

# PARLIAMENT OF THE REPUBLIC OF FIJI



## PARLIAMENTARY DEBATES

### DAILY HANSARD

**FRIDAY, 11TH DECEMBER, 2020**

[CORRECTED COPY]

# CONTENTS

	<u>Pages</u>
Minutes	251
Communications from the Chair	251
Presentation of Papers and Certain Documents	251-255
Debate on the Address by His Excellency the President Hon. J.V. Bainimarama (Right of Reply)	255-262
Suspension of Standing Orders	263
Maiden Speech – Hon. Waqanika & Hon. Lal	263-270
Trademarks Bill 2020	271-272
Patents Bill 2020	272-273
Designs Bill 2020	273-274
National Payment System Bill 2020	274-275
Investment Bill 2020	275-276
Electoral (Amendment) Bill 2020	276-278
Electoral (Registration of Voters) (Amendment) Bill 2020	278-279
Political Parties (Registration, Conduct, Funding and Disclosures) (Amendment) Bill 2020	279-280
Income Tax (Amendment) (No.3) Bill 2020	281-282
FRCS (Amendment) Bill 2020	282-284
Ozone Depleting Substances (Amendment) Bill 2020	284-286
Telecommunications (Amendment) (No. 2) Bill 2020	286-290
Environment Management (Amendment) Bill 2020	290-292
COVID-19 Response Home Loans Assistance Bill 2020	292-300
Customs Tariff (Amendment)(No.3) Bill 2020	300-302
Adjournment	302

## **FRIDAY, 11TH DECEMBER, 2020**

The Parliament met at 9.44 a.m. pursuant to adjournment.

HONOURABLE SPEAKER took the Chair and read the Prayer.

### **PRESENT**

All Honourable Members were present except the Honourable Minister for Commerce, Trade, Tourism and Transport.

### **MINUTES**

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

That the Minutes of the sitting of Parliament held on Thursday, 10th December, 2020, as previously circulated, be taken as read and be confirmed.

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

Question put.

Motion agreed to.

### **COMMUNICATION FROM THE CHAIR**

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

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

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

HON. LT. COL. I.B. SERUIRATU.- Thank you, Mr. Speaker, Sir.

Mr. Speaker, in accordance with Standing Order 38, I, on behalf of the Honourable Attorney-General and Minister for Economy, Civil Service and Communications, present the following reports to Parliament:

- (1) Accident Compensation Commission Fiji – 2018 Annual Report (*Parliamentary Paper No. 253/2020*);
- (2) Reserve Bank of Fiji Annual Report: August 2019 to July 2020 (*Parliamentary Paper No. 55/2020*);
- (3) Fiji National Provident Fund Annual 2020 Report (*Parliamentary Paper No. 73/2020*);
- (4) Fiji Airports Annual Report 2018-2019 (*Parliamentary Paper No. 265/2020*);
- (5) Fijian Competition and Consumer Commission Annual Report: 2017 to 2018 (*Parliamentary Paper No. 70/2019*);
- (6) Fourth Quarter Appropriation Statement – Actual Expenditure from 1st May, 2020-31st July, 2020;

- (7) Report of the Auditor-General of the Republic of Fiji – 2017-2018 Financial Statements of Government and 2017-2018 Agency Financial Statements of Ministry of Economy (*Parliamentary Paper No. 186/2020*);
- (8) Report of the Auditor-General of the Republic of Fiji – Performance Audit on the Access for Persons with Disabilities to Public Offices and Public Transport (*Parliamentary Paper No. 268/2020*);
- (9) Report of the Auditor-General of the Republic of Fiji – Compliance Audit Report (*Parliamentary Paper No. 269/2020*);
- (10) Report of the Auditor-General of the Republic of Fiji – Audit Report on Compliance Audits Relating to COVID-19 Response (*Parliamentary Paper No. 270/2020*);
- (11) Report of the Auditor-General of the Republic of Fiji – Audit Report on Follow Up of High Risk Ministries/Departments (*Parliamentary Paper No. 271/2020*); and
- (12) Report of the Auditor-General of the Republic of Fiji – Performance Audit on the Management of Environment Impact Assessment (*Parliamentary Paper No. 273/2020*).

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

(Reports handed to the Secretary-General)

HON. SPEAKER.- Under Standing Order 38(2), I refer the following reports to the Standing Committee on Economic Affairs:

- (1) Accident Compensation Commission Fiji – 2018 Annual Report (*Parliamentary Paper No. 253/2020*);
- (2) Reserve Bank of Fiji Annual Report: August 2019 to July 2020 (*Parliamentary Paper No. 55/2020*); and
- (3) Fijian Competition and Consumer Commission Annual Report: 2017 to 2018 (*Parliamentary Paper No. 70/2019*);

Under Standing Order 38(2), I refer the following reports to the Standing Committee on Social Affairs:

- (1) Fiji National Provident Fund Annual 2020 Report (*Parliamentary Paper No. 73/2020*); and
- (2) Fiji Airports Annual Report 2018-2019 (*Parliamentary Paper No. 265/2020*);

Under Standing Order 38(2), I refer the following reports to the Standing Committee on Public Accounts:

- (1) Fourth Quarter Appropriation Statement – Actual Expenditure from 1st May, 2020-31st July, 2020;
- (2) Report of the Auditor-General of the Republic of Fiji – 2017-2018 Financial Statements of Government and 2017-2018 Agency Financial Statements of Ministry of Economy (*Parliamentary Paper No. 186/2020*);
- (3) Report of the Auditor-General of the Republic of Fiji – Performance Audit on the Access for Persons with Disabilities to Public Offices and Public Transport (*Parliamentary Paper No. 268/2020*);
- (4) Report of the Auditor-General of the Republic of Fiji – Compliance Audit Report (*Parliamentary Paper No. 269/2020*);
- (5) Report of the Auditor-General of the Republic of Fiji – Audit Report on Compliance Audits Relating to COVID-19 Response (*Parliamentary Paper No. 270/2020*)

- (6) Report of the Auditor-General of the Republic of Fiji – Audit Report on Follow Up of High Risk Ministries/Departments (*Parliamentary Paper No. 271/2020*); and
- (7) Report of the Auditor-General of the Republic of Fiji – Performance Audit on the Management of Environment Impact Assessment (*Parliamentary Paper No. 273/2020*).

Honourable Members, I now call upon the Minister for Local Government, Housing and Community Development to table her reports.

HON. P.D. KUMAR.- Mr. Speaker, Sir, in accordance with Standing Order 38, I present the following reports to Parliament:

- (1) Nadi Town Council - Annual Report for the Year 2004 (*Parliamentary Paper No. 91/2020*);
- (2) Nadi Town Council - Annual Report for the Year 2005 (*Parliamentary Paper No. 92/2020*);
- (3) Nadi Town Council - Annual Report for the Year 2006 (*Parliamentary Paper No. 93/2020*);
- (4) Nadi Town Council - Annual Report for the Year 2007 (*Parliamentary Paper No. 94/2020*);
- (5) Nadi Town Council - Annual Report for the Year 2008 (*Parliamentary Paper No. 95/2020*);
- (6) Nadi Town Council - Annual Report for the Year 2009 (*Parliamentary Paper No. 96/2020*);
- (7) Nadi Town Council - Annual Report for the Year 2010 (*Parliamentary Paper No. 97/2020*);
- (8) Tavua Town Council - Annual Report for the Year Ended 2006 (*Parliamentary Paper No. 132/2020*);
- (9) Tavua Town Council - Annual Report for the Year Ended 2007 (*Parliamentary Paper No. 133/2020*);
- (10) Tavua Town Council - Annual Report for the Year Ended 2008 (*Parliamentary Paper No. 134/2020*);
- (11) Tavua Town Council - Annual Report for the Year Ended 2009 (*Parliamentary Paper No. 135/2020*);
- (12) Tavua Town Council - Annual Report for the Year Ended 2010 (*Parliamentary Paper No. 136/2020*);
- (13) Ba Town Council - Annual Report for the Year Ended 2006 (*Parliamentary Paper No. 115/2020*);
- (14) Ba Town Council - Annual Report for the Year Ended 2007 (*Parliamentary Paper No. 116/2020*);
- (15) Ba Town Council - Annual Report for the Year Ended 2008 (*Parliamentary Paper No. 117/2020*);
- (16) Ba Town Council - Annual Report for the Year Ended 2009 (*Parliamentary Paper No. 118/2020*);
- (17) Ba Town Council - Annual Report for the Year Ended 2010 (*Parliamentary Paper No. 119/2020*);
- (18) Suva City Council – 2006 Annual Report (*Parliamentary Paper No. 74/2020*);
- (19) Suva City Council – 2007 Annual Report (*Parliamentary Paper No. 75/2020*);
- (20) Suva City Council – 2008 Annual Report (*Parliamentary Paper No. 76/2020*);
- (21) Suva City Council – 2009 Annual Report (*Parliamentary Paper No. 77/2020*); and
- (22) Suva City Council – 2010 Annual Report (*Parliamentary Paper No. 78/2020*);

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

(Reports handed to the Secretary-General)

Under Standing Order 38(2), I refer the following reports to the Standing Committee on Social Affairs:

- (1) Nadi Town Council - Annual Report for the Year 2004 (*Parliamentary Paper No. 91/2020*);
- (2) Nadi Town Council - Annual Report for the Year 2005 (*Parliamentary Paper No. 92/2020*);
- (3) Nadi Town Council - Annual Report for the Year 2006 (*Parliamentary Paper No. 93/2020*);
- (4) Nadi Town Council - Annual Report for the Year 2007 (*Parliamentary Paper No. 94/2020*);
- (5) Nadi Town Council - Annual Report for the Year 2008 (*Parliamentary Paper No. 95/2020*);
- (6) Nadi Town Council - Annual Report for the Year 2009 (*Parliamentary Paper No. 96/2020*);
- (7) Nadi Town Council - Annual Report for the Year 2010 (*Parliamentary Paper No. 97/2020*);
- (8) Tavua Town Council - Annual Report for the Year Ended 2006 (*Parliamentary Paper No. 132/2020*);
- (9) Tavua Town Council - Annual Report for the Year Ended 2007 (*Parliamentary Paper No. 133/2020*);
- (10) Tavua Town Council - Annual Report for the Year Ended 2008 (*Parliamentary Paper No. 134/2020*);
- (11) Tavua Town Council - Annual Report for the Year Ended 2009 (*Parliamentary Paper No. 135/2020*);
- (12) Tavua Town Council - Annual Report for the Year Ended 2010 (*Parliamentary Paper No. 136/2020*);
- (13) Ba Town Council - Annual Report for the Year Ended 2006 (*Parliamentary Paper No. 115/2020*);
- (14) Ba Town Council - Annual Report for the Year Ended 2007 (*Parliamentary Paper No. 116/2020*);
- (15) Ba Town Council - Annual Report for the Year Ended 2008 (*Parliamentary Paper No. 117/2020*);
- (16) Ba Town Council - Annual Report for the Year Ended 2009 (*Parliamentary Paper No. 118/2020*);
- (17) Ba Town Council - Annual Report for the Year Ended 2010 (*Parliamentary Paper No. 119/2020*);
- (18) Suva City Council – 2006 Annual Report (*Parliamentary Paper No. 74/2020*);
- (19) Suva City Council – 2007 Annual Report (*Parliamentary Paper No. 75/2020*);
- (20) Suva City Council – 2008 Annual Report (*Parliamentary Paper No. 76/2020*);
- (21) Suva City Council – 2009 Annual Report (*Parliamentary Paper No. 77/2020*); and
- (22) Suva City Council – 2010 Annual Report (*Parliamentary Paper No. 78/2020*).

Honourable Members, I now call upon the Minister for Employment, Productivity, Industrial Relations, Youth and Sports to table his reports. You have the floor, Sir.

HON. P.K. BALA.- Mr. Speaker, Sir, in accordance with Standing Order 38, I present the following reports to Parliament:

- (1) Ministry of Youth and Sports Annual – 2018-2019 Report (*Parliamentary Paper No. 20/2020*); and
- (2) Fiji National Sports Commission – August 2018-July 2019 Annual Report (*Parliamentary Paper No. 149/2020*).

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

(Reports handed to the Secretary-General)

Under Standing Order 38(2), I refer the following Reports to the Standing Committee on Social Affairs:

- (1) Ministry of Youth and Sports Annual – 2018-2019 Report (*Parliamentary Paper No. 20/2020*); and
- (2) Fiji National Sports Commission – August 2018-July 2019 Annual Report (*Parliamentary Paper No. 149/2020*).

Honourable Members, I now call upon the Minister for Education, Heritage and Arts to table her report. You have the floor, Madam.

HON. R.S. AKBAR.- Mr. Speaker, Sir, in accordance with Standing Order 38, I present the Fiji National University 2019 Annual Report (*Parliamentary Paper No. 63/2020*) to Parliament.

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

(Report handed to the Secretary-General)

HON. SPEAKER.- Under Standing Order 38(2), I refer the 2019 Fiji National University Annual Report to the Standing Committee on Social Affairs.

Honourable Members, we will move on to the next Agenda Item. I now call upon the Honourable Prime Minister and Minister for iTaukei Affairs, Sugar Industry and Foreign Affairs to give his right of reply. You have the floor, Sir.

### **RESUMPTION OF DEBATE ON THE ADDRESS BY HIS EXCELLENCY THE PRESIDENT**

HON. J.V. BAINIMARAMA.- Thank you, Mr. Speaker, Sir. Mr. Speaker, I rise to speak on my motion thanking His Excellency the President for his most gracious Address.

Mr. Speaker, I was glad to hear near-universal praise for the Government's effort to keep Fiji COVID-contained. That credit is owed to the early and decisive action we took, our unwavering respect for the science and to the diligence of our front line officials. But the nation needs more than words of gratitude. Every Member of this Parliament can show that they really truly care about keeping Fiji COVID-contained by downloading the careFIJI mobile application on our phones. It is a simple test of sincerity.

Mr. Speaker, there are those (like those in Government), who advocate for this potentially life-saving application and there are those on the other side of Parliament who attack it, harp about it or complain about it. Our doctors, our nurses and other frontline officials see that distinction quite clearly. We need to embrace every COVID-fighting tool at our disposal, whether it is PPE, testing kits, vaccine or contact tracing applications, like careFIJI.

In the United States of America, Mr. Speaker, they played the same political football with face masks and look where they have ended up. Let us not make the same mistakes here at home but instead, come together to keep Fijians safe and healthy.

Mr. Speaker, I want to begin by making clear about what happened this week. The former Leader of the Opposition did not sacrifice his seat for anyone. He abandoned his post. He left his party and as a parting gift, Mr. Speaker, he left SODELPA's leadership bitterly divided and those of you left in this Parliament who are still praising him even after his departure, should do the honourable thing, leave SODELPA and join the party he has proposed.

Of course, Mr. Speaker, the same goes for the Members of the NFP, who latched themselves to the former leader's hip on their so-called listening tour. You had no problem casting your lot with him then. If you had any principles or an ounce of dignity, you would follow him out of Parliament. Mr. Speaker, the now former Leader of the Opposition left this Parliament with a plea for bi-partisanship. His former party members had the chance to choose his successor in line with that principle. Unfortunately, that sentiment did not survive through the tea break.

After years of demanding Government work with them, SODELPA should ask how sincere they are about bi-partisan by shutting the door of their deliberations in the NFP's face. Honourable Professor Prasad ran to the *Fiji Times* saying that the NFP had no say in choosing the next Leader of the Opposition. So much for bi-partisanship, Mr. Speaker.

Mr. Speaker, the "D" in SODELPA may stand for Democratic but they have given us ample reason to wonder if they really care about democracy at all, or even understand what it is.

The Party appears not to have any unifying or defining principle. They demand Government work with them but they do not even work with each other or their fellow Opposition Members. Their contributions this week are just like their party; melodramatic, fanciful and in the end empty. Empty of ideas, empty of facts and empty of principles but still full of contradictions and hypocrisy without a shred of consistency. They are, Mr. Speaker, quite simply a party of pretenders.

Honourable Kepa this week in her reply had quoted from the *Fiji Times*, Mr. Speaker. I would also like to quote from last week's *Fiji Times* by a gentleman named, Jan Nissar, who put it best, and I quote: "SODELPA is based on everything that is fake".

The fundamental problem is too many chiefs and not enough Indians. The 28 Constituencies based on province and tribalism does not help at all. The problem I saw clear and so unobvious but the Honourable Members appeared to be blind to them. One problem which I did not mention previously, is that the Party is based on everything that is fake. Fake prayers and fasting, fake belief that they have solutions to Fiji's problems, fake sense of self importance and entitlement, fake belief that they are leaders and fake belief that they are God-fearing and religious. Fake acceptance of *tabua* and *sevusevu*, while pretending to uphold tradition, pretending to be multiracial and being served by false prophets.

The party is full of pretenders and those who are in denial, every one of them. The Party President, the General Secretary and the newly elected Leader must be constantly looking over their shoulders. Not only that, through fake IDs they attack each other on *Facebook*. All these fakeness have been clearly demonstrated in their last Annual General Meeting where nothing was achieved after months of drama. The drama continues today and we all expect that they will continue in future. Jan Nissar believes that not even God can fix this.

Which of the above is not true, Mr. Speaker, Sir? Why is this party still around draining taxpayers' money? Imagine if this fake party forms a government and amongst all of these, they wear the SODELPA bannered clothes as the fake badge of honour and looking silly. How embarrassing! I have called them a "Mickey Mouse Party" before and I was not far off the mark. Mr. Speaker, Sir, that is from a gentleman, Jan Nissar that I was quoting from the *Fiji Times*.

Mr. Speaker, Sir, being fake in itself is bad enough but what Honourable Bulanauca spent his time ranting about this week was far worse than fake. It was a very obvious slap in the face to this Parliament and shameless disrespect for His Excellency the President. He burst forth with lie after lie, each one more reprehensible than the last. I ask myself, Mr. Speaker, when Honourable Bulanauca looks in the mirror, what does he see? Does he really believe the venomous that he spewed on the floor of Parliament or does he know he lies, or does he simply see a man who will not dare repeat those charges outside this Chamber where he is curdled by the protection of Parliamentary privilege? I think he knows he is lying because the alternative is that, he is delusional and possibly insane.

All he has to do is listen to his reply. I would urge the leader of his party to set him straight, a coward he is. But, Mr. Speaker, Sir, I am having a hard time figuring out as to who is actually leading SODELPA or more appropriately, who is calling the shots? Is it Honourable Gavoka, Honourable Lalabalavu or Honourable Kepa?

(Honourable Members interject)

HON. SPEAKER.- Order, order!

HON. J.V. BAINIMARAMA.- Mr. Speaker, Sir, this may be the first time in the Westminster democracy where the leader of the largest Opposition Party, who is sitting in Parliament, as an elected Member, is not actually the Leader of the Opposition.

Mr. Speaker, Sir, the cloak-and-dagger leadership struggle may be entertaining for some, but we are really worried. We, in this Parliament do not want to waste precious time distracted by the SODELPA show. The Fijian people deserve a democracy of substantive contributions by the Government and by a healthy Opposition. They deserve constructive, intellectual and facts-based debate and that is not what they are getting, Mr. Speaker. The Honourable Members of the Opposition can change that by organising themselves and focusing on what they have been sent here to do, which includes providing principled leadership.

Mr. Speaker, Sir, last week, the Fiji Independent Commission Against Corruption (FICAC) charged seven Honourable Members of Parliament for claiming money that they were not entitled to take and six of them are still in this House. How embarrassing is that?

The FijiFirst Member of Parliament, Vijendra Prakash, had the dignity to step down and put the sanctity of Parliament first in our young democracy, because he understood what it means to be a Member of Parliament and the need to maintain high standards of behaviour. I call on Honourable Matanitobua, Honourable Radrodro, Honourable Rasova, Honourable Nawaikula, Honourable Vosanibola and Honourable Qionibaravi to follow Honourable Prakash's example. Do the honourable thing and step down and step out.

Mr. Speaker, in their quest for political traction, the resigned and current Leader of the Opposition pushed for pardon for those responsible for the deadly events of 2000 that sought to upend the rule of law and overthrow a democratically-elected Government. We all know why - because

they were all in the same gang. All that ended up in the death of six patriotic Fijians: two policemen and four soldiers.

But I must tell you, Mr. Speaker, when it comes to the application of the law, we trust the courts to render independent judgement and, if necessary, assign appropriate punishment. A fair Judiciary applies the law to all equally. If someone is responsible for a serious crime, he is held accountable. As I said, during the events of 2000, all of this ended up in the death of six patriotic Fijians. They were murdered, they were killed by the same group of people. It may feel like some time ago for all of us but that is not so for the families of the fallen, and I do not endorse anything less than equal treatment under the law regardless of status, titles, or political power or connection for those responsible.

Honourable Lalabalavu had talked about the *matanigasau*, Mr. Speaker, I do not know who was here to accept that *matanigasau*, who was responsible for putting that *matanigasau* together but I remember very clearly that I had asked the former President, His Excellency Ratu Iloilo not to attend the *matanigasau* because it was all a farce. We all know what that is, Mr. Speaker, a comic, dramatic work using buffoonery and horseplay, that *matanigasau* was not genuine, it was fake. That is where those matters are decided and the Mercy Commission established under the Constitution before any recommendation made to His Excellency the President.

Mr. Speaker, in the brief moments when the Members of SODELPA were looking to stab each other in the back, they were looking backwards. Honourable Jale, who I thought is supposed to be an educated man, in his response suggested that the *i qoliqoli* areas should be governed exclusively by individual landowning units. I ask Honourable Jale to look back to 2006 when the then Qarase Government proposed such a legislation, again, purely for political posturing and gain. He was doing that so that he can gain mileage from the *iTaukei* because the idea sounds nice - the idea that we are going to own our *i qoliqoli*. He did not seem to realise that we have not been given the ownership of *i qoliqoli* for a hundred years, just for one reason, and he does not seem to realise that. But he should think and look back to 2006.

The tourism industry fought it because they knew the industry would collapse because of the uncertainty and instability it would have created. People come to Fiji to see our beaches and explore our reefs. Without any guarantee that our waters and beaches could be visited, disputes over *i qoliqoli* boundaries and subjective, inconsistent rates that would be charged to give access to *i qoliqoli* areas, amongst other things would have seen investor confidence fall through the floor. We would have given up all those jobs and lost all that income, all for the sake of a disjointed, unproductive and ethnically-weighted system of oceans management that ultimately comes at the expense of our economy and every Fijian, including our resource owners themselves.

Mr. Speaker, Sir, we are seeing right now what a collapsing tourism industry has done to Fiji with COVID-19. With so many people out of work and on reduced hours, Honourable Jale would seriously have the nation self-inflict the same would suffer from COVID-19.

For the sake of the over 100,000 Fijians employed in our tourism sector, we will not entertain his short-sightedness. Instead, we will continue with the compensation system that has been provided within a legal framework that has withstood the test of time.

We must all understand that our ocean is one connected resource. Without consistent management, we cannot succeed in protecting our marine ecosystems from degradation. Mr. Speaker, Sir, we will soon launch a National Oceans Policy that charts our course towards the 100 percent sustainable management of every square kilometre of Fijian waters, with 30 percent declared as Marine Protected Areas (MPAs). The Government will lead the effort because it is too big for any

single community to do so. We will lead it because every Fijian, our children and our grandchildren should know the beauty and bounty of our ocean ecosystems and that we will protect our way of life.

Mr. Speaker, Sir, we should not let SODELPA's drama drive us backwards from that vision, nor should we let it distract us from the most stunning admission we have heard this week which, of course, came from Honourable Professor Prasad. After demeaning His Excellency's gracious address, as has become a repugnant habit of his and some other Honourable Members of the Opposition, he summed up his political agenda saying, and I quote from Page 131 of the *Daily Hansard* on Tuesday, 9th December, 2020: "...what would we do differently than the Government? The answer is everything".

Mr. Speaker, that was Honourable Professor Prasad's answer. For years, we have been waiting for the NFP to actually offer us some ideas and this is the game plan they finally give us - they would do everything differently than the Government. Mr. Speaker, Sir, that is not a plan. That is what a child says when they are throwing a tantrum, because they did not get their way. I suppose it does not matter if what the Government is doing is working. It does not matter if the policy is sound. It does not matter if it makes life better for the people. Honourable Professor Prasad told us that if the Government does it, he opposes it. Mr. Speaker, Sir, that right there is why people cannot stand politicians like Honourable Professor Prasad. It is cynicism of the highest order. But as he bangs his fists and throws another fit, we will keep fighting for the Fijian people.

But say we let the proverbial toddler have his way, Mr. Speaker, let us think about what would happen if we indeed, change everything.

The Government has closed the borders to keep people safe from COVID-19. Does Honourable Professor Prasad think we should open them up? The Government has delivered free education for all Fijians. Does Honourable Prasad think we should toss it away? The Government is assisting micro, small and medium businesses and out-of-work Fijians through this crisis. Does Honourable Prasad think we should scrap that support? How about the seawalls we have built? Should we erase the Bainimarama boom, Honourable Tikoduadua, which gave access to free water, subsidised electricity and other essential services? I have told Honourable Tikoduadua in one of our former sessions what the Bainimarama boom is all about, so this is the Bainimarama boom. Remember, Honourable Tikoduadua, when they fixed the road to your farm. That is the Bainimarama boom.

Should we cut the tap for every Fijian community we have given access to clean water? Should we turn off the lights in the communities that can access electric power for the first time? Should we demolish the roads we have built? Should we take away the subsidised busfares for school children, pensioners and welfare recipients? Should we bring back higher income taxes for Fijian families? Should we stop supporting the sugar industry with the historic stimulus we have provided to lift the cost-burden off the shoulders of our cane farmers?

What more, Honourable Professor Prasad, Honourable Tikoduadua and Honourable Qereqeretabua should we do away with the Fijian-made brand we imagined and we have built? How about the payment of pensions to our retirees who have never had a provident fund account? Everyone's putting their heads down, Mr. Speaker, they should be looking at me and do what I am telling them because everyone is benefitting from those.

HON. GOVERNMENT MEMBERS.- Hear, hear!

HON. SPEAKER.- Order, order!

HON. J.V. BAINIMARAMA.- Now, they want to change. When Fijians are injured in accidents through no fault on their own, should we tell them, “Sorry, Honourable Professor Prasad said we should not have the Accident Compensation Commission of Fiji (ACCF) to provide you with financial assistance without having to go through a long and costly legal process”? How about our work towards net-zero emissions? To safeguard our oceans? To lay the groundwork for an inclusive economic recovery? Mr. Speaker, Sir, that is what the Government is doing. And if the Government is doing it, Honourable Professor Prasad said that they would not do it. That is his position, he told us, himself.

Mr. Speaker, Sir, the Fijian people deserve better than tactics and tantrums. We are in a crisis, a global pandemic is raging, our people are suffering, the planet is warming up and our oceans are being degraded, and we must be wary of any green-washing in this Parliament for political gain, such as the Honourable Qereqeretabua, who keeps attacking our dedicated civil servants in the Ministry of Environment by quoting from the same wrong website, even after the Ministry had already stated and published that it is not the official website. Similar to her leader, the Honourable Member does not let facts get in the way of her desperate bid to be seen....

HON. L.S. QEREQERETABUA.- A point of order, Mr. Speaker, Sir.

HON. SPEAKER.- I can hear you.

HON. L.S. QEREQERETABUA.- Thank you, Mr. Speaker, Sir.

HON. SPEAKER.- I can hear you. You do not have to remind me.

You have the floor.

HON. L.S. QEREQERETABUA.- Thank you, Mr. Speaker, Sir.

Mr. Speaker, Sir, the Honourable Prime Minister is misleading Parliament. I had spoken about this, and he is calling it a fake website. It should be taken down.

HON. GOVERNMENT MEMBER.- What's your point of order?

HON. L.S. QEREQERETABUA.- Misleading Parliament, is the point of order, Mr. Speaker, Sir. That is the point of order. Thank you.

HON. SPEAKER.- You have the floor.

HON. J.V. BAINIMARAMA.- Actually, Mr. Speaker, Sir, she quoted from a fake account.

HON. L.S. QEREQERETABUA.- Certainly, then take it down!

HON. A. SAYED-KHAIYUM.- It's not ours, how can we take it down?

HON. J.V. BAINIMARAMA.- Understand, please!

(Hon. L.S. Qereqeretabua interjects)

HON. J.V. BAINIMARAMA.- Shoosh, shoosh!

HON. SPEAKER.- Order, order!

HON. J.V. BAINIMARAMA.- Mr. Speaker, Sir, the duty of care we owe the people is precious and that applies to both, those in and outside of this Parliament, including those trying to wade back into politics like scorned lovers, hoping to turn this global crisis into their political comeback story. The country may be vulnerable right now but take a hint - she is just not that into you.

Mr. Speaker, I could nit-pick through every falsehood we have heard this week, but I will not waste the people's time. It is obvious to anyone watching that the government-in-waiting is the farthest thing from capable of running the show. They are not here for genuine debate, they simply see politics as a way to protect their power. For them, this is all a numbers game. They say what they say, not because it is true and not because they actually believe it, but because they think it will win them votes. That is the bottom line and this session, Mr. Speaker, has shown how desperate and frankly dangerous some of them have become. Very dangerous!

Even so, Mr. Speaker, I do not believe the most serious challenges that Fijians face are political. The NFP's ignorance and SODELPA's pettiness are surely bad but they will not kill us. The threat they pose pales in comparison to the real issues; the rising seas, the deadly coronavirus, the oceans crisis, our ailing economy and the sixth mass extinction event that is already underway. My opponents can blame the Government for those life-or-death issues all they like, but we should not fall for those distractions. We have much work to do. Good times and bad, this Government has stood by the Fijian people. It does not matter to me if you voted for us or not, we fight just as hard for your future.

HON. GOVERNMENT MEMBERS.- Hear, hear!

HON. SPEAKER.- Order!

HON. J.V. BAINIMARAMA.- Climate change, Mr. Speaker, does not play political favourites, neither does COVID-19 and nor do we.

Since my first day as Prime Minister, I have committed to the service of every Fijian. My Ministers serve every Fijian equally, no matter who they are and where they live in, in Fiji. If you are on the frontline of sea-level rise, we will work as quickly as we can to help you adapt. If you are in the path of an incoming cyclone, we will do everything possible to warn you and reach you. If you are a Fijian citizen, we are working to realise all of your civil, political and socio-economic constitutional rights.

If you take the initiative to develop your community, adapt your community or support your young people and women, we will do what we can to support you. That is our character as a Government, that is who we always have been and that is who we always will be.

Mr. Speaker, Sir, we are only two weeks away from Christmas. In most places in the world, medical experts recommend that people do not spend time with their families, particularly elderly family members, given the risk of COVID-19. We, in Fiji, Mr. Speaker, are grateful to be in good health. We are grateful for the precious time we can spend with our loved ones. But we know that this Christmas will still be a hard one for many families. Plans have been scaled back and purchases may have been put-off for those most severely affected by this pandemic.

For those who are in a position to do so, I urge you to find the spirit of giving this holiday. If you are buying gifts, buy Fijian-made and Fijian-crafted products. Support our local entrepreneurs. Help those businesses who need it by purchasing their products and services, like the beautiful Fijian-made ties I have been wearing all week. And if you can afford to do so, I urge you to take advantage

of our “Love Our Locals” specials. Book a local vacation, support our tourism operators and help keep Fijians employed throughout the holidays.

In your communities, look out for those who need a helping hand. The Christmas holiday signifies the birth of Jesus Christ. While on earth, Christ lived as a man, who put the most vulnerable before all others, and that is the example we must strive to honour above all else in this holiday.

Mr. Speaker, I wish you all and everyone in this Parliament a very merry Christmas and a blessed New Year. As we look to put a difficult 12 months behind us, let us keep our eyes on the horizon, on opportunity and on our potential as a country - the struggles we have endured are immense but they will not define us, Mr. Speaker, Sir. Fiji will come back and we will do it together.

I fully support the motion and urge all Honourable Members of Parliament to thank His Excellency the President for his most gracious speech. God bless you all and merry Christmas. Thank you.

Question put

Motion agreed to.

MR. SPEAKER.- Honourable Members, before we proceed, I would just like to remind all Honourable Members, some of you might think that I have given the Honourable Prime Minister more minutes than others. Now, the administration of time is up to individuals and up to parties. I do my sums and you do yours.

Government had 25 minutes to spare, you had 19 minutes to spare but I could not tell you if you have those minutes spare because some of you will want to use it up before others use it - the same on this side of the House, so it is left to the last person who speaks. The NFP administered their time well, they used the full 20 minutes. However, the others were short, so that is what you need to look at.

We will suspend proceedings now to have morning tea. After morning tea, we will have the maiden speeches of the two new Honourable Members. We adjourn.

The Parliament adjourned at 10.32 a.m.

The Parliament resumed at 11.40 a.m.

HON. SPEAKER.- Honourable Members, we will begin this session with a suspension motion. We are getting near to the hour, so 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 Honourable Leader of the Government in Parliament to move his motion.

### **SUSPENSION OF STANDING ORDERS**

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

That under Standing Order 6 that so much of Standing Order 23(1) is suspended so as to allow the House to sit beyond 12.30 p.m. today to complete the remaining items as listed on today's Order Paper.

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

HON. 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.- Mr. Speaker, Sir, as per your ruling earlier during the week, we still have two Maiden Speeches for the two new Members of this august Parliament. Also, Item 6 as listed on today's Order Paper is the Consideration of Bills, thus the request for us to sit beyond 12.30 p.m. today.

HON. SPEAKER.- Honourable Members, the floor is now open for debate on the motion. Is anyone wishing to take the floor?

There being none, Honourable Leader of the Government in Parliament, do you have anything further to add?

HON. LEADER OF THE GOVERNMENT IN PARLIAMENT.- No, thank you, Mr. Speaker, Sir.

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

Question put.

Motion agreed to.

### **MAIDEN SPEECH**

#### Honourable Waqanika and Honourable Lal

HON. SPEAKER.- Honourable Members, as I had alluded to yesterday, I will call on the Honourable Tanya Waqanika and the Honourable Virendra Lal to deliver their maiden speeches. Each Member is allocated a total of 20 minutes. The first bell would be rung at 18 minutes and the final bell would be rung at 20 minutes. I now call on the Honourable Tanya Waqanika to deliver her maiden speech. Honourable Waqanika, you have the floor.

HON. T. WAQANIKA.- Mr. Speaker, Sir, the Honourable Prime Minister, the Honourable Ministers, the Honourable Leader of the Opposition, Honourable Members, family and friends here and abroad and everyone watching this live telecast; I thank you for giving me the opportunity to give my maiden speech in this august House today. My being here is the result of the departure of the former Leader of the Opposition, Mr. Sitiveni Rabuka. I welcome with humility and gratitude the opportunity that presents for me as a first-time Member of Parliament.

First and foremost, I give thanks to the Most High God - El Elyon; the Lord God Almighty – El Shaddai; the Lord My Shepherd - Jehovah Raah; the Lord of Hosts – Jehovah Sabaoth; the Lord of Peace - Jehovah Shalom; and the God of Abraham, Isaac and Jacob. He alone has made my appointment to this august House possible in his appointed and perfect time – I give Him glory and honour.

I would like to acknowledge the service of whom I replaced, the former Party Leader of the Opposition Sitiveni Ligamamada Rabuka. I respect his decision to resign from Parliament and I wish him well. I would also like to congratulate Honourable Vijendra Lal - we have actually known each other from Fiji Television. I welcome you as well on your appointment to this august House.

I would like to speak on why I joined SODELPA. Mr. Speaker, Sir, I voted for SODELPA in 2014 and became a financial member in 2017. I joined the party because I supported the ideals and the visions of the Party. To our SODELPA supporters there is a change of guards in your Party. We have a new Party President - Ratu Epenisa Cakobau; a new Party Leader - the Honourable Viliame Gavoka; a new Leader of Opposition - the Honourable Ratu Naiqama Lalabalavu and also a new Deputy Party Leader, my friend and colleague, Mr. Filimoni Vosarogo. I congratulate all these gentlemen on their appointments to the Party in Parliament.

Mr. Speaker, in late 2017, I received a phone call from the Honourable Adi Litia Qionibaravi to join the Party, but moreso to apply for a ticket to stand for SODELPA. She was the one that brought me to SODELPA. *Vinaka vakalevu*, Honourable Qionibaravi. By then I knew in my spirit that politics was going to come knocking at my door. I really had to pray hard and seek the Lords counsel on whether I should stand for politics. We all know responsibilities and the criticisms that come with the task. I had only been here for three days and I can see that it is no easy feat being a Member of Parliament. We are all adults here so when we debate for the sake of our beloved country, let us speak to issues and not personalities.

Mr. Speaker, Sir, I would like to acknowledge my family. I pay tribute to my lineage and my family. I am from Kadavu from the *Tikina* of Tavuki and the *Koro* of Natumua. I proudly call my village “Natumua City in the *Veitiritiri*”. I am sure most of you have been there. In front of my village are lush and well protected mangroves and behind my village are the mountain ranges. In my traditional role, I am a *bati* to the *Turaga na Tui Tavuki*.

My great grandfather, Jonacani Vitabu, left Kadavu with his five children for better access to medical and educational facilities. To survive in Suva, he would go from house to house offering his services as a grass cutter and his services expanded to mowing and cleaning the Suva Cemetery.

My great grandmother, Vilisi hails from Wailevu, Kadavu. Her mother was a pure Tongan. My paternal grandparents were God fearing, simple, humble, honest and hardworking people. My late paternal grandfather, Mosese Waqanika often told us that before his parents passed on, they saw that each of their children had bought their own homes, cars and they all had dial phones. These achievements signified honest, hard work and success.

My great grandfather left Kadavu with a *kato kau* or wooden chest. I have this wooden chest sitting in my living room and it reminds me and my children not to forget our lineage and where we came from.

Mr. Speaker, Sir, my paternal grandmother, Sainiana Waqanika, hails from Bureta, Lomaiviti and she is the *vasu* to Malake, Ra. She was a daughter of a medical doctor, Dr. Manasa Tamanikairukurukulevumaiovalau. Her mother was a homemaker. My grandmother was business savvy and a disciplinarian. It is through my paternal grandmother that my bloodline and connections extend to Nakodu (Koro), Yakete (Ba), Vanuabalavu (Lau), Wallision and Scottish.

Mr. Speaker, Sir, as you know, I am a *vasu* to Lomanikoro in Rewa. My mother, Luisa Buresova Waqanika, is a one thousand percent Rewan. I appreciate this Rewan side of mine as it gives me the innate ability to spot nonsense a mile away. She is the daughter of the late Dr. Ratu Savenaca Buresova and Daiana Kata. My mother served as your Second Secretary during your tenure as High Commissioner to the United Kingdom, and she sends her warm regards to you, Sir.

I am married to Peni Sigabalavu from Matasawalevu Village, Nakaseka, Kadavu. We have four children and I would like to acknowledge our children whom I loved dearly. My eldest, Antonio is 25 years, Benjamin is 20 years, Vasemaca is 17 years and Anareta is 16 years. My husband is the stabilising factor in my family and I am, indeed, grateful for his love, humility and unwavering support towards my professional and political career.

I would also like to acknowledge my mother, Luisa, and my four siblings and their spouses and children - Anareta and Vulisere Tawaqa, Joeli, Mosese, Joji and Naomi. I thank you all for your continued support and love, and also my gratitude to your children for supporting their number one *Nei*.

Mr. Speaker, Sir, we lost our father, Isimeli Waqanika, in 2014 and it saddens me that he is not here today. I know that he would be proud that his daughter has finally put to good use all their talkativeness by being a Member of Parliament. My father, as you know, Mr. Speaker, Sir, has a sense of humour and he was a joyable and cheering person. If there is one thing that my father instilled in us, is the principle of integrity and honesty and he had absolute zero tolerance for lies and those that spoke them.

My dear mother, Luisa, must be cringing upon hearing the name right now on television. I am glad that she is not sitting in the public gallery, as she would be smiling with tears. She gets quite emotional, like most mothers, on occasions like this. She has been my number one supporter and I am immensely grateful for all that she has done for me.

She stood for FijiFirst Party in 2014, we respected her decision, despite differences in political ideals. I am pleased to say that this Rewan lady saw the light and voted for me in 2018. I firmly believe that her vote for me was not just because I am her daughter, but also because the ideals of the Party that I stand for reflects her principles and the principles of many citizens like her.

To my in-laws, firstly, to my mother-in-law - Vasemaca Dolo Sigabalavu, *vinaka vakalevu Nei na veitokoni*. Thank you as well to my brothers and sisters-in-law - Jovesa and Bale Sigabalavu, Alfred and Mere Schuster and Viliame and Kelera Nadolo. Thank you to all my seven nephews, the sons of my in-laws.

I also acknowledge my dad's only sister, Alisi Waqanika Daurewa. My *Nei* has been one of my biggest supporters since I raised my hand to stand for SODELPA. Whilst we did not share the

same political party ideals, she has certainly continued to support me. She is my biggest political critic and has never shy away from providing constructive counselling. *Vinaka vakalevu Nei.*

I would also like to thank my mom's siblings, Momo Nemani Buresova, Nau Nina and Nau Ana Buresova and their families. I would also like to acknowledge my late Momo Saula Buresova's children and their families for their support and not forgetting my late yaca's family, Ro Mereani Serekeibau, Tanoa, Radodro, Peni and Lice.

To my extended Kadavu family - the Gukilaus, Volaubalavus and the Naivalus, thank you for your support. To my Bureta and Ra extended families, the Tamanikairukuruku clan and Malake clan, thank you for your support. To my extended Rewan families, the Buresovas, the Vavaitamanas, the Katas and the Niuruas from Nasali, Rewa, especially to Filo, Joe, Tomasi, Daniel and Atu at home, *vinaka vakalevu.*

Mr. Speaker, Sir, in 2018, I focused my campaign within the Suva area. I have lived in Suva my entire life while my family links spread across Kadavu and Rewa. I am born and bred, *kai-suva.* So, it was only logical and appropriate for me to stand and campaign from Suva.

I wish to acknowledge the people of Suva, particularly those who gave me time and space to share and reflect and to listen during my campaign. You have placed upon me a significant responsibility.

To those who supported me from Raiwai, Raiwaqa, Vatuwaqa, Nauluvatu, Tamavua-i-Wai, Wailoku, Samabua, Toorak, Cunnigham, Namadi Heights, Nasese, Laucala Bay, Veiquwawa, Tutaleva Settlement, Valenikava Settlement, Vunidilo Branch, Kaleli Settlement, Namadai Settlement, Lovoni Settlement, all around Fiji and those who supported me from abroad, your votes will not go to waste. I have listened and I have heard and now I am here to serve.

While I join two years into this term of Parliament, I firmly believe in God's timing and now it is that time. To my fellow kingsfolk of Natumua Village, thank you for your support and your votes. My entry into Parliament may be the first but will certainly not be the last Member of Parliament that hails from my Village. To my kingsfolk of Matasawalevu, Nakasaleka, *au vakavinavinaka vakalevu vei kemuni kece mai Majo.*

To my campaign team, Mr. Watisoni Nata, the President of the SODELPA Suva Constituency, I thank you, Sir, for your guidance, commitment and leadership, I am forever grateful to you always. Mr. Nata: your work with me is not done, you still have to campaign for me for 2022 and get me and SODELPA in to government. Ratu Jone Lesuma, Ratu William Toganivalu, Varinava Tiko and his team from Access United (Fiji) Limited, Marika Ceinaturaga, Jim Qimaqima, Jone Soqo, Aunty Salome Lomaloma and many others that joined us, as we campaigned around Suva - *Vinaka vakalevu.*

Mr. Speaker, Sir, the Word of God says in Proverbs 27:17: "As iron sharpens iron, so one person sharpens another." I have three close dear friends who contributed in sharpening me with the Word of God. To my dearest mentor, Mesake Nawari, thank you my brother for your wise counsel and support. To someone whom I often travelled with in Fiji and abroad, my travel buddy and dearest friend, Elizabeth Clayton, she was the first person that constantly urged me back in 1997 that I should stand and enter politics. I think she did more than urging, she must have prayed and petitioned God that I stand for politics, needless to say, her prayers have finally been answered.

To my Rotuman sister, Laurel Vaurasi, the former Fiji Law Society President, thank you for your frank and wise counsel. To my school sisters from Adi Cakobau School Class of 1991 to 1992,

here in Fiji, New Zealand, Australia, USA, Canada and Dubai and you all know who you are, I am immensely grateful for all your love, support and prayers.

To my very special friends: Vuki, Elina, Tamarisi, Silika and Melinia, thank you as well for your support. To my late prayer warriors Fauoro, the late Titifanua, Talatala Alipate Cakau, Tomu Biumaiwai, Litia Raiwalui and Tomasi and the Fiji House of Praise and members of the church at Wesley Church: thank you for always covering me and my family in your prayers.

Lastly, my staff at Waqanika Law who are holding the fort for me whilst I am in Parliament - Ligietia, Mere, Sam, CH and my former PA, Michelle Fong, *vinaka vakalevu*.

Mr. Speaker, I have already said that I am a *kai* Suva or as commonly known as “*susu madrai*”. My first venture out of Suva over a long period of time was when I went to boarding school for five years at Adi Cakobau School and later to Australia to pursue my law degree under a FAB scholarship. I returned to Fiji in December 1996.

I was sworn in and admitted to this very bar in this very House in September 1997, and subsequently to the New South Wales Supreme Court in the same year. I have been practising law for 22 years, having served in the Prime Minister’s Office, the Attorney-General’s Chambers, the then Inland Revenue (FRCS), the Suva City Council and Fiji Television Limited. I now run a small law practice and I certainly enjoy being my own boss.

I highlight these experiences, Mr. Speaker, Sir, to reaffirm my commitment to service and dedication to public duty and importantly, to demonstrate my desire to fulfil such obligations or public duty to the best of my ability.

Mr. Speaker, Sir, we are 14 days away from Christmas. As a Christian, Christmas represents the birth of my Saviour Jesus Christ and establishes for me the cornerstone of my core values, values that speak to my faith and beliefs and that is what form the foundation of my service to this august body and more importantly, to the people of Fiji.

I would like to speak on the value of hope - 2020 will forever etched in the minds and hearts of our people. Our lives have been overturned by the impact of the Coronavirus pandemic. We have experienced major job losses, closure of businesses, significant economic downturn and so forth. Our people are looking for solution and hope. If there was a time for us to come together, it is now. We need to rally and work together, consult, engage and dialogue, not because of us, but for the sake of those who have placed their hopes and aspirations for their better lives on us.

We cannot displace their trust in us to help them. The situation that we are facing is the global one. No country has been spared of the impact of the virus. However, we are somewhat fortunate in Fiji and I am indeed grateful for the natural abundance we have here in Fiji. Our land is fertile and whatever we plant, it will grow. Our sea is abundant with marine life, the source of food from the sea is readily available to all of us.

I acknowledge that it is no easy task with what the Government is doing in trying to assist our people. My hope is that, with all these plans, strategies, laws and policies aimed at assisting our people, please be forthright, sincere and most importantly, deliver on those plans and promises. In order for our people to realise the fullness of the Government’s efforts, they must be transparent and draw from current and verifiable evidence of the true picture of our economic circumstances. My hope also as the member of the Opposition is that, we too have an accountability to be honest and upfront with our people and bring integrity to our times in this august House.

We must also remember that our time here is finite. Each and every one of us will one day walk permanently out of Parliament and we will leave behind our parliamentary titles and meet the messes whom we are accountable to. We will all reap out there what we have sown here. Our debates, our words must be true to the ordinary people who want to know how they would put food on the table and whether they still have a job. Our words become meaningless, if they are not anchored in action and results.

Mr. Speaker, Sir, the greatest leader and servant to the human kind, Jesus Christ, was an advocate to social justice. His words cut through the souls, spirit, bone and flesh of mankind. He was not popular, but he spoke out loud and clear against injustices of poverty, abuse, discrimination and sickness. His words and the words of His Father has stood the test of time and it stands in this House today until He returns. It takes courage to speak the truth and to advocate for those who do not have the opportunity or voice to speak for themselves. It is not in my nature to remain silent when I see that something is wrong. It is the trait that has been in my DNA since God formed me in my mother's womb. Through this platform, I will continue to speak for the voiceless, the defenceless, the victimised and the bullied.

Mr. Speaker, Sir, I wish to make it known that whilst I respect the perspective and views of others, however different they may be to mine, I did not fear them, while I fear God alone. I have mentioned the importance of Christmas to me. It also represents the fresh start and to do that, we need to unburden ourselves from the shackles of animosity, un-forgiveness and division. It is the time of rebirth, reconciliation and hope.

Mr. Speaker, Sir, to end, I extend my metaphorical olive branch to the Members of this august House, if my words and expressions today have offended or have upset you and your families, please accept this olive branch as a sign of renewal and reconciliation.

To conclude, Mr. Speaker, Sir, I thank you for allowing me to deliver my maiden speech. I wish you well and I wish this august House and all the Members of Parliament and staff, and everyone in Fiji and abroad, a very Merry Christmas and a Happy New Year. *Vinaka vakalevu.*

(Acclamation)

HON. SPEAKER.- I thank the Honourable Tanya Waqanika for her maiden speech. Honourable Members, we will move on and I now call upon the Honourable Virendra Lal to deliver his maiden speech.

HON. V. LAL.- Thank you, Sir. Mr. Speaker, Sir, the Honourable Prime Minister, the Honourable Leader of the Opposition, Honourable Cabinet Ministers, Assistant Ministers, Members of Parliament, viewers, ladies and gentlemen; it is indeed an honour for me to be a Member of this august House.

First of all, I would like to thank the Almighty for giving me this opportunity to serve all Fijians. This would not have been possible if the FijiFirst Party, under the able leadership of the Honourable Prime Minister had not given me the chance to contest the 2018 General Elections under its banner. I also thank the Party's General Secretary, the Attorney-General and Minister for Economy, Civil Service and Communications for providing the platform.

I also would like to acknowledge the support of my family - my father, Jawahir Lal, who is all the way from Rakiraki, my wife, Veneeta Lal, my children, all family members, relatives and friends for being with me in good and not so good times.

Today, I miss my late mother and without her blessings and the blessings of my ancestors, reaching this far would have been impossible. I am sure she must be smiling from above.

It is with humbleness and a deep sense of gratitude to the Fijians that I rise to make my maiden speech in this august Parliament. I acknowledge all those who have assisted me in various capacities for my passage to this august Parliament. I am truly indebted to all those who had shown unwavering confidence in me, in spite of not making to this House in the first round of selection.

I thank the Almighty God who had plans for me and executed best with time. I pay my tribute to the citizens of Fiji who have given their support to me in the last Election, and look forward to their continued support in 2022 and beyond. To FijiFirst, I stand before this august Parliament and salute to share FijiFirst's vision and mission.

Mr. Speaker, Sir, this morning, I would like to reflect on the developments of our beloved nation; Fiji. I would not like to dwell on the history of this nation, but prefer to make some observations that have moulded the lives of citizens of this country.

Mr. Speaker, Sir, I was very young when Fiji gained Independence. I did not understand then, but have realised how important independence was for a developing country.

Mr. Speaker, Sir, the entire populace has contributed to the development of our nation. I would also like to acknowledge the contribution from pre-Independence era, given my family were Girmitiyas who slogged as slaves in the hot sun and deplorable living conditions and cultivated sugarcane, which provided us with the biggest foreign exchange until recently. Sir, their contribution to the development of this nation stands high and I salute them for their role in building this nation.

Mr. Speaker, Sir, I would also like to acknowledge the contribution from our export sectors, like garment, gold, timber, fish, molasses, mineral water, coconut oil, *yaqona* and agricultural products, that have brought us the much needed foreign currency for international buying. I acknowledge their contribution in the nation building.

Mr. Speaker, Sir, tourism industry, our biggest foreign exchange earner, is seriously battered by COVID-19 lockdowns and restrictions. Many of our people have lost jobs both, directly and indirectly, resulting from the COVID-19 effects. However, the FijiFirst Government, in spite of the economic struggles, is assisting our country in whatever way possible. Our Discipline Forces and medical workers are commended for their gallant effort in containing COVID-19.

Mr. Speaker, Sir, it is the responsibility of every individual to contain COVID-19 and make our country COVID free. As a matter of fact, we have managed to stand out from the rest of the world and are now demonstrating our ability to safely welcome visitors back to our shores. It goes without saying that for a small island nation in the Pacific, Fiji has done phenomenally well in containing the spread of COVID-19.

Mr. Speaker, Sir, since Independence, lots of lessons were learnt and the most recent is that COVID-19 has made us aware of the importance of the need for a strong agricultural industry. The wellbeing of a country is stable if it has a sustainable agricultural sector. I urge all the people to participate in agriculture, even doing backyard gardening, and start a green revolution that will make Fiji a prosperous nation.

Mr. Speaker, Sir, I am mindful that we encounter several cyclones in every decade, but that should not deter us from progressing in the agricultural industry. The citizens of this country should utilise Government incentives to revitalise agriculture in Fiji.

Sir, I would like to emphasise the importance of one or two areas that the citizens of Fiji need to be proud of, firstly, the energy sector. The Government has spent substantial amounts of money to provide electricity to the people of this nation. The grid extension and added capacities through renewable resources has benefitted our nation.

The Rural Electrification Project has uplifted the standard of living for our people, who were unconnected and have helped them to become more integrated into our economy.

Secondly, the Ministry of Environment has been very active and has helped to balance the need to preserve our environment for future generations, while providing economic opportunities and supporting livelihoods. The regulations, policies and policing are helping us to maintain the pristine status of our environment. Sir, I urge every individual of this country to care for our environment.

The FijiFirst Government has promised that no matter how tough things get, this Government's promise of free education will always be fulfilled. Mr. Speaker, Sir, I salute the Honourable Prime Minister for this. There are thousands of Fijian students out there, who are benefitting from this. I only wish that provision of free education was available when I was in school. I cannot put in words what I have gone through to reach where I am today.

The children of Fiji deserve this - a Fiji where all Fijians realise their dreams through education. But, education alone does not give your 100 percent success. You need to work hard, have the yearning to learn, have humility, respect others and have positive attitude.

Mr. Speaker, Sir, now allow me talk about Fiji being a secular State. This means that everyone in Fiji is free to practice their own religion. No religion overshadows another, and the Government does not advocate for any specific religion or denomination but instead, upholds the right of every Fijian to practice their faith without fear of discrimination or marginalisation. Sir, we, Fijians, appreciate what the Government is doing in trying to unite the people of our beloved nation.

Mr. Speaker, the effect of drugs has negatively influenced our younger generation and is a social problem threatening our society. I request all our people to fight against drugs.

The importance of churches, temples, mosques, *gurudwara* (Sikh temple) and religious teachings have a crucial role in the development of our youth. I appeal to the religious organisations to continue inculcating righteousness, kindness, compassion, respect, morality and other good qualities of a civilised human being to its flocks.

Mr. Speaker, Sir, as we are aware, I am here today because of the resignation of Mr. Vijendra Prakash. I would also like to acknowledge him for putting the sanctity and dignity of Parliament first and before himself. This honourable and selfless action of his will be remembered and we hope that his actions will be followed by those who have honour.

Mr. Speaker, Sir, I thank my wife, children, my family and friends for believing in me and providing me with support and encouragement to enter the political arena. I would also like to take this opportunity to welcome Honourable Tanya Waqanika.

I wish you all a merry Christmas and happy 2021. Thank you, *dhanyavaad* and *vinaka vakalevu*.

(Acclamation)

HON. SPEAKER.- I thank the Honourable Virendra Lal for his Maiden Speech.

Honourable Members, we will now proceed to the next Item on the Order Paper. I call upon the Honourable Attorney-General to move his motion. You have the floor, Sir.

### **TRADEMARKS BILL 2020**

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, pursuant to Standing Order 51, I move:

That the –

- (a) Trademarks Bill 2020 (Bill No. 45/2020), be considered by Parliament without delay;
- (b) Bill must pass through one stage at a single Sitting of Parliament;
- (c) Bill must be immediately referred to the Standing Committee on Justice, Law and Human Rights.
- (d) Standing Committee must report on the Bill at the April Sitting of Parliament; and
- (e) Upon presentation of the Report on the Bill by the Standing Committee, the Bill must be debated and voted upon by Parliament at the April Sitting of Parliament, but that one hour be given to debate the Bill, with the Right of Reply given to me as the Member moving this motion.

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

HON. SPEAKER.- 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. This is in relation to the International Convention that Parliament actually agreed to ratify which is the Madrid Protocol and the Paris Convention in relation to trademarks. The Act that currently governs our trademark registration in Fiji goes back to 1933.

Essentially this Bill seeks to modernise our laws. There have been numerous consultations that have been held in respect of this Bill, including with the World Intellectual Property Office (WIPO) and, of course, we are recommending that this Bill go to the Committee for them to be able to seek public submissions, although, I would like to also remind the Committee that we have already received the number of public submissions. But, nonetheless, this is the second bite of the cherry for them. 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 Members, as no one wishes to take the floor at this time, I call upon the Honourable Attorney-General to speak in reply.

HON. A. SAYED-KHAIYUM.- Thank you, Mr. Speaker, Sir. Sir, I have no further comments. Thank you.

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

Question put.

Motion agreed to.

[Trademarks Bill 2020 (Bill No. 45/2020), referred to the Standing Committee on Justice, Law and Human Rights]

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

### **PATENTS BILL 2020**

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, pursuant to Standing Order 51, I move:

That the –

- (a) Patents Bill 2020 (Bill No. 46/2020), be considered by Parliament without delay;
- (b) Bill must pass through one stage at a single Sitting of Parliament;
- (c) Bill must immediately be referred to the Standing Committee on Justice, Law and Human Rights;
- (d) Standing Committee must report on the Bill at the April Sitting of Parliament; and
- (e) Upon presentation of the Report on the Bill by the Standing Committee, the Bill must be debated and voted upon by Parliament at the April Sitting of Parliament, but that one hour be given to debate the Bill, with the Right of Reply given to me as the Member moving this motion.

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

HON. SPEAKER.- 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. Again, this is one of those pieces of legislation that needs to be completely overhauled. The current Patents Act that we use goes back to 1879, just some five years after we were cede to Britain so, obviously it needs some major overhaul and to be brought back into the 21st Century.

Mr. Speaker, Sir, we have, again, gone through a number of consultations with our international agencies, including members of the public. But, of course, Parliament has about four months to look at this Bill through the Committee stage, and come back to Parliament. Thank you, Sir.

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

There being no one wishing to take the floor, Honourable Attorney-General, you have the floor on your Right of Reply.

HON. A. SAYED-KHAIYUM.- Thank you, Sir, I have nothing further to comment on.

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

Question put.

Motion agreed to.

[Patents Bill 2020 (Bill No. 46/2020), referred to the Standing Committee on Justice, Law and Human Rights]

Question put.

Motion agreed to.

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

### **DESIGNS BILL 2020**

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, pursuant to Standing Order 51, I move:

That the -

- (a) Designs Bill 2020 (Bill No. 47/2020) be considered by Parliament without delay;
- (b) Bill must pass through one stage at a single Sitting of Parliament;
- (c) Bill must be immediately referred to the Standing Committee on Justice, Law and Human Rights;
- (d) Standing Committee must report on the Bill at the April Sitting of Parliament and;
- (e) Upon the presentation of the Report on the Bill by the Standing Committee, the Bill must be debated and voted upon by Parliament at the April Sitting of Parliament but that one hour be given to debate the Bill, with the Right of Reply given to me as the Member moving this motion.

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

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

HON. A. SAYED-KHAIYUM.- Thank you, Mr. Speaker, Sir. This Bill is the last in the tri-factor of the Bills pertaining to intellectual property and, indeed, the development of the laws pertaining to intellectual property in Fiji.

This is a very important Bill also, Mr. Speaker, Sir, because of the numerous areas of what we call, “intellectual property theft”, now with the world becoming a lot more closer, people becoming a lot more savvy in as far as the usage of designs are concerned using internet, et cetera.

We also have a lot of indigenous development of intellectual property designs, et cetera, that we want to protect. There is another Bill that we will be tabling soon which will be the traditional knowledge, in relation to protecting traditional knowledge.

Mr. Speaker, Sir, actually traditional knowledge is quite unique. There needs to be a cultural mapping exercise carried out and that is currently being done by the Ministry of iTaukei Affairs, and we have also seen a lot of overlap between the different areas in Fiji.

The Designs Bill is somewhat related to that and the development of unique designs. It is not just only about designs pertaining to traditional or indigenous designs but also any design, with a lot of young people designing various products, so this falls within that. The current law goes back to 1936, very scant in its application and, again, we have had numerous consultations. In fact, for this particular Bill, we worked very closely with New Zealand.

New Zealand, as we know, Mr. Speaker, Sir, is very much advanced in this respect. At the AG's Conference in the weekend, we had people talking on these Intellectual Property Bills and I am sure that the Committee will be able to benefit from those who participated in that, and will be making submissions. Thank you, Mr. Speaker, Sir.

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

There being no one wishing to take the floor, Honourable Attorney-General, you have the floor and the right of reply.

HON. A. SAYED-KHAIYUM.- Thank you, Mr. Speaker, Sir. I have nothing further to comment on.

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

Question put.

Motion agreed to.

[Designs Bill 2020 (Bill No. 47/2020), referred to the Standing Committee on Justice, Law and Human Rights]

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 Standing Order 51, I move:

That the –

- (a) National Payment System Bill 2020 (Bill No. 48/2020) be considered by Parliament without delay;
- (b) Bill must pass through one stage at a single sitting of Parliament;
- (c) Bill must be immediately referred to the Standing Committee on Justice, Law and Human Rights;
- (d) Standing Committee must report on the Bill at the February Sitting of Parliament; and
- (e) Upon presentation of the Report on the Bill by the Standing Committee, the Bill must be debated and voted upon by Parliament on the February Sitting of Parliament and that one hour be given to debate the Bill, with the right of reply given to me as the Member moving the motion.

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

HON. SPEAKER.- 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. Similar to the previous three Bills that were just presented or tabled, a lot of work has also been going on in this particular Bill and with the different stakeholders relevant to this particular Bill. It is a very technical Bill and this is why we have probably gone through about 18 months or more than 18 months of work.

Predominantly, it involves the Association of Banks, Reserve Bank of Fiji, International Finance Corporation (IFC), Fiji National Provident Fund (FNPF), the various finance companies, et cetera, and the Insurance Council of Fiji.

Mr. Speaker, Sir, this Bill is specifically to do with the payment system - the back end payment system but now the financial system has changed. People are sending money to each other through M-Paisa and various other modalities of payment. There needs to be something at the back end to do, for example, the settlement overnight. So, if someone is transferring money from one M-Paisa account to another or sending to a bank account, these are all monies being exchanged. We have got electronic money but there is actual money in the bank so when does the settlement take place? This deals with that.

If we get this Bill in very quickly, then the Reserve Bank of Fiji can actually embark on procuring all the right IT infrastructure and work with the banks also, which will help us to have lot more better payment systems. Of course, from Government's perspective, it is critically important because we can do a lot more payments through electronic transactions, which reduces the black economy.

Mr. Speaker, Sir, this is a very important Bill, a highly technical Bill. The reason why I am saying February is because a lot of work has already been done and I think the Standing Committee will find that out. Thank you.

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

There being no one wishing to take the floor, I now call upon the Honourable Attorney-General to speak in reply.

HON. A. SAYED-KHAIYUM.- I do not have any further comments. Thank you, Mr. Speaker, Sir.

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

Question put.

Motion agreed to.

[National Payment System Bill 2020 (Bill No. 48/2020), referred to the Standing Committee on Justice, Law and Human Rights]

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

### **INVESTMENT BILL 2020**

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, pursuant to Standing Order 51, I move:

That the -

- (a) Investment Bill 2020 (Bill No. 49/2020) be considered by Parliament without delay;
- (b) Bill must pass through one stage at a single sitting of Parliament;
- (c) Bill must be immediately referred to the Standing Committee on Justice, Law and Human Rights;

- (d) Standing Committee must report on the Bill at the April Sitting of Parliament; and
- (e) Upon presentation of the Report on the Bill by the Standing Committee, the Bill must be debated and voted upon by Parliament at the April Sitting of Parliament, but that one hour be given to debate the Bill, with the right of reply given to me as the Member moving this motion.

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

HON. A. SAYED-KHAIYUM.- Thank you Mr. Speaker, Sir. This Bill seeks to replace the existing Foreign Investment Act 1999. The world has significantly changed since 1999 and the existing law is actually somewhat scant in many areas. There is a lot of loopholes and it does not necessarily provide transparency for the investor, nor necessarily gives the right of recourse to the Fijian Government in certain instances, and there is no specific focus on the national security interest.

As we have seen in countries like Australia recently, there is a particular leeway for the Australian Government, should they believe a particular investment may affect the national security interest then there is an opportunity for them to actually disallow at the very least consider those matters but we need to be able to also have some proper reporting.

We have had in the past where people have said that they were coming into Fiji to invest, for example, in a specific area but then they were found to have subsequently invested in other sectors of the economy, which they were not supposed to do. But if they have gone into those sectors, the law does not allow you to seek any redress or be able to cease the assets, et cetera.

There have been a lot of changes going on and we have been working closely with the Asian Development Bank in respect of improving our financial services sector and this is part of the reform, Mr. Speaker, Sir. Thank you.

HON. SPEAKER.- Thank you. The floor is now open for debate on this motion.

There being no one wishing to take the floor, I call on the Honourable Attorney-General to speak in reply.

HON. A. SAYED-KHAIYUM.- I have no further comments, Sir. Thank you.

HON. SPEAKER.- Parliament will now vote.

Question put

Motion agreed to.

[Investment Bill 2020 (Bill No. 49/2020), referred to the Standing Committee on Justice, Law and Human Rights]

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

### **ELECTORAL (AMENDMENT) BILL 2020**

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, pursuant to Standing Order 51, I move:

That the –

- (a) Electoral (Amendment) Bill 2020 (Bill No. 50/2020) be considered by Parliament without delay;
- (b) Bill must pass through one stage at a single sitting of Parliament;
- (c) Bill must be immediately referred to the Standing Committee on Justice, Law and Human Rights;
- (d) Standing Committee must report on the Bill at the March Sitting of Parliament; and
- (e) Upon presentation of the Report on the Bill by the Standing Committee, the Bill must be debated and voted upon by Parliament at the March Sitting of Parliament, but that one hour be given to debate the Bill, with the right of reply given to me as the Member moving this motion.

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

HON. A. SAYED-KHAIYUM.- Thank you Mr. Speaker, Sir. As Honourable Members will see, these amendments actually refer to, or relate to a number of recommendations that were made by the Multinational Observer Group (MOG) Report, together with some of the recommendations that were made by the Electoral Commission in respect of, in this particular case, the conduct of Elections. There are, for example, aspects such as the actual definition of campaign, period is being expanded, also we are looking at, for example, functionary issues, like bankers cheques and what personal cheques, et cetera.

We are also looking at making sure that the law is a lot more conducive to people with disability, giving them access and making them compliant with International Convention on the Rights of Persons with Disabilities, the issue about postal ballots, fine-tuned it to make it a lot more clearer.

Also, we have a lot of Fijians, for example, who may be living offshore and apply for postal ballots. But sometimes, they turn up and say here in Fiji at that point in time that they have the right to be able to go to a polling station in Fiji and they have designated polling stations for that.

A number of amendments that have been made, Mr. Speaker, Sir, and the Committee, of course, will have the time in the various political parties and also go and make their submissions about when does voter registration specifically end. They were directly given by the Electoral Commission previously, but now we want to embed that in the law so there is no ambiguity about that.

Mr. Speaker, Sir, this is, of course, followed by the other two laws pertaining to Elections which we will also be tabling.

HON. SPEAKER.- Thank you. The floor is now open for debate on the motion.

There being no one wishing to take the floor, I call on the Honourable Attorney-General to speak in reply. You have the floor, Sir.

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, I have no further comments to make.

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

Question put.

Motion agreed to.

[Electoral (Amendment) Bill 2020 (Bill No. 50/2020), referred to the Standing Committee on Justice, Law and Human Rights]

HON. SPEAKER.- I now call upon the Honourable Attorney-General to move his motion.

**ELECTORAL (REGISTRATION OF VOTERS) (AMENDMENT) BILL 2020**

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, pursuant to Standing Order 51, I move:

That the –

- (a) Electoral (Registration of Voters) (Amendment) Bill 2020 (Bill No. 51/2020) be considered by Parliament without delay;
- (b) Bill must pass through one stage at a single sitting of Parliament;
- (c) Bill must be immediately referred to the Standing Committee on Justice, Law and Human Rights;
- (d) Standing Committee must report on the Bill at the March Sitting of Parliament; and
- (e) Upon presentation of the Report on the Bill by the Standing Committee, the Bill must be debated and voted upon by Parliament at the March Sitting of Parliament, but that one hour be given to debate the Bill, with the right of reply given to me as the Member moving this motion.

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

HON. SPEAKER.- I call upon the Honourable Attorney-General to speak on his motion.

HON. A. SAYED-KHAIYUM.- Thank you, Mr. Speaker, Sir. As with previous amendments, a lot of them are based on the recommendations made by the Fijian Elections Office, Electoral Commission and the MOG Report, like in the previous one, as a number of political parties wanted party symbols to be on the ballot paper that is now being recommended to be put on the ballot paper itself. We have the number and the party symbols that are being recommended in the previous Bill.

In this one also, Mr. Speaker, Sir, we are making a number of recommendations, for example, the register of voters, how the political parties can get access to it upon payment of funds, how a voter can be given the opportunity to select a polling venue closest to their residence and an alternative polling venue just to make things easier. So just in case someone may be travelling on that day, they may know that so they can say, “I live in Yavulo Village but on that day, I will be going to Keiyasi or I am going to Warwick Hotel as I work there and I have to work on that day even though it is a public holiday.” So that is an alternative voting venue for them.

This is making it easier and a lot more accessible for voters to be able to vote and a number of other recommendations, Mr. Speaker, Sir, have been made, which I am sure the Committee will be able to go through and Honourable Members of Parliament will find it quite conducive to their electoral chances. 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, I now call upon the Honourable Attorney-General for the right of reply. You have the floor, Sir.

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, I have no further comments, thank you.

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

Question put.

Motion agreed to.

[Electoral (Registration of Voters) (Amendment) Bill 2020 (Bill No. 51/2020), referred to the Standing Committee on Justice, Law and Human Rights]

HON. SPEAKER.- I now call upon the Honourable Attorney-General to move his motion.

**POLITICAL PARTIES (REGISTRATION, CONDUCT, FUNDING  
AND DISCLOSURES) (AMENDMENT) BILL 2020**

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, pursuant to standing Order 51, I move:

That the –

- (a) Political Parties (Registration, Conduct, Funding and Disclosures) (Amendment) Bill 2020 (Bill No. 52/2020), be considered by Parliament without delay;
- (b) Bill must pass through one stage of single sitting of Parliament;
- (c) Bill must be immediately referred to the Standing Committee on Justice Law and Human Rights;
- (d) Standing Committee must report on the Bill at the March Sitting of Parliament; and
- (e) Upon presentation of the Report on the Bill by the Standing Committee, the Bill must be debated and voted upon by Parliament at the March Sitting of Parliament, but that one hour be given to debate the Bill, with the Right of Reply given to me, as the Member moving this motion.

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

HON. SPEAKER.- I now call upon the Honourable Attorney-General to speak on his motion.

HON. A. SAYED-KHAIYUM.- Thank you, Mr. Speaker, Sir. I just wish to also correct myself in what I said earlier on, on few Bills around. I had said that party symbols will be actually on the ballot paper, but no. What is being recommended is, it will be on the voter booklet instruction card. I got confused too. It is no longer on the ballot paper itself but on the voter instruction booklet.

Mr. Speaker, Sir, again these recommendations are in respect of the MOG Report, the Electoral Commission and the Supervisor of Elections Report that came out. As we know, there has been quite a lot of issues pertaining to disclosures by political parties, in particular, their funding, how it is accounted for, how it needs to be disclosed and declared and what information needs to be declared. For example, there has been lot of issues pertaining to when funds are received, are they properly being accounted for or not. Then we have heard stories of lamb chops and curry and all of that. But when people actually go and buy a ticket, should they note their names down and the spirit of the law has always been no matter what type of fund raising it is, anyone contributing towards the Party, must also have their name registered, whether you buying a five dollar ticket or winning the *kati* or winning a hamper, or whether it is buying a thousand dollar ticket for a dinner. Their names must be recorded.

This also, Mr. Speaker, Sir, we are looking at, we understand there are a lot of individuals who are collecting money on behalf of the Party. Some individuals receive monies directly from their supporters; that also needs to be accounted for. We need to be able to have the candidates and those even elected subsequently to be able to declare their financial records to ensure that the Parties are not channelling or funnelling money to individuals to circumvent the disclosure requirements for political parties.

There is quite a few other areas, Mr. Speaker, Sir, in terms of providing for example, section 10 to ensure that all political parties open bank accounts and provide the bank account details to the Registrar within the 90 days of registration which has seen a lot of political parties opening numerous bank accounts. Again, if anyone believes in transparency and disclosures, they would not oppose to any of the amendments, but the Committee, of course, has the chance to debate these issues and bring them up. Thank you, Mr. Speaker, Sir.

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

HON. M.D. BULITAVU.- Thank you, Mr. Speaker, Sir.

Mine is not on the substance of the Bill, but just from a Committee perspective, given the amount of Bills that is now before the Committee and the deadlines that are set out there, that we should return to Parliament. Some in February and in March, probably on behalf of the Committee and also its Members, it is our duty too, as Members of Parliament probably to follow up the Parliament *Facebook* page and probably the advertisement of public submissions and consultations will be coming out.

As Members of Parliament, given that they are very important Bills in terms of Political Party Bills and also Electoral Bills that we need to incorporate and also pass out the message to the communities so submissions can come in, online submissions and also face-to-face submissions that will help the Committee in their very short time because it has to report back to Parliament and also given that their digital platform that has been provided, we will help the public to understand the Bill, especially the background of the Bill, even if it takes time for them to understand the Bill before they come and make a submission on a particular clause.

That is our duty as Members of Parliament and also as legislatures to pass that message across to everyone, so that everyone is welcomed to come and make a submission to the Committee.

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

HON. A. SAYED-KHAIYUM.- I have no further comments, Sir.

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

Question put

Motion agreed.

[Political Parties (Registration, Conduct, Funding and Disclosures) (Amendment) Bill 2020 (Bill No. 52/2020), referred to the Standing Committee on Justice, Law and Human Rights]

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

### **INCOME TAX (AMENDMENT) (NO. 3) BILL 2020**

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, pursuant to the Resolution of Parliament on Wednesday, 9th December, 2020, I now move:

That the Income Tax (Amendment) (Bill No. 3) of 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, please, take note 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. This Bill, as we stated earlier on, seeks to amend the Income Tax Act. The Income Tax (Budget Amendment) Act 2020 removed the Minister's discretionary power to grant an exemption to a person's business to be deemed not to be a permanent establishment.

Currently, under Section 2 of the Act, the definition "permanent establishment" does not clarify that lessors of foreign aircraft, aircraft engines and aircraft parts are not deemed to have a permanent establishment in Fiji.

Mr. Speaker, Sir, the Bill seeks to amend the definition of "permanent establishment" to clarify that lessors of foreign aircraft, aircraft engines and aircraft parts are not deemed to have a permanent establishment for tax purposes in Fiji by virtue of leasing aircraft, aircraft engines and aircraft parts to Fijian companies.

The proposed amendment gives certainty to those who are in the business of leasing aircrafts, aircraft engines and aircraft parts to Fijian companies.

The proposed amendment will also provide an incentive to those who are in the business of leasing aircrafts, aircraft engines and aircraft parts to Fijian companies.

Mr. Speaker, Sir, the Bill also seeks to amend Section 143 of the Act to allow an exemption granted by the Minister before 1st August, 2020 to a person seeking for the person's business to be deemed not to be permanent establishment, to continue to have effect in accordance with the terms and conditions of the exemption.

A number of consultations were also held, Mr. Speaker, Sir, in this respect and the Bill is before Honourable Members. Thank you, Sir.

HON. SPEAKER.- Honourable Members, the floor is now open for debate on the motion. Does anyone wishes to take the floor?

Honourable Bulitavu, you have the floor.

HON. M.D. BULITAVU.- Thank you, Mr. Speaker, Sir. From this side of the House, I think we have no issues with the Bill, given this particular Bill and the proposed amendment will give the

definition of “permanent establishment” for those lessors of foreign aircrafts. Also, it gives incentives for these foreign companies to come to Fiji and make business, and also allow our local companies to purchase those parts of aircrafts and also engines. Those incentives will create the environment for more foreign companies to come and invest in Fiji. *Vinaka*.

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

HON. A. SAYED-KHAIYUM.- Thank you, Mr. Speaker. I would like to thank Honourable Members of Parliament, including the Opposition for the support of this amendment. I have nothing further to add, thank you.

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

Question put.

Motion agreed to.

[Income Tax (Amendment) (No. 3) Bill 2020 (Bill No. 38/2020) moved under Standing Order 51, passed and enacted by the Parliament of the Republic of Fiji. (Act No. .... of 2020)]

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

### **FIJI REVENUE AND CUSTOMS SERVICE (AMENDMENT) BILL 2020**

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, pursuant to the resolution of Parliament on Wednesday, 9th December, 2020, I now move:

That the Fiji Revenue and Customs Service (Amendment Bill) 2020 (Bill No. 39/2020) be debated, voted upon and be passed.

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

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

HON. A. SAYED-KHAIYUM.- Thank you, Mr. Speaker, Sir. As discussed, and I did move this particular motion for this Bill on Wednesday, it does relate to the Fiji Revenue and Customs Service’s (FRCS) ability to transect, in particular, the collection of the loans that have been disbursed now up to nearly the tune of \$30 million through the Concession Loan Assistance Scheme for the Micro, Small and Medium Enterprises (MSMEs).

Essentially, it gives the FRCS specific but similar powers that it already has in relation to other areas of financial transactions, so this is specifically in relation to these loans, Mr. Speaker, Sir. So you need the enabling environment within the law, the enabling provision within the law, for FRCS to deal with this specific area of funds that have been disbursed and, indeed, for their ability to collect it.

Similarly, they have those provisions regarding, for example, Tertiary Education Loans Scheme (TELS) and various provisions relating to, for example, Customs and collection of taxes, et cetera, and it is essentially a replication of that. Thank you, Mr. Speaker, Sir.

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

HON. RO F. TUISAWAU.- Thank you, Mr. Speaker, Sir. Just a short contribution regarding the loans and grants which had been provided prior, and we had monitoring and evaluation of such huge projects in terms of amounts which had been given out. I refer in particular on how these MSMEs are monitored, their performance and the reporting back to the Ministry.

It would be good if that is done and then a separate report is made to the House in terms of the performance of that, whether there are bad loans and, et cetera, in the future. Thank you.

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

HON. N. NAWAIKULA.- Mr. Speaker, Sir, I wish to raise a concern. It is not so much the opposition from this side, possibly we will let this go but then there is a concern in relation to this. My fear is that, this will shift responsibility away from banks. I feel rightly that the responsibility of assessing loans and collection should be left at that, where it is.

The other concern that I have is in relation to Section 32C, which is the garnishee order. We all know that in relation to collection of debts, you are required first to go to Court to prove it, and that goes through a process. That allows the person who owes, time to appear before Court and to disprove whether a debt is actually paid. It is dangerous, in my view, in this case where the CEO or a person who is employed by FRICA, is allowed to do what is normally done by the Court. That is a very dangerous precedent. I just want to raise that.

HON. SPEAKER.- Thank you. Honourable Attorney-General, you have the floor to speak in reply.

HON. A. SAYED-KHAIYUM.- Thank you, Mr. Speaker, Sir. Sir, just addressing those two issues raised by Honourable Nawaikula, I completely agree with him. I assume when he said, “shift the responsibilities away from the banks”, what he means (if I could think for him) is that banks should be lending money to people, as opposed to Government lending money.

The reality, as we all know, that banks, commercial banks, view these areas of lending highly risky. A lot of these people who were lending money too, do not have any assets. Banks actually want assets or they want people with fulltime employment. They want to security, so a villager who, for example, has got 10 pigs and now wants to have another 10 pigs and put up a pig sty, et cetera, the bank is not going to go and use that as collateral. He has already built that pig sty on a communal land which he does not have a lease over, so there is no security. So a lot of these people who are being lent these money cannot offer security and commercial banks will not lend to people without security. So that is why there is a gap, and there has always been for decades in Fiji.

This is one of the reasons what we have been doing, we have been trying to push the financial institutions in that space. We are currently, as we announced in the Budget, we are working and now we have revived the Fiji Investment Corporation Limited, we have asked the Board to look at whether we can actually set up, for want of a better word, a small micro, small medium enterprise bank for them - a financial lending institution that specialises only in the lending of those areas, for example, Gramin Bank, et cetera has done a lot of work in that space.

The Fiji Development Bank (FDB) also, of course, does require security too because FDB raises money from the public. We have been talking to a number of our international partners, some of them are actually interested. As you know that when we were giving out the thousand dollar grant

to microenterprises, the Indian Government very generously actually gave, I think from memory, about \$6 million, so we were able to utilise those funds. So there are some development partners that are quite keen to partner with us and hopefully, we will be able to get some traction in that space. That is why banks are not in this space.

Garnishee orders, Mr. Speaker, Sir, already exist. I have got the Tax Administration Act, the Customs Act, the powers are already given to the CEO of FRCS to impose garnishee orders. They are not given willy-nilly though, and we have also raised issues about that in the past as it was abused. You will see now that their Board actually has some specific directions. But the reality of the matter is that, a lot of people have escaped the payment.

Honourable Waqanika, I think, worked with FRCS in those days, and she would tell you on how people abscond from paying. Funds can disappear overnight, they can be moved from their personal account to their son's or daughter's or wife's account and with absolutely no ability to then get those funds back. That is why garnishee orders have been put in place.

In respect of what Honourable Tuisawau said, yes, of course, but he needs to understand that these people who have been lent the money have one-year grace period. No one will be repaying those funds because they are being given the money because of COVID-19. We know that they cannot immediately do their repayments, so we are giving them one year leeway. And after the first year, then they start doing the repayments and most definitely, FRCS will have its own independent report as to how much money it has been collecting and where they have been collecting from and those reports, of course, will be made public. Thank you, Mr. Speaker, Sir.

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

Question put.

Motion agreed to.

[Fiji Revenue and Customs Service (Amendment) Bill 2020 (Bill No. 39/2020) moved under Standing Order 51 passed and enacted by Parliament of the Republic of Fiji. (Act No. ... of 2020)]

HON. SPEAKER.- I now call upon the Honourable Attorney-General to move his motion.

### **OZONE DEPLETING SUBSTANCES (AMENDMENT) BILL 2020**

HON. SPEAKER.- Mr. Speaker, Sir, pursuant to the resolution of Parliament on Wednesday, 9th December, 2020, I now move that:

The Ozone Depleting Substance (Amendment) Bill 2020 (Bill No. 40/2020), be debated, voted upon and be passed.

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

HON. SPEAKER.- Honourable Members, I remind that 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. As highlighted on Wednesday, 9th December, 2020, the Ozone Depleting Substances Act 1998 regulates the importation, exportation, sale, storage and use of ozone depleting substances. The Act also gives effect to Fiji's obligations under the Vienna Convention for the protection of ozone layer and the Montreal Protocol substances that deplete the ozone layer which is called the Montreal Protocol.

Fiji acceded to the Vienna Convention and Montreal Protocol in 1989. Through the Montreal Protocol, Fiji has successfully reduced the use of Ozone Depleting Substance or what we call ODS over the years.

Montreal Protocol, Mr. Speaker, Sir, not only contributes to the reduction of greenhouse gas emissions of around 135 billion tonnes of carbon dioxide but it has also been a key contributor to the global fight against climate change. Since entering into force, the Montreal Protocol has been amended five times to reflect the latest findings and signs in relation to the ozone layer.

The most recent amendment is a Kigali Amendment to the Montreal of Protocol which is agreed upon on 15th January, 2016 and entered into force on 1st January, 2019 with the exception of the changes to Article No. 4 of the Montreal Protocol which entered into force on 1st January, 2033.

The Kigali Amendment, Mr. Speaker, Sir, is designed to phase down and reduce the production and consumption of Hydrofluorocarbons (HFCs), which are frequently used in refrigeration and air condition systems as substitutes for ODS. Although HFCs are not ODS, they are powerful greenhouse gasses that have high or very high global warming potential.

On 16th June, 2020, Mr. Speaker, Sir, following the approval by Parliament, Fiji acceded to the Kigali Amendment and as such, Fiji is obligated to implement the legislative control of the list of HFCs outlined in Annex F to the Montreal Protocol by 1st January, 2021.

As we can see from the Bill itself, Mr. Speaker, Sir, the Ozone Depleting Substance (Amendment) Bill amends the Act, amongst other things, give effect to be part of Fiji's legislative obligation under the Kigali Amendment. Essentially, the Bill extends the definition of "controlled substance" under the Act to include HFCs and amends the rename in Schedule No. 1 to the Act by inserting the list of HFCs outlined in Annex F to the Montreal Protocol as controlled substances under the Act.

The Bill also amends the Act, Mr. Speaker, Sir, by inserting a new Schedule 2 which lists out prohibited substances under the Act and empowers the Minister responsible for environment, who is the Minister responsible for the administration of the Act, to make regulations to the issuance of fixed penalties and to prescribe penalties not exceeding a fine of \$500,000 or imprisonment for a term not exceeding 10 years or both. This, of course, Mr. Speaker, Sir, is essential for us to be able to approve so we can fulfil our international commitments. Thank you, Sir.

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

HON. M.D. BULITAVU.- Mr. Speaker, Sir, this side of the House, we do not have any issue in regards to this particular Bill given it is just our obligation to the Montreal Protocol and also the Kigali Amendment and also part of the domestication of our acceding to the Bill earlier this year and Parliament has approved along with all the various domestications and measures that are taking place and the various benefits that will come with it that will benefit other climate mitigation and adaptation measures that we are currently seeking.

HON. SPEAKER.- Thank you. I call upon the Honourable Attorney-General to speak in reply. You have the floor, Sir.

HON. A. SAYED-KHAIYUM.- Thank you, Mr. Speaker, Sir. Mr. Speaker, Sir, I have no further comments.

Question put.

Motion agreed to.

[Ozone Depleting Substances (Amendment) Bill 2020 (Bill No. 40/2020) moved under Standing Order 51 passed and enacted by the Parliament of the Republic of Fiji. (Act No. ... of 2020)]

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

### **TELECOMMUNICATIONS (AMENDMENT) (NO. 2) BILL 2020**

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, Pursuant to the resolution of Parliament on Wednesday, 9th December, 2020, I now move:

That the Telecommunications (Amendment) (No. 2) Bill 2020 (Bill No. 41/2020), be debated, voted upon and be passed.

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

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

HON. A. SAYED-KHAIYUM.- Thank you, Mr. Speaker, Sir. Sir, we had, in fact, discussed a number of issues when we had actually introduced this particular Bill in the motion on Wednesday, 9th December, 2000, but I would just like to very quickly essentially summarise, Mr. Speaker, Sir.

The amendments seek to remove the archaic and bureaucratic consultation process which will not only save us cost but also expedite connectivity access. In this point in time, we are very mindful of the fact that we want to get people connected and there are people who are actually falling off because they do not have access to that type of technology which bulk of Fijians are actually using. Whether it is a fisherman who has caught fish in the morning and wants to know where he should sell his fish, where will he get the best price from, people getting access to information, access to news, et cetera.

We have some ridiculous situations. I think the Honourable Leader of the Opposition, we talked about Taveuni and we have a situation in Taveuni because we want infrastructure sharing. So we had highlighted in Nakobalevu, on the hill, we have all these different towers. In Taveuni where they have one small hill, both of them are sharing and because it is such a small patch on the hill, the towers actually have been tilted in such a manner just to allow them to be able to have the two towers there but that does not give everyone coverage.

If we have one tower positioned in the right place and everyone's transmitters on it, the entire Taveuni will probably get connected. So this is one of the issues that we are trying to get over and I

think it has been quite, even if I say so myself, a momentous achievement that we have had without any regulatory imposition, the service providers have actually agreed now to do what we call “co-location”. So, co-location will be hugely beneficial to everyone and we can in time to come obviously get all the other ones that have not been co-located to be co-located and in that way the entire country gets rid of the unnecessary capital overhead cost and improves the operational cost also.

At the moment, on one side you may have five generators running, in this way, you need only one generator and then you can, of course, if your towers are smaller and there are lesser towers, you can be readily dependent on renewable energy sources too. So, essentially this is what the amendment seeks to do, Mr. Speaker, Sir.

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

Honourable Waqanika you have the floor.

HON. T. WAQANIKA.- Mr. Speaker, Sir, whilst I appreciate the reasoning given by the Honourable Attorney-General, Sir, there are concerns on this Bill. First is when you have too many masts, in fact, all the masts in one tower, because I speak from experience at Fiji TV where I used to make submissions to the Telecommunications Authority of Fiji (TAF), any natural disaster, when you put all your eggs in one basket, and that tower goes down, the whole of Fiji goes down because we put all our eggs in one basket. Please, consider that because you are putting all the masts in one tower.

The second is, you have *Digicel* and then you have Vodafone. They have separate signals, so we need to ensure that there is a filter, it needs to be properly filtered otherwise there is a lot of interference.

I am not sure how they are going to work that out but I am aware that sometime back, it was mooted to have a standards committee that prior to any movement or any installation of any tower, all the telecommunications come together and the putting the regulator to discuss, to ensure that all engineering aspects are covered before something goes up. Communication is very important and I totally agree with what the Honourable Attorney-General said that our people need to be connected but you need to do it properly.

The other issue is, what happens to the current towers that are all over Fiji? There are probably about 1,000 towers. You have got *Digicel*, *FBC*, et cetera, TFL is the biggest. They have the most towers around Fiji, including CFL.

What happens to their investments on those towers? Who will take responsibility of those towers? Who is going to meet the cost of the new towers? We are in a situation right now, we do not know how long this global pandemic will last. I appreciate what they are bringing in, but we need to prioritise who is going to be footing the bill of the installation of these new towers, because any cost that goes up there, the end users are the taxpayers. Let the private sector foot that.

The other issue is, the Honourable Attorney-General has mentioned about the archaic, bureaucratic legislation where consulting with the landowners is perhaps (my words) is a challenge. Well, I can assure the House this - you go and put a tower without the consultation of the landowners, in my experience (and Honourable Tikoduadua is fully aware because we had discussions in Delaikoro), they will shut you down.

We do not have security guards 24/7 manning those towers. They will break through them, they will syphon the fuel, they will steal the generator. That is why they need to secure those towers. We need to work with them. Take into account SEED 2012, engage with the landowners (we are all landowners here). I am a landowner, my clan owns the second largest land in Kadavu. God forbid that Government or any government for that matter goes and plonks a tower without consulting my people. We need to respect each other, Sir. Please, consult, whether it is the landowners, whoever - consult.

The other issue, Sir, we are effectively killing freely competitive enterprise. Government's stance is to regulate, let the private sector run. I have also seen in the Bill, you either help the universal service fund where everybody puts their mask. The other one, this is how to get communication. The other is to I believe, the deployment of appropriate alternative technology other than constructing a universal service tower. , I stand correct there.

*Sky Pacific* is a classic example. We had local content on *Sky Pacific* at a cost, not of Government, of a private sector that was 100 percent coverage done by SVT, SDL, not this Government. Government got money, dividends, that was good – that is tax money. You can do that again – amend that media ownership clause that you put, let the cost go back. We are now in a situation where we cannot be spending money willy-nilly. Look at your media ownership decree, amend that, let the local content go back on that service platform at no cost to the Government, and let the content go out as far as Rotuma. That is digital platform, the world has gone digital.

There are not many broadcast engineers apart from Richard Lucas, you have Nitendra Prasad and I believe my good friend (I am not sure whether he is still with *Walesi*) Mike Delainamati - these are good, experienced people. Engage them.

In 2007 at Fiji TV, back then they said: “Tanya, ten years ago, to put one of these towers up - it was about 150,000, this is 2020. What is our priority? I understand about the communication. In fact, I will be honest, I rarely watch TV, everything I want to watch on news, I go online. We want to watch things real time, it is all on the mobile phone. So all I ask is, please, look at it carefully. Take into account what is raised in this House and also be mindful of the priorities. *Vinaka vakalevu*.”

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

HON. A. SAYED-KHAIYUM.- Thank you, Mr. Speaker, Sir. I am not sure whether Honourable Waqanika was here when I presented the Bill on Wednesday, Mr. Speaker, Sir, but I am sure if she was, but if she was not, I can tell her again that this essentially is to do with connectivity in those areas that are not connected currently, and where the mobile phone companies do not want to go because there are may be 20 people in a village or five people living in one area or there is only a health centre.

This is what this Bill essentially is about because you came from television, you may not necessarily know about this, but the funds are actually from mobile phone companies which give a certain percentage of their gross revenue to the Telecommunication Authority of Fiji, which establishes what we call a Universal Service Fund - those funds are to be applied to give universal services to those people who are not connected.

The co-location is about going into new areas. What this Bill does, is that if we identify a particular area, say in Lau, that is not connected, and maybe only 30 people are living there, the current provision says that you must ask the mobile phone companies to put in a tender, they are not going to do it. So they are not going to put in a tender because it is not worth their money, as you said in your days in 2007, it cost around \$150,000.

We are now building towers that are Category 5 certified - that will cost about half a million dollars. So you can imagine that no one is going to go there, therefore that particular location in Lau will not get connected. What this law is saying is that you do not need a tender. We have already worked with the ADBs and the World Banks and the ITUs of the world to identify specifically, which areas in Fiji actually are not connected.

Given the fact (on the flip side) that we have got the mobile phone companies to agree to co-locate, so they are not competing with each other on the small hill; they will actually be funded through the Universal Service Funds, they will provide some funding, the capital cost for them is defrayed. When your capital cost is defrayed, it means that you do not pass on your capital cost to your customer. No business will ever expand money in capital cost and not pass it on to their customer. So if their capital input is little, minimal or nothing at all, then the rates they will give to the customer will be far more attractive. We have one of the cheapest internet rates in the Pacific, even compared to Australia and New Zealand, so we want to continue down that path. That is what this Bill is about.

In respect of interferences, again, Honourable Waqanika may not be aware of this, but we had an open tender bidding process at Suvavou House a few years back. Again, assisted by ITU, where every hour, the tender pricing was put up on the glass door outside Suvavou House and that was the deal with all the frequencies. Before we actually tendered out those frequencies, we had ITU to come and assess to ensure that there was no interference. Similar, some of you may remember at that point in time, the frequencies on radios had also changed, in particular the FM. If you drive along from Suva to Sigatoka, Nadi and Lautoka, there is a slight adjustment and you will find, unlike before, there are no interferences, because that is how the frequencies have been allocated. So there is no fear of frequency interference.

The consultation in this particular Act refers to the consultations in respect of identifying places that do not have mobile phone connectivity. Please understand that – identifying areas where you do not have mobile phone connectivity. We have to have this exercise. Let us say we go out to Taveuni, have a big meeting and say, “How many of you do not have mobile phone connections?” That is the consultation - it is a waste of money. Because in those days when the law was drafted, they did not have the capacity within the Ministry of Communications, nor did they have the expertise and the connectivity with people outside Fiji to be able to ascertain them. We now have one or two people actually going out individually in the field finding out exactly, so I am sure if you go to Taveuni, Honourable Lalabalvu is going to say, “Yes, please get me mobile phone connected. I go to parts of Kadavu and they will want mobile phones connected.” That is what it is all about.

It is not to do with the land owners. Maybe *Fiji TV* went and put up towers without consulting. We do not do that. We actually do things legally. If there is a landowning unit and we want to put up a tower there, we go through iTLTB, we lease the land. We pay the market rate, that is how you put up a tower. You do not really illegally put up anything. It is quite a superfluous observation on the part of the Member. It is not killing competition. In fact, this is enhancing competition because these are to do with the areas where there is no connectivity, so people will go if you have facilitation through USO. What will happen to all those towers that have already been put up? All the towers that are already put up are in what we call “cherry-picked” areas.

Most companies will go in where there are large pockets of people, so they would love to be in the Suva-Nausori corridor, there is a tower up in Princess Road, a tower in Flagstaff and there is tower everywhere else, in such a short area. Why? Because there is a lot of customers. Then going up the hills in Navosa or along the Queens Road, you go to certain places you still have blackouts, because only a few people are living there. That is why they only put a tower there, and maybe five kilometres or ten kilometres down the road they put another tower - but if there are lots of people

living along the corridor you will see a lot of towers popping up. That is what you call cherry-picking.

At this point in time, this law has got nothing to do with the towers that are already up. They are there, we will deal with them later, but we are now developing a culture of co-location. In some countries, Mr. Speaker, Sir, the law has forced telecom companies to set up what we call a “multi-company company”. So, all the companies have to have shares and they have one company that will own all the infrastructure and they all contribute towards that, in a shared cost. We have not done that but at this point in time we have done, by way of negotiation, and everyone agrees to that. So that is essentially what it is all about.

Last year, the towers as I mentioned, we wanted to build it up to category 5 capacity because, yes, we were right when cyclones come, a lot of things get blown down. That is one of the reasons why we actually put all the cables underground at Nadi Airport to Namaka and all of that. If everything is underground, nothing is blown away, but of course, unfortunately for towers we have to be able to put it up and we want to build it up to category 5 standards. Thank you Mr. Speaker, Sir.

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

Question put.

Motion agreed to.

[Telecommunications (Amendment) (No. 2) Bill 2020 (Bill No. 41/2020) moved under Standing Order 51 passed and enacted by Parliament of the Republic of Fiji. (Act No. ... of 2020)]

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

### **ENVIRONMENT MANAGEMENT (AMENDMENT) BILL 2020**

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, pursuant to resolution of Parliament on Wednesday, 9th December, 2020, I now move:

That the Environment Management (Amendment) Bill 2020 (Bill No. 42/2020) be debated, voted upon and be passed.

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

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

HON. A. SAYED-KHAIYUM.- Thank you, Mr. Speaker, Sir. As discussed on Wednesday, this Bill essentially seeks to put into effect the ban on the polystyrene products which comes into effect from 1st January, 2021, in a slight fashion to what we had originally envisaged when we announced this ban last year.

Last year, in the 2019-2020 National Budget, we had announced that polystyrene will be banned from Fiji from 1 January. Of course, as we all know the deleterious effect of polystyrene and

we have already banned single use plastic bags. We will be, hopefully in February, bringing in some more matters to Parliament in respect of plastic bags.

We have seen that there is also some lacuna in the law where some people are abusing the process and we are still working on that, because there is some usage of plastics in the particular area in the same way with polystyrene because, for example, polystyrene has a very harmful effect on the chemical leakage from them and it must be controlled.

Given COVID-19, Mr. Speaker, Sir, we have, as proposed in the Bill, from 1st January, all raw materials that is used to make polystyrene will be banned. Any restaurant, et cetera that has polystyrene cups, containers, plates, et cetera, and packaging trays will be able to use it until 31st July of next year. Any manufacturer that is bringing the raw materials will be able to finish all their stock to make the polystyrene products until 31st July of next year. We have had the numerous submissions and we have been having a lot of consultations.

Just to inform Parliament, Mr. Speaker, Sir, we actually have a Polystyrene-ban Committee (PBC) which was established to guide awareness initiatives, legislative formulation. The PBC as we call it, is co-chaired by the Permanent Secretary of Minister of Economy and the Permanent Secretary for Environment. It consists of relevant Government ministries and agencies such as FRCS, the Ministry of Commerce and Trade, the Ministry of Communications, Office of the Solicitor-General and various other stakeholders that are brought in or co-opted.

After numerous in-person consultations by the Ministry with local manufacturers and distributors of polystyrene products, from 2nd September to 21st September this year (and we had also received written submissions earlier on when COVID-19 came around), the PBC determined that local industries will be able to comply with polystyrene ban if the ban is brought along about a specific timeline.

Essentially, Mr. Speaker, the Bill seeks to amend the Environment Management Act which comes under the purview of the Minister for Environment, to prohibit manufacture, sale, supply and distribution of polystyrene products from 1st August, 2021, allowing for a seven-month grace period. This seven-month grace period is being provided after consultations with the various stakeholders as highlighted earlier on so they can utilise their remaining stock and of course, it takes into account the adverse impact on the economy.

The Bill, Mr. Speaker, Sir, will complement (by regulations), amending the Customs Prohibited Imports and Exports Regulation which is made through the Ministry of Economy. The Customs Import Regulations seeks to prohibit the importation of polystyrene from 1st January, 2021 which is in a few weeks' time.

Mr. Speaker, Sir, the Bill also empowers the Minister for Waterways and Environment to make regulations to exempt certain polystyrene products from the polystyrene ban. The regulations set out the following exemptions, so for example, polystyrene products or materials are used solely for cushioning packed products such as electrical appliances. Polystyrene products are used in building materials, provided they are neatly kept and properly disposed of. Polystyrene materials are used as cooler boxes, polystyrene sponges and foam mattresses and all materials that are prescribed based on standard trade measures or pre-packed with components of polystyrene that are not assembled locally.

As we know that most of the polystyrene that actually ends up in our waterways are in fact the ones that people generally use on a day-to-day basis. The restaurants give you the polystyrene containers and people throw that away willy-nilly. You can go along the foreshore area here, in front

of His Excellency's residence along to Suva Point, you will see people eating lunches and throwing out their polystyrene containers and cups, et cetera - cups that McDonalds use or other places that do use them.

Interestingly enough, I had a takeaway yesterday which was a very sort-of-runny stir fry - there was a lot of liquid in it from Yummy's Restaurant on Princess Road; the entire thing was given to me in a paper-glazed container so, some people are already complying with it. It is actually paper with a bit of glaze on it and it does not leak at all. That is what we want. That paper can be actually decomposed eventually unlike polystyrene, nor is there any chemical leakage problem, so we look forward to everybody's support in this.

We also would like to say to all the manufacturers that we have given a seven-month leeway and we hope everyone will comply with it and of course, it creates a much better environment for us and also our biodiversity. Thank you, Sir.

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

I call upon the Honourable Attorney-General, to add anything further.

HON. A. SAYED-KHAIYUM.- I have no further comments, thank you, Sir.

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

Question put.

Motion agreed.

[Environment Management (Amendment) Bill 2020 (Bill No. 42/2020) moved under Standing Order 51 passed and enacted by Parliament of the Republic of Fiji. (Act No. ... of 2020)]

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

### **COVID-19 RESPONSE HOME LOANS ASSISTANCE BILL 2020**

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, pursuant to the resolution of Parliament on Wednesday, 9th December I now move:

That the COVID-19 Response Home Loans Assistance Bill 2020 (Bill No. 43/2020) 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. Again, we have touched on some of the issues pertaining to the Bill but as highlighted in the introduction of the Bill on Wednesday.

This Bill essentially gives comfort and relief, Mr. Speaker, Sir, more so the psychological relief to those people who already have their accounts under distress. There are a number of people whose home loan repayments, they are unable to meet and they have had arrangements with the financial institutions, banks have actually given them some form of relief where they do not pay the principle only paying interest and in some extreme cases, they are given a holiday on both the types of payments.

We have been able to achieve this arrangement with the banks without any legal enforcement of it but simply by persuasion. I think the banks know not to give them too much credit, the banks also realise that these people will not be able to do the repayments, they are their customers and they have to actually make sure that they tag along with them in the system. Of course, at this point in time, I think it will be completely quite debilitating for the economy and also for the personal security of many individuals when people start getting their homes on mortgagee sale. Of course, there are some people did pockets they may go along and buy the mortgagee sale homes. It would be good for them.

I was told the story that after the events of 1987, one gentleman (because a lot of people fled in fear and insecurity), he went around and purchased 50 homes in one week because he was getting bargain sale prices. When people's homes was that time valued at \$150,000, they were selling at \$30,000 or \$40,000. We do not want a similar situation.

Mr. Speaker, Sir, we have the arrangement with the banks. The Bill essentially does two things, it gives the:

- (1) psychological security to those people whose accounts are under these arrangements, that these arrangements will continue and you can see in the Bill it continues to March 2021; and
- (2) ability to these members who are currently do not have their ability to access their FNPF accounts to do the Home mortgage repayments.

Because many of these account holders, Mr. Speaker, Sir, when they actually bought their place of residence, they withdrew their FNPF Accounts which is allowed up to 50 percent which is from the General Account and also their reserved account to provide this equity to the purchase or the construction of their homes.

Currently, the law is, once you actually done that, you cannot have the second to buy the material. This amendment actually gives them the ability to be able to go back into their FNPF funds to do the mortgage repayment.

Mr. Speaker, Sir, if you look at the wording in the Bill, the Bill actually says, "that the banks, the financial institutions must ensure that they carry on with these arrangements and they must actually use all the effort to carry on with the arrangement in the event that, that arrangement requires some form of payment then the members can access those funds from the FNPF account."

Mr. Speaker, Sir, the law also allows the Reserve Bank of Fiji at the commencement of this Act to know exactly which accounts have these arrangements. So, there is a lot of transparency that takes place because we do not want people to say look I had this arrangement but I have now missed out or I should be part of this arrangement when they are of the arrangement. So, we have to completely ensure that everyone rights are protected and no one trying to get a quick win through this.

Mr. Speaker, Sir, before I sit down, I also would like to address the issue where I know a lot of people had discussed the issue of hire purchase and also unsecured loans with banks.

Mr. Speaker, Sir, I have a list of all finances we met apart from meeting the RBF and also all the banks. We also met with Carpenters Finance, Tappoo Group of Companies, Vinod Patel Home and Living, Courts Fiji, Vision Investments, Subrails and others that actually do hire purchase.

To our surprise, Mr. Speaker, Sir, we found quite a lot of them have actually made arrangements with the people that bought things from them on hire purchase. Some people have gone back and returned their goods and say look we cannot do the repayments, please take back the television that they bought for their homes. So, we have had discussions with them but in order to ensure that the FNPF funds are not abuse, this does not allow people to access to FNPF funds to do the repayment for hire purchase nor does it allow the people who got unsecured loans through the banks to access their FNPF funds.

We have discovered from the banks that over \$100 million worth of provisioning actually have been done by the banks. In other words, they believe that at least \$100 million worth of loans will actually go back. Predominantly, it is in the area of unsecured loan. So, they have made that provisioning and that obviously in time to come, we will see how that is dealt with.

Mr. Speaker, Sir, this is specifically into homes and the logic behind is that, we do not want people to lose the roofs over their heads. In the worst case scenario, it is alright to lose your TV set or may be your microwave but you should not lose your home. That is what we are concerned about.

The other aspect of this Bill, Mr. Speaker, Sir, is that, we have brought back specifically for these accounts where we have this arrangement in the event that these Members access their FNPF funds, FNPF will have a charge over their property. As highlighted earlier on, we do not want a situation, God willing if COVID-19 says finishes or we have a vaccine in the middle of next year or the end of next year and then someone may have access the FNPF funds to do the mortgage repayments and they continue they have got back their jobs, et cetera.

In two to three years' time if for whatever reason they lose their homes because they have not done their mortgage repayments under normal circumstances. If the bank is going to do a mortgagee sale, the amount of money that will be withdrawn from the FNPF must be deposited back into the FNPF account because we do not want people to lose their money from their FNPF account and further down the track, lose their homes and they have no security. At least, by having a charge over the property in the outside chance of that home being mortgagee sale or sold, they have those funds being replenished into their FNPF account. So, they got some forms of security. Thank you, Mr. Speaker, Sir.

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

HON. PROF. B.C. PRASAD.- Thank you, Mr. Speaker. I am not standing to oppose the Bill but I do think that there are some important issues that needs to be raised and not just for the sake of clarity but also for the sake of understanding the consequences or the issues at hand and I wholeheartedly agree with the Honourable Attorney-General, Mr. Speaker, Sir, that no one will want to see people losing their homes.

The first point that I want to make, I think the banks, I am not sure what sort of discussion the Honourable Attorney-General has been having with the banks but I think the banks in a way have really no choice. If they do go into a situation where there is mortgagee sale, apart from some of the

rich guys around, there could be plenty around looking for properties. I think the banks also know that it will not be easy to get those mortgagees sales.

I think the onus is on the banks because the banks in some way, Mr. Speaker, Sir, over the last several years, have been deliverable in terms of extending home loans and that is good and many young people that I know who have had employment for just over a couple of years and perhaps no less than 10 years in many cases, have acquired quite big sums of housing loans. There is a trend now where people build not just a standard residence three bedroom house but they build double storeys, they have apartments and the expectation of many of them is that, they would be able to rent out the apartment and part of that rental income forms the amount for repayment.

But many of them are also struggling because the rental market is also down and people are struggling to get income there. Mr. Speaker, Sir, I am not sure, I hope it is not some smart idea from some smart banker because I think in some ways, if a large number of people are actually going to use their FNPF funds to make mortgage repayment but in some ways FNPF would be bankrolling the banks.

I heard the Honourable Attorney-General say that the banks are provisioning about \$100 million for shadowing bad loans and those mainly related to unsecured loans. I think the banks should also do some provisioning and I think it is the responsibility of the banks to do that, to ensure especially for those who have home loans and mortgages to pay and that provisioning could also allow banks to give repayment holiday for a longer period of time.

We may see the situation change mid next year or by the end of next year, the banks can in my view, giving repayment holidays not only on principal but also on interest. Because, Mr. Speaker, I will just give you an example, this is a real example. If someone has \$36,000 in their FNPF the preserved balance of \$28,000 and a General balance of \$8,000 and as per the Bill, it says there the maximum of 50 percent from the Preserved entitlement and a maximum of 100 percent from the General entitlement.

If you work that out, this person will have about \$22,000 out of the \$36,000 in the account to make the repayment and if the repayment is about \$3,500 in this particular case (this is a real example I am giving) of a situation, that \$22,000 would last for only six months. So it is in some ways going to basically take away almost 60 percent of that member's account. Already, they have lost 5 percent and I think that would continue for another year. What we are saying, Mr. Speaker, Sir, is that the FNPF has been the institution, a lot of the help that people have got for themselves is from the FNPF.

This is an additional help to those who are having mortgage difficulties and are going to use their FNPF. I think, Mr. Speaker, Sir, it is very important for the banks and my message to the banks is that they should not, at this point in time, use this opportunity to get members' funds into the banks. In fact, the bank should ensure that they provide enough timeline and I think that they can, so that the members do not have to go and get the funds out of their FNPF.

It is also going to have some impacts, Mr. Speaker, Sir, in terms of the retirement, the future for these people. We do not want them to lose their homes, but we also want them to have some retirement funds left. The only safeguard in the Bill as the Honourable Attorney-General pointed out is that, if they are going to lose their houses anyway, in that circumstances they will be able to get the funds back into their accounts. I think, Mr. Speaker, Sir, the banks should look at it.

Also, Mr. Speaker, if we look at the restrictions, I think the reasons on which they are going to make the decisions to actually approve the applications, is also going to be quite restrictive and quite difficult for members to take.

Finally, Mr. Speaker, Sir, I was going to respond to the political stunt pulled by the Honourable Prime Minister this morning, but I will leave it for another day. Thank you, Mr. Speaker, Sir.

HON. SPEAKER.- Honourable Gavoka, you have the floor.

HON. V.R. GAVOKA.- Mr. Speaker, Sir, I support the concern expressed by my colleague, Honourable Professor Prasad. Perhaps, the banks need to do more for those whose loans are in distress. Listening to the Honourable Professor Prasad, I am beginning to say that there is a brilliant banker who knows that the provision for doubtful debts about \$100 million or more, and that they can tap into FNPF to save them, to make up for what they want to lose in the lending for homes. I think if we all look around Suva and around Fiji today, there are a lot of houses on rents, houses for sale, indicating that there is distress across the land.

Here we are, just about everyone in Fiji would be a member of FNPF, and anyone who is in distress, the Bank virtually has a guarantee that the FNPF funds will be available to make up for the Bank's expected losses which is fine, that is commerce, Mr. Speaker, Sir. What I would like to see is more dialogue on what else they can do.

We know, Mr. Speaker, Sir, that it has been raised many times in this House, that the interest rates are stubbornly high in this country. The overnight lending rates is an all-time low, liquidity is high yet if you are a borrower (and our Corporation is a borrower), the interest rate is very, very high. We have tried many times to bring it down and they say that it is a way they can cushion the risk during difficult times. But these are extraordinary times, there is a source of funding in there to help the banks, they should make an effort to bring down interest rates. I know it is a commercial consideration for the banks, but I think that dialogue in this country should be driven towards that. If they have something here to salvage their loans, they should come to the party in a bigger way, and one is the interest rate. Thank you, Mr. Speaker, Sir.

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

HON. N. NAWAIKULA.- Thank you, Mr. Speaker, Sir, I would like to raise a few points or two of the concern on the shape and form of the Bill as it is, bearing in mind that this Bill has come through SO 51 in which we are or the public is not permitted to make its comments.

Talking about Standing Order 51, we have many Bills coming in, but that is a sign of laziness on the part of Government, that is a sign of complacency, the sign that some of their Ministers are not being responsible, they are doing other things than their primary role as legislators. If I take the example of the Environmental Management Bill and Ozone Depleting Substance Bill, which is the responsibility of the Minister for Environment. This tells the House that this Minister has been doing other things and not concentrating on the environment, and sure enough, if we read our papers, we will see the Honourable Minister in Keiyasi today, tomorrow he is in Lautoka, the next day he is everywhere else.

(Honourable Members interject)

HON. N. NAWAIKULA.- No, he should be in the office!

HON. SPEAKER.- Order, order!

HON. N. NAWAIKULA.- And he is going to do things that are assigned to the field officers and not only him, him with his entourage. He is like a small Prime Minister to me. The Prime Minister with his small entourage, the Prime Minister with his big entourage.

Well, if you look at these, polystyrene, why did all these not come out together - plastic, polyester, plastic cup and everything, because he was not doing his job. The Ozone Depleting Zone is here because it is out of time. We have limited time by 1st January because he is doing other things as opposed to concentrating on environment.

On the Bill, Mr. Speaker, Sir, the first point that I wish to raise, it is very narrow. Why is it only assisting home owners? What about those who have Bills of Sale? What about those who have hire purchase? All of them are equally affected by COVID-19. The next point is that, this is only allowing them to take their own money - that is their own money from FNPF. Why does the government give them that?

I tell you, Mr. Speaker, Sir, a better solution would have been if by law, we make a freeze. Freeze all payments from the bank and the government to deal only with the bank instead of letting home owners or debtors go to their FNPF. Well, if you have the money, where is the \$2.5 billion and now our national debt which has gone up to \$9 billion. Why can you not use Government money to take care of these people?

Now, going to the contents of the Bill, Mr. Speaker, you see, I wish to raise that I am concerned about section 3. It says, "a mortgager who, at the commencement of this Act, has an existing arrangement with the mortgagee" - those who want to be protected. But the effect of COVID-19 will not end when this Act comes into place. If the Act comes into effect today, what about tomorrow? Tomorrow, someone will be affected but those people will not be qualified, so if this was in a Standing Committee, I will tell the drafters to relook at that because this is very limiting.

The other point that I wish to add is in relation to section 4 which says, "After the mortgagee has made every possible effort and exhausted every available avenue then only they will provide relief. I will also tell the drafters - relook at that, it is too open. You must give a definition of what you mean by "exhausted every avenue and provided relief" because otherwise it will be abused by the bankers because the bankers know that money is coming from FNPF, so those would be two points that I will be raising to the drafters but unfortunately they are not here and we are trying to resolve all these here, which means that some of the things that I say can be correct, but we will have to possibly wait for another Standing Order 51 to come and correct that, for example, the last time when I said, it is very very dangerous for FRCS to be issuing garnishee, it will be open to abuse. If legislations like these were in the Standing Committee, I will tell the drafters to relook at that because that is totally dangerous, it is open to abuse, you should limit that only to where there are debtors. Allow them to go to the court, so as it is, I see this needs a lot of relook at, and those are the concerns that I wish to raise. Another point on the Ministry of Environment. That is all.

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

HON. M.D. BULITAVU.- Thank you, Mr. Speaker, Sir. I stand to support the Bill given that this is a financial relief to our people out there who are affected by COVID-19. Not only that, Mr. Speaker, Sir, we have to be realistic in terms of some of our people who are on half pay, some have slowly found jobs and they are enduring whatever they are faced with. There are payment arrears in terms of their properties and this particular assistance, through their very FNPF, will keep them afloat and also relieve them in terms of the pending arrears that are there and also it will help.

The good thing too, Sir, that there is a service or a charge placed on this and on the mortgage property and the FNPF reserve fund will also be reimbursed in the event that the mortgage is up. Those are some of the things but the priority of this as alluded to by the mover of the motion is the last resort and I think no one wants to lose their home and everyone moving into Christmas and also the school term beginning next year and other obligations. There are plenty issues to consider and I think this is a measure that has been taken and I think we should support this given its impact into all Fijians and those who are working in our community and also who are finding extreme financial difficulties in maintaining these loans. *Vinaka vakalevu.*

And before I take my seat, Sir, I would like to also wish the Army team all the best for the Ratu Sukuna Bowl Challenge this afternoon against the policemen. *Vinaka vakalevu.*

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

HON. A. SAYED-KHAIYUM.- Thank you, Mr. Speaker, Sir. I thought this particular Bill would have been quite easy to debate, but I just wanted to very quickly reiterate by way of perhaps, providing some clarifications to Honourable Members of Parliament who had raised certain issues.

Mr. Speaker, Sir, just very quickly, perhaps Honourable Nawaikula misunderstands Clause 4. What essentially, Mr. Speaker, Sir, if I can just allude, if the Honourable Members could please look at clause 3. Clause 3 says that:

“This Act applies to -

(a) a mortgage in effect in the COVID-19 relief period.”

The COVID-19 relief period is actually defined which means commencing on 1st April, 2020 and ending on the date of the commencement of this Act.

“(b) a mortgagor who, at the commencement of this Act, has an existing arrangement with a mortgagee as a result of the COVID-19 pandemic, for relief of the mortgagor’s payments of mortgage money, including the deferment of such payments.”

She must already be in an arrangement and that information is then provided to the RBF.

Clause 6 states and I quote: “A mortgagee ....” (mortgagee is the bank). Some people have raised the issue about the bank’s taking advantage of it, actually it is not. If you look at clause 4 (1) it says and I quote:

“Subject to subsection (2), a mortgagor to whom this Act applies may withdraw an amount from his or her FNPF preserved entitlement in accordance with the provisions of the Fiji National Provident Fund, for the purpose of making payments of mortgage money to the mortgagee”.

The way it is simply going to work is that, they do not get the money in their hand, there will be an amount of money on a monthly basis if this arises that goes into the payment of the loan account; from the FNPF account to the bank.

Now, it says that this withdrawal only applies after 31st March, 2021 and after the mortgagee, which is the bank, Honourable Nawaikula has made every possible effort and exhausted every available avenue to provide relief of the mortgagors payments or mortgaged money including to

assist the mortgagor in having his or her payments of mortgaged money deferred to a later time and the mortgagor is still unable to make the payment. So, it is quite emphatically clear.

Now, you will also see a penalty provision and that penalty provision obviously will be applied to the banks. In case of an individual fined of \$10,000, in case of a body corporate, a fine of over a \$100,000 because if, as the Honourable Nawaikula was suggesting the bank tries to play funny “buggers”, the RBF will pick it up because they would get the list as soon as this becomes an Act of Parliament, you approve in a few minutes time, His Excellency the President assents to it, it becomes an Act of Parliament. It firstly ring-fences the people to whom this Act will apply to; and secondly, it also says to the banks, “don’t do anything funny. You are being watched by the RBF, you must exhaust all avenues.” Only then can the mortgagors can access their FNPF accounts. Very stringent and the penalties are high, no bank wants to pay \$100,000 penalty fine; that is what it does.

Now, Mr. Speaker, Sir, the other issues that were raised was, the issue about risk and how banks may be having high interest rate. Honourable Gavoka talked about the highest interest rate, he is talking from a commercial perspective. Home Loan interest rates, if you get the \$30,000 Government grant to build your own home, RBF has an arrangement. For low income families, the interest rate is no more than 5 percent, HFC gives it for 4.5 percent or 4.75 percent and some of them are given for 4.2 percent; not commercial loans, I am talking about home loans. So interest rates have significantly come down from that perspective.

The reason why we have and the second issue about some people are building homes with flats. If you see that this says about your place of principal residence. So you should be living in it, that is your structure where you live, whether you have got another two flats or another that does not matter but that is where you live. But if you are talking about investment property, that is a different matter. It does not apply to investment properties. It only applies to your principal place of residence. So if I am living in a home but my mortgage for my second home, that is not covered under this; it only where I live, so I do not lose the roof over my head.

Now, Mr. Speaker, Sir, the issue of risk has been a problem in Fiji. How is the risk measured? When you have a very large domestic bank of your own, then they have a big footprint in this spatial risk. Unfortunately your leader that has departed, under his Prime Ministership we lost our National Bank of Fiji which is a big home 100 percent Fijian-owned bank. Today, out of the six banks, Home Finance Company (HFC) is the only 100 percent Fijian-owned bank which has a very small portion of the market.

The decisions as I have said are made in Paris, Mumbai, Port Moresby, Auckland and Sydney or Melbourne. That is where those decisions are made. Of course now as you know Westpac Bank is going to sell to Kina from Papua New Guinea. So another decision been made in Port Moresby. We, of course, want to assist our 100 percent Fijian-owned bank. We need to be able to do that but until then we have to understand the risks are assessed ultimately in those capital cities or those financial cities, not by us. So we have to roll with the punches and do the best we can.

So, Honourable Nawaikula, we cannot simply pass an Act of Parliament and say, “freeze all the interest rates, the bank should pack up and leave.” The integrity of the financial institution will be wiped out, will be blacklisted. No one wants to come and invest. You cannot do that, but the fact that we have got them across the line in this position actually is a good position.

As I also mentioned about the issue about the hire purchase. It is a mine field because someone may actually have at the moment, a hire purchase arrangement say with Courts and then Courts may have said, “okay, no interest payment.” But that person may not have any money in the general account. We do not want people to touch their preserved account for hire purchase purposes or for

unsecured loans. We are only touching the preserved account because you have an asset to hold it against; you have an asset. A TV is going to finish. The next brand will come out or the next edition will come out in 18 months' time, the value of the TV is gone. For you to be able to access your preserved account will be highly responsible. So that is why we have not done that. If someone has already got a stressed account with Courts, in three months' time the other person may have a stressed account but they can actually access their account but the other person does not have any money in their general account. What will you do then? It will be unfair. So, that is why we have not done that.

Just for the information, these accounts, the home ones have already been on holiday for nine months (most of them) for the next three months they will be having another holiday until March. So far the banks have provided a holiday for borrowers, the total value is access of \$3 billion. They have written-off loans of \$100 million in the past nine months but for unsecured loans, only for unsecured loans. The bank, so far, Mr. Speaker, Sir, as a matter of interest, this year have given new loans of \$1.7 billion. A lot may have been in the months of February or March but they have been lending in this period too in the COVID-19 period.

Mr. Speaker, Sir, the Honourable Members can be rest assured that this Bill actually targets those people specifically with home mortgages. It provides them with the psychological relief, I mean, I met a gentleman in Labasa a month and a half ago where he has got an unsecured personal loan with one of the banks. His loan outstanding is \$2,700. Now, because he is not been doing repayments, he no longer has a job, he just got hired by the same company but only on commission. If you do a sale, then only you get paid.

Now, his interest rate accumulative has gone up to \$3,300. He is not been making any repayments, the bank is given a holiday. I suspect when they do their finances in March next year, their loan will be written off and that is why they have done the provisioning. So why should we allow him to access his FNPF account to pay the unsecured loan which the banks could write off in any case? You see the logic? That is why we have not allowed that because the bank may have already written his loan off. So, that is a logic behind it.

Mr. Speaker, Sir, I urge Honourable Members to actually support this new Bill so we can provide relief those Fijians who actually have home mortgages. Thank you.

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

Question put.

Motion agreed to.

[COVID-19 Response Home Loans Assistance Bill 2020 (Bill No. 43/2020) moved under Standing Order 51 passed and enacted by the Parliament of the Republic of Fiji. (Act No. ... of 2020)]

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

### **CUSTOMS TARIFF (AMENDMENT) (NO. 3) BILL 2020**

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, pursuant to the resolution of Parliament on Wednesday 9th December, 2020, I now move:

That the Customs Tariff (Amendment) (No. 3) Bill 2020 (Bill No. 44/2020), be debated, voted upon and passed.

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

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

HON. A. SAYED-KHAIYUM.- Thank you Mr. Speaker, Sir. Mr. Speaker, Sir, as highlighted when presenting this particular Bill on Wednesday - this Bill seeks to essentially rectify the anomalies that arose because of some typesetting errors and printing errors including some referencing. You will see Mr. Speaker, Sir, in the Bill there are five items that are being amended and simply the wrong coding was done. Just for the information of the Honourable Members if they have not actually looked at the codes - what do they mean?

The first tariff item which is 2106.10.10 which was referenced but that does not exist. The actual number should be 216.10.00 which is described as food preparations (protein concentrates and textured protein substances). So, the code was actually wrong.

The second, Mr. Speaker, Sir, they actually missed out on the provision 6301.10.00 to change the fiscal duty rate for electric blankets from 32 percent to 5 percent as a result of typesetting and printing errors. So, we have brought down the duty of electric blankets but the coding was not there.

Mr. Speaker, Sir, the other one is the amendment to tariff item 6301.20.00 to change the fiscal duty rate for blankets (other than electric blankets) - normal blankets from 32 percent to 5 percent.

The fourth, Mr. Speaker, Sir, was the import duty for tariff item 8704.21.19 which was incorrectly amended from 5 percent to free as a result of typesetting and printing errors. In fact, the fiscal duty that should have been amended from 5 percent to free for used chassis fitted with engine and cabs with a cylinder capacity exceeding 2000cc for motor vehicles used for the transport of goods.

Mr. Speaker, Sir, the last one, the tariff item 8716.31.00 should have been referenced as 8716.31.10, which is described as new tanker trailers and tanker semi-trailers. Even though as I highlighted on Wednesday these anomalies did arise and in practice the actual intention of the law has been applied since then and now of course will bring about that uniformity. Thank you Sir.

HON. SPEAKER.- Honourable Members the floor is open for discussion. The Honourable Attorney-General you have the floor.

HON. A. SAYED-KHAIYUM.- Thank you Sir. Mr. Speaker, Sir, before I actually say no further comments on this particular Bill, I would like to take this opportunity to please inform all Honourable Members of Parliament that daylight savings commences from 19th December, 2020. So, please make sure in a weeks' time that you move your clocks forward.

And also, I did not get an opportunity to say this Mr. Speaker, Sir, I would like to wish you and all Members of Parliament a very merry Christmas and a prosperous and a happy New Year. Thank you.

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

Question put.

Motion agreed to.

[Customs Tariff (Amendment) (No. 3) Bill 2020, (Bill No. 44/2020), moved under Standing Order 51 passed and enacted by Parliament of the Republic of Fiji. (Act No. ... of 2020)]

### ADJOURNMENT

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

That Parliament adjourns until Monday, 8th February, 2021 at 9.30 a.m.

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

HON. SPEAKER.- Parliament will now vote on the motion.

Question put

Motion agreed to.

HON. SPEAKER.- Honourable Members, I sincerely thank you all for your participation and contributions during the parliamentary proceedings in the course of this final sitting period for this year. Sometimes, there is agreement between the two sides on the speaking times, but the Speaker always has the final say to vary the times so do not be put off by that.

At this juncture, I reiterate the advisory with respect to our nationwide COVID-safe restrictions and protocols, and I encourage all the Honourable Members and all those watching the live broadcast and the livestreaming of today's proceedings to take heed and adhere accordingly. This is crucial for the health and safety of everyone in our country.

For those of you who are very light on your feet, when there is music, there is no dancing, make sure you maintain the distance.

Honourable Members, on behalf of the Secretary-General, the parliamentary staff, I wish you and all your families a very Merry Christmas and a prosperous New Year.

Thank you, and I now declare Parliament adjourned until Monday, 8th February, 2021 at 9.30 a.m.

The Parliament adjourned at 2.24 p.m.