. Speaker, Sir, it is a beggars belief by certain Fijians to think that corruption is not prevalent in Fiji. It is very far from the truth, Sir. It is unfortunate, but it actually exists, and I wish to remind this august House that this Government has actually been bold enough to set up the FICAC. We are the ones that took the step to actually do something about it.

Mr. Speaker, Sir, these are the very same people who would say that Fiji has a high rate of corruption and yet, when we are actually doing something about it, they suddenly say it is not prevalent or it is not needed. Sir, that is actually absurd, absolutely absurd!

Let me remind them and everyone else in terms of what corruption does. Corruption actually lowers public confidence. It wastes taxpayers' funds and honest businesses actually miss out on contracts. We do not want this. We do not want to live in a society such as that. We want cases related to corruption to be dealt with efficiently and most importantly, Sir, we want these cases dealt with integrity. Unfortunately, our colleagues on the other side of the House sometimes actually fail to see that.

Mr. Speaker, Sir, through this particular reform, it also sends a confidence message to all Fijians that corruption-related cases will be dealt with effectively and in a much timely manner, just as we do now with Family Court cases. In fact, it is an important part of the judicial process. They can also have confidence that their cases will be dealt with justly. This will bring a relief also to the business community who may have been unfairly dealt with in corruption-related cases, who may have actually missed out on cases due to corruption.

This is very important, Mr. Speaker, Sir. This reform is actually in line with best international practices. It is understood to date, Sir, there are over 17 jurisdictions worldwide that have actually established anti-corruption courts in countries and this actually sends a positive signal ...

HON. V.R. GAVOKA.- Which countries – Burundi, Afghanistan, and who else?

HON. F.S. KOYA.- So, what is wrong with Burundi and what is wrong with Afghanistan? You tell me.

HON. SPEAKER.- Order!

(Honourable V.R. Gavoka interjects)

HON. SPEAKER.- Do not carry on a conversation. Leave it to the Speaker to speak. Interject, but do not carry on a conversation.

HON. F.S. KOYA.- You should not pour scorn on African countries and Asian countries, Honourable Member.

Mr. Speaker, Sir, one of the other things that this actually does is, it sends a positive signal to our international community and also specifically to our foreign investors that for a developing country like Fiji, our justice system actually takes corruption very seriously. This means that they will be confident enough with respect to their investments in Fiji, that it is safe and secure, and disputes also will be efficiently handled by our system.

Having dedicated courts, Mr. Speaker, Sir, for specific issues, as I have said earlier on, is not something new for Fiji. We have, as I have said, the Family Division, the Tax Court, the Court of Review, Customs Act 1986 and Employment Relations Court. We have specialised quasi-judicial bodies, such as the Co-operative Tribunal, Land Transport Appeals Tribunal, and these have been established to deal specifically with issues of law in these particular areas, this is no different. The Bill, Mr. Speaker, Sir, now gives Fiji an opportunity to develop and actually specialise in anti-corruption skills.

Mr. Speaker, Sir, just to conclude, Sir, the frustrations of ordinary Fijians on how corruption-related cases are dealt with would be a thing of the past. This is a step in the right direction, Sir, and I fully support the amendments to the Bill. I thank you for giving me the floor, Sir.

HON. SPEAKER.- I thank the Honourable Minister.

I now give the floor to the Honourable Waqanika. You have the floor, Madam.

HON. T. WAQANIKA.- Mr. Speaker, Sir, it is discouraging to see that Section 51 is invoked to push through these two Bills, but it is what it is.

Mr. Speaker, Sir, the establishment of specialised courts, yes, I agree, it is not new. I am just wondering whether the lawyers in this House are in practice. There are only two of us who actually practice - myself and Honourable Nawaikula, we are the practicing practitioners in this House.

The Employment Magistrates in the Employment Court, you have the judicial officers who preside over those cases and they also presided over other cases, likewise for the Family Court. If we are going to talk about specialised courts, make sure that whoever you appoint stick solely to that because right now the system that you have in place with the specialised courts, they are doing both. I tell you, I take my hat off to our judicial officers, they are overworked. Case in point is the Nasinu Court, with the biggest municipality in Fiji, the two judicial officers are rotating over one court to preside over matters. So we already have existing issues but then we are bringing in this Anti-Corruption Division. , I am there for it but we have to look at the priority. It is relevant but the priority.

I heard my learned colleague, the Honourable Minister for Commerce, Trade, Tourism and Transport talk about best international practices. There has been a mention of 17 jurisdictions. Yes, Afghanistan is one of them. What is wrong with Afghanistan? The pressure came from the US and UK who are financial donors to that country, to put in place an anti-corruption specialised court because the money that was going into that country was misappropriated by that Government.

Now, is corruption in our country that high that we need to establish a court? If it is, I am all for it but remember, the increase has piled during the tenure of this Government since 2006 till now. We were told the *coup* happened to get rid of corruption in 2006. I remember because it came on the news so now we are establishing these courts.

There was also mention of the integrity of the courts. Indonesia is also one of the 17 countries that have established a specialised anti-corruption court. What happened was this, the judges that were on those courts were indicted for corruption. So, what integrity are we talking about? We are all humans here. We need to look at this Bill carefully, take it back, it needs to be discussed and it needs to be thrashed out. Who is going to fund it?

We already have existing challenges in the legal system. There are cases that are coming out. I am appearing before court, a hearing date was vacated on a Saturday because the Chief Registrar said, "No sitting on Saturdays", and that is fair enough. Now, we are getting dates in November for mention to set hearings for next year. We already have exiting issues with non-specialised courts.

There was also mention, Mr. Speaker, Sir, of the lay assessors. The practice has always been of almost 20 years in Fiji that we have the assessors who participate in criminal trials and their participation, Mr. Speaker, Sir, is very important. In fact, I quote from page 8 of the DPP, Mr. Christopher Pryde's, address at the AG's Conference held in December 2017, and I quote:

"Undoubtedly, indictable offences should be decided either with a jury or with assessors and a judge. I have not discussed the advantages of the judge alone trial because in my opinion the advantages of a jury or assessor system outweighs arguments for judge alone trials, even in complex fraud trials."

Mr. Speaker, that is from the DPP.

(Honourable Members interject)

HON. SPEAKER.- Order, order!

HON. T. WAQANIKA.- I am not talking about the next Bill.

We need the presence, Mr. Speaker, of public assessors in criminal trials. Number one, it keeps checks and balances in place.

(Honourable Member interjects)

HON. T. WAQANIKA.- I will talk now on the next Bill, yes. I apologise, Mr. Speaker. I will now address the next Bill.

The presence of the assessors keep the judges at bay.

(Honourable Government Members interject)

HON. T. WAQANIKA.- I apologise, I withdraw my statement on that, Mr. Speaker.

Mr. Speaker, in conclusion, if there is a specialised court that we need now in Fiji, it is the sexual offences court. The reason is this, I commend what the DPP has put up which is the monthly and yearly summary of their cases.

(Honourable Members interject)

HON. SPEAKER.- Order!

HON. T. WAQANIKA.- Now, in 2020 alone, there were 246 people who were charged with a total of 531 counts of serious sexual offences - 373 charges alone were for rape; 20 attempted rape and 99 on sexual assault. If there is a specialised court that we need, Mr. Speaker, Sir, I am sure we can all agree because this is happening in our society, it is a sexual offences court. This is something that is repulsive to our nation and it is repulsive to our society.

Now, I have also checked up the FICAC Annual Report. Their only Annual Report that I saw, Mr. Speaker, was for the financial year from 1st August, 2017 and 31st July, 2018. I could not find any other Annual Report but the statistics that was published does not warrant an anti-corruption specialised court. The number of cases that are being reported, the number of cases that are being charged, the number of convictions, acquittals and *nolle prosequi* does not add up or support the motion of an anti-corruption court. Sexual offences and drugs, yes, but not this, Mr. Speaker, Sir. Thank you.

HON. SPEAKER.- I thank the Honourable Waqanika for her contribution to the debate.

I now give the floor to the Leader of the National Federation Party. You have the floor, Sir.

HON. PROFESSOR B.C. PRASAD.- Thank you, Mr. Speaker. I have always said this in Parliament since 2014, that the use of Standing Order 51 in rushing laws through is not the best way of making laws. There are obvious reasons where we need urgent consideration of Bills under Standing Order 51, but I think what we have seen in the last six years is that, this Government has used Standing Order 51 to rush through Bills when they do not have to. I think this particular one, Mr. Speaker, falls into that category as well.

I was just wondering how many people in Fiji actually know how the laws are made. Sometimes people are confused. I meet people and they say, "Hey! You know, you people push this law, half the people do not understand this. The people who are supposed to implement that law do not understand it."

It creates a lot of confusion, Mr. Speaker, Sir, and the idea of putting, draft laws or laws introduced in Parliament to Committees is precisely to give those who might have issues with the law, those who might have suggestions, but ultimately it is the Parliament, it is the Government which has the numbers and they are going to approve or make amendments to that law based on what we hear. So, the use of Standing Order 51 to ram through these two pieces of law is bad and I would urge the Government to actually reconsider it. There is no harm in going back and...

(Honourable Member interjects)

HON. SPEAKER.- Order!

HON. PROFESSOR B.C. PRASAD.- Well, you wait, I am coming to that.

I wonder, Mr. Speaker, how many Parliaments are there in the world where the Members of Parliament arrive on the first day of one-week sitting and have no idea what Bills are going to come. When we came here on Monday morning we had no idea, no idea of what the Honourable Attorney-General was planning or what Bills was the Government planning to bring?

(Honourable Government Members interject)

HON. SPEAKER.- Order, order!

HON. PROFESSOR B.C. PRASAD.- Some decency would tell them that, at least, the Members of Parliament are informed in the Business Committee on the Bills that would come.

(Honourable Government Members interject)

HON. SPEAKER.- Order, order!

HON. PROFESSOR B.C. PRASAD.- Then suddenly in the middle of the day, Mr. Speaker, Sir, you get the Bills under urgency, everything must be rushed and also within an hour's debate. The Government Members, of course, just nod their heads and vote it through. This includes, Mr. Speaker, what I call "the silent 25" - the Members who say nothing when Government actually tampers on proper parliamentary procedures. They all keep quiet. We have a pointless one hour debate after all these, and the Government, everyone knows, will vote it through. So, that is the point I am making.

(Honourable Members interject)

HON. SPEAKER.- Order, order!

HON. PROFESSOR B.C. PRASAD.- But before that, when you have the numbers and you know, why do you not give the opportunity to the people and to those who might be concerned to have their say? That is what we are asking. We are not asking for too much, Mr. Speaker, Sir. That is why it is important to put the Bills through the Parliamentary Committee.

Last year, for example we passed laws on the media, the professional sector, taxation, immigration, citizenship; all these laws were passed under urgency and all under Standing Order 51. I told this Parliament in the last Session, a lot of people still have difficulty understanding some of those laws. The public out there have no idea about the changes in the passport laws or the citizenship laws? People who are actually in the Immigration Department have no idea. They cannot give proper information to people and that is why it is important, Mr. Speaker, that we have some discussion through these committees so that people, at least, have an idea of what the new law is going to be.

In addition, we know that the Government knows that very few, or if any, of these Bills require the level of urgency. They know that, that it is not urgent and you can put it into the Committee, Mr. Speaker, Sir, but again, the Standing Order, is used. I know the former Clerk to Parliament (Mary Chapman) in one of the seminars made that point very well. She said that during their time and, Mr. Speaker, Sir, you were the Speaker in the previous Parliament as well and I am sure you can see the difference yourself in how we are actually enacting laws.

The repeated use of Standing Order 51, in my view, Mr. Speaker, makes a mockery of how we make laws in this House. It is important that we raise this as part of this discussion on the Bill. It also shows that the Government is disorganised, I mean, they do not have this idea of taking Bills through a process, through the Committees and have a timeline.

Mr. Speaker, Sir, again, it is really unreasonable for anyone to expect the Opposition, I mean, I have had so many calls about these Bills from Monday. People want to look at it.

(Laughter)

HON. PROFESSOR B.C. PRASAD.- You are laughing, it is not a laughing matter, Honourable Attorney- General. It is a very important matter. I am not a lawyer but I know what

laws are. I know, Mr. Speaker, Sir, the economic cost of corruption. I wrote a paper about economic cost of corruption about a few years back.

But more importantly, Sir, it is the Government corruption that is costing the societies everywhere big amounts and that is why I think it is important to have laws, so that all of us as legislators can actually understand and ensure that it is applied. So it is not a laughing matter, Mr. Speaker, Sir.

(Honourable Members interject)

HON. SPEAKER.- Order!

HON. PROFESSOR B.C. PRASAD.- People are asking, “What is the Government up to?” I mean, here we have two cyclones that have just hit us, people are asking questions about the Government package and what the Government is going to do about the workers who have lost jobs, and those who are suffering in Vanua Levu. But here is a Government bent on rushing laws, and all the “Silent 25” are sitting there and not saying anything.

Why do we want this Anti-Corruption Division in the High Court so urgently? Is the system not working? Do we have enough Judges? Do we have enough people in the courtrooms and the support staff? We need to probably look at all those issues rather than assuming that once you have a specialised court and I know we have an Employment Court, a Family Court, but the problems are still there, the delays are still there and the efficiency of the court system is still an issue.

It is very important, Mr. Speaker, Sir, that we understand the importance of making the laws and how the laws are made. If you look at the notes to the Bill, it says there are 17 countries around the world which have specialised Anti-Corruption Courts. That means that there are about 180 countries which do not have such courts.

I know that the Honourable Member who spoke before me actually talked about the countries with a little bit of research, so 180 countries around the world do not have a separate division, only 17. I think she was naming some of these countries and she is right, countries like Philippines, Malaysia, Thailand, Slovakia, Pakistan, Afghanistan and Kenya have specialised courts and if you look at the corruption indices and the research that shows the economic cost of corruption in some of those countries, it is actually quite high.

The incidence of corruption is very high, Mr. Speaker, Sir, and I agree with what the Honourable Minister for Commerce, Trade, Tourism and Transport was saying, that the economic cost of corruption is huge in many of these countries, so I am not sure whether we have reached that point where we want to identify ourselves with those countries.

The other justification for the new Anti-Corruption Division is that, there are fewer Judges, they will deliver more consistent rulings. I heard the Attorney-General talking about consistency. If you have a separate division, even if you have two or three Judges, there is no guarantee that there will be consistent judgments.

In my understanding of how cases are dealt with, there are a lot of other factors that determine it at the end of the day, so I think the question really is about the efficiency. I think if we are not getting the Courts to deal with corruption cases expeditiously and efficiently, it is to do with the efficiency of our Court system. We need to look at that more than trying to create another division.

Mr. Speaker, Sir, I want to quote the Fiji Law Society President, an individual that I have a lot of respect for in the law fraternity, Mr. Clark. He said the following and I quote:

“...the notion that only specialist judges are competent to preside over corruption cases is open to challenge.

...corruption is a criminal offence, and Judges, and Magistrates are by definition learned in the law, including criminal law. That is why they are appointed in the first place.

... a diverse bench, offering different perspectives and viewpoints, is an important strength in criminal justice.

Specialisation drives the bench of that diversity. Corruption is not so complex, also widespread as to justify a specialised court.”

That is what I was saying earlier. In their view, we cannot compare ourselves with countries that I listed earlier. They are, perhaps, right in that.

I kind of endorse, Mr. Speaker, Sir, all the views expressed by Mr. Clark. He is a former Prosecutor, a practising lawyer and I see that the Honourable Attorney-General (I heard his press conference) is accusing the Law Society of siding or conspiring with the Opposition.

HON. GOVERNMENT MEMBER.- Yes.

HON. PROFESSOR B.C. PRASAD.- You know, this is the reference that Honourable Nawaikula made that somehow this Government thinks that, if I am seen with Richard Naidu or if I am seen with Wylie Clark, they are all conspiring with me in the Opposition, or if I am seen with Pal Ahluwalia in a *Gurdwara*, I am suddenly politicising this.

(Honourable Government Members interject)

HON. SPEAKER.- Order!

HON. PROFESSOR B.C. PRASAD.- This is the kind of connection or conspiracy theories that they develop. These guys are people with reputation in the area of law.

As I have said, Mr. Speaker, Sir, politics is not about winning all the arguments, nor is politics just about putting the Government on one side and the Opposition on the other side. I think we all have differences of opinion, we can disagree, but we can talk about these things and we can agree. We do not have an Upper House in this Parliament. We have a single Chamber Parliament and that is why, when we try and ram through Bills under Standing Order 51, there is no recourse. In a parliamentary system where you have a Senate where Bills can be reviewed, there is always this option of taking it to the people and the people will have a better opportunity to understand this.

When you have a single Chamber Parliament, it is absolutely necessary, Mr. Speaker, Sir.

HON. SPEAKER.- Honourable Member, just stick to what is being debated. You have already gone over time.

HON. PROFESSOR B.C. PRASAD.- I am about to finish Mr. Speaker, Sir.

If there is a need for an Anti-Corruption Division of the Court, then we have not explained this to the people and the only way we could have explained the need for a separate division or an Anti-Corruption Court is for us to take this Bill to the Committees and let the Committee come back with its report, so that we can have a better debate, an informed debate and the people have a better information about the Bill. Thank you, Mr. Speaker, Sir.

HON. SPEAKER.- Thank you, Honourable Leader of the National Federation. Honourable Tikoduadua, you have the floor.

HON. LT. COL. P. TIKODUADUA.- Mr. Speaker, I am not making an intervention on this particular Bill and the next one, my apology.

HON. SPEAKER.- Honourable Attorney-General, your right of reply.

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

Mr. Speaker, Sir, I found it rather amusing but quite saddening, Honourable Nawaikula, if I could just get that off my chest, in his address on this Bill, talked about how the Military perhaps, should remove this Government and he and the Opposition have been talking about it. Honourable Professor Prasad always talks about, "We do not support military intervention", not a peep out of him.

HON. PROFESSOR B.C. PRASAD.- We will never.

HON. A. SAYED-KHAIYUM.- You did not say anything to him because you are obsequious to that side.

The other point is that, this Opposition continuously talk about military intervention, saying it is bad, yet none of them said anything whilst their now Shadow Minister for Economy talked about military intervention. Mr. Speaker, Sir, I would like to highlight a number of issues and there is a lot of obfuscation that has taken place. I am actually quite agitated about it, frankly, and I will start off with the Honourable Professor Prasad.

Honourable Professor Prasad said that I said that the Fiji Law Society (FLS) submission was in cahoots with the Opposition. I said that only in reference (if you listened and he was honest intellectually) to the second last paragraph by the FLS where they accused you, Mr. Speaker, Sir, and I will read it out:

"The changes being proposed in both Bills are so profound that it must certainly be carefully considered. With respect to restrict matters of such great public importance in one hour's parliamentary debate as suggested by the Speaker, would be a serious failure of leadership."

That is the bit that I said you were in cahoots with. Please, be intellectually honest.

Anyone who knows the law, including the FLS should know that the time given for debate under Standing Order 51 is not set by the Speaker, it is set by the person moving the motion. It is an affront to the Office of the Speaker to suggest that, and this is the FLS on whose submissions you are basing your whole argument on.

Mr. Speaker, Sir, the reality of the matter is that, they chose to firstly get the law wrong and they chose to formally through this letter, be in cahoots with their political position. That is why I

said that. In respect of all other submissions they made regarding the separate division and jury system or assessor system, I made comments on that specifically. Please, do not obfuscate matters.

Mr. Speaker, Sir, I will start off with Honourable Professor Prasad. He says that he relies on the FLS saying that it is not a serious matter, it is not complex. Let me read from what the FICAC statement said in relation to that, and I quote from their response to FLS on 10th February, 2021:

“...FLS states “corruption is not so complex - or so widespread.” This statement by FLS is misconceived and delusional.

To allude that corruption is not widespread is a barren opinion, which obviously neglects the ground reality of the seriousness of corruption that the country is fighting.

Corruption is polycentric and multifaceted. It is the gateway for the occurrences of many other serious crimes including illegal drug importation, tax and customs breaches, fraud and serious financial crimes, money laundering, human trafficking (we talked about), terrorism and terrorist financing. The impact of corruption to the economy and society at large is irreversibly detrimental.

Corruption cases can also become complex and often require lengthy and cumbersome processes to bring the culprits before the Court of Law. Realization of this important factor has made several countries to change their traditional response to fight economic crimes including fraud and corruption. The introduction of the Serious Fraud Office and the National Economic Crime Centre is the United Kingdom’s response to white-collar crimes and corruption. Likewise, in the United States (I know you are obsessed with first-world countries) the National Institute on Economic Crime is responsible for providing specialized training and advice to the relevant law enforcement agencies.

In Fiji, there have been and are many complex corruption cases before the courts to which the Fiji Law Society seems oblivious to”.

Then it goes on.

Mr. Speaker, Sir, I want to also pick on the point made by Honourable Nawaikula. He turned this whole matter into some personal matter. He thinks that this Division is being created because they have been charged, relating to whatever offences they have been charged with.

Mr. Speaker, Sir, let me also remind him that it was not only Members from SODELPA that were charged, there was also a member from the FijiFirst side that was also charged. If there was any political ostraciation, political targeting, vindictiveness then no one from this side would have been charged. In fact, he did the honourable thing by resigning. There is absolutely no nexus been shown between the creation of this Division and any form of political victimisation.

Mr. Speaker, Sir, secondly, no one from the other side of the House has stood up and given one iota of logic to draw any inference or direct or indirect inference to say that the rights of any individual will anyway be deprived. Not a single iota of argument has been put forward, not one.

Mr. Speaker, Sir, I remember I used to be a member of Transparency International when I was in the private sector. When it was the International Year of Corruption when the then SDL Government was here, I remember going with two other members from Transparency International

to the Office of the Prime Minister to urge them to ratify the United Nations Convention against Corruption (UNCAC), they refused to do so. When the Bainimarama-led Government was appointed, that was one of the first Conventions they ratified.

Today, Fiji is part of the peer review group under UNCAC. We volunteered ourselves to be part of the peer review programme, so other countries, including first world countries, can come and review our compliance with UNCAC, which means, are we using it for political purposes? Not a single peer review has said that has happened. Absolutely, no evidence to suggest that. We only have these kind of comedy of errors being made from the other side of the House. People stand up make all sorts of ridiculous comments with clapping coming from Honourable Rasova, who's got the loudest clap, and everyone cheering which is a mob mentality, with no logic.

Mr. Speaker, Sir, Honourable Professor Prasad did acknowledge this. The reality of the matter is that, the World Bank Report said in 2006 that one-third of Fijian economy was in the black, in other words, illegal dealings going on. How does that happen? It means, someone is on the take! At the border, Police, Biosecurity, wherever it may be, is it not better to get that black economy back into mainstream economy? Should we not be serious about that? You want to pull out Afghanistan, just as some kind of scapegoat?

Honourable Waqanika talked about, "Oh, how many cases will they hear?" So she is using frequency of cases as an argument not to have a separate division. How many cases does the Tax Court hear? How many cases does the Court of Review hear? You have not gone into those statistics. Sometimes the Tax Court hardly hears any cases, yet, we have a specialised court. The logic does not follow through.

Mr. Speaker, Sir, Honourable Professor Prasad said that we did not inform that these Bills will be coming. We mentioned in the Business Committee, if you dare to attend, you always send your representatives and we told them, we read out the Bills that will be presented. Get it right! Yes, we did not tell the content but we said that these Bills will be presented.

Mr. Speaker, Sir, the reality of the matter is, Honourable Professor Prasad then went on and said, "Oh, you know, we should have public consultations". Earlier on this morning, the Honourable Member sitting behind him complained about the Climate Change Bill having too much public consultations. He said, "We know why they are doing public consultations because they are going to fast-track it within the Committee stage." So he is lamenting the fact that we have got too much public consultations, which one is it?

Mr. Speaker, Sir, the reality of the matter is that, in the second Bill that we are going to discuss if you look at the rationale, Honourable Waqanika, touched on that particular Bill. But we have actually talked about sexual offences and the nature of patriarchy in respect of how it infiltrates in the thinking of the assessors.

Mr. Speaker, Sir, we have had widespread discussions with the Honourable Chief Justice about this very issue of our specialised courts. What we are saying and what the discussion has been, at the moment, because of the volume of the cases and the jurisprudence that has already developed, the judges and the magistrates have a lot of capacity in hearing these cases. And there has been a lot of judicial training in that respect. The DPP's Office has got a specialised office regarding that. So, it does not, in any way, negate or derogate away from giving emphasis to those types of offences.

Mr. Speaker, Sir, I think Honourable Nawaikula has got a very warped understanding of jurisprudence. He thinks the jurisprudence can only be developed by the Appeals Court. Not

necessarily! Even the High Court develops jurisprudence. In fact, most cases do not go beyond the High Court, and jurisprudence set by the High Court actually is followed by the Magistrates Court. He knows that. To simply every step of the way, he argued three times, “Oh, the Appeal Court is there. Oh the Appeal Court is there!” No! Jurisprudence are also developed by the lower Courts, other than the Court of Appeal and the Supreme Court.

Mr. Speaker, Sir, there is a couple of other issues that I also wanted to highlight. Again, there was this argument that by having a separate division that there will be interference with the Judiciary. How does that logically work? Does this amendment say that Government will have an input into it? Does it alter the way the judges will apply the law? Does it, in any way, say that the selection of those judges and magistrates who will be sitting in this new Division will be selected by someone else, other than the Chief Magistrate or the Chief Justice? Not a single shred of evidence, yet we have lawyers,

Honourable Waqanika said that she and Honourable Nawaikula are the only practising lawyers here in private practice. I did not know, Honourable Nawaikula is, again, practicing because I thought he was suspended, he is probably back in. But the point of the matter is that, it does not, in any way, mean that the Judiciary is going to be interfered with. Absolutely not! Not a single shred of evidence. They said that it will have enormous impact on the budget, no! It is a Division created, we do not physically go and create a Division that requires money, it is in the law. Again, without any verification of facts and there is going to be consistency in decision making.

In one of the earlier things that the Bainimarama-led Government also did, Mr Speaker, Sir, was that, it set up a Commission of Inquiry into the Magistracy in Fiji. And those of you who have been practicing for quite some time will know that there were a couple of Magistrates who actually were on the tape. And when the complaint in one particular town or city got too much, they just simply moved him around. The last town that he was in was in Nadi. The Commission of Inquiry found out that the going rate for him for careless driving was \$1,500; dangerous driving was \$2,500; rape was \$5,000 in those days. He had an agent in the market where you pay the money and then the Magistrate dealt with him. After the Commission of Inquiry ended, that Magistrate lost his job, based on the findings of that particular Commission of Inquiry.

Those are real issues pertaining to the Judiciary. Recently, the Honourable Chief Justice found out that there were certain Court Clerks in Lautoka where evidence has gone missing in the Exhibits Room. Files do not get appeared before particular lawyers or files disappear. These are the real issues that need to be addressed. Not a single Member has spoken about that, nor have they drawn any cause or link between this amendment and the practice of the Judiciary.

Mr. Speaker, Sir, again, I think the FLS, of course, can write any letter, it represents about 19.9 percent of all the lawyers in Fiji. I have got the statistics here. There are about 894 lawyers with practising certificates of which 178, are members of the FLS. The other 80 percent of the lawyers are not members of the FLS. So, Mr. Speaker, Sir, obviously it is not representative of all the lawyers in Fiji, in fact, it is a representation of a minority of lawyers in Fiji. It is not to say, of course, that minorities cannot make worthwhile comments, unfortunately, in this particular instance, they did not make a worthwhile comment.

Mr. Speaker, Sir, again, we would like to urge all Honourable Members of Parliament to essentially look at the intent of the law, which is to create a specialised division that will deal specifically with these cases that will develop the jurisprudence. We have seen cases where some Magistrates or Judges who are versed with while collar crime, knocks off something on what is called overseas as “non-material technicality”. Honourable Waqanika should tell us that as well as Honourable Nawaikula, that there are material technical glitches and there are non-material

technical glitches, where things can actually be rectified, and it is only on those cases that they are getting knocked-off.

People with similar offences, the Labasa Magistrate may actually send someone for three years, the Nadi Magistrate decides to do it on a similar offence, commission of the offence, three months or suspended sentence. These things, Mr. Speaker, Sir, do not lead to certainty in law, it actually undermines the rule of law and it continues on a long-term basis. What we are seeking is a specialisation and we are demonstrating our commitment to eradicating systemic corruption in Fiji. Thank you, Mr. Speaker, Sir.

HON. SPEAKER.- I thank the Honourable Attorney-General for his Right of Reply. Honourable Members, Parliament will now vote.

Question put.

Motion agreed to.

[High Court (Amendment) Bill 2021 (Bill No. 1/2021), passed and enacted by the Parliament of the Republic of Fiji. (Act No. ... of 2021)]

HON. SPEAKER.- Honourable Members, we have had a long extended session on this occasion. I am going to adjourn now for lunch so that you can revive your energy, I will revive mine as well. We adjourn for lunch.

The Parliament adjourned at 1.08 p.m.

The Parliament resumed at 2.35 p.m.

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

CRIMINAL PROCEDURE (AMENDMENT) BILL 2021

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, pursuant to the resolution of Parliament on Monday, 8th February, 2021, I move:

That the Criminal Procedure (Amendment) Bill 2021 (Bill No. 2/2021) 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 a resolution of Parliament, debate will be limited to one hour. I 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. As highlighted in the introduction of the Bill on Monday, 8th February, 2021, the Criminal Procedure Act 2009 effectively seeks to modernise the former Criminal Procedure Code 1944, which was then adjunct to the Penal Code, the precursor to the Crimes Act.

There were some archaic provisions that were still left over and one of them, of course, Mr. Speaker, Sir, was the issue of lay assessors. The lay assessors was introduced into the criminal justice system through the Criminal Procedure Ordinance 1875. Under the Colonial rule, the procedure for trials in the criminal justice system was heavily influenced by ethnic considerations. The Europeans had their cases tried before an exclusively European jury, however, other ethnic groups of non-European descent had their cases tried before lay assessors who, until 1950, were also exclusively European.

In this manner, Mr. Speaker, Sir, the jury system and the assessor system ran in parallel to each other. The most significant difference, of course, between the jury system and the lay assessor System was that although the decision of the jury was final, the decision of lay assessors could be overturned by the presiding judge. The rationale for that was because, even though the assessors in those days in the Colonial times, were listening to cases of non-European people, all the assessors had to be European. So the thinking was that, if we have an all European assessor, maybe they will have certain prejudices against non-European accused persons. Therefore, the judge could actually intervene and overrule the assessment of the assessors. That was obviously the Colonial mindset when it was introduced and, unfortunately, those things still have a legacy till today which perpetuated.

However, in 1950, those Fijians of ethnicities other than Europeans, were also then included in the list of assessors. In 1961, the all European jury system was abolished. However, Mr. Speaker, Sir, the lay assessor system for the most part since then has actually not changed. The Judges still have the powers to overturn the decisions of assessors.

Of course, in the meantime, Mr. Speaker, Sir, our Judiciary has expanded. It has gone through revamping. The Supreme Court is now truly the Supreme Court. Before it was the equivalent of the High Court, et cetera, and we now have things like the Small Claims Tribunal.

We have different tribunals, different divisions of courts, et cetera, but the archaic assessor system is still, in a way, quite dissonant from the changes in the Judiciary.

Mr. Speaker, Sir, just by way of information, in the 1950s, the list of assessors for Suva contained over 100 published names. In 1988, the list of assessors in the Western district contained almost 600 published names. However, by the late 1990s, the assessor list was reduced to handwritten unpublished names in the Judiciary binder.

Furthermore, at present, Lautoka only utilises around 50 active assessors and the assessor systems for Suva and Labasa have each been known to utilise approximately 30 to 40 persons in constant rotation. There is a clear indication of the decline in the efficacy and reliability of the assessor system but also very few people are willing to sit as assessors. Mr. Speaker, Sir, a lot of assessors, of course, feel that their time could be wasted because their decisions would be overturned by the judges themselves, and of course, it becomes an added layer of administrative process.

Mr. Speaker, Sir, in order to greatly facilitate the timely access to justice, it is imperative that a more streamlined process be developed. Cases are often delayed also, sometimes to find suitable assessors within available time slots for all the interested parties. These delays, of course, are non-justifiable and the final decision rests with the judge and not the assessors. Furthermore, a lot of lay assessors are sourced from members of the public without specific legal training on a lot of sophisticated matters, as we have discussed earlier on.

Mr. Speaker, Sir, these views may also be subject to economic peer and political pressure and, indeed, influence, and may not be tampered by the changes in society, changes in technology, sensitisation of gender issues and we all admit that we have predominantly been in a patriarchal society and many people would argue that the remnants, or indeed there is quite active notions of patriarchy in our society. Of course, we are a very small community and we have very much intrinsically interconnected relationships.

Mr. Speaker, Sir, however, this is not a normal problem nor is it an unspoken concern, it is, in fact, the very reason why judges were given the power to overturn the decisions of lay assessors in the first place, precisely because the Colonial system then recognised that these were some of the unfortunate problems with the society such as ours.

Mr. Speaker, Sir, the potential for unconscious bias in persons who are not legally trained to approach matters through the lens of the justice system is a fundamental flaw within the assessor system itself. The societal views of lay assessors may often be in direct competition with the progressive views of modern law, which is most often seen in sexual assault or what is commonly known as rape cases.

In practice, certain judges are not willing to overturn decisions of lay assessors, even though when those decisions are clearly uninformed or heavily influenced by patriarchal ideals, and we have seen that. We have seen that also. You can pick up previous media releases by various NGOs, in particular, women's organisations where they have expressed their concern in some of these decisions that have come about.

Of course, Mr. Speaker, Sir, this leads to inconsistencies in rulings where the strength of a judge's personality actually may end up being the determining factor for whether the values of the law are to be upheld or to be made subject to the principle of the patriarchy still prevalent today. These inconsistencies illustrate the danger of a dual decision-making system and, therefore, it is imperative that a more streamlined system be developed.

Mr. Speaker, Sir, it is also important to note that lay assessors are not common in the region. Fiji and Vanuatu are the only countries that utilise mandatory assessors under the British model, and some of the other Pacific Island Countries have different ways of dealing with it, including some who have a full on jury system.

Mr. Speaker, Sir, we have had a number of consultations in respect of this. We had, of course, consultations with the Office of the DPP, FICAC, Legal Aid, Office of the Solicitor-General, the Judiciary and the Office of the Prime Minister.

Honourable Waqanika had raised the issue about how the DPP had raised an issue of whether the assessors should be in place or not and his position was, they should be still in place and she referred to the AG's Conference in 2017 where we had precisely this topic of discussion. And in that, we had some people who had very strong views about maintaining the assessor system, some were actually ambivalent about it, they did not know and they were open to ideas. You can go to the newspapers and find that we had practitioners like Devanesh Sharma, a lot of you know, who practice a lot in the criminal justice system. I believe that the assessor system actually should be got rid of. It should no longer exist, precisely for some of the reasons that we have stated.

So, Mr. Speaker, Sir, I will also reserve my comments for other comments that may come from the floor. But I do not want to pre-empt it, unless Honourable Professor Prasad wants to, again, quote the letter from the Fiji Law Society, but we have also got responses to that too. Thank you, Mr. Speaker, Sir.

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

Honourable Members, debate on this Bill as you are aware, is limited to one hour. That means there are time limitations, and I will leave it to you to judge your time limitation. Keep within your speaking time and we will play it from there.

I will give the floor first to the Honourable Professor Prasad. You have the floor, Sir.

HON. PROFESSOR B.C. PRASAD.- Thank you, Mr. Speaker. I do not want to make a long presentation but as I have said before, it would have been nice, good and acceptable if we had this Bill go through the Standing Committee because I think people who make their views known publicly, should be taken more seriously.

I know the Honourable Attorney-General said some of the other senior lawyers have told him that the assessor system probably is not the best system, it needs to go, but I will just confine myself to some of the public statements that have been made by some of the learned lawyers and those who hold very important positions in the country.

I want to, sort of, repeat what the learned Director of Public Prosecutions (DPP) himself said, because I think it is important to do that for our record, if not for anything else, Mr. Speaker. He said, and I quote from the presentation he made, as alluded to by the Honourable Attorney-General at his own conference in 2017:

“In my view, the assessor system manages to capture the best features of a jury system whilst avoiding many of the disadvantages of the jury system. Instead of abolishing the assessor system we should be strengthening it and providing more opportunities for cases to be heard before assessors, including in the Magistrates' Court”.

Now, Sir, I move to the Fiji Law Society and this is quoting from the open letter that they wrote to the Honourable Attorney-General and to yourself, Mr. Speaker. This is what they said, and I quote:

“Assessors have played a critical part in High Court criminal trials for over 120 years, their fundamental protection of an accused person’s right to a fair trial. The bedrock of our criminal justice system is that an accused person’s guilt or innocence is determined by his or her peers by members of the community. This is in a tradition we share with nearly all other common law countries including Australia, New Zealand and the United Kingdom who used the jury system in the same manner.

Assessor participation sustains public confidence in our judicial system because it provides transparency, it operates as both, support for and a check and balance on judges, and a fair trial through public participation. Removing public participation from criminal justice system will reduce transparency and erode public confidence. Living the question of guilt or innocence in serious cases to a single judge without an accused having a choice in the matter is neither fair nor just.”

Finally, Mr. Speaker, Sir, I want to refer to an Article in the *Fiji Times* today where Mr. Graeme Leung, a former President of the Fiji Law Society, he is a senior lawyer who has also been a prosecutor, said and I quote:

“The assessor system is not perfect. Neither is a trial by jury. In most cases (but not all), despite the shortcomings and possible “failings” of some assessors, Fiji’s experience is that assessors have gotten it right most of the time.

They take their roles seriously after careful reviews of the evidence. In most cases, the judge agrees with their opinions.

Historically, the number of cases where the judge has disagreed with the majority of the assessors’ opinions is relatively small.

Citizen participation in assessor criminal trials is an important aspect of criminal justice in this country. It allows ordinary men and women to participate in the trial of their compatriots. It lends greater transparency to the process.

The collective wisdom of lay persons in a criminal trial is of great assistance to the judge.

The removal of criminal trials with assessors takes away that assistance. In my view that would be a retrograde step.”

Mr. Speaker, Sir, I know that the Honourable Attorney-General did say yesterday in his presentation earlier that there are not enough assessors. That is not a very good reason. We need to facilitate, there would be opportunities and there would be processes to facilitate that better, but something that has worked. If it is having problems we need to improve that.

The other claim that the Honourable Attorney-General made, Mr. Speaker, Sir, that the assessors conspired with court clerks and defence lawyers, and that may be so in isolated cases. I do not know how widespread it was. What is the statistics on it?

To our knowledge, no assessor, in my view, has been charged for acting in this manner. So, perhaps, we need more discussion on this. If we had a public submission through a Standing Committee, we might have had more people coming out, telling us what the problems are and what the advantages of assessor system is and what we can do to strengthen the system. That is why, Mr. Speaker, Sir, the way in which this Bill is going to be approved today or voted into a law does not allow all these facts, circumstances, and a proper assessment of why there is a need to change the system that in the view of senior lawyers and important position holders, is working very well.

Again, Mr. Speaker, Sir, the question we have to ask is, what is the urgency? What is the Government up to? I mean, I would have rather use this time to talk about how we can help our people in Vanua Levu. How we can look at our recovery plan? How we can have more discussion on it? These are things that I think are more urgent and more appropriate, probably in this session of Parliament than to be talking about this Bill and changing a law which has worked very, very well. Thank you, Mr. Speaker, Sir.

HON. SPEAKER.- I thank the Honourable Professor Prasad. I give the floor to the Honourable Waqanika. You have the floor, Madam.

HON. T. WAQANIKA.- Thank you, Mr. Speaker. The removal of lay assessors, this is a big change, a change that has been existing in our country for 120 years. Now, the Honourable Attorney-General said that they had consulted with the DPP, FICAC, Legal Aid and Judiciary and I am glad he has because all those institutions are all Government bodies. He has not consulted with the Fiji Law Society, he has not consulted with the wider public, who will one day come before this criminal system.

We have all heard on mainstream media the reasons why lay assessors should not be removed. I reiterate the sentiments raised or the opinion of the DPP. He wholeheartedly supported that removal of lay assessors, to the effect, must never be done and this is what he said, and I quote:

“Undoubtedly, indictable offences should be decided either with a jury or with assessors and a judge. I have not discussed the advantages of the judge alone trial because in my opinion the advantages of a jury or assessor system outweigh arguments for judge alone trials, even in complex fraud trials.”

This is the opinion made back in the Attorney-General’s Conference in December 2017. This is the opinion of our nation’s Director of Public Prosecutions and that is an opinion that is recorded. I have not seen him issue another opinion engaging his opinion. That, being said, his opinion stands.

There are also other lawyers that have come on social media. One is my learned colleague, who is also a criminal lawyer, Mr. Filimoni Vosarogo, who has been dealing with criminal trials over the past 20 years. This is what he said, and I quote:

“Assessor trials in the High Court is essential. They are essential because they bring community wisdom, expectations, standards and experience.”

Mr. Speaker, Sir, I do not practice a lot of criminal cases in the High Court, but what I do know that we have local judges and we have expatriate judges, and I believe only two are local Judges in the Suva Bench but I stand to be corrected. Now, the others are expatriates. The inclusion of the assessors, if anything, assists the expatriate judges. They assist because they know the local landscape.

We must remember that when this Bill is passed, if for anything, any one of us, I mean, we have nothing to worry about. Not one of us has to worry about our personal integrity. If you have not committed any corruption, do not worry about it. If it comes, let it come, you defend, but one day, just like Hayman, this very law that you are going to pass you will hang on it and you will wish that you did not pass this Bill today. You will wish that the assessors knew your side of the story because your life, your livelihood and your family's stake is hanging in the balance of one judge.

I have already mentioned that in Indonesia alone in anti-corruption specialised cases, judges who sat on those Benches were indicted. One day, it will turn. I am asking, please, Government consult - you need to consult. You are ticking away the simple liberties of our people. It can be any one's child, it can be any one's spouse, it can be any one of us here today, and I am praying that, that day does not come when you live to regret that the Bill you pass today will hang you again.

Now, Honourable Professor Prasad talked about economic reasons and he is true. Running trials, if for anything, is quite expensive because it goes for a week, two weeks, and you pay the assessors and you have judges running cases concurrently. Whatever happens, do not take away the civil liberty of a person purely based on economic reasons. Do not do that, it will come back and bite you. That is all I want to say Mr. Speaker, Sir. Thank you.

HON. SPEAKER.- I thank the Honourable Waqanika for her contribution to the debate. I now give the floor to the Honourable Koya. You have the floor Sir.

HON. F.S. KOYA.- Thank you, Mr. Speaker, Sir. I will be very brief because most of the things I wanted to cover have actually been canvassed already by the Honourable Attorney-General. Just in short, historically speaking, if we look at the beginning and I think this was mentioned by the Honourable Attorney-General, the origin of assessors were actually racially motivated and a practice of the old colonial days, Mr. Speaker, Sir.

The introduction of assessors was passed by the Legislative Council on 29th December, 1875, and the Ordinance then basically stated that in a trial before the court, with the aid of assessors, the opinion of each assessor, et cetera, shall be given orally and shall be recorded in writing by the court but the decision shall be vested exclusively with the Judge.

Mr. Speaker, Sir, the use of assessors in Europe also and its introduction clearly emphasises that there actually needs to be a change and this is what this Bill is doing. Fiji needs to move with the time and establish more firm jurisprudence and to, at best, consistently deal with our legal issues.

Mr. Speaker, Sir, from what I understand and subject to correction, I think it was about 2010 when there was a case where the assessors with no obvious legal expertise, came up with an opinion of guilty and this was actually overturned by a Judge after the defence raised the issue of insanity. The Judge had to overturn it because that was actually the correct verdict.

Mr. Speaker, Sir, if Judges do not actually overturn these assessments, we would probably end up with a lot of innocent people having to serve sentences. In terms of consistency the legal system needs to maintain consistent decisions and alternatively, develop modern and good laws. This is why this particular Bill has come about.

Mr. Speaker, Sir, administratively and practically speaking, it saves taxpayers' money where the need to pay allowances to assessors to attend court cases would no longer be required. It

is anticipated that all these time would be saved - the normal procedure relating to assessors and the lengthy opinions, et cetera, as well as the summing up, so all those can actually be done by a Judge.

Just as an example, Mr. Speaker, Sir, in 1990, there was a Commission of Inquiry into the Fiji Courts and the Director of Public Prosecutions (DPP) at that particular time had opposed the assessor system. He suggested to the Commission that it should be abolished because assessors tend to lose their grasp of fraud trial evidence or to be easily swayed by racial undertones. Later on, they did make some submissions to the Commission and it was found that it was more to do with the fraud trial and a little less on racial undertones but nevertheless, that was the actual opinion of the DPP then.

In several cases where the Judge had felt been forced to overrule the assessors and others involved, the DPP's Office obviously thought there were unsatisfactory acquittals where the Judge had chosen not to intervene. So, for those reasons, Sir, just in short, I stand in support of the Bill. Thank you.

HON. SPEAKER.- I thank the Honourable Minister Koya. I now give the floor to the Honourable Nawaikula. You have the floor Sir.

HON. N. NAWAIKULA.- Thank you Mr. Speaker, Sir. I am standing now to oppose the motion. The motion seeks to pass an amendment to the Criminal Procedure Act that will result in the removal or the no longer use of the assessors - something that has been in existence for 125 years. Imagine after 1 hour of debate today, we will remove something that has been in existence all this time and that begs the question and we will ask why? Why did you do this? Why did you remove something that has been there all this time, without consulting widely?

That leads me to condemn in the strongest sense again, the process that is being used by the government to bring this legislation in to deny the right of the public to participate in the law making process, which is a value of democracy; understanding of course, that this came in under Standing Order 51 on Monday, precisely to do that. I wish to recommend now that sooner or later, we must make some serious amendments to Standing Order 51, because of its abuse by the Government side in all these cases. I will assume that about 90 percent of their Bills are now coming in under Standing Order 51, precisely to deny the public their fundamental right. It is their human right to participate in the law making process.

To go back to the proposed amendment, something that we must accept and be clear on is that assessors are not decision makers - they are not even the Judge, they are not the Jury to decide the outcome of a case. They are only there to assist. I assume the Government is probably embarrassed by the number of cases they have prosecuted where the assessors differ with the Judge, but that is exactly part of the process. It allows transparency in judicial making process, and the Privy Council is very clear. The Judge reserves the right to decide ultimately, but when he differs from the assessors, he must explain in a very cogent terms, why he did so.

Going back to the reasons that were outlined by the Honourable Attorney-General, going back to the explanation, referring to the changes in the Criminal Procedure Code, 2009, he says, this was an anomaly that they forgot. However, some archaic provisions such as a framework providing for the use of lay assessors in the High Court for criminal trials, were not addressed. That is totally wrong. It is wrong to say that they failed to address it, because it has been there for a very good reason.

The presence of assessors has not been without debate. A lot of people have expressed their opinion on it, including the current Director of Public Prosecution, Christopher Pryde,

whom we are all referring now to the paper that he presented in 2017. He did not recommend the removal, he recommended its maintenance for the same reason why they removed the Jury System - for the reason why it applies well to a community of different ethnic grounds. Remembering of course that in 1961, they removed the Jury System and this was left there for very good reasons.

The reason why it is there (and I would suggest that the Honourable Attorney-General is wrong) is precisely for the reason why they are trying to push it out. It does not have a place where you have people of different ethnicity. No! It has been there for that reason. Let me just quote the DPP in relation to that:

“In my view the assessors system manages to capture the best features of a jury system whilst avoiding many of the disadvantages in the jury system. Instead of abolishing the assessor system, we would be strengthening it and providing for more opportunity for cases to be heard before assessor, including the Magistrates.”

So he is recommending that we maintain this, and in my view, maintaining it allows for transparency, understanding of course, they are not Judges, they do not decide the outcome. They only sit there to assist the Judge, and maybe with some amendments where the amendments probably say for them not to announce their reasons publicly so that there is no embarrassment when they say something and then the Judges differ. Maybe some amendments there, but to cancel it entirely, I think it is totally wrong.

Understanding of course, Mr. Speaker, Sir, that one of the values of the Common Law Jury System is trial by peers. I would expect that the projection of our justice system is that, we remove the assessor, but then we enter into the Jury System. I think the provision of assessors has served us well where we have not reached different ethnicities have not reached this educational or literacy. Now, that we are at this stage, it is probably the right time to take a step further where, instead of removing it totally, we introduce the Jury System. So, totally wrong. The reason why it has been there is precisely because (and this is from all the commentators) it serves well where you have a community like ours from different communities. That is the reason why it has been there, and this is the reason the other side is saying, why we should throw it out. It is totally wrong and I oppose the motion entirely.

HON. SPEAKER.- I thank the Honourable Nawaikula for his contribution to the debate.

Honourable Attorney-General, you have the floor for your Right of Reply.

HON. A. SAYED-KHAIYUM.- Thank you, Mr. Speaker, Sir. Just a few comments in respect of the matters that have been raised, in particular from the other side. If I could just address the issue about the matters raised by the Fiji Law Society that Honourable Professor Prasad quoted where they say, “this is a tradition assessor system we share with nearly all other Commonwealth countries, including Australia, New Zealand and United Kingdom (UK), who use the jury system in the same manner.”

Actually, that is not true because Australia, New Zealand and the UK utilise the jury system, not the assessor system. In Australia, New Zealand and the UK, the jury verdicts cannot be overturned. In Fiji’s case, it is a marked difference that the assessors’ “not guilty” or “guilty” assessment can be overturned by the judge. In Australia and New Zealand, it cannot be overturned, a huge difference.

(Honourable Member interjects)

HON. A. SAYED-KHAIYUM.- You quoted them! The Fiji Law Society quoted that, they said we have a similar system. I am telling you, we do not.

Of course, Mr. Speaker, Sir, the Honourable Nawaikula cannot extricate himself from ethnic thinking. Essentially, what he is saying, Mr. Speaker, Sir, is that the Colonial system of ethnic way thinking we should continue with that. That is what he is saying.

In the modern day world, a person's guilt or innocence should not be determined by assessors who are going to look at the person on an ethnic basis, nor should a judge for that matter. It is a very sad day and I think some people in these Chambers think that way, that a person's guilt or innocence should be determined by their ethnicity. This is what leads to stereotypes and it is very wrong for an officer of the court to be even insinuating that.

Mr. Speaker, Sir, the letter talks about public participation but, of course, in practice it is only a handful of people. More and more people do not want to participate in the assessor system, in particular when we have people who they may know or if you, for example, have matters pertaining to crime that is now on an upturn in certain areas.

As we know, the law has been changed in respect of sexual offences where those women who previously did not, for example, report matters now feel a lot more confident to come and do so because the protections in the law are given and Honourable Tabuya would know this. Before when you did not have a provision on domestic violence, if you go to the Magistrate when you have an assault case where the husband would beat up his wife, the first thing the Magistrate will ask you is, "Do you want to reconcile?" They were all reconcilable offences, so they are no longer reconcilable offences. So, Mr. Speaker, Sir, if you have that kind of culture of being perpetuated, then obviously your ability to extricate yourselves from that is very limited.

Mr. Speaker, Sir, the other point that the Fiji Law Society raised and Honourable Professor Prasad, kind of, gleefully quoted and said, "Leaving the question of guilt or innocence in serious cases to a single Judge without an accused having a choice in the matter is neither fair nor just." Does that mean that all the Magistrates Courts where you do not have assessors, that the rulings there are unfair?

Under section 7(1) of the Criminal Procedure Act 2009, a Magistrate may pass a sentence of imprisonment for a term not exceeding 10 years. They are sending people in for seven, eight, nine and up to 10 years - no assessors. Does that mean it is unfair because you do not have assessors? This is the lack of logic that we are talking about in respect of the arguments being perpetuated here today, Mr. Speaker, Sir. They can fine up to \$15,000.

For consecutive sentences, Mr. Speaker, Sir, under the Code, a Magistrate may sentence someone for a term not exceeding 14 years and, in fact, 12 years is seen to be a life sentence. So here we are, a tribunal or a magistracy that can sentence people up to 14 years potentially and we are saying that it is unfair because it does not have an assessor.

Honourable Waqanika and others have commented and Honourable Nawaikula quoted from that AG's Conference and I would also like to quote, again, highlight what Devanesh Sharma talked about. He has probably done more criminal cases than the supposed learned lawyers Honourable Professor Prasad has quoted. He said, and I quote:

"In my opinion there are compelling reasons why the practice of having assessors assist the Judge in trials should be abolished. Now the assessor system is justified on the basis that it allows community involvement in the criminal justice system. However, the

reason why the assessor system was first introduced in Fiji was based on the assumption that the jury of Europeans could not be relied upon to determine cases involving others (people of other ethnicities) in a fair and impartial manner is no longer valid.

Secondly, where a Judge does not accept the assessors' opinions, the question arises whether the assessors are competent to sit as judges of facts.

Thirdly, why do Judges need assistance from assessors when ultimately the decision to convict or acquit an accused person lies with the Judge?"

Mr. Speaker, Sir, the reality of the matter is that, let us face it. If we have some well-known persons and we have had this in recent past, whether they be a sportsman, a well-known personality, some corporate person, some politician (former or current), et cetera, who may appear before a group of assessors, how many of those assessors will actually look at the facts, the evidence and the law and make decisions objectively or will they be influenced by the position that that person holds? Will they be influenced by the fear perhaps, or the repercussions that they may suffer when they go back into the community and if they found someone guilty, others may look down upon them? We know that, that is a fact. We know that, that is what happens, particularly, in high profile cases.

In a way, what we are talking about is a kind of elitism, the protection of the elites. That is what is happening. What we are saying, Mr. Speaker, Sir, by having these changes now, we are getting to get uniformity and the Judges will be a lot more accountable. They will need to do a lot more work. They do not simply say, "Well, the assessors found them guilty or not guilty, therefore let us go away." The development of jurisprudence does not happen. Honourable Waqanika said, "one day", and she kind of quoted it like, "one day Mafatu", one day it will happen.

Mr. Speaker, Sir, the beauty of Mafatu is that, you have the ability to change laws as society changes, you have the ability in this legislature to change laws as technology changes or change laws as demographics change and change laws when international jurisprudence develops. Honourable Nawaikula said, it has been there for 100-odd years, why change it now.

If we use the same compelling argument, we would not have changed the Trade Marks Act which all of you supported, it goes back to the 1840s, or we would not have changed the Companies Act, we not have brought in the Crimes Act, the Penal Code would not have gone, so it is not a very cogent argument and, Honourable Waqanika, you have the ability to change laws as and when things change within society. At this point in time, we are trying to get our laws up-to-date with the changes that have taken place.

Mr. Speaker, Sir, I would, again, urge and I think a lot of people do not actually realise that by bringing in the system now as proposed, we will get a lot of consistency in decision-making. We will also get a lot of sensitisation within the Judiciary, we will also be able to remove the prejudices that arise in the decision-making process through the assessor system, in particular, when we try to modernise our laws and particularly in relation to patriarchy sexual offences, et cetera. It does help us in that respect.

Mr. Speaker, Sir, these amendments have been made with a lot of thought in process, with a lot of consultations and if anything, it will enhance the rights of ordinary Fijians.

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

Question put.

Motion agreed to.

[Criminal Procedure (Amendment) Bill 2021 (Bill No. 2/2021) passed and enacted by the Parliament of the Republic of Fiji. (Act No. ... of 2021)]

CYBERCRIME BILL 2020

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, pursuant to the resolution of Parliament on Tuesday, 26th May, 2020, I move:

That the Cybercrime Bill 2020 (Bill No. 11/2020) be debated, voted upon and be passed today.

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

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

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, by way of introduction, the Cybercrime Bill 2020 (Bill No. 11 of 2020) was tabled in Parliament on Tuesday, 26th May, 2020 and referred to the Standing Committee on Justice, Law and Human Rights for review under Standing Order 51.

On Thursday, 30th July, 2020 the Standing Committee requested for an extension of time to undertake further consultations of the Bill. We note the recommendations made by the Standing Committee's Report amongst other things, the need to have a harmonised mechanism to address cyber-related issues and this is an opportunity for Fiji to have legislations dedicated to cybercrime and related matters.

Mr. Speaker, Sir, the Bill essentially seeks to give effect to the Budapest Convention by providing a comprehensive and coherent framework on cybercrime and electronic evidence. The Budapest Convention is the only binding international instrument that deals with the issue of cybercrime and serves as a framework for international co-operation between member States to access and share information on a wider or global platform.

The Budapest Convention essentially requires the harmonisation of domestic criminal substantive law elements of offences and related provisions in the area of cybercrime, provides for domestic criminal procedural law powers for the investigation and prosecution of cybercrime offences or computer-related offences and the setting up of a fast and effective regime of international cooperation.

Mr. Speaker, Sir, as highlighted in the introduction of this Bill that we also had the benefit of the Council of Europe that had, in the days when we could travel, a number of experts including some jurors who have actually travelled down to Fiji at that point in time, had a lot of engagement in particular with our law enforcement agencies, including the Ministry of Defence, Communications, Office of the DPP and various organisations like Vodafone, the commercial-based organisations, Women in Business, BCom IT Solutions, et cetera, and members of the public were also invited to give their comments on it.

By coming on board with this particular Budapest Convention, Sir, we will also be signalling to the rest of the world that it is a lot safer to do business in Fiji itself. Thank you, Mr. Speaker, Sir, those are my introductory remarks.

HON. SPEAKER.- Honourable Members, I give the floor to the Honourable Moses Bulitavu. You have the floor, Sir.

HON. M.D. BULITAVU.- Mr. Speaker, Sir, I rise to make a few comments to the motion that is before the House. I am thankful that the Committee has completed this work and has reported back to Parliament. I thank Parliament, Sir, for allowing the Committee to make public consultations around the country and also with the various stakeholders that will be playing an important role in the Cybercrime Bill when it becomes an Act.

The Honourable Attorney-General has outlined the genesis of it through the Budapest Convention and how we are trying to domesticate our signing of that Convention and putting in place the regulatory framework to meet the current needs of the sophisticated world we are in, especially in the criminal syndicate.

Crime now committed in the internet and use of ICT is getting bigger and also we need to broaden our knowledge in terms of capturing this dark web that is there. Those who will try to use the internet and also other electronic means that could threaten our national security, not only in terms of cyber terrorism but also other things where people hide their identity in their criminal world electronically that could cause a threat to our people.

This Bill, as I have said, it was unanimously agreed through the Committee's consensus that it is now good for us Fiji, given that we are now in a modern era and also need to be in par with our measures in place to beef our security in terms of trying to counter things that are coming into our country. Those were some of the major things.

The Bill also clearly defines "cybercrime" and also the authorised body that will be looking after the Bill when it becomes an Act and also to fall into line with the Fiji Police High-Tech Crime Center that is already there and the Cybercrime Unit within the Fiji Police Force which is already in place and they are currently doing works in terms of cybercrime.

It will also give our investigators now at the Criminal Investigation Department (CID) headquarters a time for them to be qualified with the various standards that will be there for them to reach so our capacity too within the Fiji Police Force will be enriched, especially in those experiences that will help our nation and also able to contain the various threats that will come in especially in the cyber world that we also face.

Just on the other day we were debating on the various forms of child pornography and other sophisticated things that are happening now with our children now connected to internet, but I think this is the right time to have this kind of measures in place so that we are able to hit the problem at the button and also sharpen our responses when we are encountered with such danger.

That is my view, Sir, and also the view of the Committee. I thank the Honourable Members of the Committee, the Honourable Chairperson who is away in India, the Honourable Deputy Chairperson, Honourable Dr. Govind, Honourable Ro Matanitobua, the Committee Secretariat and the Drafters at the Solicitor-General's Office, who were there with us receiving submissions from all the stakeholders, including the Fiji Law Society. Their comments and recommendation were sent to the Drafters and they had responded, which saw the Bill that is before us now in third reading which is best for us at this particular time. *Vinaka vakalevu*, Sir.

HON. SPEAKER.- I thank the Honourable Bulitavu for his contribution to the debate. I now give the floor to the Honourable Tikoduadua. You have the floor Sir.

HON. LT. COL. P. TIKODUADUA.- I thank you, Mr. Speaker, Sir. May I note, from the outset, that we do not support the Cybercrime Bill 2020 and I will tell you the reason for that.

Mr. Speaker, Sir, the Cybercrime Bill gives the State snooping powers to spy on citizens through telecommunications and internet service providers. Clause 23 of the current Bill gives power to a Police Officer, or any other authorised person, to record and collect real-time traffic data and provide only the traffic data to the authorised person. This means that if the State and its agencies suspect any citizen of breaching provisions of this law or any other criminal law, it has the powers to spy on you for a period of up to six months.

Part 1(2) of the Bill defines data as any representation of facts, information or concepts suitable for processing in a computer system, including a programme suitable to cause a computer system to perform a function or a series of functions. Now, what this means, Mr. Speaker, Sir, is that any data, message, information, computer application, voice or email, is real time data. The State, through its agencies, can obtain a Court Order to do this. Furthermore, the law disallows unauthorised access to a computer system but exception by way of a defence is also made, in that, the State through a Court Order or any other law, take possession of a computer's content.

Clause 24 empowers the Minister responsible for this Bill, who is the Honourable Attorney-General, to determine that a service provider must implement the capability to allow the interception. Essentially, the Bill in its current form, allows the State and its agencies to breach a person's privacy using this law, if he or she is affected of any unlawful activity. This, Mr. Speaker, Sir, can last up to six months.

Given those current Acts that were regressive and draconian Decrees have not been changed, despite pressure from both, the Opposition and the UN Human Rights Council, this Bill will further erode the rights of our citizens.

Mr. Speaker, Sir, this Bill in its current form, is obviously a cut-and-paste job with legislation imported from other countries and must not be allowed to be enacted because in all likelihood, it may be used against those who are vocal in opposing the current Government. We strongly oppose it because this Government does not believe in being held accountable by Parliament and in the separation of powers, they want laws to be passed by Parliament but as the highest court on the land, we should not question how the laws are enforced.

Whilst still on draconian laws, Mr. Speaker, Sir, and the beliefs by the FijiFirst Government that it is not accountable to Parliament and can enforce laws passed by us as it sees fit, we want the Honourable Attorney-General to clarify whether or not Government was looking at drafting a legislation known as the National Legislation Bill in 2020. They started with such a draft last year and, Mr. Speaker, Sir, it is frightening to say the least, to comprehend the curtailment of freedom, if it were to be enacted together with the Cybercrime Bill 2020.

Briefly, Mr. Speaker, Sir, in the draft Bill, we cited that a police officer or the registration officer can enter and search any property, including forcing and keeping open doors and windows of homes at any time if it suspects a citizen of breaching the provisions of the Bill. No person can use a rank, title or word in his or her name, which means if your current name contains Ratu or Adi, you cannot use it in the national identity card.

A citizen will be required to provide fingerprints or handprints, facial identity and eye ID for this purpose. All Government statutory organisations will be linked and can spy on your identity. Ironically, the Ministry of Health that requires a patient number is not included but organisations, such as the Elections Office, were listed in the draft.

All citizens are compelled to register. There are gaol terms of five and ten years and fines of \$5,000, \$10,000 and \$100,000 for corporate companies. No public official or organisation is liable for any type of prosecution or legal action for their commissions and failures that cause losses or damage to citizens.

Mr. Speaker, Sir, in simple terms, Government will have all your personal and private data, including all that is in anyone's home, as citizens will be required to submit returns at whatever time the Government requires of their home or property.

Mr. Speaker, Sir, it is inconceivable that such a Bill was even being drafted. It did not appear fake at all, and we would like the Honourable Attorney-General to guarantee in this Parliament that such a draconian piece of legislation will never come before us, because combined with the Cybercrime Bill, it would mean the brutal end to what we understand as fundamental rights and freedoms that this Government brags about as being fully protected under the 2013 Constitution. Thank you, Mr. Speaker, Sir.

HON. SPEAKER.- I thank the Honourable Tikoduadua for his contribution to the debate.

Honourable Members, I now call upon the Honourable Attorney-General to speak on his Right of Reply. You have the floor, Sir.

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, I am somewhat baffled at Honourable Tikoduadua's (it can only be described as) ramblings. He needs to, firstly, understand that any law that is implemented in Fiji is subject to the 2013 Constitution and any right that is provided for in the Constitution.

I have to add this, I was at the Law Society Convention and all of them got it all wrong because when they talked about the limitation of rights, they did not have the basic approach to look at Section 7 of the 2013 Constitution, in interpreting. They got it wrong, even their friend from USA. It says, and I quote from Section 7:

“In addition to complying with Section 3, when interpreting and applying this Chapter, a court, tribunal or other authority –

- (a) must promote the values that underlie a democratic society based on human dignity, equality and freedom; and
- (b) may, if relevant, consider international law, applicable to the protection of the rights and freedoms in this Chapter.”

Very basic, very fundamental, and what it essentially says is that, any law contrary to that, obviously will be deemed to be unconstitutional and, therefore, not applicable.

Honourable Tikoduadua created this, sort of, very police-state approach as a result of the Cybercrime Bill. What he actually failed to mention, Mr. Speaker, Sir, is that in getting all that type of evidence, you actually need to go to a court of law and you need to get a warrant from the judge or the magistrate. For example, at the moment, even if you go to get a phone recording, you will still need to go to the Judiciary to get a warrant to obtain that evidence. It does not give

anyone or individual the ability to simply go and order a person to go and get the recording. Very basic, Honourable Tikoduadua! You worked at the Ministry of Justice, you know should this.

Mr. Speaker, Sir, I really cannot fathom why he and his leader cannot understand the separation of powers. They simply are not getting the separation of powers. Of course, this is the supreme law-making body in the country. A supreme law-making body means, the supreme law-making body makes the law, the Executive implements the law, the Judiciary interprets or applies the law. That is why you have separation of powers.

We had, I think, a couple of years back, under the particular law where I think there was a particular Member of Parliament who wanted this Parliament to give a coral licence to someone when the Ministry of Environment had actually rejected that person's application to go and extract wild coral, not grown coral. The Member of Parliament wanted to bring that motion in Parliament to say, "Tell the Ministry of Environment to give the coral licence." You cannot do that because the law is applied by the Executive, they make decisions. I cannot understand why they cannot grasp that particular basic concept of separation of powers. They are really clutching at straws, nothing concrete to contribute.

Mr. Speaker, Sir, the reality of the matter is that, this Bill will, in fact, bring us into alignment with international practice. The European Union has supported us with that. Honourable Tikoduadua is saying that the Europeans are in compliant with the international norms and principles. Again, he is wrong. The European Court actually deals with matters in relation to these laws. They allow these laws to be practised through the Budapest Convention. It is a European Union Convention, that is why it is called the Budapest Convention. As the name suggests, it was decided at Budapest, if you want to get basic about it.

Honourable Tikoduadua went on about the national ID card, I do not know what he was going on about, nothing worth responding to. So, Mr. Speaker, Sir, I thank the Honourable Bulitavu and I thank all the other Members of the Committee who actually recommended that this Parliament approves this Bill because it will help modernise our laws and give, not just investor confidence to those coming to Fiji, but domestic investor confidence and also our own citizens. Thank you, Mr. Speaker, Sir.

HON. SPEAKER.- I thank the Honourable Attorney-General for his Right of Reply.

Honourable Members, Parliament will now vote.

Question put.

Motion agreed to.

[Cybercrime Bill 2020 (Bill No.11/2020), passed and enacted by the Parliament of the Republic of Fiji. (Act No. of 2021)]

HON. SPEAKER.- Honourable Members, for the purposes of complying with Standing Orders with 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.- Thank you, Mr. Speaker, Sir. I move 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. R.R. SHARMA.- Mr. Speaker, Sir, I beg to second the motion.

HON. SPEAKER.- I now call upon the Leader of the Government in Parliament to speak on his motion. You have the floor, Sir.

HON. LEADER OF THE GOVERNMENT IN PARLIAMENT.- Thank you, Mr. Speaker, Sir. We are still on Schedule 1 and yet to cover Schedule 2 as well, thus the request for the extension of the sitting time beyond 4.30 p.m. today in order to complete the items as listed on today's Order Paper. Thank you, Mr. Speaker, Sir.

HON. SPEAKER.- Honourable Members, the floor is now open for debate on this motion. There being no one wishing to take the floor, Honourable Leader of the House.

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

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

Question put.

Motion agreed to.

HON. SPEAKER.- Thank you, Honourable Members. On that note, we will take a break for refreshments and will resume in half hour. We break for refreshment.

The Parliament adjourned at 3.49 p.m.

The Parliament resumed at 4.21 p.m.

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

NATIONAL PAYMENT SYSTEM BILL 2020

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, pursuant to the Resolution of Parliament on Friday, 11th December, 2020, I now move:

That the National Payment System Bill 2020 (Bill No. 48/2020) 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 upon the Honourable Attorney-General to speak on his motion. You have the floor, Sir.

HON. A. SAYED-KHAIYUM.- Thank you, Mr. Speaker, Sir. By way of brief background, the National Payment System Bill 2020 was tabled in Parliament on Friday, 11th December, 2020, as Bill No. 48 of 2020 and was referred to the Standing Committee on Justice, Law and Human Rights for review. Following their consultations, the Standing Committee tabled their Review Report on 9th February, 2021, which is earlier on this week.

Mr. Speaker, Sir, the scope of the Central Bank's powers regarding payment services has evolved quite tremendously over the past number of years, mainly driven by the continuous evolution of the market and the growing importance of payment systems to financial stability.

In the past, the Central Bank would only focus on systematically important payment systems. Nowadays, their focus includes a broad range of providers for those payment services, thus further elevating and enhancing the regulatory tools in widening the objectives of their mission. This, in particular, Mr. Speaker, Sir, includes non-financial institutions involved in payment services, either directly as a payment service provider, or as an agent of a payment service provider, or by outsourcing via a payment service provider. This is due to the fact that the safety and efficiency of the payment system requires monitoring of all relevant factors and actors in the market, including those not traditionally covered by the Central Bank's supervision, and things like M-PAiSA comes to mind.

Mr. Speaker, Sir, interestingly enough, even after COVID-19, there has been a huge influx of payments from overseas through the M-PAiSA system. So a lot more families and friends who live overseas are now sending smaller amounts and, in fact, the number of remittances have not dropped significantly. The additional focus on retail payment, Mr. Speaker, empowers the Central Bank to also address consumer protection issues, to ensure the fair treatment of payment instruments uses regardless of the nature of payment.

Mr. Speaker, Sir, the Central Bank has started to generally refer to the national payment system as an autonomous concept to exercise general oversight powers of the whole sector. This means that the Central Bank, in addition to the regulation of payment system instruments, is in charge of facilitating a payment system strategy for the country. It also permits the Central Bank to establish general guidance principles for the market, to permeate not only its direct action regulating the market, but also that of any other relevant stakeholder, including the private sector.

Mr. Speaker, Sir, the Reserve Bank of Fiji (RBF), of course, is our Central Bank and it follows regulatory trends in line with international standards and best practice. I think someone from the back mentioned about the green bonds, which is very much active in the London Stock Exchange - not just the green bonds but other bonds, Mr. Speaker, Sir. They are what we call, debt securities market, that includes Government Bonds and Treasury Bills, and as such are issued under physical paper-based certificate forms. So, in other words, it gets typed in the typewriter, they fill out the names and give a physical certificate.

What will happen through this National Payment System with the technology it can adopt under that is that, it will introduce what we call the dematerialisation of securities, in other words, securities are actually held in electronic form through the implementation of central securities depository, an Automated Transfer System which, of course, impacts the timeliness and efficiency of the trading support and development. Also, Mr. Speaker, Sir, it leads to the liquidity of the financial securities market, which also enhances secondary market trading which we have talked about on a continuous basis.

All of these, Mr. Speaker, Sir, aligns to Government's 5 to 10 Years Development Plan, including the 20-Year Development Plan. Interestingly enough, the other Pacific Island Countries are trying to also implement this and they include; Samoa, Vanuatu, Solomon Islands and Papua New Guinea. We need to do this very quickly because we actually want to stay ahead of the ballgame. Thank you, Mr. Speaker, Sir.

HON. SPEAKER.- I thank the Honourable Attorney-General. Honourable Members, the floor is now open for debate on this motion. Honourable Bulitavu. You have the floor.

HON. M.D. BULITAVU.- Thank you, Mr. Speaker, Sir. I rise, again, this afternoon to give my short contribution on the Bill. I think other Honourable Members who would like to speak after me would also give their views on what they perceive on the Bill, but I will report as a Member of the Committee and also after reviewing this particular Bill and conducting public consultation with various stakeholders, that should not try to prevent other Members who might also want their views known in the debate.

There were issues on certain words and phrases in the Bill and the interpretation provisions. I think the Committee came up with the opinion that the Bill was drafted following international standards regarding the payment system and I think that is well covered.

As we all know and as the Honourable Attorney-General has alluded to, the Reserve Bank of Fiji (RBF) will be the regulatory body that will be looking after the Bill and also administering it. There were views shared to the Committee that excessive powers were given to the RBF in their regulatory powers, but we thought that there are necessary safeguards in the Bill that covers that.

Also, it mirrors international best practices and it will enable Fiji's payment system to be in line with international standards. Not only that, the National Payment System will also create stability in our national financial system and also create investor confidence and economic development for those who want to come to Fiji. We need economic development as a nation moving forward.

As the Honourable Attorney-General has alluded to, it also mirrors down to achieving our Sustainable Development Goal (SDG) aims and also towards our National Development Plan, and a well-functioning regulated financial sector is the key driver to any economic development.

The Bill will bring the necessary regulatory framework, as I have said, which is envisioned to improve efficiency and stability. Those were some of the things that we saw were important for us to raise from the Committee's view and also from those who came to provide submissions. Post Fiji came and other financial providers that were there, will be part of this in the implementation stage.

We see the purpose of improving our financial sector and our payment system in Fiji which can directly be linked to the social, economic and political development of our country. Therefore, as a Member of the Committee, given that we had consensually agreed on the Bill and we are reporting back to Parliament.

We thank you, Mr. Speaker, Sir, for allowing the Committee to travel around the country and interact and accept presentations and submissions from various stakeholders, especially those financial institutions on the Bill. We thank the Secretary-General, the Parliamentary staff, the other Honourable Members and the members of the public who came to hear and gave their views. This has allowed the Committee to form an opinion and make a comprehensive report to Parliament and we are satisfied that the Bill, as presented, is alright. *Vinaka vakalevu, Sir.*

HON. SPEAKER.- I thank the Honourable Bulitavu for his contribution to the debate.

I now give the floor to the Honourable Minister for Local Government, Housing and Community Development. You have the floor, Madam.

HON. P.D. KUMAR.- Thank you, Mr. Speaker, Sir, for this opportunity to contribute to the motion that is before the House.

Mr. Speaker, Sir, the National Payment System Bill 2020 is an important Bill designed to ensure Fiji's banking, payments and security systems effectively respond to the ongoing evolution in modern payment practices across the globe.

Mr. Speaker, Sir, the current tech-savvy generation is driving demand for a quick seamless, personalised and better national payment system. This has led to many countries around the globe trying to develop and implement a modernised real-time payment system with the ultimate vision to drive change from traditional payment systems, such as cheques, credit, debit, prepaid card, et cetera. The transition can contribute to an enabling environment in which consumers, merchants, financial institutions and the Government can make payment at the drop of a hat, either locally or globally.

The development of an efficient national payment system is crucial for Fiji to develop a smart economy and promote real-time payments 24/7, 365 days. This would not only enhance economic activity but will also help achieve broader societal objectives, such as improving access to financial services to all Fijian citizens, hence strengthening the financial inclusion and payment ecosystems. It will enable safe and reliable digital transactions.

The national payment system will enhance convenience and efficiency for both, the consumers and businesses. It will provide an open and interoperable national e-payment infrastructure. The national payment system will reduce the cost of exchanging goods and services.

Mr. Speaker, Sir, consumers are now making regular payments to a plethora of service providers in Fiji and internationally. They are doing this in a multitude of ways that we could never have imagined five years ago.

Mr. Speaker, Sir, this is the benefit of the digital world we live in, but it also means there needs to be increased vigilance and adequate oversight behind the scenes. Consumers need to be confident, as they undertake transactions, knowing that their payments and their rights while making those payments are protected.

Consumers must know that there is adequate security covering the electronic transfer of their funds. They need to be confident that the use of the latest technology by service providers in areas, such as storing of money on electronic devices, will be regulated through the strength of this legislation.

Consumers also need to know that there are rules in place to protect them when error or fraud occurs in the payment system. Increasingly, the speed and efficiency of the payments and security system is, of course, essential and this Bill will underpin this reform with a strong set of rules within a regulatory framework

Mr. Speaker, Sir, the National Payment System Bill 2020 brings together all of these elements, and I congratulate everyone behind the scene for identifying the breadth of issues and the need for this change. I thank them for delivering a comprehensive legal instrument to protect Fiji's economy, the payment securities and banking systems and last, but not least, our consumers.

Mr. Speaker, Sir, I support the motion before the House. Thank you.

HON. SPEAKER.- I thank the Honourable Minister for her contribution to the debate. Is there anyone else wishing to take the floor?

That not being so, I invite the Honourable Attorney-General for his Right of Reply. You have the floor, Sir.

HON. A. SAYED-KHAIYUM.- Thank you, Mr. Speaker, Sir. I would like to thank all Honourable Members for supporting this Bill.

I have nothing further to comment, but just to say essentially that the passing of this Bill will allow the RBF to very quickly adopt those technologies within the legal framework that will actually put us in a much better space in the financial system and the ease of doing business, as well as improving the quality of life of our citizens and also making Fiji a hub of financial activity. Thank you, Mr. Speaker, Sir.

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

Question put.

Motion agreed to.

[National Payment System Bill 2020 (Bill No. 48/2020), passed and enacted by the Parliament of the Republic of Fiji. (Act No. ... of 2021)]

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

**REVIEW OF THE 2005 AGREEMENT ON THE ESTABLISHMENT
OF THE PACIFIC ISLANDS FORUM (PIF)**

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, I move:

That the Standing Committee on Foreign Affairs and Defence review the 2005 Agreement of establishing the Pacific Islands Forum.

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

HON. SPEAKER.- The Honourable Attorney-General has moved the motion to refer the Treaty to the Standing Committee on Foreign Affairs and Defence.

I confirm that the Honourable Attorney-General has provided me with copies of the Treaty and Written Analysis, as required by Standing Order 130(2).

Therefore, pursuant to Standing Order 130(3), the Treaty and Analysis are then referred to the Standing Committee on Foreign Affairs and Defence for consideration and review. The Committee may table a Report to Parliament no later than 30 days from today.

[Treaty and Analysis of the 2005 Agreement on the Establishment of the Pacific Islands Forum referred to the Standing Committee on Foreign Affairs and Defence for consideration and review.]

Honourable Members, I now call upon the Chairperson of the Standing Committee on Social Affairs to move his motion. You have the floor, Sir.

**REVIEW REPORT - UNIVERSITY OF THE SOUTH PACIFIC (USP) 2017 ANNUAL
REPORT**

HON. V. PILLAY.- Mr. Speaker, Sir, I move:

That Parliament debates the review of the University of the South Pacific 2017 Annual Report which was tabled on 13th May, 2019.

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

HON. SPEAKER.- I now invite the Chairperson of the Standing Committee on Social Affairs to speak on his motion. You have the floor, Sir.

HON. V. PILLAY.- Mr. Speaker, Sir, the University of the South Pacific (USP) is a non-profit educational institution. It was established under the Royal Charter 1970. The USP also has the Pacific Technical and Further Education (Pacific TAFE) to provide alternately pathways to higher education, as well as the Technical and Vocational Education and Training (TVET) Programmes.

The core functions of USP is to deliver quality education that enables its graduates to inherit knowledge, skills and abilities to effectively and sustainably address the social and economic needs of the Pacific region. The University also has a mandate to undertake research that is relevant to the region and supports policy-level dialogue and decision-making that affects the lives of the Pacific people.

The Committee, upon referred the University of the South Pacific 2017 Annual Report invited its senior officials on Tuesday, 19th March, 2019, for a public hearing. During this meeting, Officials from the University enlightened the Committee on:

- (1) its new income streams;
- (2) the lead role in engaging with member countries and finding solutions on major development challenges in the areas of education, climate change, oceans, marine, renewable energy, public administration, digitalisation, gender and health; and
- (3) how the University's overall operations are aligned to the Sustainable Development Goals (SDGs), and the measures that are being taken to progress the SDGs.

Mr. Speaker, Sir, the University of the South Pacific's achievement of the year was the graduation of 4,182 people; 2,425 females and 1,757 males. Many of those graduates were Government employees, who immediately began to contribute to their country's development. Other new graduates look for or created new jobs. Graduates with disabilities proved that with support and determination, challenges can be overcome.

Mr. Speaker, Sir, I would like to thank you for the opportunity. Thank you Sir.

HON. SPEAKER.- Honourable Members, the floor is now open for debate on this motion and I now give the floor to the Honourable Viliame Gavoka. You have the floor, Sir.

HON. V.R. GAVOKA.- Thank you, Mr. Speaker, Sir. I would like to touch on some of the recommendations by the Committee. The first one says, "The University must ensure prudent financial management in its operations, for example, in the recruitment, appointment and employment of its staff and the compliance of its operational activities to the financial administration and management policies that uphold best practices." That is Recommendation Number 1, Mr. Speaker, Sir. Recommendation Number 5 says, "The University to better coordinate with the Department of Immigration for visa extensions..."

Mr. Speaker, Sir, when you read Recommendation Number 1, the Committee is saying virtually that it needs to ensure prudent financial management, especially the recruitments, appointment and employment of its staff. This is the Committee of this Parliament making this recommendation. When you look at the USP saga that is very much in the news, it is very much related to the human resources element at the USP.

We know, Mr. Speaker, Sir, there was this BDO Report and this Report had highlighted anomalies in the human resources at USP, and this was the crux of the matter that led to the debacle that has led to what we have today.

Mr. Speaker, we know what the Professor Pal was trying to do. The Council had commissioned this BDO Report which appeared to have not been made available for general consumption. And here we have a situation where this particular gentleman was bundled out of the country because he was trying to attend exactly to what the Committee is recommending in its Report.

The other side is saying that there are other things involved in all these, and let us hear them - outline and clarify exactly what it is. We wanted to debate on this issue on Monday, we wanted to ask some questions on this but we were not allowed to. So, it is good that today we have this, that

we can hear what it is that has been a mystery to most people but only clear to the FijiFirst Government.

Do not waste your time, Mr. Speaker, this is a matter of concern to Fiji. I read this article in the *Fiji Times* yesterday or the other day where (I think) the Honourable Minister for Economy was saying, “We do not have any crisis at USP.”

HON. A. SAYED-KHAIYUM.- In relation to the deportation, yes.

HON. V.R. GAVOKA.- He said, “We don’t have any crisis at USP.” And here is Professor Pal, saying only yesterday, “It is my belief that if I need to move to Samoa to run the University, we will make it work.”

(Honourable Members interject)

HON. V.R. GAVOKA.- And FijiFirst is saying, “Where is the crisis?”

(Hon. A. Sayed-Khaiyum interjects)

HON. SPEAKER.- Order!

HON. V.R. GAVOKA.- This is the Head of the University with the support of the Council saying, “I can move to Samoa”. He is saying it! And the FijiFirst Government is saying, “There is no crisis.”

Mr. Speaker, be that as it may, there is a crisis at USP and the FijiFirst Government is trying to tell this country that there is no crisis and that they are in the right.

It is interesting here that says, “... the University to better co-ordinate with the Immigration Department.” Of course, as you know, a representative from the Office of the Prime Minister sits in the Work Permit Committee in the Immigration Department. I actually feel sorry for this gentleman that everything was stacked against him, Mr. Speaker.

(Honourable Members interject)

HON. SPEAKER.- Order, order!

HON. V.R. GAVOKA.- I have been reading commentaries from within the region, from New Zealand and Australia and all they are saying is that, Fiji tends to lose out of all this debacle. And here we are, FijiFirst, burying its head in the sand and saying, “Nothing like that is happening.” There is even talk of countries in the Pacific relocating their students away from Fiji to other universities.

(Honourable Government Members interject)

HON. SPEAKER.- Order!

HON. V.R. GAVOKA.- Can you believe that? They are saying, “That is okay”.

You did not start the USP? You were born yesterday. You just came yesterday. The USP is the pride of the Pacific, it is the pride of Fiji.

(Honourable Government Members interject)

HON. SPEAKER.- Order, order!

HON. V.R. GAVOKA.- You clowns are now saying that you can take it away. I mean, that is what you are saying.

(Honourable Government Members interject)

HON. SPEAKER.- Order, order!

HON. V.R. GAVOKA.- You are unbelievable!

(Laughter)

HON. SPEAKER.- Order, order!

HON. V.R. GAVOKA.- Mr. Speaker, Sir, I have never met a bunch of clowns like the ones I am seeing now in the FijiFirst.

(Laughter)

HON. SPEAKER.- Order, order!

HON. V.R. GAVOKA.- People tried for so long to make the USP work and here you are saying, “We will withhold the \$30 million and let them go to wherever.”

HON. R.S. AKBAR.- No!

HON. V.R. GAVOKA.- That is exactly what you are saying, “We will withhold whatever millions dollars and then they can go wherever.” Can you imagine the attitude that we are seeing here, Mr. Speaker?

Let it be made very clear today. SODELPA will do everything possible to keep the integrity of USP the way it was meant from the beginning. Let that be very clear today. Let the whole of Fiji know that. SODELPA will preserve USP in its entirety. SODELPA will do that.

Mr. Speaker, Sir, we met with the Supervisor of Elections and his team last week and he said, “The earliest for elections may be July 2022 and the latest may be January 2023”. I think everyone is keeping their fingers crossed, please, make it July 2022. We want these people out. The sooner we get them out, the better.

The tragedy here, Mr. Speaker, Sir, is that, while they are neglecting this problem at the USP, other players in the region are trying to move USP away. They have been distracted by what is believed to be the protection of their own people within USP. That is what is being alleged here.

Mr. Speaker, Sir, I just wish that the approach could be more mature, more responsible in the spirit of keeping the Pacific community intact. I do not know if they know that back in the 1970s, the Pacific Community used to operate under ‘The Pacific Way’. This was Ratu Sir Kamisese Mara, this was the way he set things up. Today, Mr. Speaker, the Pacific Islands Forum (PIF) is disintegrating under the watch of FijiFirst. Four or five countries have pulled out of PIF.

(Chorus of interjections)

HON. SPEAKER.- Order!

HON. V.R. GAVOKA.- It is because, Mr. Speaker, Sir, the way they have neglected the relationship in the Pacific; they have neglected it. In the past, as you may remember, Mr. Speaker, Fiji hosted the Forum here and it was the understanding that Fiji would not put up a name for the Secretary-General. Other island countries would have it, Fiji would host the Forum. That is the way Ratu Sir Kamisese Mara set it up, that is the way the Community worked, the Pacific way. The problem with FijiFirst is they cannot keep a relationship, nurture it or develop it, they cannot do it. Everyone they come into terms with falls by the wayside. That is the problem with the FijiFirst Government, Mr. Speaker, Sir.

Mr. Speaker, Sir, I just wish that we leave USP and the Council to do their work. Let the chips fall where they fall. If Professor Pal says we need to do this, the Council needs to throw all these out. Do it, let the chips fall where they fall. Not all these reports of the Honourable Attorney-General trying to insert himself into the process at the USP and trying to undermine the Council of Ministers. I mean, this is reported widely in the country. Can you just pull back, people, and respect the integrity and the independence of USP.

Mr. Speaker, I hope I am not having a dialogue with the deaf here. I hope people can hear what I am saying and protect what is so precious to us - USP. That is something that we all want to keep in Fiji, Mr. Speaker.

The people are watching. The repercussions, if USP falls apart, is huge in many ways, Mr. Speaker. So, please, FijiFirst, you are in the driver's seat now for a while until July when the people of Fiji are going to throw you out, but just try and hold things together. Do not destroy what others have built with sacrifice over the years. Thank you, Mr. Speaker.

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

HON. J. USAMATE.- Mr. Speaker, Sir, thank you for giving us one of the clowns the space to speak today. I was not going to speak because I think we have diverted from what we are talking about in terms of this Report. But on the first recommendation, this side of the House completely agrees with this recommendation, that the University must ensure prudent financial management in its operation, for example, in the recruitment, appointment and employment of its staff and the compliance of its operational activities to the financial and administration, management policies that uphold best practices. This side of the House completely agrees with that.

(Honourable Opposition Members interject)

HON. J. USAMATE.- We completely agree with it.

HON. SPEAKER.- Order, order!

You have the floor.

HON. J. USAMATE.- Mr. Speaker, Sir, when you have an organisation like the university, you have a Council, as a Government we only operate in the Council. We do not go and dilly dally in all the operational activities in the institution, just like as you do for any other company.

If you are looking at the integrity of recruitment, et cetera, I think the other side of the House is just talking what the Professor who has just left is talking about. But if you read today's paper, this is a group of academics at USP talking about some of the things.

(Honourable Government Members interject)

HON. SPEAKER.- Order!

HON. J. USAMATE.- This is in today's paper. Let me just say some of the things that is here.

(Honourable Members interject)

HON. SPEAKER.- Order, order!

HON. J. USAMATE.- Mr. Speaker, Sir, I am just reading an article from today's newspaper, these group of academics at USP in writing in one of the paragraphs here, they say, and I quote from today's *Fiji Sun*:

“When he took office, the University budget was in a strong financial position and had achieved resounding success in the achievement of international accreditations for its programmes...”

International accreditation is not an easy thing to do. Anyone that has worked in an institute tertiary learning knows that. Washington Accord and all of these accords, they are not easy things to do, and it take you years to build an institution to be able to get that. So that is what it is saying here in today's *Fiji Sun*, and I quote:

“When he took office, the University budget was in a strong financial position and had achieved resounding success in the achievement of international accreditations for its programmes and was attracting considerable investment from international funding agencies for its research.

The University is now in financial trouble, not least because of the lack of confidence arising from the constant internal divisions that Professor Ahluwalia has created and promoted.”

I am a graduate of the University of the South Pacific. It is a great University, it has produced a lot of people in this room who are graduates - Members on both sides of the House.

(Honourable Member interjects)

HON. J. USAMATE.- Including you too, Honourable Member, all of us.

We want that University to make sure that it can deliver the best. The governance is good, the management of finance is good and everything is good. Professor Ahluwalia has done his report and you have been convinced by that report. But what happened to the report that was done by Mr. Mahmood Khan the Chairman of the Audit and Risk Committee. What happened to that report? If we want to talk about good governance and finance, let us get everything on the cards and talk about it. Do not just listen to one person talking. Do not just be convinced by what comes on social media.

(Honourable Members interject)

HON. SPEAKER.- Order!

HON. J. USAMATE.- We need to dig and get to the bottom of it. This side wants USP to work well, to work within its mandate, we want it to have a good leadership and that is what this side of the House will continue to work for.

The Honourable Member was talking about the selection of the Secretary-General for the Pacific Islands Forum Secretariat (PIFS), but what the Honourable Member does not know is that, when they were looking at the selection of the candidates for a Secretary-General, there was only one country in the Pacific that did not push for its own candidate. That country only pushed for the most meritorious person to be awarded this position. Why? Because we are in the middle of great troubles in the Pacific now. We have climate change, we have all of these things happening around us.

We have seen a lot of the regional plans that we wanted in the Pacific have not been brought to fruition - the Pacific Plan, and all these things. They come up and they disappear. So, what is Fiji pushing for? Let us go for the most meritorious person to fill this role. That is what we want too. Every other country was pushing for its own candidate. Fiji took a principle stand. Our principle stand is, let us go for the most meritorious and as a result of that, when the other countries did not go ahead with that move, we decided to withdraw our candidate.

That is what Fiji stood for. Fiji stands for regionalism, this side of the House stands for regionalism. This side of the House stands for a strong University of the South Pacific with good leadership and good financial management. Thank you, Mr. Speaker, Sir.

HON. SPEAKER.- I thank the Honourable Usamate. I give the floor to the Honourable Leawere. You have the floor.

HON. M.R. LEAWARE.- Thank you, Mr. Speaker Sir. I rise to speak on the Report of the Standing Committee on Social Affairs on the 2017 Annual Report of the University of the South Pacific (USP). From the outset, I would like to thank the Chairman and the Members of the Committee for this Report, and also all the staff and students of USP for keeping the pride of our regional university intact which is, unfortunately, not the case now, Mr. Speaker, Sir.

The University of the South Pacific, Mr. Speaker, Sir, has a unique setup of 12 nations in partnership for higher education for their people, and USP empowers Pacific States to achieve what is so profoundly expounded in the Sustainable Development Goals of the UN Agenda 2030, which was captured by the Charter of USP more than 50 years ago.

Mr. Speaker, Sir, no institution of higher education has, perhaps, played a more defining role in the decolonisation and development of the Pacific States than this institution. It has been the engine room of our region and the testimony of our bondage as an ocean of many nations, sharing similar needs and wants. Therefore, Mr. Speaker, Sir, anything that happens at USP is not only a public or institutional issue, but a regional matter of concern.

Fiji, as the home of USP, should be more concerned than the rest of the nations as we have a responsibility to enable the University the necessary freedom and scope of work with independence which was there before and is compromised now with the suppression of the BDO Report and deportation of Vice-Chancellor Ahluwalia last week.

Mr. Speaker, Sir, the other issue that the Report fails to expound is the amount of debt owed by the Fiji Government in terms of loans and scholarships our students have taken to attain higher education at USP. The Government must come out clean on these fees which are in arrears.

Thirdly, Mr. Speaker, Sir, this Government has been known as the comforter but the biggest hypocrite when it comes to the implementation of the ideals and principles of good governance. That is now proven by its all-out efforts at USP to bar the coming of the BDO Report.

Mr. Speaker, Sir, I challenge this Government. Assuming that the year under review is part of the BDO Audit Report, it should bring the Report to the public limelight, if there is nothing to hide. It is not their money but taxpayers' funds involved here and they have every right to know and question about it.

Fourthly, Mr. Speaker, Sir, alluding to the question of the safety and security of our academics and students at USP, given the midnight arrest and deportation of Vice-Chancellor Ahluwalia, it becomes important that we discuss about the safety and security of those who teach and learn there. That may not have been a grave issue then as it is, but now it has been aggravated by this Government.

Before I conclude, Mr. Speaker, Sir, let me refer this House to the message by Mr. Winston Thompson on the last paragraph, which I would like to quote:

“The staff, students and the communities in USP’s 12-member countries have brought us a long way from humble beginnings.”

We have come a long way, indeed, Mr. Speaker, Sir, from 1970 and it is sad to say, we have shattered our humble beginnings by riding roughshod over the happenings at USP. Despite this humble beginning, USP will lose its member countries due to the recent deportation of the Vice-Chancellor.

Mr. Speaker, Sir, with that short contribution to this debate, I must say that we must make every effort to restore the pride of USP in Fiji as in the yesteryears and bring those guilty offenders related to financial management to the courts and secure our lecturers and students there. This seems to be the distant goals under this Government, but I call upon the people of Fiji to achieve that by their ballots in 2022. Thank you, Mr. Speaker, Sir.

HON. SPEAKER.- I thank the Honourable Leawere for his contribution to debate. I give the floor to the Honourable Minister for Health and Medical Services. You have the floor.

HON. DR. I. WAQAINABETE.- Thank you, Mr. Speaker, Sir. I just want to make a short contribution to the debate.

Mr. Speaker, Sir, again, we are looking at this Report which was for the year 2017 and I completely agree, I mean, a lot of us here have had some interactions at USP. I spent a year at USP and I found it very useful. Having said that, we all are very interested in the future of our children and my younger brother and sister, as well as my daughter went to USP, so it is an institution of learning that we completely support. We want the best for the University.

We are also to be mindful of the fact, Mr. Speaker, Sir, that things that were being discussed from the other side, many of us here would have been overseas, either schooling or working overseas, and there is a particular work permit and that work permit has its rules and regulations and the Minister or the Ministry responsible deals with that. That was dealt appropriately through

that pathway. As you kept on saying, there has to be a separation of power. The separation of the authorities that exist within the State, the Executive Arm, Parliament of the Legislature and also the Judicial System. And if we are questioning the work of one part of the Arm of the State, like we have seen over the last few days in the discussions that had been happening, then that is not actually strengthening what we want to continue to do as a young democracy.

Mr. Speaker, Sir, I also want to say at this juncture, that there is a lot of people listening here today who may not have gone to USP and they have contributed very widely to the development of this nation. Most of those frontliners who are looking after us, go into quarantine for 28 days and after they spent 14 days with their children, many of them never went to USP. They went to FNU, TISI Sangam and the University of Fiji. Those institutions also deserve our respect and recognition. Are we saying that USP is the only institution in this nation that can bring out doctors, nurses and engineers? If it is, then all of you on the other side are blind.

Those frontline workers are listening here tonight will tell you that FNU has done a great job and so as the University of Fiji, and the TISI Sangam has done a good job and the Central Queensland University when it was here, so that is something that we must remember. We want the best for our children because ultimately at the end of the day, they are our future and that is what this Government wants. It wants this institution to be stronger and better.

I would like to finish with this, Mr. Speaker, Sir, we are a sovereign nation. The decisions by the Micronesian nations, they are their own sovereign decision, we had nothing to do with it. I can also tell you this, that having been in WHO, having been in the Pacific Minister's meeting of Health, I can tell you that we disagree many times. We do not agree on everything, every Minister here will tell you. It is not as rosy as you may think. There are times that we disagree, and there are times when the Micronesian nations take their stand. There are times when the Melanesian nations take their stand, and the Polynesian nations take their stand. If you think the Pacific way is actually all rosy, it is not. We have our own differences and we have to, because we are all sovereign nations.

(Honourable Members interject)

HON. SPEAKER.- Order!

HON. DR. I. WAQAINABETE.- They have taken a sovereign decision, Honourable Gavoka, and that is their sovereign decision.

(Honourable Members interject)

HON. SPEAKER.- Order!

HON. DR. I. WAQAINABETE.- We respect their decision, they have taken a sovereign decision, but does it mean that we take away our sovereignty because of them? No, it does not! Fiji has to make its own sovereign decision and our children who are at USP will judge us on the sovereign decisions we made. I thank you, Mr. Speaker, Sir.

HON. SPEAKER.- I thank the Honourable Minister for his contribution to the debate. I give the floor to the Honourable Tuisawau. You have the floor, Sir.

HON. RO F. TUISAWAU.- Thank you, Mr. Speaker, Sir. I rise to contribute to the motion at hand, particularly the recommendations which have been read out by our Honourable Members in terms of prudent management, good governance, and also I note that highlighted up to page 15

of the Report is good governance and the governance structure of the University. I also note on page 109 of the Annual Report staff costs in terms of Academic and comparable staff, and we have been discussing today about USP regarding relocation and some Honourable Members on the other side are encouraging that.

HON. GOVERNMENT MEMBERS.- No, we are not!

HON. RO F. TUISAWAU.- In terms of the crisis at USP which they are saying is not a crisis, there was just a recent statement by the Samoan Prime Minister, Mr. Tuilaepa Aiono Sailele Malielegaoi, 100 percent willing was what he said to make the move from Fiji happen. Samoa is referred in the region as the leading player when it comes to national issues in the Forum and the family as a whole. This is the view of a national leader, I quote:

“Many big organisations have actually left Fiji in a similar fashion. I think Samoa must take the lead when regional issues surface that will compromise the mutual benefits and interests of all forum countries.”

He cited Samoa’s track record, et cetera, and he stated:

“Fiji’s unstable political history and perceived military strongmen culture is well documented”.

This is the Prime Minister of Samoa, Tuilaepa today.

“Evidenced by multiple military coups over the years that has undermined democracy in the country, the historical actions are comparable to those committed against Professor Pal.”

From Dr. Sitiveni Ratuva, an Academic in New Zealand, who said and I quote:

“They still have a military regime kind of mentality. When they run out of options, they just go for what they know which is the force or some semblance of force. I am talking about international leaders and Academics.”

In relation to the Financial Report and the issues being mentioned on good governance, I think the fundamental problem here is that, the other side of the House cannot accept that Professor Pal is a whistleblower.

(Honourable Members interject)

HON. RO F. TUISAWAU.- You have a whistle-blower policy in all organisations, for example, FIRCS, et cetera, so why do you not accept what he reported? Is it because some of whom he reported are part of your FijiFirst Party? That is the fundamental explanation. Let me share some of what he has highlighted and which happened throughout this Annual Report, and that is why they are highlighting those issues.

If you look at the recommendation on human resource management, recruitment policies, remuneration needs to be streamlined and that is exactly what Professor Pal had raised and there are various reasons, up to nine or ten, which he has highlighted. Let me just highlight one which is relating to the former Vice-Chancellor when he applied for Professional Development Leave and then that was not supposed to be granted because it was less than 24 months away from his end of contract. The other thing is, he claimed for per diem which was not allowed under the

Regulations and that was approved by Pro-Chancellor, Winston Thompson. That is the issue here because everything is intertwined.

There was another case regarding a particular staff who is no longer there, but who has now been taken in by the FijiFirst Government into the Tertiary Scholarships and Loans Board (TSLB) as a Board Member. His contract was not renewed by USP. He was first appointed at USP in 2009 at Grade 5/Level 6 and offered a three-year contract later through the Appointments Committee and he requested a job title change to Manager and then the title changed to CCE Manager.

Then he was appointed again to Band 2/Step 1 of the professional level scale. A 12-month contract was issued from 1st April, 2011 to 31st March, 2012 as direct appointment, not advertised. Was there any Appointments Committee? Again, contract renewed to move to a renewable contract. Note, that direct appointment is converted to three-year renewable without any normal recruitment process, so this is what we are talking about here in terms of what is happening at USP.

In September 2012, his salary moved up to \$69,258 and several increments, and there was another letter issued approving a monthly allowance of \$3,600, indicating that a job evaluation had been recommended, but none was done. No job evaluation, there was no record of that and then he was appointed as Director. There is no evidence of approval of this title change and no evidence of the post of being Director created and that was not even advertised. This is what we are trying to emphasise here. His salary within the time I am specifying had moved from \$28,174 to \$138,700 within six years, without following the procedures and he was getting more than the professorial scale, so that is what we are trying to highlight.

Mr. Speaker, Sir, there are various other cases. There is another relating to a Manager Payroll. This person was appointed and salary was at \$58,066 and during the period of review, made representation directly to the Vice-Chancellor, without going through the line manager. This person was provided an allowance and received back pay of \$63,000, claiming that she was performing higher duties. I mean, I am just highlighting some but there are various other cases.

What I am saying is that, Professor Ahluwalia is a whistle-blower, who exposed all those irregularities. What is the role of Pro-Chancellor, Winston Thompson and the Deputy Chair of the Audit and Risk Committee, Mr. Mahmood Khan, who was appointed to that Committee?

The Deputy Chair of the Audit and Risk Committee is a New Zealander (I do not know), but he came to Fiji and is probably related to the Honourable Minister for Economy. He was appointed to that particular Committee and all they did was block the investigations, and this is documented. I am not talking out of thin air. This is documented in a summary by the Manager Assurance and Compliance and reported to the Council for interference and restrictions. Investigators from the Assurance and Compliance Unit were denied access to records because the Pro-Chancellor, Winston Thompson, instructed that his approval was required.

Pro-Chancellor dictated how the investigation on Professor Ahluwalia's allegations was to be conducted and was communicating with the person being investigated, so the whole thing is a mess. It is just compromising the investigation and this is not only from Professor Ahluwalia's report, it is also confirmed if you read the BDO Report. It confirms a few of the things which had been mentioned, so misleading Council members.

The case of the person who is now appointed by the FijiFirst Government to the TSLB, his contract was not renewed. He applied for a promotion based on that he had achieved a PhD, but it was found out later on that his thesis was a student's who had reported to him.

HON. A. SAYED-KHAIYUM.- Go outside and say that. What you are trying to say is a pack of lies.

HON. RO F. TUISAWAU.- That was what was reported. What I am trying to say here is that, the whole circle of whistle-blowing and obstruction to investigation is linked to Professor Pal Ahluwalia's deportation because he was supposed to make a report and then he was deported. He was issued with three different letters based on Section 13 of the Immigration Act and probably on the plane (I am not sure), issued with a warrant of detention to the Commissioner of Prisons to detain him, and then a removal order signed by Mr. Yogesh Karan.

Mr. Speaker, Sir, what I am saying is that the whole USP saga is really a sad situation in which our country has reached. If you also look at the way they were detained, or the way they were arrested and deported, it is totally very un-Pacific. Here, they are talking about Pacific unity. You only read about those things in the Middle East, maybe in Lebanon or Iraq, moving into someone's house at midnight, detaining them and rushing them to the airport at 120 kilometres an hour and putting them on another plane. What is our country coming to? That is what I am trying to ask? Are we in a democracy? Are we in a dictatorship?

Honourable Prime Minister, you need to tell us right now where are we moving to with this kind of abuse in the process of law, and they were not even given due process to respond or to get a lawyer and that is the situation right now. They need to answer to that.

In terms of the governance of USP, their actions is worse than what is happening at the Pacific Forum - you are breaking up USP. Not only that, the repercussion has also gone into the Pacific Islands Forum. You will recall after the 2006 *coup*, Sir, what happened? Fiji was suspended by the Pacific Islands Forum and what did they do? They formed the Pacific Islands Development Forum which is still there and if you look at our budget, we are still funding it. Where are the development funders who are supposed to fund it? They have removed themselves.

(Honourable Members interject)

HON. RO F. TUISAWAU.- Because they do not believe in that regional organisation which was created by the FijiFirst Government.

That is the situation, Sir, regarding USP. I urge the Government, please, refrain from moving to total dictatorship. We are going into an election and refrain from deporting people in the middle of the night or arresting them. We, as a nation, seriously! But some of you are laughing, but for our citizens it is a very disturbing thing.

Even some of the officers who went there took photos and that was on *Facebook* - Professor Pal Ahluwalia sitting there, they were surrounding him and he was not dressed up properly. They even followed his wife into the bedroom and they were observing her while packing her stuff. What are the women on the other side saying about the treatment of Professor Ahluwalia's wife in terms of her dignity?

HON. A. SAYED-KHAIYUM.- Get your facts right. It was a female Immigration Officer.

HON. RO F. TUISAWAU.- Her dignity was totally downgraded that evening. They were also reports of bruises...

HON. A. SAYED-KHAIYUM.- Don't lie!

HON. RO F. TUISAWAU.- ... so I do not know what is the next step here.

Mr. Speaker, Sir, yes, it is a glossy report but within the period of this review and before and after all those things were happening, culminating on what happened to Professor Ahluwalia, I urge the leaders on the other side - look at yourself, look within your heart, is this the right way our nation should be going or not? It is not, because that is not the way we, Pacific Islanders, should be acting - the way it was dished out to Professor Pal Ahluwalia that night. Thank you, Mr. Speaker, Sir.

HON. SPEAKER.- I thank the Honourable Tuisawau for his contribution to the debate. Honourable Minister Reddy, you have the floor.

HON. DR. M. REDDY.- Mr. Speaker, Sir, I just want to make a very short contribution but before that, if you look at this, this about the USP 2017 Annual Report.

Mr. Speaker, Sir, Members from the other side said that we should not interfere with USP's internal operation matters. But look at them and look at their contributions - they are talking about promotions, salaries, increment, individual detailed university matters.

Mr. Speaker, Sir, they are getting another investigation report and reading it out page by page without talking about 2017 USP Annual Report. This is the calibre of Members we have on the other side.

(Honourable Members interject)

HON. SPEAKER.- Order, order!

HON. DR. M. REDDY.- Mr. Speaker, Sir, university is an institution of higher education - USP, FNU and University of Fiji.

Mr. Speaker, Sir, the primary objective of universities is three-folds - teaching and learning, research and publication, and consultancies. Consultancies may be about 20 percent, 40 percent teaching and learning, 40 percent research and publication. Universities are the place where we have got experts - authorities in different fields. Experts who are expected to undertake research based on scientific methodology and publish it, subject to peer review.

Mr. Speaker, Sir, university academics are required to publish an internationally ranked journal in their respective areas, whether it is science, social science, arts, law, et cetera. If you look at the 2017 Annual Report, Mr. Speaker, Sir, I must say the USP academics have done remarkably well in terms of undertaking basic subject matter and disciplinary research, and publishing ranked reference journals. However, Mr. Speaker, Sir, what is missing is the link between research and policy making.

Mr. Speaker, Sir, governments throughout the Pacific require very close interactions between researchers and academics and policy making, so that our policy making is sharp. Whenever we put out an announcement about a particular policy, or about a particular Bill, the university academics in the respective areas are expected to at least hold panel discussions, symposiums, conferences, or debates so that we can get a consensus view from the campuses.

These are the experts out there who we are required or supposed to supplement but unfortunately, Mr. Speaker, Sir, we see a very limited number of this. In fact, I have not seen debates and the last debate I know or I was involved in, was the debate on the National Minimum

Wage at FNU Campus. I was one of the debaters and also a Professor of Economics from USP – we hardly see debates. Debates are where you hold a particular position or view, you debate it out with someone who has an opposing view.

Mr. Speaker, Sir, how many panel discussions we see in our days on critical policy issues? How many seminars we see? Quite a bit but we see is the lack of interactions between policy makers and research. I must commend the researchers at FNU, USP, University of Fiji for undertaking research and publication but I think they can do more by ensuring that the findings that they have done, particularly with respect to problem solving research so that we can utilise that and make sharper policy making.

Mr. Speaker, Sir, that is the place where new knowledge is created and no country, no society can progress without backing from the people, authorities and experts who are supposed to create new knowledge. And every university, FNU, University of Fiji and USP is creating new knowledge on a daily basis. They published general articles, monographs, book chapters, articles and it is quite encouraging to see these young people, professors, academics at the University of the South Pacific, Fiji National University and University of Fiji. Some of them are publishing future articles and newspapers of their views. I must commend and thank them for doing that.

Mr. Speaker, Sir, for example our strategic plan at the Ministry of Agriculture, we gave it to the expert at FNU Agriculture College for their viewpoint. We have the Environmental Council where we have experts from USP and FNU sitting in our National Environment Council.

We have experts from USP, FNU sitting in our ODS Council. We look forward to interacting with them and we will continue to seek input from them. These are the authority and we are providing them with grants. We support the existence of these institutions and we will continue to do that. I want to assure that they will continue to have our support, *albeit* what other are saying on the other side.

So, Mr. Speaker, Sir, I want to thank the University academics who have done excellent research in 2017 in this Annual Report. I want to encourage them to do more research and have this interface between the policy making and research. Thank you.

HON. SPEAKER.- I thank the Honourable Dr. Mahendra Reddy for his contribution to the debate. I now give the floor to the Honourable Minister for Education, Heritage and Arts. You have the floor, Madam.

HON. R.S. AKBAR.- Mr. Speaker, Sir, I rise to make my contribution to the University of the South Pacific Annual Report 2017. Mr. Speaker, Sir, there has been much discussion and I do not see it to contribute to the 2017 Annual Report, however I would like to talk on that Annual Report.

The Annual Report Mr. Speaker, Sir, highlights several achievements for the University which demonstrate the achievement against the strategic plan targets, 81 percent of the targets was met in the first two years and that is on page 7 of the Annual Report.

In addition to this, other achievements were reported because of the commitment and energy with which the staffs were engaged with their work. These included innovation patents, a number of awards won by the staff and students, the registration of the marine collection with global biodiversity information security, USP's registration with the Oracle Academy, et cetera.

Mr. Speaker, Sir, as we go along with the Report, we see that the Report talks about limited financial resources, the need to generate commercial revenue and what projects could be taken up by the University to generate sustainable commercial income generations. It does talk about the need for additional assistance from our development partners, the need for more academic staff and HR issues. It is also important to note that the report talks about to do this, it contributes to the disruptions in teaching sometimes, when we do not have adequate staff and work permits are required and not processed in time.

Coming to work permits, Mr. Speaker, Sir, the Honourable Members on the other side mentioned about Professor Ahluwalia and his deportation. It should be noted that every country within its sovereignty has its own immigration laws and every person who comes into a country on a work visa must abide by that. We kept on going about the BDO Report.

Mr. Speaker, Sir, Fiji is part of the university council, and that is something that you must know. Fiji cannot usurp the powers of the council, we have 12 member countries as part of the USP council, with Australia, New Zealand and other members as observers. Fiji has five members representing the council.

Therefore, there is no way that representatives of the Fijian Government can ever usurp the powers of the council. We hear the word BDO Report. Can I just make a comment on that? When the BDO Report was released, it was the council's decision not to release the BDO report. Fiji have no part in that.

I have heard it from my position as the Minister for Education. There is a conspiracy, they think Fiji is conspiring not to release the BDO Report. That Report was released to the council, it was the council who decided to appoint a three member commissioners; Fiji, Cook Island and Samoa were appointed to be part of the commissioners and then they appointed a three member committee who were supposed to do the investigation about the findings of the BDO Report. So, that is how it is.

It is not that Fiji or the Fijian Government wanted to hide the Report. Whatever malpractices were found in the Report, the Commission was supposed to address that and bring to the council's attention as to how we can improve on HR policies, the issues there were HR....

(Honourable Member interject)

HON. R.S. AKBAR.- Yes, governance, finances and it was all policy matters. So it was the Council's decision. Can we put that matter to rest saying, Fiji did not want the BDO report release. If the Council wanted the report released they could have released it. We have to understand that the Council is governed by the USP statutes. Fiji Government does not make the rules for the Council to operate. And again there was a mention that Samoa wanted the Campus to shift to Samoa. That is the Council's decision which will govern by the statutes. Neither Fiji nor Samoa, Tonga, Cook Islands or Nauru can do things on their own. Well, what they can do is to support for that. But everything has to be governed by the USP statutes that is written. That is the truth.

Then there are calls from people for the Minister of Education, 'we have a complaint,' the Ministry nor the Government interferes with the internal governance issues with the USP. We do not deal with what the VC is doing we do not dictate what the PC is going to do or whom they appoint and whom they terminate. All we want is whoever is in that position to practice good governance. That has been always our stand.

If I can inform the House for the last Special Council Meeting we had, we said that, whatever the Council decides, it has to be within the ambits of the statutes. The Council also has processes to follow, whether they want to give Professor Ahluwalia a new contract, whether they want to give him an amended contract or whether they want him to be in Samoa, Tonga or Nauru, it has to be within the statutes of the USP Council. So that is the fact, Honourable Members.

Here we are going about accusing the Fijian Government or accusing the representatives of the Fijian Government of doing things which is not even within our powers. If you read the BDO Report, I do not know what reports you are reading. Honourable Leawere said, “Make the BDO Report known,” Honourable Tuisawau says, ‘He is quoting from the BDO report.’ It is already on line, it was leaked the very day the Council had it, even when the Council told its members this report is not to be released, but it was leaked so what is there to hide. Whatever you are quoting is from the BDO Report and it is a national report, there is nothing to hide.

Mr. Speaker, Sir, coming back to that. A lot of these countries who are trying to say that the University should be shifted to Samoa, we must not forget, Solomon Islands has its own university, Samoa has its own University, we have our own University but I have never seen the Honourable Members on the other side talk with the same passion for the Fiji National University, never. And here we are talking about regionalism. Yes, we want our University because our students benefit from that, whether it is USP, whether it is FNU or whether it is the University of Fiji, we want good governance. Whoever is appointed and whoever is terminated, the process has to be followed, that is all we are asking for.

Two days ago, I was asked about a complaint that was received regarding the appointment of a new person at USP. I said, “Look as a Minister, I have no say in that, if you have complaints about someone’s appointment go to the PC.” The USP has its own grievance process mechanism, so to come here and say that the Fijian Government is usurping the powers of the University Council is such a rubbish. It is not a right place to say it.

I am not here protected by the parliamentary privileges, but people let us talk about the truth, and that is the truth about the USP Council. So should that the Council on Tuesday, we are meeting again, say this is going to happen: Professor Ahluwalia will be given a new contract, but it has to be with the concurrence of the Council and followed the process. If it is alright to give well that is the Council’s decision. We need to know how the Council operates. It operates on a different platform with its own rules and sets of regulation that guides our work.

Mr. Speaker, Sir, another issue that caught my attention was, accommodation for USP students. It is not only accommodation for USP students, our FNU students always struggle to find accommodation here so the recommendation is for the University to work ways where the students could be provided with a reasonable accommodation, and of course, you and I both know that accommodation in Suva is very expensive.

The need for more academic staff, I think this is 2021, the Report is 2017, a lot of things have happened, a lot of progress must have been made that will be when we see the Report being tabled for the coming 2019 and 2020.

Mr. Speaker, Sir, with that, I take my seat and thank you very much.

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

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

Mr. Speaker, Sir, I would like to thank the Honourable Minister for Education for her comments. I just wanted to very quickly highlight a few things and one aspect that the Honourable Minister highlighted which is very important is student accommodation. Unfortunately, none of the Honourable Members from the other side actually spoke about student accommodation.

I think SODELPA is saying that they will make everything free right up to university. They did not talk about university accommodation and that is one of the greatest prohibition in respect to allowing students to travel to universities, of course, now with digital access but nonetheless, face-to-face education is critically important. There has been some talks with FNU to be able to engage the private sector to provide university accommodation. Honourable Professor Prasad and others who obviously have properties around USP know that providing student accommodation can be an extremely lucrative business.

Mr. Speaker, Sir, the reality of the matter is that, there was some analogy drawn between the Pacific Island's Forum's (PIF) withdrawal at USP and the Honourable Minister for Infrastructure, Meteorological Services, Lands and Mineral Resources has addressed that. Obviously, we have got nothing to do with it. I do not know how many Honourable Members from the other side actually bothered to look at the USP Charter. This was actually set up during the British days, towards the end of our Colonial era.

Mr. Speaker, Sir, if you look at the composition of the Council, it still remains the same. The Honourable Minister for Agriculture, Waterways and Environment will tell you that at one point in time, there was some talk about reviewing the membership of the Council right from those days in 1969 when it was formed. We have the one person appointed as Pro-Chancellor, Vice-Chancellor, Deputy Vice-Chancellor, one person will be appointed by the Government of the Commonwealth of Australia, one from the British Solomon Islands, one from the Government of Cook Islands and five persons to be appointed by the Government of Fiji, one person will be appointed by the Government of Gilbert and Ellice Islands, of course, this is Kiribati and Tuvalu now, Nauru, the British Resident Commissioner in New Hebrides, of course, that is now Vanuatu – all these things, of course, would change; one person appointed by the Government of New Zealand, but the composition still remains the same, notwithstanding the fact, as you find in most types of organisations where the countries that actually give very large contributions have some form of say or a much more significant say because of the contributions they make.

In Fiji's case, of course, we are the largest contributor, anywhere between \$32 million to \$36 million, we give as a grant. The next highest grant, Mr. Speaker, Sir, is Solomon Islands at \$2 million. So a difference of about \$34 million between the grants that we give and the grant that the next largest country gives on the Council at USP.

Mr. Speaker, Sir, the reality of the matter is that, these are the hard core changes in the 21st century that have not been taken into account. Student population at the University is comprised as follows:

- Fiji - 55 percent;
- Solomon Islands - 19 percent;
- Vanuatu - 8 percent;
- Kiribati - 6 percent; and
- Tonga - 5 percent.

The others are quite minimal, Samoa and all the others. A lot of the Samoans go to New Zealand because of their relationship, they have formed a colony of New Zealand.

Mr. Speaker, Sir, I to very quickly highlight and just to add to what the Honourable Minister for Education has highlighted. Someone said that I had sneaked my way into the Council. The Fijian Government has five positions in the Council and they can send whoever they like. We have had money issues and the Permanent Secretary for Economy goes and sometimes I go. The Honourable Minister for Education goes and her Permanent Secretary goes. We have appointed other people on the Council that the Honourable Minister for Education recommends. We have Fay Yee and Mahmood Khan on the Council, so there are five members.

On Friday the other day, when the Permanent Secretary (PS) for Education and I had to leave, there was talk that we had fled the meeting apparently because we had to go to a PS meeting, we were replaced by someone from the Ministry of Education, the Assistant Minister and someone from the Office of the Solicitor-General, so there is nothing untoward about it. It is all very conspiratorial type of theories that are coming out.

Mr. Speaker, Sir, the reality of the matter is that, the USP Council, at the moment, is deeply divided, there is no doubt about that, in the manner in which the University should progress. The USP Council is deeply divided in the way forward and, Mr. Speaker, Sir, with the deportation of the former Vice-Chancellor, it is quite clearly stated in his contract that should his work permit be cancelled or no longer be in place, the contract automatically comes to an end.

The discussion on Friday, unfortunately for five hours, went on whether the contract was still in place because Nauru wanted to amend the contract. So our argument was, “You cannot amend a contract that has already been terminated.” You can only amend something that is in existence.

The USP’s lawyers are Munro Leys and they gave a legal opinion that said that 95 percent they thought the contract was terminated because of the revocation of the work permit. That was the position. All we argued on Friday, because some members wanted him to be immediately brought back, all we said was that there are various standard operating procedures, the various regulations that should be followed. We actually, as Council members representing Fiji, do not want to prejudice who was going to be appointed the Vice-Chancellor. We simply said, “Follow the process. Contract is terminated. You want to appoint a new Vice-Chancellor, follow the process. Advertise whatever you need to do as stated in the various procedures.” The Council has a committee that they can appoint and they may recommend to short circuit the process. It is up to them, as long as everything is above board.

In respect of the University moving to somewhere else, obviously the statute here is in Fiji. But we note that Samoa has in place a USP Act of 1977. That is probably because they have got one of the Campuses and I understand Honourable Professor Prasad and Honourable Dr. Reddy may have been the students over there. That is why they are so close to each other as they spent time together in Samoa.

(Laughter)

Mr. Speaker, Sir, that is why they probably have it, but the creation of the Charter itself is under Fijian law and there are various parameters to that, that needs to be adhered to. Bulk of the assets of the University of the South Pacific is at Laucala Bay Campus. A number of the assets of the Laucala Bay Campus have been put up because of the bilateral relationships that the Fijian Government has had with other countries and have asked them to put up various infrastructure within the Campus too. That is the reality on the ground. That is the legal position, and that is what we have been doing.

Mr. Speaker, Sir, I can be here for the next two hours to tell you exactly what the saga has been. Now, I was berated for saying that there is no saga. I was asked in the context, again, about the deportation and I said that as a result of the deportation, there is no saga. There is no crisis. That has a life of its own. But the actual saga and crisis at USP is actually about good governance. That is why when Honourable Tabuya, on the other day, said that they were wearing green which is about good governance, I said, "Well great, because there are governance issues."

The Chairperson of the Audit and Risk Committee is not appointed by me or the Minister for Education or by Fiji, he was actually appointed by the Council. Mahmood Khan has been practicing in New Zealand for nearly 40 years. He is a former Fijian citizen. He has got back his citizenship and based on that, Mr. Speaker, Sir, they appointed him the Chairperson of the Audit and Risk Committee, very simple, and he worked together with the lady from Tonga, whom I forgot her name.

Mr. Speaker, Sir, the reality of the matter is that, the Pro-Chancellor, Mr. Winston Thompson, has raised a number of issues that have been not congruous with the practices of the past in the way the governance structure has been in place and the relationship between the Pro-Chancellor and the Vice-Chancellor. As the Honourable Minister for Education highlighted, the BDO Report was preceded by a report that was done by Professor Ahluwalia himself. And one of the protagonists that the BDO actually highlighted, who had a sum of about \$1.4 million, one of the academics that Honourable Ro Tuisawau failed to mention, when BDO actually asked Professor Ahluwalia why was not he included in that, he said, "he helped me write the report." I was there at the Council Meeting when he said that - Arvin Patel. He said, "He helped me write the report."

Honourable Professor Prasad knows him very well. This is to do with consultancy fees. Honourable Professor Prasad used to do consultancy too and the share of fees with the Academic, why should we pay it to the University.

(Chorus of interjections)

HON. SPEAKER.- Order, order!

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, the reason why the USP Council was concerned about the release of the Report initially was because Professor Ahluwalia's report was written and accusations were made without the supposedly accused persons being given a right of reply. That is natural justice. If we are going to accuse someone by saying, "you were paid this much consultancy fees of \$40,000", that person should be given the right to explain; very basic. They were never done.

Mr. Speaker, Sir, when that report was done and the BDO Report came out and this is the report that was in fact written in respect of the BDO Report. The BDO Report, Mr. Speaker, Sir, contrary to the hype created by the VCP, no fraud was discovered and most of the supposed mismanagement was within their delegated powers of the then Professor Chandra.

The BDO recommended that the policies and procedures around finance and human resources management must be updated and strengthened. The Council resolved to appoint a three-Minister Committee which the Honourable Minister for Education alluded to, to in turn appoint a three-member Commission.

The three-member Committee was the former Prime Minister of Cook Islands, now the new incoming Secretary-General of the Pacific Islands Forum; the former Deputy Prime Minister of Samoa, who has resigned since then; and myself. And then we appointed a Commission and the

Commission of late, has handed down their report and they have identified gaps as to how they could be addressed.

Mr. Speaker, Sir, this is in relation to the BDO Report which everyone is going on about it. Honourable Tuisawau knows full well, he was talking about Hasmukh Lal in respect of the matters that he raised. This is the CEO of Pacific TAFE. I understand Honourable Tuisawau applied for a job there, probably he was not shortlisted, and maybe that is why he is a bit concerned about that. He knows full well also that the matter is before the courts.

Mr. Speaker, Sir, I want to make one point; I am personally aggrieved by the manner in which, without any propriety, the name of Winston Thompson has been berated in all of these. He was a former Ambassador of Fiji, he was the Chair of the University Grants Committee from 2006 to 2015. Subsequently, the Council unanimously appointed him twice as the Pro-Chancellor of USP.

I remember when all of the shenanigans took place when this BDO Report came out, et cetera, we were in the Nadi Council Meeting, and the way that the former Vice-Chancellor carried on, Winston Thompson said to me, “I want to resign because I have never seen such behaviour. I want to resign.” I asked him and said, “Please, stay on board because there is no one else.” We were more concerned about the University in terms of the funding we were giving in excess of \$30 million. He was the only gentleman at that point in time, whom we could actually put some trust in because he knew the system. He was also the Chairman of the Grants Committee, which is made up of all the different countries that contribute towards the University’s funding.

Mr. Speaker, Sir, subsequently also, the Chairperson of the Audit and Risk Committee raised with the Council a number of anomalies that were taking place under Vice-Chancellor Ahluwalia. Various appointments were taking place, not adhering to the requirements and regulations. These are individuals’ names, Sir, which I am not going to read out.

Despite conflicts of interest, again, people who did not meet the requirements were appointed, contracts were renewed. People who were appointed to new positions which is for a three-year contract should have been advertised externally, meaning outside the University, but it was only advertised internally and people were appointed. The basic MQRs were not met.

Mr. Speaker, Sir, no direct appointments are allowed for non-academic staff, however, DHR ignored this and contravened this process and has appointed staff. It has nothing to do with Vice-Chancellor Ahluwalia but the DHR.

Policy followed by Dean to select and recommend a candidate to fill a vacancy of Head of School, Vice-Chancellor Ahluwalia refused to follow the process. The list goes on.

Our position, Mr. Speaker, was that the Pro-Chancellor and the Chairperson of the Audit and Risk Committee have raised these issues. All we simply said, “Please, like we appointed BDO, appoint an independent group of persons or a company or an organisation or professional outfit, to look at issues raised by the Audit and Risk Committee Chairperson.” It is a very simple request. This happens all the time. The Chairperson of the Audit and Risk Committee reports directly to the Board. If you are in a company, the Chairperson of the Audit and Risk Committee will report directly to the Managing Director because of the role that they play.

The Council, Mr. Speaker, Sir, because there is a lot of cajoling going on, refused to do that. That is all we wanted, independent group appointed. Please, whatever the findings is, we will follow it. We said, “Unless and until this is done, we are not going to give the grant.

Then, of course, some of the members, the Honourable Minister for Education will highlight, that Nauru, Tonga and Samoa said, “We will have a bilateral meeting with Fiji on the side to discuss this.” We said, “We are quite open, please let us do that.” To-date, they have not done it. There are some very unhealthy relationships between people on the Council and the former Vice-Chancellor - very unhealthy relationships.

Mr. Speaker, Sir, that is the position. The position pertaining to the governance structures at USP has got nothing in law to do with him and his wife’s deportation. They are two separate matters altogether.

The Department of Immigration has already issued a statement on that and the photos are actually quite evident of what happened. They, in fact, assisted with the packing, et cetera. We did not say that, Honourable Tuisawau. They were checked in, et cetera. They went into the VIP Lounge. This is not someone being scuttled away in the middle of the night, Mr. Speaker, Sir, and that has got nothing to do with this Report in 2017.

The Annual Report 2017 is all about governance, financial accountability and what we are saying, Mr. Speaker, Sir, is that, that is precisely what we want. We are not saying, “Take USP away as you have been trying to portray.” All we are simply saying is that wherever the University is, whatever form it takes, it must have good governance structures in place. Otherwise, there will be a natural death to it. Thank you, Mr. Speaker, Sir.

HON. SPEAKER.- I thank the Honourable Attorney-General. Last speaker before the Right of Reply. Honourable Salote Radrodro, you have the floor. You did ask.

HON. S.V. RADRODRO.- Yes, Mr. Speaker.

HON. SPEAKER.- I did not forget you.

HON. S.V. RADRODRO.- Thank you, Mr. Speaker, Sir. I agree with our recommendations. I belong to that Committee but upon hearing the Honourable Minister for Education’s comments, I would like to make a request to the Honourable Minister. If, in your position as a Member of the Council ensure that the BDO Report come as part of the next Annual Report for the University of the South Pacific and be presented together to Parliament so that the BDO Report can go to the Committee and then be scrutinised together with the Annual Report of the University of the South Pacific.

In that way, Mr. Speaker, we will be able to really know the content in our official capacity as Members of Parliament and in our official role as member of the Committee to scrutinise the BDO Report, together with the Annual Report of the University of the South Pacific in the upcoming one. That means that it will be the 2018 Annual Report and if the Honourable Minister for Education could make that request to the USP Council to include the BDO Report with the next upcoming Annual Report of USP so that it could go to the Committee and we can scrutinise them together and make our recommendations to Parliament in our report.

Thank you Mr. Speaker, Sir.

HON. SPEAKER.- I thank the Honourable Salote Radrodro. I give the floor to the Chairperson of the Standing Committee on Social Affairs for your right of reply.

HON. V. PILLAY.- Mr. Speaker, Sir, I have no further comments.

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

Question put.

Motion agreed to.

HON. SPEAKER.- Honourable Members, I give the floor to the Deputy Chairperson of the Standing Committee on Justice, Law and Human Rights to move his motion. You have the floor, Sir.

REVIEW REPORT - OFFICE OF THE PRIME MINISTER 2015 ANNUAL REPORT

HON. R.R. SHARMA.- Mr. Speaker, Sir, I move:

That Parliament debates the Review Report of the Office of the Prime Minister 2015 Annual Report which was tabled on 14th May, 2019.

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

HON. SPEAKER.- I now invite the Deputy Chairperson of the Standing Committee on Justice, Law and Human Rights to speak on his motion.

HON. R.R. SHARMA.- Thank you, Mr. Speaker, Sir. I take this opportunity, as the Member moving the motion, to make a small contribution on the Committee's Report on the Office of the Prime Minister 2015 Annual Report.

As a way of brief background, Mr. Speaker, Sir, the Office of the Prime Minister is driven by the vision of having a better and modernised nation State, achieved through strong and robust leadership and fair development for all.

Sir, the Office of the Prime Minister 2015 Annual Report was referred to the Standing Committee on Justice, Law and Human Rights in the last term of Parliament and then reinstated in this new Parliament and referred to the current Committee.

The Office of the Prime Minister is primarily responsible for providing sound policy, administrative and technical support to the Head of Government, the Honourable Prime Minister. It also engages with international and regional development partners, civil society organisations and the private sector. Just as the previous Committee, the current Committee was mandated by Parliament to review the Annual Report and report back to Parliament on its findings.

Gathering from the Annual Report of the Office, 2015 had numerous highlights from being responsible for providing support services to the Honourable Prime Minister in his first year in that role in a democratically elected Government to various contributions to the governance, economic and socio-cultural sectors.

In reviewing the Office of the Prime Minister 2015 Annual Report, the Committee noted that one of the key achievements was on its accountability framework which, according to the Office of the Prime Minister's 2015 Annual Corporate Plan, includes:

- facilitation in decision-making;
- support for civil society;

- improve co-operation with international and regional agencies; and
- client complaint investigation.

The Committee noted the previous Committee's deliberation which highlighted a few pertinent issues, which the previous Committee discussed extensively with the Office of the Prime Minister and is covered in this Committee Report. These pertinent issues, include:

- the utilisation of the approved budget;
- the forms of complaints received by the Office;
- the details and status of the Vatukoula Social Assistance Trust Fund; and
- clarification on certain perceived financial anomalies.

The Committee sought clarification from the Office of the Prime Minister and held discussions regarding the same. This provided the Committee an indication of all the work carried out by the Office of the Prime Minister in meeting its commitments and its vision and mission.

The Committee also took into consideration the requirements of the Standing Orders of Parliament with respect to the principles of gender equality. Therefore, as part of the discussion with the Office of the Prime Minister, it was encouraging to note how the principle of gender equality was reflected in the Ministry, beginning with one of the vital parts of an institution which is Human Resource.

At the conclusion of the review, my Committee established that the response provided by the Office of the Prime Minister on issues raised about the Report was satisfactory and had provided the needed clarification. The Committee also provided one key recommendation the Committee had put forward for the consideration by the Office of the Prime Minister.

With those few words, Mr. Speaker, Sir, I would urge the Honourable Members of this august House to take note of the contents of the Committee's Report, and to show support for the motion before the House. Thank you, Mr. Speaker, Sir.

HON. SPEAKER.- I thank the Deputy Chairperson.

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, Sir. I rise to speak on the motion by the Honourable Sharma.

Mr. Speaker, Sir, the Office of the Prime Minister remains unique, in the sense that it does not solely focus on executive support to me as the Head of the Government and Cabinet, as is the case with other Offices of the Prime Ministers around the world. The Office of the Prime Minister is also responsible for policy analysis, managing pension payments for former parliamentarians, former Prime Ministers and Presidents, implementation of community projects through Small Grants Scheme (SGS) and providing subvention funds to minority communities.

In 2015, Mr. Speaker, the Office of the Prime Minister also had a monitoring role, monitoring and implementation of all Government Departments through their respective Annual Corporate Plans. My Government has an Open Door Policy and I am proud that our ears are open to the concerns of ordinary Fijians.

The Office of the Prime Minister's Client Services Unit, Mr. Speaker, Sir, receives and addresses complaints from the public, ensuring that complaints are taken seriously and then recorded and retained so that programmes and processes can be improved.

In 2015 alone, my Office received more than 1,000 complaints from members of the public, civil society and the private sector. Land cases were a major source of complaints received, followed by labour issues and FNPF requests for withdrawal.

The Media Unit also plays a pivotal role in informing the public of how Government's activities affect them by engaging through the Fijian media, radio talkback show and community consultation meetings.

Mr. Speaker, Sir, the review highlighted that the Office of the Prime Minister achieved one of its key objectives, the development of the Accountability Framework which aims to facilitate sound decision-making, support for civil society and improved cooperation with international and regional agencies.

Mr. Speaker, Sir, with respect to gender equality, I am particularly proud that the Report shows there is an equal percentage of women and men employed by the Office. I believe that the Office of the Prime Minister ought to lead the way in modelling gender equality.

Additionally, Mr. Speaker, the Office of the Prime Minister achieved an excellent performance rating in 2015. Thanks to the timely and effective implementation of programmes and projects. Assisting the education of underprivileged children in our society was part of our agenda in 2015 and the MOU with the Foundation for the Education of the Needy Children in Fiji (FENC Fiji) was signed for a total grant amount of \$200,000 and in all, 1,117 students were assisted through FENC.

In terms of development co-operation assistance, the Office coordinated the implementation of five projects with the assistance from China at a total cost of approximately \$67 million. This assistance funded the completion of key projects, such as:

- the new Somosomo Hydro Power Supply in Taveuni, Cakaudrove;
- agriculture development in Vanua Levu;
- a mushroom cultivation project in Legalega, Nadi; and the
- reconstruction of Stinson Parade and Vatuwaqa Bridges.

With regards to the SGS, we funded a total of 123 projects from a budgetary allocation of \$7 million. My Government regards spending on education as the best investment we can make in the future of the country. That is why, Mr. Speaker, a majority of the projects implemented under the SGS were from the Education Sector. However, community and settlement development and integrated development were also supported from the SGS.

Mr. Speaker, Sir, priorities for SGS funding were identified during my official tours to the various Divisions and from having face-to-face discussions with communities and institutions, which I have continued to carry out over the years. These projects all have some degree of urgency, they are all verified by Divisional Commissioners and endorsed for submission to my Office for further assessment, verification and compliant with proper Government procurement processes before final approval. This has been an important means of providing urgently needed improvements to local communities quickly and efficiently.

As is usually the case with projects carried out under the SGS, there were no provisions for those projects in the 2015 Budget, yet they were extremely important to local communities. The SGS allowed us to be responsive, and it still does.

Mr. Speaker, Sir, immediately after the 2014 General Elections, I established the Implementation Coordination Office (ICO), mainly to monitor and evaluate the Ministry's Corporate and Strategic Plan. The ICO monitors Ministries and Departments and key stakeholders of Government, to ensure that key programmes and activities are implemented effectively and meet their intended objectives and that the funds allocated to Ministries and Departments are well utilised. This has resulted in 36 percent average ACP implementation level across Government.

In addition, a Public Relations and Media Unit was established to conduct consultations, focussing on the endorsed 2013 Constitution. A total of 300 consultations were carried out, involving approximately 10,000 people in all Divisions, including Rabi and Kioa.

Finally, the needs and welfare of minority communities in Fiji are well protected and catered for by my Office. Minority communities, such as Rotuma, Rabi, Kioa and the Melanesian *Vasu-i-Taukei* received the sum of \$464,000 for their operational and development initiatives in the period under review.

Mr. Speaker, Sir, the Office will always faithfully oversee the consistent execution of programmes and implementation of policies to improve the lives of Fijians. It must ensure strong leadership and uphold high standards of public service. My Government will leave no one behind in our journey towards a better Fiji, and my Office will continue to carry out its duties for the betterment of all Fijians.

Based on those explanations, Mr. Speaker, Sir, I, therefore, support the motion. Thank you.

HON. SPEAKER.- I thank the Honourable Prime Minister for his contribution to the debate. Honourable Jale, you have the floor.

HON. A. JALE.- Thank you, Mr. Speaker, Sir. I wish to thank the Chairman and the Members of the Committee for the Report and I hereby support the motion. There has been a marked improvement in the submission of Annual Reports from what I have been observing. I think it was a concern sometimes in the past, but there has been a marked improvement on the timely submission of Reports.

In regards to the Prime Minister's Office, although we are debating the 2015 Annual Report, I have noted recently, that there have been new Reports that have been tabled in this House and I thank the Honourable Ministers for the work that you have done in bringing the reports of your Ministry in a timely way to the Parliament, so that we can scrutinise and understand how the budget that had been allocated to your ministry, has been spent. I thank you for that.

One of the suggestions that I want to put through to improve this timely submission of annual reports, it was not being done before or it has not been done, maybe the key result areas in the performance agreements for the Permanent Secretary needs to have "timely submission of annual reports to ministers" as one of their indicators - I am just putting that to you. I think the Report is quite elaborate.

The Honourable Prime Minister has also divulged further on what the Office of the Prime Minister has been doing and producing the service and helping the people of Fiji through what is expected of that particular Office. As far as transparency and accountability, I think that is an

important element of scrutinising annual reports, 88 percent of the budget of the Office of the Prime Minister was utilised in 2015. There have been explanations as to the reason why the others were not used. There were 16 other matters that needed clarification and I noted from the Report of the Committee that those were also addressed by the Office of the Prime Minister. Mr. Speaker, Sir, that is all in my contribution. Thank you very much.

HON. SPEAKER.- I thank the Honourable Anare Jale. Honourable Mitieli Bulanauca, you have the floor.

HON. M. BULANAUCA.- Thank you, Mr. Speaker, Sir. I will just refer to a few concerns here by the Committee. One clarification on the form of complaints to the Office of the Prime Minister, mostly referring to family and housing assistances and referred to Ministry of Women, Children and Poverty Alleviation. The concern here is, have they been resolved or not. It is just that they have put it in their Report, it appears that there is no feedback whether they have been resolved or not.

Secondly, on clarification of the criteria and procedure followed with respect to reengagement of employees after reaching the age of 55. It is important to set a criteria to be met by all those engagements. It appears that the criteria is not clear to ensure transparency and to avoid nepotism as is quite prevalent in public service departments and various commercial entities that we do have. To me, rather than just having a working age of 55, it is better to just have a clear criteria of health and performance, and they push on.

Thirdly, Mr. Speaker, Sir, the concern of the Committee is the clarification on the Mahogany Industry Council and the issues being faced in relation to the issuance of mahogany licences. This is dealt with by the Mahogany Industry Council of which the Honourable Prime Minister is the Chairman and Honourable Attorney-General is a member, and facilitated through the Fiji Hardwood Corporation Limited. Although this Report, Mr. Speaker, Sir, is four years behind (2015), so that emphasises that you need the annual reports soon after the year ends, in the first year or in the second year.

Also, particularly for this mahogany industry, the production has dropped during the year. In 2010 – 96,000 cubic metres, 2011 – 46,000 cubic metres, 2014 – 54,000 cubic metres, 2015 – 52,000 cubic metres. It has dropped. Let me also tell you that the figures after 2015 has even further dropped - from 52,000 cubic metres in 2015 to 18,600 in 2016. In 2017, only 2,000 cubic metres. That is the year they reviewed the licences and they stopped the operations. Why stop the operations? You can do your review but keep the operations going. In 2018 only 15,000 cubic metres. In 2019 only 15,000 cubic metres but 2020, I do not know yet, but we will know soon.

Mr. Speaker, Sir, in 2015 the export volume also dropped from 25,000 cubic metres to 18,000 cubic metres. To go further than that, last year it went down to 10,000 cubic metres. Again, it is a drop during the period of the report and it also dropped after that. Export value increased from \$30 million to \$36 million in 2015 and then dropped after that to \$10 million or \$12 million.

Even though the report lapsed in 2015, I am focusing onto the future. Whatever weaknesses that we may have in the past I am trying to highlight that we need to improve into the future. We need to ask why we are dropping in production export value, when we have the best plantation in the world here in Fiji. Is it due to high log prices? I see that they dropped the prices in 2020 by 30 percent but still that is not enough to stimulate the industry into operation then to performance.

HON. SPEAKER.- Honourable Member, just stick to the report for 2015.

HON. M. BULANAUCA.- Yes, Mr. Speaker, Sir, I am talking on the drop of production in the period of 2010 to 2015 and the various questions that need to be asked to improve in the future. Is there availability of market or lack of it? Do you need competition for that demand? Is there a high cost of doing businesses that they do not agree? Stringent licence conditions or stringent tax conditions? Whether the Fiji Hardwood Corporation and industry structure may be inadequate, they need review.

High cost particularly in the forest activities for example in the cartage area, the milling area, and the processing area in the timber yard, also need efficiency in all areas. Although we need efficiency of the mills to increase the recovery rate from 34 percent to 50 percent, now we should be aiming at 55 percent to 60 percent in the next five years so that we can have more volume for export. It is important, Mr. Speaker, Sir, to notice the reduction in production, export volume and value and make our ways to improve into the future. Any help to finance machines and equipment for landowners has not been done since the SDL Government.

Mr. Speaker, Sir, what we need is a petition for a Parliament Standing Committee to inquire into the mahogany industry and come up with recommendations. They can recommend what Acts or laws need to be amended or have new laws. They can come to Parliament with recommendations to the Executive on how departments, ministries or commercial companies of the Government can improve on their performance, production, processes and systems. They can also refer to the Judiciary whatever is needed to be referred there, be it a criminal case or criminal actions within the industry to be referred to the Police or FICAC, or to Court. That is the way it should go, we need that, Mr. Speaker, Sir.

Just to finish, Mr. Speaker, Sir, what is being done now for the *TC Yasa* damages and the fallen mahogany trees? I understand that 30 percent of mahogany in Wainunu forest, which is the third biggest forest in this country, has fallen. Also in Dreketi, 20 percent of mahogany has fallen down - has there been any survey on that?

(Honourable Members interject)

HON. M. BULANAUCA.- Why was there no survey? Do you know the effect this will make to the industry? What is the value of those damages? Have salvage operations been done or not? For the pine and native timber as well - we need some information. So it is important, Mr. Speaker., Sir, that while I am emphasising the concerns raised by the Committee on the 2015 Report, I am highlighting what we need to do to improve our production into the future. Thank you Sir.

HON. SPEAKER.- I thank the Honourable Bulanauca. I give the floor to the Honourable Bulitavu. You have the floor, Sir.

HON. M.D. BULITAVU.- *Vinaka Vakalevu*, Mr. Speaker, Sir. I rise to give few comments on our Committee Report. I thank the Honourable Bulanauca for creating that laughter especially when we have been sitting for long. But back to the Office of the Prime Ministers Report - this is the 2015 Annual Report and I just want to confirm that the 2016-2017 Annual Report has been deliberated by the Committee. It has been reported back to the House awaiting a future debate and also the 2017 and 2018 Office of the Prime Minister Annual Review Report has been reported back after deliberation by the Committee.

The issues raised by the Honourable Bulanauca, I think once we come to those Annual Reports we will see the improvements because it is quite an old Annual Review Report and again when we come to that, you will see that most of those issues have been attended to.

We are thankful to the Office of the Prime Minister especially the Permanent Secretary for always giving time to come to the Committee to present, especially the officers that represent the Office of the Prime Minister to come and present on the Report especially the Deputy Secretary for the Policy Division, Deputy Secretary for Development Cooperation and Facilitation Office and also the Deputy Secretary of the new Division, International Cooperation and Corporate Services.

The information that they provide to the queries by the Committee helps the Committee to formulate the Report at the end of the day. But you have seen various issues that were coming up in terms of the Client Complaints Unit and I think that has been reduced, given the various issues received by the unit and also directed or referred to the various agencies that need to deal with it within the relevant authority.

One good thing too is that we were able to raise the issue with the Deputy Secretary on the formation and also the structure of our Annual Reports given that the Office of the Prime Minister as the Honourable Prime Minister has alluded to, frequently has Cabinet meetings and also meetings with other line ministries so that a standard Annual Report is given. The targets are also specified in terms of the SDGs and also their targets in the National Development Plan (NDP) and also the key indicators pertaining to their vision and mission which makes it easier for the Committee to report back to the Parliament as assigned.

We are thankful that the government subvention continues for the various small multi-ethnic groups that are there, and also the continuation of the Small Grants Scheme that has been helping communities in terms of seawalls and other things. Those are some of the things that have been done and the community is happy given the frequent questions being asked to all Members of Parliament, despite the political party they belong to given that they are real issues that they face, and that has been attended to. We are thankful to the officers from the Office of the Prime Minister who handle and see that those have been attended to.

The other issue that was raised by the Honourable Prime Minister was in terms of the Gender Equality Policy. I think the Office of the Prime Minister has got a 50/50 percent representation of male and female and I think they are showing and leading by example to other Ministries. Those are the things and other challenges would probably be coming in later Annual Reports that will be coming for review and also various measures that have been put in place. I think all Honourable Members need to support the Office of the Honourable Prime Minister's Office 2015 and we look forward for debate for the 2016, 2017 and 2018 Annual Review Report which the Committee has already deliberated on and it is also before Parliament. *Vinaka vakalevu, Sir.*

HON. SPEAKER.- I thank the Honourable Bulitavu for his contribution to the debate. I now give the floor to the Deputy Chairperson of the Standing Committee on Justice, Law and Human Rights to speak in reply. You have the floor, Sir.

HON. R.R. SHARMA.- Mr. Speaker, Sir, I would like to thank all the Honourable Members for their contributions. I do not have any further comment. Thank you.

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

Question put.

Motion agreed to.

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

QUESTIONS

Oral Questions

Provision of Formal Leases - Sakoca Informal Settlement (Question No. 29/2021)

HON. L.S. QEREQERETABUA asked the Government, upon notice:

Can the Honourable Minister for Local Government, Housing and Community Development inform Parliament why formal leases for the informal settlement of Sakoca have not been provided to residents, despite earlier promises?

HON. P.D. KUMAR (Minister for Local Government, Housing and Community Development).- Thank you, Mr. Speaker, Sir. I also thank the Honourable Member for her question. Mr. Speaker, Sir, the informal settlement upgrade is one of the key programme implemented by the Ministry of Housing, to improve the quality of life of Fijians living in informal settlements around the country.

Mr. Speaker, Sir, prior to Government intervention, two land developers were given development lease separately by Iltb, to develop the land at Sakoca. Unfortunately, they failed to complete the subdivision and many Fijians lost substantial amount of money running into thousands of dollars. Both development leases were later terminated and the Government decided to step in and take over the responsibility to develop Sakoca. In consultation with iTLTB, the Ministry acquired the development lease for Sakoca on 1st July, 2017, for 10 years.

Mr. Speaker, Sir, it is also important to note at this point that the Ministry acquired the development lease for only one part of Sakoca, covering approximately 17 acres of land and not the other part of Sakoca. So, we can say that Sakoca is in two parts, and the reason why we did not acquire the other part of Sakoca is simply because we need 60 percent of landowners to agree. The development lease that the Ministry has, they have proceeded with the development work.

Mr. Speaker Sir, the informal settlement upgrade project goes through several stages, such as planning, preliminary design, construction and finally, the issuance of 99 year leases, unlike in the past where Government was only focusing on State land and there were very basic upgrade works conducted.

Wood & Jepsen Consultants was appointed as the consultant for the project in January 2018 to design scheme and engineering plans and to manage the capital works. I am pleased to inform the House that Sakoca has been identified as one of the four projects to commence capital works during this financial year, and I have been meeting the residents of Sakoca several times and discussing this particular project, sharing with them where we have reached and even consulting them on several other matters.

Mr. Speaker, Sir, the Scheme Plan was approved by the Department of Town and Country Planning in April 2020. The Environmental Impact Assessment (EIA) consultation for the project was held in Sakoca in December 2020, and the Engineering Plan for the project was lodged with Town and Country Planning for approval in January this year. The consultant is currently preparing the documents for tendering for capital works. Once a suitable contractor is selected through the tender process, the capital works will commence on site.

Mr. Speaker, Sir, often, we are not able to achieve the result very quickly and the reason being, that residents are living in that area. It is basically an in-situ development and when it is in-situ development, we try to bring in minimum disruption to the sitting tenants. Even when the development goes ahead, we find many other issues within the settlement which is not in line with the scheme plan. Often, within the settlement, we do find people extending their houses or building new houses which is not in line with the scheme plan, so this causes further delay sometimes.

Mr. Speaker, Sir, I believe I have provided explanation to the Honourable Member on her question and it is important to note that the commitment made by this Government to the Fijian citizens will always be met. Thank you, Mr. Speaker, Sir.

HON. SPEAKER.- I thank the Honourable Minister. Honourable Qereqeretabua, your supplementary question.

HON. L.S. QEREQERETABUA.- Thank you, Mr. Speaker, Sir. My supplementary question to the Honourable Minister is about the promises before the Elections. Sakoca was promised this before the 2014 Elections, before the 2018 Elections and I also received questions from people at the settlement in Navakai in Nadi about the very same issue about being promised this before the Elections. My questions is; is this going to be promised again before the next Elections?

HON. P.D. KUMAR.- Mr. Speaker, Sir, the Honourable Member fails to understand that all these processes takes time, because you have to negotiate with the landowners. Once they agree, then only we can step in to develop the area. This is one of the problems that we are facing.

We have seen that there are a number of informal settlements. When this informal settlement was created, it was actually between the settler and the landowners. It is an arrangement between them but later on, the settlers who live in the informal settlement started looking at the Government and asked, "When are you going to develop the area?" Now, our difficulty is that the land is owned by the landowners and only through their goodwill. Once they agree, they give us the development lease, then only we can proceed with that and I have already given the assurance that in Sakoca, we are moving ahead with this development. Thank you, Mr. Speaker, Sir.

HON. SPEAKER.- Thank you. We will move on to the second Oral Question for today. I call on the Honourable Sigarara to ask his question.

Pacific Labour Scheme - Australia
(Question No. 30/2021)

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

Can the Honourable Minister for Employment, Productivity, Industrial Relations, Youth and Sports inform Parliament which sectors in Australia are Fijians engaged in under the Pacific Labour Scheme?

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. Fiji's participation under the PLS was formalised through the signing of a Memorandum of Understanding (MOU) in 2019, as part of the Vuale Partnership Agreement. Mr. Speaker, Sir, we acknowledge the continued support from the Australian Government, for inviting Fiji to recommence this programme again in august last year.

Mr. Speaker, Sir, our Fijian workers are currently working in three sectors under the Pacific Labour Scheme (PLS) on a three year contract. These sectors are:

- Meat works;
- Hospitality and Accommodation; and
- Aged Care.

There is a total of 564 Fijian workers employed in this sector.

Mr. Speaker, Sir, in addition to the number of our Fijians currently employed under the PLS, my Ministry is also preparing more workers for other upcoming labour mobility programs, as follows:

- Another 88 Fijians under the PLS Programme are expected to depart next month;
- 70 Fijian workers are expected to be engaged under the Australian Seasonal Work Programme also departing next month;
- 71 Fijian seasonal workers under the new Seasonal Work Programme is expected to depart next Thursday, 18th February, 2021.

These are all returning workers, Mr. Speaker, Sir, as requested by the New Zealand employers.

Mr. Speaker, Sir, as we all are aware of the high demand from Australia for Fijian meat workers under the PLS and following a number of concerns from our local industry, staff of my Ministry are finding ways to plug the gap left by some of our experienced workers who went to work under the PLS. This resulted in an Expression of Interest for basic meat works and other short courses that was advertised late last year as part of my Ministry's commitment to re-skilling and up-skilling some of our workers affected by COVID-19.

In trying to address the needs of our local meat industry, Mr. Speaker, Sir, my Ministry partnered with the National Training and Productivity Centre (NTPC) and Fiji National University (FNU), and have conducted two training sessions in this regard. The NTPC is also working closely with the meat industry's stakeholders, including the Fiji Meat Industry Board (FMIB) on the utilisation of some of their existing facilities and resources for the practical aspect of the basic training in the meat industry.

Mr. Speaker, Sir, at times ,when our local industries are facing some challenges, our Labour Mobility Programme is a great opportunity for all Fijians to work together and support this pathway to enhancing local skills upon these workers returning home, and also supporting our Fijian economy through remittances. I thank you, Mr. Speaker, Sir.

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

HON. M.R. LEAWERE.- Thank you, Mr. Speaker, Sir. I thank the Honourable Minister for what he has said in the House. My question to him is, are these workers under the PLS Scheme contributing to their FNPF? Thank you, Mr. Speaker, Sir.

HON. P.K. BALA.- Thank you, Mr. Speaker, Sir. The answer is very straightforward, no.

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

HON. A. JALE.- For the workers who have served for more than 12 months and have families in Fiji or are married, do they have a provision in the contract to come back after a year to see their family?

HON. P.K. BALA.- Thank you, Mr. Speaker, Sir. I do not think any request has come to us so far under this programme because instead of three years, they want five years. So as of now, there has been no request but if there is any request, definitely my Ministry will deal with the employers and we will make sure that that particular person comes and visits the family. Thank you.

HON. SPEAKER.- Honourable Gavoka, you have the floor.

HON. V.R. GAVOKA.- Thank you, Mr. Speaker, Sir. The Honourable Minister says that the demand is in three areas; meat workers, medical and aged care. Are there opportunities for other sectors, Honourable Minister? Is there a dialogue to expand this?

I ask, Mr. Speaker, because I believe there is also a demand for some technical builders and maybe, electricians and plumbers, et cetera. So, is dialogue also heading in the direction of broadening what would be required in Australia?

HON. P.K. BALA.- Thank you. Mr. Speaker, Sir, I thank the Honourable Member. Through dialogue and negotiations, we have managed to engage our Fijian workers in these three sectors and dialogue is continuing with the other employers to see how we can send our Fijian workers in other areas as well. Thank you.

HON. SPEAKER.- Thank you. We will move on.

Development of Davuilevu Subdivision - China Railway Group
(Question No. 31/2021)

HON. M. BULANAUCA asked the Government, upon notice:

Can the Honourable Minister for Local Government, Housing and Community Development provide an update to Parliament on the current subdivision development in Davuilevu by China Railway Group?

HON. P.D. KUMAR (Minister for Local Government, Housing and Community Development).- Mr. Speaker, Sir, the Housing Authority of Fiji obtained development lease for 53.42 hectares of land in Davuilevu from the Methodist Church of Fiji on 27th February, 2017. The Scheme Plan was prepared in-house by the Housing Authority of Fiji Team with a lot yield of 573. This includes 520 residential lots, 42 duplex housing lots, four commercial lots, three civic lots and four parcels of land for the Public Rental Board (PRB).

Mr. Speaker, Sir, the Scope of Works based on the development design includes; earthworks, road works, stormwater drainage, water supply pipelines and sewerage, kerb and channel footpath, driveways and streetlights. The tender was called for this project in July 2017.

Mr. Speaker, Sir, the China Railway First Group was awarded the tender on 1st December, 2017. The civil works was expected to complete in September 2019, however, this was revised to May 2021. Approximately 90 percent of the civil works has been completed.

I also like to inform the House that Davuilevu is one of the six sites identified by IFC to provide models for affordable and climate-resilient homes for low and middle income families. Davuilevu will be redesigned to produce 1,500 houses and flats under the IFC programme. Mr. Speaker, Sir, I thank the Honourable Member for his question.

HON. SPEAKER.- Thank you, Honourable Minister. Honourable Tikoduadua, your supplementary question?

HON. LT. COL. P. TIKODUADUA.- Mr. Speaker, I would like to ask a supplementary question to the Honourable Minister. Last year, I raised a similar question on this matter but because the problem has kind of exacerbated, I would like to ask the question again.

Sir, just to put it into perspective, the sediments from the construction goes into a creek that passes through and it might take a part of what is already being developed. Every time it rains, it floods the homes of people who are housed along the creek, and it is getting worse by the day.

I had asked the Honourable Minister the last time what she would do about it, so I would like to ask the Honourable Minister again. What is there in place for those who are already there in terms of the flooding that continuously happen and it gets worse every time? I witnessed this during *TC Ana* that even the formal settlements at the end were all flooded. It is nice to have climate-resilient homes but the impact of that is flooding the rest of everyone else's home down the river. That is the question, Mr. Speaker.

HON. SPEAKER.- Honourable Minister, you have the floor.

HON. P.D. KUMAR.- Mr. Speaker, Sir, the Ministry of Housing also received numerous complaints relating to flooding in that area. We also had some first-hand experience of flooding in Waidamudamu Settlement and often, fingers point towards the Davuilevu development.

Based on the complaints, the Ministry carried out a detailed flood assessment for the area by engaging the services of the Ministry of Waterways. The Ministry of Waterways provided its assessment report and one of the recommendations in the report is to control the silt discharge from the Davuilevu development area and this was communicated to the Housing Authority of Fiji.

Mr. Speaker, Sir, Housing Authority has implemented a short-term mitigation plan by installing channel silt traps which are cleaned on a regular basis to avoid the washdown of clay particles. There are also some medium term solutions that they have identified, which is installing silt fence and planting vetiver grass along vulnerable corridors. I also understand there are some issues with the culvert as well which needs to be replaced, but all these information is with Housing Authority and they have started working in providing a redress to the community who often suffer from the flooding of that particular area.

The Ministry of Housing will continue to monitor the implementation of these remedial actions recommended in the report that we have obtained. We will make sure that the cause of the flood is addressed.

HON. SPEAKER.- Thank you. Is this another supplementary question?

(Hon. Lt. Col. P. Tikoduadua interjects)

HON. SPEAKER.- I will allow it; only once.

HON. LT. COL. P. TIKODUADUA.- Only once, thank you, Sir. The question to the Honourable Minister; is the Housing Authority considering compensating those victims who have suffered from the previous floods under the recommendations of Housing Authority?

HON. SPEAKER.- Honourable Minister, you have the floor.

HON. P.D. KUMAR.- Thank you, Mr. Speaker, Sir. Just like any other organisation, they do have a complaints handling mechanism. Based on the complaints handling mechanism, they will handle the complaints, so I recommend, Honourable Member, to put their complaints to Housing Authority.

HON. SPEAKER.- Thank you. We will move on to the fourth Oral Question for today. I call on the Honourable Assistant Minister for Women, Children and Poverty Alleviation. You have the floor, Madam?

Over-Swelling of Rivers and Drainage
(Question No. 32/2021)

HON. V.K. BHATNAGAR asked the Government, upon notice:

Can the Honourable Minister for Agriculture, Waterways and Environment inform Parliament on the types of works the Ministry has undertaken in respect of over-swelling rivers and drainage systems?

HON. DR. M. REDDY (Minister for Agriculture, Waterways and Environment).- Mr. Speaker, Sir, I will make it short; the three key programmes that we have within the Ministry of Waterways with regards to drainage are drainage for flood protection, drainage to rural residential areas and drainage for farmlands.

Mr. Speaker, Sir, with regard to the Drainage and Flood Protection Programme, we undertook eight programmes during this financial year, the:

- (1) Nakauvadra Desilting Programme;
- (2) Vunivau River Bank Protection;
- (3) Savu Village, Tailevu;
- (4) Wainibuabua/Wainadoi River Clearing;
- (5) Nadaro River Bank Protection;
- (6) Nadakuni River Bank Protection;
- (7) Distilling works adjacent to the Waidamu River; and
- (8) Drainage and Flood Mitigation Works at Nasivi River, Tavua.

Mr. Speaker, Sir, these were the works that we undertook with regard to flood protection.

In addition to this, we had advertised at the beginning of last year, in partnership with the private sector, to desilt a number of rivers. Mr. Speaker, Sir, this is under the emergency desilting work of rivers, creeks and waterways. About 130 creeks and rivers that require urgent desilting were advertised.

In this Programme, the Ministry of Waterways and Environment has done the EIA and it has worked with the *mataqali* to get them to sign fishing rights waiver. We have engaged a contractor who will undertake the desilting work under the supervision of the Ministry of Waterways, pay the royalty to the Ministry of Lands, take the spoil, sell it and make money.

Last week, we had a meeting with the Honourable Minister for Lands and the Permanent Secretary of Lands as well as the Permanent Secretary for Waterways was there to sort out the finer details of it. As we speak, the first 35 contracts will probably be given out next week to engage these private sector operators to desilt as per the Environmental Management Plan provided by the Ministry of Waterways, and they will have to pay the royalty, take the spoil and they can sell it. In this way, we will be able to clean up those 35. We are looking at getting consent for fishing rights waiver and getting contractors to progressively clear the other 30 rivers, creeks and waterways that we have on our list. Hopefully by the end of this year or next year, we will be able deal with these 130 and there are other rivers that require to be cleaned as well.

Mr. Speaker, Sir, the second programme is Drainage for Rural Residential where we provide drainage support for villages, residents and public drains. We have undertaken 180 projects covering 872 kilometres of drainage work, 40 sites in the Central Division totalling 186 kilometres; 87 sites in the Western Division, totalling 302 kilometres; and 53 sites in the Northern Division, totalling 389 kilometres of drainage work.

Mr. Speaker, Sir, we were able to do these works successfully. We have got the drainage for farmland that we were able to do since 2018 - 64 sites in the Central Division, covering 369 kilometres; 70 sites in the Northern Division, covering 648 kilometres; and 158 sites in the Western Division, covering 489 kilometres. These are public drains in farms and agricultural areas to support the agriculture sector to grow and expand.

Mr. Speaker, Sir, we are basically cooling off now and we will resume these major capital works regarding drainage work from the next financial year.

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

HON. RATU T. NAVURELEVU.- Can the Honourable Minister inform this House as to why there is no proper drainage plan for Labasa Town? If there is any, can you highlight this, please?

HON. SPEAKER.- Honourable Minister, you have the floor.

HON. DR. M. REDDY.- Mr. Speaker, Sir, towns have their own drainage plan. I had a discussion with the Honourable Minister for Local Government about a couple of months ago. Unfortunately, Labasa Town does not have a drainage plan. The drainage plan has been missing, so no one knows where those underground drains are because you need to have a drainage plan to locate, clear and keep the drains in a way where water can be released, so we need to engage someone.

Mr. Speaker, Sir, the Local Government used to engage someone to identify and develop the drainage plan for Labasa Town. That is one Municipal Council where no one knows where the underground drains are and their location. That needs to be located by the Ministry of Local Government.

HON. SPEAKER.- Thank you. We will move on.

Market Stall Development - Eastern and Central Divisions
(Question No. 33/2021)

HON. P.W. VOSANIBOLA asked the Government, upon notice:

Can the Honourable Minister for Local Government, Housing and Community Development update Parliament on the current and planned market stall developments in the Eastern and Central Divisions?

HON. P.D. KUMAR (Minister for Local Government, Housing and Community Development).- Mr. Speaker, Sir, market infrastructure plays a key role in economic development in all the 13 Municipal Councils around Fiji. The Ministry of Local Government continues to work with Municipal Councils to build new market infrastructure and upgrade or extend the existing permanent markets.

In the Eastern and Central Divisions, there are a total of five Municipal Councils - one in the Eastern Division and four in the Central Division. Levuka Town Council is in the Eastern Division whereas Lami Town Council, Suva City Council, Nasinu Town Council and Nausori Town Council are in the Central Division. In addition to these, Mr. Speaker, Sir, there are two satellite towns - Navua and Korovou.

Mr. Speaker, Sir, for the Central Division, Suva City Council has already progressed work on the redevelopment of markets at Flagstaff, Raiwaqa and Mead Road. The redevelopment of the markets are currently in the preparatory phase. The Suva City Council is finalising the contractor to start with the Flagstaff Market. For the other two, that is, Mead Road and Raiwaqa, engineering drawings are being finalised before the contractors are assigned to commence work. These markets will have a modern design and build for the future. There will be proper parking facilities provided to the customers as they stop to buy from these vendors.

Mr. Speaker, Sir, Nasinu Town Council and Nausori Town Council are working on the plans to expand the market infrastructure at Laqere Market and Nausori Market. Nasinu Town Council has started preparatory work on the second phase of development of the Laqere Market. This will include the extension of the market with car parks and other infrastructure to boost the SME activity in that area.

Mr. Speaker, Sir, the construction of a new Women's Accommodation Centre is being developed by the Nausori Town Council and this will improve the lives of rural women vendors who sell at the Nausori Market. The Centre will accommodate those who travel from rural areas to sell their produce, and we have found that women come as far as Rakiraki and Korovou to sell at the Nausori Market.

Mr. Speaker, Sir, the Accommodation Centre will prevent women vendors from sleeping outside the market in Nausori Town. It will provide security to the women vendors and their children. The Accommodation Centre will enable these women vendors to have a warm bed to sleep in with clean washroom and tearoom facilities.

Mr. Speaker, Sir, the Ministry is immensely grateful to the Fiji Corrections Service for their support in agreeing to convert a parcel of land behind RB Patel South Point to assist Nausori Town Council to construct a new Market at Nakasi. The piece of land is approximately 2 acres and is ideally situated along Adi Davila Road. It is significant to note that the location of the market will complement commercial development around that area.

Mr. Speaker, Sir, as we speak, Nausori Town Council is working with their surveyor and Ministry of Lands in getting the boundary confirmed. The Nakasi Market will be constructed with modern facilities to create a safe and clean environment for vendors to operate from. At the moment, while we are waiting to finalise all the plans for Nakasi Market, we are in the process of working on the extension of Veidogo Market to accommodate, at least, 40 more vendors, and that

would mean that immediately, we are providing a solution to those vendors who are operating from the Nakasi roadside.

Mr. Speaker, Sir, for the residents and vendors of Levuka, the Levuka Town Council in collaboration with UN Women, is working on the construction of a new market infrastructure at Levuka Town. An architect has been engaged as the Project Manager by the Levuka Town Council. The architect has submitted the drawings to the Council, which was discussed with the market vendors before the concept drawing was endorsed. The architect for the project has also consulted the relevant stakeholders, including the Department of Heritage, to ensure that the market drawings maintain the heritage identity.

Mr. Speaker, Sir, the new Levuka Market will be constructed at the existing site where the old market is currently located. The market will accommodate all the market vendors who are currently selling along the main road in town. The market will provide an Accommodation Centre for rural women vendors from Gau, Batiki, Koro, Nairai and Moturiki, to have a place to stay when they come to sell their produce in Levuka Town.

Mr. Speaker Sir, the Ministry is appreciative of the UN Women Market for Change Programme that supports the initial construction phase of the new Levuka Market and Women's Accommodation in Nausori. Thank you, Mr. Speaker Sir.

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

HON. L.S. QEREQERETABUA.- Thank you, Mr. Speaker, Sir. I just wanted to ask the Honourable Minister if there have been any renovations done to the Lautoka Women's Accommodation at the Lautoka Market, since I was last there in October last year?

HON. SPEAKER.- Honourable Minister, you have the floor.

HON. P.D. KUMAR.- Mr. Speaker, Sir, I do not have that information right now, but I will be able to provide that information to you.

HON. SPEAKER.- Thank you. We will move on to the next Oral Question, and I give the floor to the Honourable Nand. You have the floor, Sir.

Assessments Undertaken During Natural Disasters
(Question No. 34/2021)

HON. J.N. NAND asked the Government, upon notice:

Can the Honourable Minister for Defence, National Security and Policing, Rural and Maritime Development and Disaster Management update Parliament on the types of assessments undertaken by the Ministry's Drone Team during natural disasters?

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 thank the Honourable Member for this question. This is one piece of a gadget that really excites us and, of course, it really helps us a lot in the work that we undertake at the National Disaster Management Officer (NDMO).

The new emerging technology on drones are being used worldwide in the areas of humanitarian response and rapid situational assessment. We are thankful to the Australian Government and the New Zealand Government for providing us with two drones. The type that we have are the multirotor drones.

In terms of how it is being utilised in terms of assessments during disasters, Mr. Speaker, Sir, one is on aerial surveys and assessments. Although we have fixed-wing aircrafts or the rotary-wing aircrafts that help us in this as well, we are glad that this is also available to the Ministry to complement the work undertaken by other capabilities that are usually provided to us through assistance. We first used this aerial assessment in Nabukelevu-i-Ra, Mr. Speaker, Sir, during the landslide. It allowed us to capture the hard-to-access areas, considering the safety of our people as well. This was also used during the assessment of the Draubuta landslide up in Navosa in 2019.

Mr. Speaker, Sir, during post-*TC Sarai* in December 2019 in Kadavu, we also utilised this and we found out that drones really accelerate the situation assessment, information sharing, prioritisation, decision making and, of course, it is very cost effective.

Also with the use of photogrammetry software, our geospatial team are able to do risk assessments and disaster preparedness. What they do, Mr. Speaker, Sir, is with the software, they analyse the elevation and generate to 3D models, and we are now able to demarcate areas within communities that are exposed to coastal inundation. A few villages in Vanua Levu were affected - Kia and most of the coastal villages, and we deployed this in Vanua Levu. In terms of risk reduction and preparedness, we should be able to provide some information to our coastal communities in advance.

I did mention yesterday about the training that we do in local communities, particularly with Disaster Risk Management trainings. Recently, with trainings that were conducted in 2020, particularly in the Province of Tailevu and in Rotuma, the drones were used to map the evacuation routes for the communities so that they can easily identify routes that are safe for them, should there be a need for them to use it because we have found out that through drones and data manipulation, we are able to scientifically prove why a route is safe for evacuation.

Lastly, Mr. Speaker, Sir, on the safe alternative tours, information is captured in real time during situations where our personnel maybe exposed to risk. Most recently, in the Korosomo Slip in Macuata, while the area is still heavily soaked and there were more risks of further landslides, all that we had to do was to fly the drone into the area because it was unsafe for the team to move closer.

That very briefly, Mr. Speaker, Sir, as I have stated, is a good piece of equipment to have and with the expertise that we have, together with the technical training, we should be able to do more and also utilise better if the need do arise. Of course, it helps us as well in terms of disaster preparations. Thank you, Mr. Speaker, Sir.

HON. SPEAKER.- I thank the Honourable Minister, we will move on.

There has been a change in the next Oral Question. I will give the floor to the Honourable Saukuru to ask the question. You have the floor, Sir.

Reduction in Production Cost and Yield Improvement
(Question No. 35/2021)

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

Can the Honourable Prime Minister and Minister for iTaukei Affairs, Sugar Industry and Foreign Affairs inform Parliament on the measures that have been taken recently to reduce cane production costs and improve yield per hectare?

HON. J.V. BAINIMARAMA (Prime Minister and Minister for iTaukei Affairs, Sugar Industry and Foreign Affairs).- Thank you, Mr. Speaker, Sir.

Mr. Speaker, Sir, I rise to respond to the question by Honourable Kuridrani which was raised by Honourable Saukuru. My Government is deeply vested in increasing cane yield per hectare and we have supported several strategies through the Fiji Sugar Corporation (FSC) and the Sugar Research Institute of Fiji (SRIF), which are aimed at increasing productivity and ultimately reducing average cost by hectare. The reason being, Mr. Speaker, Sir, because that puts more money in the pockets of our cane growers which is what our support to that industry is all about.

As we are all aware, this is a tough time for cane growing. Our climate is changing and that has had serious impacts through stronger storms, longer droughts and, of course, as we are experiencing now, a lot of flooding. Poor drainage, Mr. Speaker, has led to waterlogged farms which has depleted soil health due to rising soil salinity.

Of the 13 cyclones that have struck us since 2016, Mr. Speaker, six have directly impacted sugarcane farms - *TC Winston*, *TC Keni*, *TC Josie*, *TC Harold*, *TC Yasa* and, of course, the latest one - *TC Ana*. Apart from *TC Ana* for which the damage assessment is yet to be completed, the five cyclones have cost the total damage and loss of \$255 million to the sugar industry. Of this, the total sugarcane crop loss was over \$85 million.

HON. J.V. BAINIMARAMA.- Mr. Speaker, the cane industry is not changing as quickly as the climate but we have made progress. Specifically, we have managed to improve yield, so when times are good, we get more out of our farms. From an average yield of 38 tonnes per hectare in 2016, the yield has increased to 46 tonnes per hectare in 2020, which is an increase of 21 percent in the yield. The total cane production has also increased from 1.39 million tonnes in 2016 to 1.81 million tonnes in 2019, 1.73 million tonnes in 2020; an increase of 30 percent.

Following Category 5 *TC Winston*, my Government has provided direct assistance to build resilience by increasing cane yield and cane production. Over the past five years, nearly \$100 million worth of assistance has been provided to support cane planting grants, weedicide and fertiliser subsidy programmes for inputs.

Mr. Speaker, backed by cane planting grant assistance, a total of 18,821 hectares of cane was planted over the past five years. The Ministry of Sugar Industry has also assisted growers with \$40,000 each to procure a total of 25 tractors, along with implements to assist them in land preparation. Another 239 growers were assisted with farm equipment and implements.

Mr. Speaker, we have also funded research and development and technology transfer activities of SRIF to provide quality services to farmers with 90 new commercial cane varieties, and we expect to release another two promising varieties within three years. Breeding new varieties is not an easy process. It takes a minimum of 12 years to release a new variety after undergoing many trials but it is a critical step to boost the climate resilience of our cane.

Sir, SRIF has also surveyed all major pests and diseases affecting the sugarcane belt areas to prevent the spread of diseases, such as leaf gall and ratoon stunting disease which, if not controlled, have the potential to kill off crops, resulting in an up to 30 percent loss in sugar production.

Mr. Speaker, Sir, SRIF carries out around 2,000 soil and leaf analysis projects annually. To extend its outreach, it has opened a new analytical laboratory in Labasa, cutting down the turnaround time significantly. Previously, samples were sent to Lautoka for analysis but now, it happens on site for Labasa's farmers. Sir, SRIF also carries out trials on new weedicides, fertilizer and other products that impact cane yield.

In terms of technology transfer initiatives, SRIF has planted 90 grower demonstration trials, planted and distributed 700 tonnes of hot water treated disease free seed cane in nurseries, improved soil health initiatives and trained FSC farm advisors and farmers on new innovative technologies since 2016. To further increase yield and reduce production costs, we are focusing on farm advisory services, technology and transfer services, research and development, farmer trainings, ratoon management, the adoption of best management practices and the enhancement of soil health.

Mr. Speaker, the FSC and SRIF restructured its field division and restored farm advisory services last year to make sure our farmers can stay well-informed on industry best practices. There are now 28 dedicated farm advisors in all the three Mills. These advisors are well-trained and serve as the ground link between growers and SRIF. They deliver quality services, such as timely ordering of fertiliser, analysis of soil health and crop nutrient requirements, weed control, crop varietal propagation and also conduct various trainings through field demonstrations and in-house exercises. Essentially, they provide expertise for our growers. Since 2016, over 60 Farmer Field School plots have been set up in various sectors and 11 training sessions have been conducted by SRIF and FSC, serving over 1,000 growers.

Mr. Speaker, Sir, best farm management practices are practices that help maintain sustainable sugarcane production, while minimising loss of yield and soil resources to increase production. The combination of high quality advisory services and farmers training has brought exceptional results on cane yield. A classic example is the results achieved by the Tunalia Joint Venture Farms. With the adoption of the best farm management practice, they have recorded an average yield of 126 tonnes per hectare from 15 hectares, with the highest yield of 167 tonnes per hectare on one of the plots and the lowest at 81 tonnes per hectare.

Efforts have also been made to improve depleted soil health. From last year, the SRIF and FSC have been promoting the use of legumes as a cheaper technology to enhance soil fertility, reduce import cost and increase yield by 15 percent to 20 percent. This process, Mr. Speaker, Sir, known as green manuring, has been supported by technology trials conducted by SRIF which achieved an encouraging average yield of 137 tonnes per hectare. Through the assistance of cane planting grant, a total of 70 hectares of the targeted 284 hectares of green manuring legumes have been planted in the current planting season.

Mill mud application is another method which has been implemented since 2019. Mill mud contains soil from the sugarcane that enters the mill, sugars and bagasse particles and lime which is used in the clarification process and used as a soil conditioner or fertiliser as it contains a high amount of plant nutrients. It quickens the turnaround in soil health, thus rapidly improving sugarcane yield both, from fallow land and ratoon cane. A total of 73,430 tonnes of mill mud have been supplied to cane farms with the assistance of Government funds over the past two years.

Mr. Speaker, Sir, ratoon comprises 90 percent of the total area under cane. Therefore, the focus is to properly manage this ratoon to increase yield. Research shows gap filling exercises can increase yield by 25 percent, if ratoon is managed well after harvest. The FSC is now aggressively implementing its ratoon management project and identifying farms with large gaps. Growers are being advised to fill gaps with single set planting material.

Mr. Speaker, Sir, FSC is targeting a total of 8,000 hectares for ratoon management to increase yield from 46 tonnes to 51 tonnes per hectare, and to achieve a minimum increase of 40,000 tonnes from this targeted area. Improving yield starts with quality seeds, apart from the 700 tonnes of hot water treated seed cane that was distributed to cane farmers by SRIF.

They have also established the tissue culture laboratory in 2019. Tissue culture is the technology that produces clean and quality planting materials for growers to spur the rapid spread of sugarcane for distribution. Sir, SRIF has produced 11,000 seedlings last year and is planted in Rarawai and SRIF Drasa Estate Farms with tissue culture seedlings.

Severe losses caused by *TC Yasa* and *TC Ana* have been a serious setback and this will not be the last storms to affect this industry. But we have not wasted any time in helping our farmers recover and we stand committed to building their resilience to changing climate. The Ministry is acting as proactively as possible to respond to the needs of Vanua Levu farmers with an allocation of \$4 million. The FSC is also working with the Ministry of Environment and Waterways to identify and clear in-field and main drains to address the long standing issue of waterlog farms. Meanwhile, the damage assessment for *TC Ana* is in progress by our FSC Team. Base on the initial reports, Mr. Speaker, Sir, the Ministry will then identify how we can best assist affected farmers.

Mr. Speaker, Sir, we not only going to respond, but we are going to press ahead with our efforts to raise the bar for productivity, increase the area on cane, improve yield and reduce production costs. The Ministry has been enticing new farmers to venture into cane farming and to bring more land under cane farming. Through its new Farmers Assistance Programme, 268 farmers have been assisted to acquire cane farms. Through this programme, Mr. Speaker, Sir, new land has been brought under cane farming that has contributed to the overall increase in production.

To produce better crop deal, Mr. Speaker, Sir, FSC will ensure that the seasonal plant cane cut-off dates are strictly followed whereby fallow planting will be allowed only from 1st March to 30th June and replanting will be allowed from 1st August to 31st October each year. Again, the results are best seen at the Tunalia Joint Venture Farms, which strictly followed the seasonal planting programme. Their success speaks for itself.

Mr. Speaker, Sir, FSC has also been promoting commercial farming, large farms have a comparative advantage of scale as per unit costs are lowered. To date, five joint ventures have been established that produced a total of 12,900 tonnes of cane collectively in 2020. In addition, the Committee for the Better Utilisation of Land (CBUL), through the Ministry of Agriculture, has been activated to identify all vacant land that can be brought under sugarcane cultivation.

Additional training sessions, Mr. Speaker Sir, have been planned for growers to increase the take-up of best management practices and the transfer of the best technology we have available. With all those efforts taken together, Mr. Speaker, I am confident that we can increase the overall yield, cut production costs and put more money in the pockets of our hardworking growers, with all considered as priority number one.

Advantages of Digital Radiology
(Question No. 36/2021)

HON. V. NATH asked the Government, upon notice:

Can the Honourable Minister for Health and Medical Services inform Parliament of the advantages of the recently commissioned digital radiology?

HON. DR. I. WAQAINABETE (Minister for Health and Medical Services).- Mr. Speaker, Sir, I thank the Honourable Member for that question.

Mr. Speaker, Sir, the Government's bid to improve patient diagnosis across Fiji, this Fijian Government, the FijiFirst Government, invested \$4.3 million to purchase 22 Portable Digital Radiography (DR) machines specifically for Subdivisional hospitals. We had put these machines into the main hospitals – the CWM Hospital, Lautoka Hospital and Labasa Hospital, but then we used that as a pilot to be able to see what needs to be done to be able to continue to strengthen our imaging diagnostic services.

In saying that, I also take my hat off to our Medical Imaging Technologists, almost all of them graduated with Bachelors from the Fiji National University and they provide a very important part of our service. We wanted to be able to roll out these digital radiology machines and digital X-rays also to the Subdivisional hospitals. That is what I am alluding to in my reply to the question.

Mr. Speaker, Sir, it was launched officially by the Honourable Prime Minister on 27th January, 2021 and to give some background, radiology or x-rays have been in Fiji since 1930 and ever since then, we have been using, just like in many parts of the world in the middle income and low income countries, the old wet film processing method. This involves the use of a dark room and chemicals film processing which has its own issues, such as OHS, and the fact that some of our staff did not like being holed up in a dark room for the whole period of time, the whole day if they were rostered to be there, and also the issue around the chemical itself and it was time consuming.

In our bid to ensure that we continue to digitalise our services, we had initially started with the Laboratory Management Information System that we have for our Laboratory Scientists. We then moved into the Radiology Department and also the Patient Information System that we have had from before.

Mr. Speaker, Sir, the Ministry wants to thank the Honourable Prime Minister and the Government for this investment in our Digital Radiology Machines and this is a cutting edge technology that complements the digital radiology that we currently have with the CT scanner, the MRI machines and ultrasound machines. Those 22 new portable radiology machines change the landscape of radiology services in Fiji and these are the reasons. The x-ray images will be analysed and transferred from the detector to the workstation within five seconds. With that quick turnaround time, it means a much-reduced waiting time for patients and the general public.

Most of us here would have had, until recently, an x-ray using the old system, which meant that you had to go and queue up, waited in line and when you finally had it, it took about 15 minutes to 20 minutes to happen. In some occasions, because the images may be blurred, you may be required to have another x-ray to be able to satisfy that diagnostic capability that the doctor may need. This is all obliterated by using digital x-ray as opposed to the wet room that we have had before.

This Digital Radiology is also climate resistant, so once the Radiology Department's picture archives and communication system which we are currently installing (we are putting about \$1 million worth of server and infrastructure at CWM Hospital alone) then all those units will be connected into the main facilities at the CWM Hospital, Lautoka Hospital and Labasa Hospital.

The possibility and chances of images being lost in the file will be greatly reduced. The 17x14 detector is large, there will be no need for different cassette sizes which, at times, seem to be body shading because you might go to a facility and they may not have the cassette size for

someone who might have a need for a bigger size, but that is all taken out because we have a large 17x14 detector size.

Mr. Speaker, Sir, this new digital radiology services will ensure that we now are fumeless, where there is no need for filing, so that opens up more space that we used to use before in terms of filing physically and also in wet film production because now we can actually use that space and it also means there is less radiation compared to the conventional system. The machine is very cost effective and it is electronic in nature. It would mean a cessation of us having to procure consumables and we have discussed that in the past year in this august House on how one particular subdivisional hospital was not able to do x-rays at certain times because it did not have films. It is more efficient because the images can be viewed instantly without waiting for it to be processed in the dark room.

I can go on and on to highlight its numerous benefits but the general underlining fact is that, we have now entered a new area of radiology in Fiji, both in the main hospitals and in the subdivisional hospitals. We are currently working on integrating our Patient Information System and the Radiology Information System and when this is done, the difficulty of information sharing and imaging and sharing of radiology across facilities will be a thing of the past.

We have also decided that there will be equitable distribution of the resources and to that end, we have put one in Taveuni, Savusavu, Nabouwalu in the North and because of the population size, we have installed one at Seaqaqa, Wainikoro and Rabi. As I speak, we are two-thirds through our installation process.

As I have alluded to, we have had these machines in the main hospitals in the past, so our Biomedical Engineers, led by Virisila, who is very good, is actually able to know how to be able to install these machines. So they are working from one facility to the other. We have one in Sigatoka, Nadi, Ba, Tavua, Rakiraki and the new Navosa Hospital which we will be opening next week. I hear, at this moment, they have gone through two-thirds per installation, as I speak.

Our digital radiology machines that are intended for the Central Division have been installed in Korovou, Vunidawa, Makoi, Valelevu and Lami Health Centres, because of the greater distribution of people within the Lami and Nausori corridor. Levuka, Vunisea, Lakeba and Lomaloma, my *tauvu* from Lomaloma will also have one each. Our installation team will head down to the East upon completion of the ones on the mainland.

I have shared in my first ever parliamentary speech in this august House three years ago, that our key objective as a Government is to continue to identify and effectively address the existing system gaps and make it patient-centred. Mr. Speaker, Sir, I have pleasure in announcing in this august House that when we finish installing those 22 machines, our Subdivisional Hospitals and major Health Centres would all have gone into digital radiology.

Thank you, Mr. Speaker, Sir, and thank you Honourable Member for that question.

HON. SPEAKER.- I thank the Honourable Minister.

Honourable Ministers and Honourable Members, we will move on to the Written Questions. There were two Written Questions but the second Written Question has been withdrawn and that was by Honourable Bulanauca.

I now give the floor for the first Written Question to the Honourable Vosanibola. You have the floor, Sir.

Written QuestionDamaged Tree Seedlings by TC Yasa
(Question No. 37/2021)

HON. P.W. VOSANIBOLA asked the Government, upon notice:

Can the Honourable Minister for Forestry update Parliament on the extent of damage or destruction by *TC Yasa* to more than 100,000 tree seedlings planted towards the 30 Million Trees Initiative in Vanua Levu?

HON. O. NAIQAMU.- (Minister for Forestry).- Thank you, Mr. Speaker, Sir. I will table my response at a later sitting date as permitted under Standing Order 45.

HON. SPEAKER.- Thank you. That is the end of Written Questions for today and Question time is now over.

Honourable Members, that brings us to the end of today's Sitting and I thank you for your contributions to today's business. It has been a long day, we have achieved much, but we have another day to go, so we adjourn now until tomorrow at 9.30 a.m.

The Parliament adjourned at 7.38 p.m.