

PARLIAMENT OF THE REPUBLIC OF FIJI



PARLIAMENTARY DEBATES

DAILY HANSARD

WEDNESDAY, 24TH MARCH, 2021

[CORRECTED COPY]

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WEDNESDAY, 24TH MARCH, 2021

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 Attorney-General and Minister for Economy, Civil Service and Communications; the Honourable Minister for Forestry; the Honourable Ratu N.T. Lalabalavu and the Honourable Professor B.C. Prasad.

MINUTES

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

That the Minutes of the sitting of Parliament held on Tuesday, 23rd March, 2021, as previously circulated, be taken as read and be confirmed.

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

Question put.

Motion agreed to.

COMMUNICATIONS FROM THE CHAIR

Welcome

HON. SPEAKER.- I welcome all Honourable Members to today's sitting of Parliament. I also welcome all those watching the live broadcast and the live streaming of today's proceedings from the comfort of their homes, offices and electronic devices. Thank you for your continued interest in the workings of your Parliament.

Extended Lunch Break

Honourable Members, please, take note that the lunch break today will run from 1.00 p.m. to 3.00 p.m. This arrangement will only be for today, as I am required to attend the Commonwealth Parliamentary Association Executive Committee which will be held today and taken virtually. Thank you, Honourable Members.

SPEAKER'S RULING

Urgent Oral Question – Metformin Tablets

HON. SPEAKER.- Honourable Members, I have received an Urgent Oral Question from the Honourable Qereqeretabua with respect to a shortage of Metformin tablets. I will now proceed to give my ruling with respect to the Urgent Oral Question.

I refer Honourable Members to two previous Speaker's Rulings, one made on Monday, 24th April, 2017 and the second on 22nd May, 2017, both on the issue of medicine shortage.

Honourable Members, I wish to clarify that Standing Order 43(1) provides, firstly, that a written copy of the question must be delivered to the Secretary-General one hour before the sitting in which the question will be asked. I can confirm that this was adhered to. Secondly, the Question must be of an urgent character and relates to a matter of public importance and which the Speaker must decide whether the question satisfies the requirement of urgency and public importance.

Honourable Members, putting it another way, did something happened in the last two to three days that meant that an Honourable Member would not have been able to submit the Question within the processes for Oral Questions?

Honourable Members, with respect to the Urgent Oral Question by the Honourable Qereqeretabua, I believe that the Question is of national importance but it does not relate to a specific issue, or an event that had occurred in the past two or three days before the sitting.

I am satisfied that the Honourable Minister for Health and Medical Services had sufficiently addressed the shortage of Metformin tablets on 15th February, 2021 and the Honourable Minister even confirmed that the shortage is a global concern and not only for Fiji. Therefore, we will leave the matter at that.

Honourable Members, I trust that this clarifies the matter for Honourable Members and in that regard, the Urgent Oral Question submitted by the Honourable Qereqeretabua is disallowed under Standing Order 43(1). Honourable Members, I must reiterate that Urgent Oral Questions must fully satisfy the requirements clearly provided for under Standing Order 43(1). Thank you Honourable Members.

PRESENTATION OF REPORTS OF COMMITTEES

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

Review Report of the Tourism Fiji 2013 and 2014 Annual Reports – Standing Committee on Economic Affairs

HON. V. NATH.- Mr. Speaker, Sir, the Standing Committee on Economic Affairs is pleased to submit to Parliament, the consolidated Review Report of the Tourism Fiji 2013 and 2014 Annual Reports.

We are all aware of the extremely significant role the tourism industry has played towards Fiji's economy. Not only has it brought in revenue for the nation, it has also provided employment to thousands of Fijians. In fact, in 2014 itself, Fiji welcomed a record 692,350 international visitors and tourism earnings was valued at \$1.5 billion by the Fiji Bureau of Statistics.

Over the years, Tourism Fiji has introduced and executed various initiatives and programmes in its efforts to market Fiji to the world. In 2013 itself, Tourism Fiji launched the global brand campaign, "Fiji – Where Happiness Finds You" after extensive research which indicated there was something about the genuine warmth and welcoming nature of Fijian people, that enriched people's visit to Fiji and left an enduring impact. While in 2014, Tourism Fiji launched its new online travel agent specialist training programme, the new Fiji Matai Specialist Programme and website was the destination training programme for tourism partners selling Fiji.

The Committee commends Tourism Fiji for continued progress towards increasing Fiji's market share through their various campaign strategies and suggests that Tourism Fiji reports be

inclusive of their progress towards achieving the Sustainable Development Goals relevant to them.

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

On behalf of the Standing Committee on Economic Affairs, I commend the review of the Tourism Fiji 2013 and 2014 Annual Reports to Parliament.

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

(Report handed to the Acting Secretary-General)

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

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

HON. V.K. BHATNAGAR.- Mr. Speaker, Sir, I second the motion.

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

Question put.

Motion agreed to.

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

Review Report on Management of Traffic Congestion -
Standing Committee on Public Accounts

HON. A.A. MAHARAJ.- Mr. Speaker, Sir, I am pleased to present the Committee Review Report on the Management of Traffic Congestion. The negative effects of traffic congestion are many, from increased stress levels, increasing energy use, pollution beyond deliveries, but stalling local economies may not be one of them.

In Fiji, during breaks, traffic congestion eases. However, when schools resume, business activities increase, from school pick-ups and drop offs, increased orders for uniforms, purchasing of stationery and teachers travelling to schools. Whilst most strategies adopted to reduce traffic congestions will greatly impact reduced energy use and pollution, it is important to note how such policies can affect economic growth.

The Performance Audit Report investigated traffic congestion along the Suva-Nausori corridor. This is characterised by the road length of about 20 kilometres, connecting land travellers between Suva City and the developing town of Nausori, with around 6,000 of its citizens needing to move the same time each day in the same direction. This is according to the extrapolated from the Carpooling Survey taken by the Land Transport Authority's Transport Planning and Statutory Department in October 2016. This immediately causes traffic congestion during peak hours. This means that the travelling public would be spending an average of two hours to travel between these two destinations.

Traffic congestion is a sign of economic growth but if not properly managed, it can have negative implications that neutralises the factors that drove the same economic growth in the first place.

In Fiji, the Household Travel Survey 2018 Report shows not only increased household car ownership, but also increased local tourism, increased travel time for official work with low vehicle occupancy with 67 percent of vehicles carrying no passengers. The scope of the audit was to assess the effectiveness of the three areas with management of traffic congestion, namely; the Institutional Framework, Addressing the Transportation Demand and Monitoring and Evaluation and Reporting Strategies.

The Committee noted, however, that the Audit Report did not cover issues surrounding carbon emissions, time wastage, delays resulting in late arrivals, inability to forecast travel times accurately, stressed and frustrated motorists, induced spill-over into secondary roads and the side streets, as Fijians look for other ways and means to reach their destinations on time.

Whilst, there are legislations and policies that govern the land transport sector in Fiji, its effectiveness and adequacy can be improved through proper and regular reviews and evaluations. This warrants holistic reviews so that land transport issues, traffic congestion being a major one, can be appropriately and expeditiously addressed.

Coupled with the absence of prescribed procedures at the Department of Transport, there is lack of formal arrangements/agreements to establish coordination between lead agencies in addressing the problem of congestion on Fiji's roads. This weak coordination is particularly apparent during infrastructural developments where Traffic Impact Assessments are in most parts; the authority in charge of developing the road networks such as Fiji Roads Authority is not consulted prior to these developments.

The existence of certain governance structures, such as the National Transport Consultative Forum is acknowledged. Although the Forum finds traffic congestion issues encapsulated in the meeting themes, the lack of urgency in turning planned strategies into action, the forum entirely falls short of committing to alleviation and addressing head-on congestion management and its reduction as a primary issue.

The provision of duty concession has resulted in the increase in the volume of vehicles into the country. This has further added to the number of vehicles on the roads. Capacity constraint is another issue that will need to be addressed when combating traffic congestion and high number of imported vehicles. The overarching responsibility for congestion management strategies/project effectiveness will need to be properly integrated, in ensuring the issue of traffic is addressed in a timely manner.

Transport Demand Management has not been effectively used in Fiji in providing the concise number of the forever growing population along the Suva-Nausori corridor as a tool for managing traffic congestion. While limited transportation demand management initiatives has been explored and implemented since 2015, collectively this has been neither comprehensive nor sufficient to materially impact transportation demand for road use and related congestion. Apart from the daily work of the Fiji Police Force in directing traffic at congestion spots, other recent progress in the management traffic along the Suva-Nausori corridor has been from the supply of additional roads, that is, double lanes between Nakasi and Nausori.

The monitoring and evaluation arrangements are comprised by the absence of a clearly defined land transport sector-wide monitoring and evaluation system at the strategic level, absence

of systemic reporting by agencies on the impact of nationwide congestion management initiatives, absence of traffic data to enable a full assessment of the holistic pattern of congestion, absence of key indicators and trends in traffic performance measures and targets, lack of collaboration in integrating all related data in a centralised national transport database and monitoring not turned into action responses or programme modification. At the national level, there is no institutional integration framework to manage traffic congestion amongst the key stakeholders whereby monitoring and reporting arrangements can be further enhanced and improved.

The Committee notes that the continuous efforts in the implementation of actions under the Fiji Decade of Action for Road Safety 2011-2020 National Plans. However, it is anticipated that there will be more effective collaboration, integration and results-oriented efforts from relevant transport agencies in controlling traffic congestion and at the same time, alleviating the carbon footprints in Fiji.

The Committee was informed that the Department of Transport had, earlier this year, worked with the National Disaster Management Office (NDMO) on the linkages between the Sendai Framework and Transport. This will also be included as part of the review of the Maritime and Land Transport Policies. This is relating to SDG Indicator 11.7(a), which states that by 2030, provide universal access to safe, inclusive and accessible, green and public spaces, in particular for women and children, old persons and persons living with disabilities.

SDG Indicator 11.7 (b) further states that by 2030, substantially increase the number of cities and human settlements adopting and implementing integrated policies and plans towards inclusion, resource efficiency, mitigation and adaptation to climate change, resilient to disasters and to develop and implement in line with Sendai Framework for Disaster Risk Reduction 2015-2030, holistic risk management at all levels.

Given the review findings, the Committee recommends that the:

- (1) Department of Transport should conduct more stakeholders meeting at national level to discuss transport-related issues and formulate strategies to ease traffic congestion.
- (2) Department of Transport, in conjunction with FRA, LTA and the Fiji Police Force to review the oversight role, including planning and evaluation of systems and processes.
- (3) If practical, the Department of Transport to introduce digital intelligence transport system to provide real time data in order to ease traffic congestion.
- (4) Department of Transport formulates an integrated transport master plan to map out policies and strategies and provide regular update and policy direction.
- (5) The introduction of sensor traffic lights whereby lights will change according to the number of vehicles on the road.
- (6) There should be a dedicated bus lane in largely populated towns and cities or where appropriate. The Committee suggests that during peak hours, an opposite lane is temporarily dedicated for management of traffic in or out of towns and cities.
- (7) All relevant stakeholders should have a target to reduce the deaths and injuries from road traffic accidents by, at least, 50 percent in Fiji in line with SDG 3 – Good Health and Wellbeing by 2030.

- (8) All traffic and transport stakeholders to provide access to safe, affordable, accessible and sustainable transport system for all, improving road safety, notably by expanding public transport with special attention to the needs of those in vulnerable situation, women, children, persons with disabilities and older people in line with SDG 11 – Sustainable Cities and Communities by 2030.

While the Committee looks at strategies on how to address the issues of traffic congestion in moving forward given the allocated resources, the Committee commends the excellent work by the Fiji Police Force in the management of traffic congestion during peak hours, morning and afternoon, as this really eases the burden for the road-users to wait long hours on the road.

I thank the Acting Commissioner of Police, Mr. Rusiate Tudravu and his officers who are on the road in the early hours of the morning, regardless of whether the sun is shining or it is raining. You are on the road to ensure ease of traffic. On behalf of the general public, I thank you, Commissioner and your team for your dedication and service.

At this juncture, I wish to extend my appreciation to all Honourable Members of the Committee, who were part of the successful compilation of this bipartisan Report; Honourable Joseph Nand, Honourable Virendra Lal, Honourable Ro Teimumu Kepa, Honourable Aseri Radrodro and former MP, Mr. Vijendra Prakash.

I also extend my sincere gratitude to Honourable Mikaele Leawere, who stood in as an Alternate Member during the Committee deliberation process. On behalf of the Committee, I also acknowledge the support from the Committee secretariat in the preparation and finalisation of this Report. With those words, I commend the Report to Parliament.

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

(Report handed to the Acting Secretary-General)

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

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

HON. J.N. NAND.- Mr. Speaker, Sir, I beg to second the motion. Thank you, Sir.

HON. SPEAKER.- Parliament will now vote.

Question put.

Motion agreed to.

MINISTERIAL STATEMENTS

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

- (1) Minister for Infrastructure, Meteorological Services, Lands and Mineral Resources; and
- (2) Minister for Employment, Productivity, Industrial Relations, Youth and Sports.

Honourable Members, the Ministers may speak up to 20 minutes. After the Minister, I will then invite the Honourable Leader of the Opposition or his designate to speak on the Statement for no more than five minutes. There will also be a response from the Leader of the National Federation Party (NFP) or his designate to also speak for five minutes. There will be no other debate.

Honourable Members, I now call on the Minister for Infrastructure, Meteorological Services, Lands and Mineral Resources to deliver his Statement. You have the floor, Sir.

Water Issues in Suva and Labasa

HON. J. USAMATE.- Thank you, Mr. Speaker, Sir. The Honourable Prime Minister, the Honourable Leader of the Opposition, Honourable Members and the people of Fiji. I am grateful to be given this opportunity to highlight to this august House some of the major water issues that we have been facing from December this year, and how the Ministry, through the Water Authority of Fiji (WAF), has been doing its best to resolve and address these problems.

Amongst the countries in the South Pacific Region, Fiji has had one of the oldest infrastructures for water, probably because we started developing this earlier than other countries. The greater Suva area accounts for the largest set of Fijians accessing water and wastewater services.

Post-Tropical Cyclone *Yasa*, all services in Suva have been restored with the current water production. The WAF, Sir, continues to serve Fijians to the best of its ability. The areas where we have intermittent supply are being served with water carting services.

For the greater Suva area, supply is expected to improve further in the next year (2022) once the Rewa River Water Supply Scheme is commissioned. In prioritising water, Government has allocated a total of \$120.25 million in the 2020-2021 financial year to WAF's Capital Projects to progressively help us achieve our goal of 24/7 delivery of water to all Fijians, and expand Fiji's sewerage network.

Let me provide some insight into the operations of WAF. WAF is guided by the policy provided by the Ministry for Infrastructure; its 5-Year and 20-Year National Development Plans for Fiji; the Water Authority of Fiji Act, 2007; the recently completed Water Authority of Fiji's Strategic Plan for 2020-2025; and the Water Authority of Fiji 20-Year Master Plans.

In the Year 2010, there were only 126,794 households in Fiji that were connected to WAF's reticulation system. By January 2021, 11 years later, the number has risen to 145,256 households and those exclude commercial connections. Looking at these numbers over that 10-year period, there has been an increase of 15 percent in the number of households that are connected to WAF.

Water produced by the Authority showed that when *TC Yasa and Ana* were rampaging over Fiji from December to January 2021, there were disruptions to the WAF infrastructure that caused a decrease in the water produced. For Suva's Waila and Tamavua Treatment Plants, a decrease in water production was experienced from 5,292 mega litres or million litres in December to 4,872 mega litres in January. In Labasa, production dropped from 623 mega litres in December to 464 mega litres in January.

The cyclones' impact caused heavy rainfall and the water intake faced very high turbidity and debris, resulting in major system blockages. The WAF, in its quest to provide consistent water supply to all Fijians, even during post-cyclone periods, arranged for water carting to thousands of households in the Suva and Labasa regions. Carting tank loads of water up to the total volume of 6,300 mega litres and using 990 truckload trips to households in the greater Suva area was carried out between

December 2020 and February 2021 In the Labasa region, a total volume of 10,240 mega litres of water using 1,352 truckload trips was carted to residents in the Labasa region.

Fiji is highly vulnerable to tropical cyclones, floods and and the cyclone season runs typically from November to April. In recent years, with the impact of climate change, we have been getting an average of two tropical cyclones each year. This brings heavy flooding, destructive winds and rising sea levels. These disasters have had an adverse impact on community water supply systems and also on WAF'S infrastructure. The El Nino effect has also hit some of our community areas very badly causing drought and increasing rainfall in some instances causing flooding.

For the two recent *Tropical Cyclones Yasa and Ana*, one of which was a Category 5 *TC Yasa* damaged a lot of WAF's infrastructure. There were a total of 21 water systems that were affected during *TC Yasa* and *TC Ana* nationwide and due to flash flooding, high turbidity, main bursts and landslides, the water systems were affected and thousands of customers were without water supply for some time.

For the past three months, Suva and Labasa have been experiencing water disruptions issues. Suva has, for the past three months, experienced around 263 water main disruptions and Labasa had 159 water main disruptions. In Suva WAF, has experienced 467 unplanned water disruptions and 3 planned water disruptions in 2020. The Labasa urban region experienced 451 unplanned disruptions and 10 planned disruptions.

Power failure also affects our water pumping stations. In the event of a power failure, pump stations, water treatment plants lose their ability to operate, thus water supply is disrupted. To mitigate this, Standby Gensets are installed to power the assets in the event of a power failure. A key component in the transition from EFL grid power to Genset power are the Automatic Transfer Switches or the ATSS which enable automatic changeover of power.

However, in some cases ATS capabilities are not compatible for all locations. For such locations switchover is carried out manually and it is during this period of manual switchover that causes reservoir levels to drop, thus affecting services, especially in the greater Suva area.

Over the past 10 years, rural to urban drift has increased the urban population dramatically. The 2017 Census result revealed that 55.9 percent of Fiji's population reside in urban areas which has increased from 50.7 percent in 2007. In other words the rise of urbanisation has risen around 5.2 percent over that ten year period.

Many new informal settlements are springing up around the urban centres causing new applications for water meters. The challenge for this is that WAF's treatment plants are now processing way over their build capacity, the capacity they were programmed or designed for. Now, they are being asked to produce for many more people that they were originally designed for. That is the major challenge that we have and that, as I have said, for the greater Suva area that challenge will be addressed once the Rewa River Water Supply Scheme comes up like next year in 2022.

With the extra demand on the system, smaller mains become inefficient and unable to deliver the required newly increased flows and volumes demanded by the customer. This will eventually result in low pressure and even lead to intermittent supply. This can be remedied through hydraulic needs major improvement which consists of the upgrading of the existing main by replacing the existing pipe with the larger pipe that can deliver a greater flow in volume.

As I have said before, WAF operates a network that was built over half a century ago and a lot of the age of the infrastructure, facets of their network, are now unable to meet the current demand,

hence the need to upgrade and improve. Scheduled improvements to the system have also put a large strain on some of the older assets leading to burst mains and critical failure and these affect the delivery of services. As such these costs contribute to the increase in repairs and maintenance costs.

We still have a lot of old infrastructure that have served its purpose and most the reticulation system was built along the coastline in response to population demand. Given the infrastructure at its position, these structures have been the hardest hit and continued to be vulnerable.

In terms of a plan of action and what WAF is doing to address all of these issues - to mitigate these challenges, WAF continues to invest in major programmes and projects around the country. Water Treatment Plants in Namau has been completed, Savusavu is almost complete now. The packaged Plants at Viria, Nabouwalu, Nagado, Vunidawa, Deuba and Waiwai are being constructed to fill in the reticulation gaps in these regions.

Moreover, Tasman Tanks are constructed in the Western and Central regions to ease the intermittent water supply issues, particularly for Raralevu, Tacirua East, Lautoka Hospital, Nadi Hospital and Toorak. Our Fiji \$266 billion Rewa Water Supply Project will supply much needed water with the capacity to supply an addition 40 mega litres or 40 billion litres a day of water into the greater Suva area. This huge investment will come into fruition by the year 2022.

The WAF Master Plan for major towns has also been documented which shows the roadmap for the future investment on what WAF will put in to address its infrastructure. Building a resilient infrastructure that caters for the needs of the present and future, is the main goal of the Master Plans. The WAF plans to automate one of its daily operations which sometimes causes water supply disruption in the Suva and Nausori corridor.

Currently it takes the WAF teams about two hours to manually operate eight critical valves and by eliminating the travelling time, the valve operation happens at the push of a button. The automated system will be more efficient. It shall reduce the number of water disruptions caused by pressure fluctuations in the pipe during and after valve operations.

With WAF's GIS systems, we now know where the pipes are, where the valves are, where the pump meters and other facilities are located. We also know the location and water usage patterns of our customers, who will be affected in the case of water disruptions.

Automation of data on WAF's SCADA System provides an edge to the Authority to have a proactive approach in scheduling plant protective maintenance to avoid unplanned shutdowns and disruption in services. It will further allow the Authority to plan water distribution using real time data in required areas in times of disaster.

The manual systems limit the Authority to be able to monitor real time data and evaluate the whole operations. Carrying out analysis on service efficiency and its effectiveness is not an option on the manual system. The impact of this will be continued intermittent supply errors in some areas. Furthermore, the cost of crude oil keeps rising exponentially and manual operations do not allow reducing either energy costs or operational costs.

Demand Management Programme; water conservation is at the core and is an integral part of managing the demand for water. Water Demand Management focuses on managing the demand for water rather than methods of exploiting new sources or suppressing supply. The WAF has a responsibility to wisely manage its fundamental resource through the implementation of water conservation and demand driven programmes.

The initiative is paramount for the individual customer, consumer and the Authority, and as such the success of conserving water and reducing demand is borne by WAF and also by the customer. The project of water conservation and demand management would potentially devise programmes that will promote better management of the water supply system, influence customers to purchase water saving appliances, disseminate information to influence consumer behaviour on water issues, regulate water usage and consumption patterns and enforce regulatory effectiveness.

Consumer awareness; WAF conducts awareness programmes and all-year-round exercises where customers are advised to store water for, at least, two to three days during droughts and cyclone periods. While we are in the cyclone period, this is something that we constantly advise people, they should try to keep at least two to three days' supply of water around, in case something happens.

Water-wise Education Programmes are run in schools to educate students to use water wisely. The Water Champion Programme was initiated for students to educate them regarding water harvesting, treatment storing and distribution process. To the people of Fiji we can make the assurance that while we have had issues we will continue to work on addressing these issues through the various measures that I have outlined so that we can veer progressively towards the target that we have to be able to provide all the citizens of this country with clean water and water that is good for their lives on a daily basis. Thank you, Mr. Speaker, Sir.

HON. SPEAKER.- I thank the Honourable Minister for his Ministerial Statement. I now give the floor to the designated speaker for the Leader of the Opposition, Honourable Aseri Radrodro. You have the floor, Sir.

HON. A.M. RADRODRO.- Thank you, Mr. Speaker. I rise to respond to the Ministerial Statements regarding the major water issues that have been faced in Suva and Labasa this year and how it has been addressed.

Mr. Speaker, Sir, first of all, I would like to state our disappointment. We have always requested and proposed a proper summary of Ministerial Statements to be given to this side of the House, especially to the Shadow Ministers to ensure and allow this side of the House to make necessary and productive adequate responses to such Ministerial Statements.

Mr. Speaker, Sir, we understand this is a matter of national importance when Ministerial Statements are made in this House but with the Ministerial Statements summary not been given to us, it handicaps this side of the House to give proper, adequate responses, especially on such technical issues like water and infrastructure.

I do not know why that side of the House do not want to give this side of the House the summary of the statement. They take 20 minutes to make a Ministerial Statements and we are only given five minutes and that five minutes will be very productive, if you give a very good response to the summary that they give. I hope, Mr. Speaker, Sir, this is something that Government should consider in the future, to allow us to address matters of national importance in this august House.

Mr. Speaker, Sir, secondly, we note the Ministerial Statement that has been made is relating to water issues that are currently been faced. I would like to request the Honourable Minister, because yesterday, we were looking at the Office of the Auditor-Generals Report.

The Annual Report for Water Authority of Fiji is yet to be tabled in this august House. I think the latest one that has been tabled was for 2016 and now is 2021. So, we would not be making such questions whether the Ministerial Statement that has been made by the Honourable Minister is

actually going to be actioned by the executives or will this be another round of Ministerial Statements that would be coming up, should we face future water shortages, Mr. Speaker, Sir.

Mr. Speaker, Sir, on the contents of the Statement, I would like to redirect the Honourable Minister to the Asian Development Bank (ADB) Report recently produced that I have reviewed and I am aware that disbursements under Fiji Development Bank (FDB) loan 2055(FIJ) for Suva-Nausori Water Supply and Sewerage Project for water implementation was approved in 2003 and completed in 2013, at a value of \$72.4 million. The ADB gave an initial loan of \$47 million in 2009 and further supplementary loan of \$23 million, to finance cost overruns resulting from implementation delays.

Mr. Speaker, Sir, the Reports points to a lot administrative challenges for Water Authority of Fiji. Since WAF became a reformed entity in December 2010, the people of this nation have, despite assurances that water disruptions would improve have continued to be inundated by water shortages for days, sometimes for weeks and sometimes for months. Sadly, this is in most of our main urban centres, especially in Suva and other main centres.

I note the Honourable Minister is only concentrating in Suva. My question to the Honourable Minister is, what about the Nasinu-Nausori corridor, Navua and Pacific Harbour corridor; why is the Honourable Minister not including it in his update to this august House, Mr. Speaker, Sir?

Mr. Speaker, 11 years after reforms, we still have this ongoing issues, despite so much money being put into the projects for upgrading and maintenance of our water supply system.

The ADB Report I have cited online, Mr. Speaker, Sir, there are a lot of reasons why there remains no Annual Report, for instance, in 2006. The audited accounts for the entity were never done since inception until 2013. Now, it is five minutes, Mr. Speaker, Sir.

(Honourable Members interject)

HON. A.M. RADRODRO.- This is why I requested for another five minutes.

Mr. Speaker, Sir, the auditor when conducting the first audit of the entity in 2013, issued a disclaimer of opinion, which means that it is no longer able to form an opinion on the Finance Statements tabled on 31st December, 2010, Mr. Speaker, Sir, due to lack of evidence and lack of supporting documents.

Instances of the lack of audit evidence cited are:

- adjustments to the accounts without proper evidence and authority;
- inventory General Ledger and sub-ledger balances not reconciled;
- lack of valuation of the property, plant and equipment taken over by WAF on its creation;
- stock-take not been undertaken at end of the year.

Those are similar issues that have also been highlighted and discussed, and assurances have been given by the Honourable Minister in yesterday's motion, Mr. Speaker, Sir.

In the 2011, the auditor issued an adverse opinion on the basis of:

- inclusion of water and sewerage charges and the corresponding receivables when proceeds from these sources are deposited in the Government Consolidated Fund;
- lack of internal control over Journal Vouchers;
- lack of valuation of the property, plant and equipment taken over by WAF on its creation;

- inventory General Ledger and sub-ledger balances not reconciled;
- lack of evidence for other payables.

Those are ongoing important operational issues, Mr. Speaker, Sir, that have yet to be addressed by WAF. No wonder, the resulting outcome is the continuous water disruptions that we are currently facing day-in and day-out.

Mr. Speaker, Sir, I urge the Honourable Minister to look at the root cause of the issues prevailing at WAF and address those to allow WAF to fully function and bear fruit.

Whilst the intention of all entities, including the Government who had assisted with providing funding to address Fiji's water provisional challenges, I suggest, Mr. Speaker, Sir, that Government commissions a performance systems audit that allows fundamental challenges to be identified and addressed. Thank you very much, Mr. Speaker, Sir.

HON. SPEAKER.- I thank the Honourable Member. I now give the floor to the designated speaker for the National Federation Party, the Honourable Tikoduadua. You have the floor, Sir.

HON. LT. COL. P. TIKODUADUA.- Thank you, Mr. Speaker, Sir. I thank the Honourable Minister for his Statement. He definitely has a mountain ahead of him to move, and I must say I sympathise with him because it seems that the problem is so big that he has very little solutions for it.

I am not going to repeat all of the problems that are there, I am familiar with them, but I am just going to suggest a few things to the Honourable Minister. One of the things I am going to suggest, Mr. Speaker, is that the reform is not working. It has been 11 years and that reform has not worked. It is not only really in the infrastructure on the ground where water is delivered to households but it is actually in the work where the reform is happening. It needs new ideas and a new WAF.

The Ministry for Infrastructure or the Ministry dealing with water and WAF responds to two Heads – the Minister for Public Enterprises where the reform originates from and the Minister for Infrastructure that deals with water. It is a big dilemma.

I suggest at this time that because the reforms are not working, not only in WAF, but FRA has collapsed and I know that very well, and the many other reforms of the Government entities have collapsed, that needs to change. The brain on top of it has to change, and they need to recognise that. If the ideas do not change, then the same problem will occur in the next 11 years. I sat in the job for six months, and it has not changed since then until now. The question is, why?

Yesterday, we talked about all the economic booms and everything, water continues to diminish. They very simple things like water re-supply, trucks getting to their households when water is disrupted between Nausori and Suva, or even down to Rewa and the deltas of Tailevu, let alone Labasa and Lautoka. The reform has not worked, Mr. Speaker, Sir.

There are many problems and I am not going to talk about them anymore but all I am going to say is that, there are some bad attitude, particularly coming from the WAF Board. I mean, the Chairman of the WAF Board replied to the Honourable Leader of the National Federation Party last week and that is uncalled for.

We are pointing out a problem that people are facing, consistently, regularly and that is over a lengthy period. Yes, the problem is there, but the people do not want to hear the problem, they want

to hear the solutions and the immediate solutions is to get water to the people when the water supply is down, that is not happening.

That capacity needs to be boosted and I would like to recommend, Mr. Speaker, Sir, this privatisation reforms in the different places are not working. The Minister needs more power. He needs to grab the bull by the horn in the Water Authority and take a little bit of weight from the Public Enterprise, where a lot of ideas are not working.

Then and only then, with dedicated resources it can fix our water. The majority of our people live between Rewa, Tailevu and up to Lami, which is where much of the reform should be done, he is doing a lot of good work, but it is not enough. The strategy is falling way behind the problems. He has mentioned a lot of problems today and government, I hope, is going to give him a lot of help to deliver the water to the people. Thank you.

HON. SPEAKER.- I thank the Honourable Tikoduadua for his statement.

Honourable Members on that note, we will adjourn the proceedings for morning tea which will be served in the Big Committee Room. We will resume in half an hour.

The Parliament adjourned at 10.36 a.m.

The Parliament resumed at 11.06 a.m.

HON. SPEAKER.- Honourable Members, we will continue and I now call on the Honourable Minister for Employment, Productivity, Industrial Relations, Youth and Sports to deliver his Ministerial Statement. You have the floor, Sir.

Youth Climate Action Summit 2021

HON. P.K. BALA.- Thank you, Mr. Speaker, Sir. The Honourable Prime Minister, Honourable Ministers and Honourable Members of Parliament, I am honoured to address this august House on the recent Youth Climate Action Summit, held in Suva from 16th to 18th March, 2021.

Mr. Speaker, Sir, the Summit may be for the first time, but the empowerment training on climate change has been an ongoing programme for my Ministry. We were also very glad by your presence amongst the youth as well, and I thank you. I wish to thank the Honourable Prime Minister for opening the first ever National Youth Climate Action Summit. I also wish to highlight the Opening Statement of the Honourable Prime Minister and I quote:

“I had been to a lot of climate change conference over the past few years, but let me tell you something, there is something refreshing about this one. I think it boils down to a simple fact, you, my friend are genuine.”

In fact, Mr. Speaker, Sir, the Honourable Prime Minister’s full speech paved the way towards a successful Summit. I commend the Honourable Prime Minister’s leadership and thank him for his wisdom and the Government’s overall effort towards climate change issues.

Mr. Speaker, Sir, the intention to host such a Summit emanated from my *talanoa* sessions with the young people during my visitations to their respective communities. I have witnessed, first hand, the impact of climate change on their communities and how this translates to further socio-economic challenges.

Mr. Speaker, Sir, Fiji has a young population and youths between the ages of 15 to 35 (as we should all know by now), make over a third of the nations’ population. The median age of Fiji’s population is 27.5 years and 70 percent of Fiji’s population are below the age of 40 years.

The median age of Fiji’s population is 27.5 years and 70 percent of Fiji’s population are below the age of 40 years. Youths play a vital role in the decision-making process and their potential as key agents for social change, innovation and future leadership places them at the heart of building up resilience to worsening climate impacts.

Climate science clearly tells us that less than 10 years is left for the world to make a sustainable, inclusive, resilient and low carbon transition to avoid the worst impacts of climate change. Therefore, it is important to have our young people participate as agents of change as they can influence their fellow youths to join the fight against climate change.

Mr. Speaker Sir, given this context, my Ministry convened 200 young Fijians to deliberate on climate change issues affecting their daily lives and the nation as a whole.

Mr. Speaker Sir, a key agenda for the three-day National Youth Climate Action Summit was to create awareness on Fiji’s climate agenda through national plans, policies and strategies as well as generate active dialogue among youths about climate change and how it impacts their lives and

communities. Such discussions tied up with important sections of the draft Climate Change Bill and how the draft Bill could serve their collective needs.

Mr. Speaker Sir, the National Youth Climate Action Summit turned out to be an excellent enabler for youths to discuss matters relating to climate change. I personally witnessed the innovative and exciting way our youths approached this global issue. While voices of all youths need to be heard, many a time we see that discussion spaces on climate change and broader national developments are dominated by urban youths.

It is rather unfortunate that sometimes finance and time do not allow rural youths to participate in dialogue regarding matters of national interest. In this regard, the decision by my Ministry to ensure the participation of rural youths to be in this Summit to discuss climate change and the draft Climate Change Bill was greatly welcomed by the Climate Change Division within the Ministry of Economy and other UN agencies involved.

The Summit was able to help youths better understand the effects of Climate Change. The youths in their responses made it clear that they had a better understanding of Climate Change. I am happy to learn that they clearly stated that the first ever national summit has given them encouragement to become climate warriors. It was also inspiring to have youths from the disabled community, Mr. Speaker, Sir, to participate in the event with dedicated translators throughout the entire three-day event.

Mr. Speaker Sir, the highlight of the Summit was the lively and innovative discussions on Day 3 between youths on how the draft Climate Change Bill can be improved and factors that it must consider to ensure that it is inclusive and truly representative of youth priorities. With 200 youths participating throughout the Summit, Mr. Speaker, Sir, national consultations on the draft Climate Change Bill have kicked off to an excellent start.

Mr. Speaker Sir, the Summit also gave consideration to the Healthy Environments for Healthy Children Global Programme Framework 2021 by UNICEF as the Committee on the Rights of the Child has identified climate change as one of the biggest threats to children's health and is urging States to place it at the center of climate change adaptation and mitigation policies.

Mr. Speaker Sir, these discussion sessions not only provided youths an opportunity to voice their concerns on priorities relating to Climate Change but provided the guideline to creating their own action plans outlining climate justice for their communities. It allowed meaningful engagement and contribution from the youth sector as they developed the self-sustainable action plan to implement in their respective communities.

Mr. Speaker, Sir, the Summit culminated in the development of an outcome statement by youths and I wish to highlight the preamble, our future, and I quote:

“Children and youth are not just leaders of tomorrow, they are the partners of today. They stand for action and change. They stand for solutions. The document recognises that Climate Change is a human rights crisis threatening our lives, our families and our future, and propose the fact that youths want our future generation to live in a safe, clean, healthy and sustainable environment.”

In this outcome document, Mr. Speaker, Sir, the 200 youth delegates of the National Youth Climate Action Summit 2021, representing the voices of young people, acknowledge and thanks the Government of Fiji for its strong leadership in implementing a whole of Government approach, taking climate actions at all levels. It recognises positive steps taken at the national

level including the development of the Climate Change Bill which sets the policy direction for us as a nation, recognising the rights of children and youth set out in the Constitution and aligned to global commitment and standards.

Mr. Speaker, Sir, furthermore, the youth participants recommended to establish a National Youth Climate Change Advisory Group to amplify the voices of young people which will contribute to the governance and oversight of climate change-related issues in the National Climate Change Coordination Committee to strengthen mechanisms, frameworks and financial support for the inclusion and active participation of Fijian youths irrespective of gender and abilities within all policy-making and planning processes at national, regional and international level including participation of young people in the official Government delegation.

Mr. Speaker, Sir, the youth participants pledged that “we the youth commit to take concrete action to contribute to the Climate Change mitigation and adaptation at grassroots level. When we return to our communities, we commit to implement our Climate Action Plan and involve other young people in our communities. Today, we the Fijian youths, take a firm stand in committing ourselves to take climate action and do all that is within our capacity to collaborate with our Government and relevant stakeholders to support the implementation of the Climate Action Plan and Climate Change Bill 2020.

Mr. Speaker, Sir, the outcome document supports my Ministry’s approach in Climate Change programme such as Youth Coast Care Clubs, Waste Care and Management and our new Certificate 1 in Resilience programme which covers disaster risk reduction and climate change adaptation that will be implemented in all our youth training centres in the new financial year.

Mr. Speaker, Sir, Climate Change affects all stages of life in different ways and it is every country’s duty to formulate ways to protect its people against this. The National Climate Action Summit was made possible through the generous assistance and support of partners and stakeholders.

At this juncture, Mr. Speaker, Sir, my sincere gratitude to the Climate Change and International Cooperation Division (CCICD) of the Ministry of Economy and United Nations International Children's Emergency Fund (UNICEF) Pacific as our major partners and other UN agencies and relevant line ministries for their support.

Mr. Speaker, Sir, I also wish to thank my Technical Working Group for all their effort in putting up this event to recognise the voices of our youth. Their contributions have made the event a successful one as well.

To conclude, Mr. Speaker, Sir, my Ministry will continue to carry out its roles and functions for the youth across the nation and continue to strive to meet unique challenges of our youths with the resources for the 21st Century in Fiji. I thank you, Mr. Speaker, for this opportunity.

HON. SPEAKER.- I thank the Honourable Minister for his Ministerial Statement and I now give the floor to the designated speaker of the Leader of the Opposition, the Honourable Ratu Matanitobua. You have the floor, Sir.

HON. RATU S. MATANITOBUA.- Thank you, Mr. Speaker, Sir. I rise to respond to the Statement by the Honourable Minister on the recent National Youth Climate Action Summit.

I congratulate the Honourable Minister and the youth who attended the successful Summit. Government continues to build on the initiatives of previous Governments, starting with the Alliance

Government, the Soqosoqo Vakavulewa ni Taukei (SVT) who ratified the Rio Biodiversity Convention and the Climate Change Convention in October 1992.

Following that, the Peoples Coalition in 1999 and Soqosoqo Duavata ni Lewenivanua (SDL) from 2001 continued the work of environmental protection and climate change adaptation initiatives.

Mr. Speaker, as always, the proof is in the pudding. It is in the detail of:

- (1) Laws and policies;
- (2) Budget allocation; and
- (3) Human resources.

For the enforcement agencies like the Department of Environment, that demonstrate the commitment of the Government, to safeguard our nation and planet for future generations. In this regard, Mr. Speaker, I urge the Government to ensure extensive and meaningful consultations on the Draft Climate Change Bill which affects the rights and livelihood of our people. Government must explain the Bill simply without jargon to the people so they can have their say on the Bill.

For the iTaukei as the First People, Government must respect our rights to freedom, prior informed consent, before this law is tabled and enacted in Parliament. This right to be heard before a law that affects us or our rights is enacted, is guaranteed in the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) and ILO Convention 169 on the Rights of Indigenous Peoples. Unfortunately, Government did not respect this right when it comes to about 27 Decrees published since 2006, that affect our rights and the management of our resources.

Mr. Speaker, our environment is relatively fragile due to location, smallness and geographic isolation. A SODELPA Government will put into place and strengthen necessary policy framework, to ensure the proper management of the environment and sustainable use of natural resources.

We will initiate the review of the “Green Growth Framework” and all laws relating to biodiversity and climate change. Unfortunately, Mr. Speaker, there is little evidence of the Green Growth Framework being implemented.

Mr. Speaker, I urge the youth of Fiji to look critically at what is happening on the ground, and not just what Government Ministers are saying. For example:

- (1) The destruction of mangroves on the Lami/Naboro Highway to make way for industrial development and deliberate withholding of the Mangroves Bill to ban mangrove destruction;
- (2) Pollution through vessel spills from Suva Harbour affecting local *Qoliqoli*;
- (3) Unsustainable extraction of gravel from rivers with adverse effects on the livelihood of villages, to name a few.

We also have disgraceful developers tearing up reefs and an Environment Department that struggles to hold them accountable.

Mr. Speaker, while it is commendable that the Minister encouraged youth at the Summit to become climate warriors, I encourage the youth to measure Government’s commitment by its action and not its words. I thank you, Mr. Speaker.

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

I now give the floor to the designated speaker of the National Federation Party Leader, Honourable Qereqeretabua. You have the floor, Ma'am.

HON. L.S. QEREQERETABUA.- Thank you very much, Mr. Speaker, Sir. I thank the Honourable Minister for his Statement on the Youth Climate Action Summit. As a matter of curiosity, I went to the Government website and also to the UNICEF to have a look at the photographs and interestingly, it was the address that the Prime Minister gave, first of all. It was a lovely address and the sad part was that, he mentioned the youth second last. Imagine everyone including yourself, Mr. Speaker, the Honourable Minister, the representatives, the agencies, the Cabinet Ministers, the members of the Diplomatic Corps and then the youth participants and then ladies and gentlemen.

The optics, Mr. Speaker, Sir, was also interesting during the meeting. All the dignitaries and the Ministers sat in the front while the youth participants, including my best friends sat at the back almost as an afterthought.

The Honourable Prime Minister, in his Opening Address, Mr. Speaker, Sir, correctly said, "Act later the matter of politicians for far too long is no longer being tolerated, especially amongst the world's young people".

Then he goes on to say, "We (as in Fiji) are not a major emitter, we all know that. Fiji contributes around 0.006 percent of total greenhouse gas emissions." Absolutely correct, but then, what should we be doing right now? That is my question.

Here are a few suggestions from a 17 year old, AnnMary Raduva, in her speech at the World Consumer Rights Day on 12th March. The theme for which was Eliminating our Plastic Footprint and Ms. Raduva says in her speech, and I would like to quote her:

"On December 2008, I launched a 'no balloon December' a campaign to eliminate balloons in the month of December, as well as lobbying for the Fijian Government to revise the Fiji Litter Act to classify balloon releasing, that is helium balloon releasing as littering. Many families and organisations have stopped using balloons since 2018."

And she went on to say, and I quote:

"Today, ladies and gentlemen, I would like to ask the Honourable Minister for Commerce, Trade, Tourism and Transport, the Consumer Council of Fiji and you to help me and support me and the young equal champs of Fiji lobbying and request our Government to declare every April the 20th which is International Earth Day, a plastic free day in Fiji" (and she went on to say), "we have to start somewhere."

So, while the outcomes of the Summit are fantastic, a lot have been praising Government, we need some action and I would like us to urge all of us, especially those of us in this House to please do what this young woman has been trying to do which is to declare helium balloon releasing as littering and also ask us all to please, declare every 20th April the International Earth Day as a plastic free day in Fiji because while we are talking about emissions and the Honourable Prime Minister was right that we are very tiny in the world of emissions. Our plastic output is something that is going to drive us out before emissions do. *Vinaka*.

HON. SPEAKER.- I thank the Honourable Qereqeretabua for her contribution.

Honourable Members, we will move on. I now call upon the Chairperson of the Standing Committee on Public Accounts to move his motion.

**REVIEW REPORT - FOLLOW-UP AUDIT ON THE
MANAGEMENT OF THE LAND REFORM PROGRAMME**

HON. A.A. MAHARAJ.- Mr. Speaker, Sir, I move:

That Parliament debates the Review Report on the Follow-Up Audit on the Management of the Land Reform Programme which was tabled on 15th May, 2019.

HON. J. NAND.- Mr. Speaker, Sir, I beg to second the motion.

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

HON. A.A. MAHARAJ.- Mr. Speaker, Sir, the Honourable Prime Minister, the Honourable Leader of the Opposition, Honourable Ministers and Honourable Members of Parliament, I, as the Chairperson of the Standing Committee on Public Accounts who moved this motion, take this opportunity to speak on the motion in regards to the Public Accounts Committee Review Report on the Follow-up Audit on the Management of the Land Reform Programme.

The Follow-up Audit made on the management of Land Reform Programme which was tabled in Parliament during the November 2018 Sitting and referred to the Standing Committee on Public Accounts for its scrutiny.

On Monday 25th March, 2019, the Ministry of Lands and Mineral Resources' former Permanent Secretary, Mr. Malakai Finau, and his Team appeared before the Committee and clarified the audit issues that were raised by Honourable Members, especially on the audit focused areas which includes the:

- policies governing the administration of the land reform;
- system and processes governing the land designation and allocation; and
- recording monitoring of land bank activities to ensure Governments' objectives are appropriately met and due regard for economy.

The Audit Report made on the Management of the Land Reform Programme was a follow-up audit that the Auditor-General conducted to examine whether the Land Use Division (LUD) has effectively implemented the recommendations which were made in the Management of the Land Reform Programme Audit Report on Performance Audit Volume 2 of December 2014 (Parliamentary Paper No. 6 of 2015).

The auditors also assessed whether the actions taken have addressed the underlying issues that led to the Auditors recommendation on that initial report. The Audit Report provides the details of the review and analysis done on the Land Use Division in addressing the original audit recommendation under the following key audit areas:

(1) Policies governing the administration of the Land Reform

The first chapter of the Audit Report seeks to establish whether the Land Use Division has addressed the issues raised in the 2014 General Report with regards to the existence and effectiveness of policies and procedures governing the management of land and bank activities.

(2) Systems and processes for land designation and allocation

The second chapter of the Audit Report seeks to determine whether the Land Use Division has taken the necessary actions towards issues raised in the 2014 General Report with regards to the existence and effectiveness of arrangement in place for designation and allocation of *itaukei* and designated state land. The 2014 Audit Report focused on the examination of systems and processes that the Land Use Division uses to establish a plan and manage activities related to the management of the land bank for the achievement of its objective.

(3) Recording and monitoring of Land Bank activities to ensure Governments' objectives are appropriately met with due regard to economy

The last chapter seeks to establish whether the Land Use Division has addressed the issues raised in the 2014 General Report with regards to the effectiveness and efficiency of the recording and monitoring arrangements in place with the Land Used Development.

The Standing Committee on Public Accounts conducted a review on the Follow-up Audit Report on the Management of the Land Reform Programme and has few recommendations to bring to the attention of the House before Parliament take note of its report. The three main areas that were audited are as follows with the Committee's recommendation:

(1) Policies governing the administration and land reforms.

Recommendation 1

The Committee notes the recommendation by Office of the Auditor General (OAG) and the timeframe provided by Ministry of Lands to the Office of the Auditor General (OAG) that policies shall be developed in six months' time from the time of the follow-up audit.

The six months' timeframe expired on 30th April, 2019. Therefore, the Committee expects the Land Use Division SOP/policies to have been released on 30th April, 2019.

(2) Systems and processes for land designation and allocation.

Recommendation 1

The Public Accounts Committee (PAC) notes the Ministry's Land Use Division's progress on its monitoring and conducting of its outreach program and further recommends that the Land Use Division (LUD) strengthens its evaluation on the outreach program.

Recommendation 2

The Public Accounts Committee recommends that the Ministry should conduct appropriate land studies on land deposited under the Land Bank to ensure there can be investment carried out on that land and have fair economic returns to landowners.

(3) The area covered was recording and monitoring of land bank activities

Recommendation 1

The Committee notes that work is in progress for the development of a database. Further to that, the Committee recommends that this process be expedited and once fully operational, the information to be accessible to other relevant agencies dealing with land.

Recommendation 2

The Committee recommends that the Land Use Division should develop a monitoring procedure which should be incorporated into the Division's SOP. The procedures should clearly outline areas to be monitored, responsibilities for monitoring and suitable timelines for carrying out the monitoring work.

Finally, I commend the effort of the Members of the Public Accounts Committee in the compilation of this Report and most importantly, to the Ministry of Lands and Mineral Resources in taking the Committee's recommendations positively and working towards addressing issues that were raised by the Auditor-General in its Audit Report.

Mr. Speaker Sir, with those few comments, as the Member moving the motion to debate this Public Accounts Committee report, I thank you for this opportunity.

HON. SPEAKER.- I thank the Chairperson. I now, Honourable Members, declare that the floor is open for debate on the motion. I call on the Honourable Aseri Radrodro. You have the floor, Sir.

HON. A.M. RADRODRO.- Thank you, Mr. Speaker, Sir. I stand as a Member of the Public Accounts Committee, speaking in support of this motion. I would like read a relevant passage, Mr. Speaker, Sir, pertaining to Land Use and Management from the motion of the late Ratu Sir Lala Sukuna to the Great Council of Chiefs in 1936, as captured in his book titled, "*Three Legged Stool*".

He had three points which he pointed out, Mr. Speaker, Sir:

- (1) It would be in the interest of the native Fijians to have their lands lying idle to be put to good use;
- (2) The amount of land needed for the proper development of the native owners be determined so as to see the amount of land left over; and
- (3) All land that is not so required be handed over to Government to lease on our behalf.

Mr. Speaker, Sir, in his motion the late Ratu Sir Lala Sukuna had stated that high chiefs in considering the interest of their people, must remember that Fiji is now made up of native Fijians and people of other ethnicities and it was everyone's interest that land be utilized in the most appropriate manner because land is a basis of wealth.

Very importantly, Mr. Speaker, in this motion, the late Ratu Sir Lala Sukuna had reminded that landowners had a duty to the State and similarly the State had a duty to protect and promote the interest of landowners and all our citizens, to ensure Fiji prospers peacefully.

Mr. Speaker, Sir, it has been 85 years today and the words of the late Ratu Sir Lala Sukuna remains so relevant for Fiji. There has been much progress in the utilisation of land with various forms of land policies which has seen land leases being granted for agricultural use, for business and commercial development for residential purposes, et cetera.

Mr. Speaker, Sir, today, we discussed issues pertaining to the Land Bank and we also discussed issues pertaining to the Land Buy Back Scheme. It is evident that whilst the Government's intention may have been good for the various land use programmes it has initiated, it has failed miserably, Mr. Speaker, Sir, to support the various programmes it has with the necessary policies, as pointed out by the Office of the Auditor-General's (OAG) Report.

Mr. Speaker, Sir, in its haste to address the issue of land use with mutual benefits to the landowners and tenants, Government continues to evade discussing the real issues that made land a political football for various Governments from the past to the present day. We still have expiring land leases and without any genuine attempt to resolve the rental and returns for landowners, we still have challenges of addressing land security concerns.

In a recent visit to the Western Division, I had the honour of sharing a conversation with two Indo-Fijians, whom I met for the first time and in passing. Both gentlemen are from the sugarcane belt area and hail from Sigatoka. We spoke a lot about the current economic concerns and the impending Elections in 2022 and as the crux of our impromptu discussions, Mr. Speaker, Sir, we agreed that a lot of issues remained and must be addressed between the two major races in Fiji.

Something that they shared, has remained in my mind since we met. For instance, Mr. Speaker, they stated that they now realise as cane farmers and tenants that land leases have been used by politicians as a way of dividing our people. They shared their views that it was sad that land leases have been consistently expiring and because of the insecurity of the land leases, the younger Indo-Fijians who hail from Indo-Fijian communities and who predominately plant sugarcane no longer see sugarcane farming as a lucrative option.

The two gentlemen surprised me, Mr. Speaker, Sir, and they said that in their opinion, land lease rental should have been increased for landowners, to commensurate with the benefits that farmers have enjoyed from the use of lease land. Ironically, Mr. Speaker, my two-found friends even criticised the resettlement funding given to farmers, whose leases had expired. They said that it would have been better utilised had those funds been given to landowners so that leases could be renewed.

Mr. Speaker, Sir, time and again I have said in this august House that we, collectively as Fijians, can benefit from the development of our nation if Government takes the lead and responsibility to implement practical and realistic policies with no ego or political agenda.

The OAG Report also highlighted the various challenges in the State Freehold Buy Back Scheme policy. It identified that 25 landowning units still owe Government a balance of \$3.4 million for the purchase of freehold land on their behalf. This is significant example of a policy given without the necessary support structure. If capital was an issue, as it is common for our landowners, what does Government have as a solution for such scenarios?

Mr. Speaker, Sir, when it comes to land, there is just so much that we can speak on. These issues that have been highlighted by the OAG point importantly to trust issues that landowners also have with Government and what it can and needs to do to protect and promote their interest. I remain convinced that we will resolve the insecurities of both major races when it comes to land, and we will have lasting peace and economic prosperity in Fiji, Mr. Speaker, Sir.

As a start, for reviewing of policies and implementing the appropriate ones to guide this subject and commodities, which we speak on today, I recommend that the Government conducts a review of the ITLB Leasing Administration Cost and also review the role of the entity, whether they

remain relevant today for landowners and tenants, or the entity requires modifications to ensure landowners' interests are promoted and protected, especially for the purpose of engaging in business development and ventures, and for Fiji's leasing sustainable development.

I will end with the words of the late Ratu Sir Lala as words of advice to the Government, "*kua so na vakusakusa, ia meda vakamalua*" - slow but sure. Thank you, Mr. Speaker, Sir.

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

I give the floor to the Honourable Minister for Agriculture, Waterways and Environment. You have the floor.

HON. DR. M. REDDY.- Mr. Speaker, Sir, I wish to thank you for giving me this opportunity to speak on this report on the Follow-Up Audit on the Management of the Land Reform Programme.

Mr. Speaker, Sir, contemporary Fiji and the status of its development is basically due to the development in the agriculture sector and that is not of normal or out of normal for any developing country. If you look at the study of all developed countries, almost all of them except those in the Middle East et cetera, have developed based on the surplus created out of the agriculture sector.

Mr. Speaker, Sir, agricultural sector growth and development has a number of binding constraints and one of the binding constraints is the availability of land. Therefore, we can fairly and squarely say that Fiji's contemporary state of development is a result of the availability and supply of land for agriculture. Had it not been for the availability and supply of land for agriculture, we would not have seen surplus creations in agriculture and we would not have seen transfer of that surplus for the development and expansion of the non-agricultural sector.

Mr. Speaker, Sir, I join Honourable Radrodro in thanking the thinkers during that time, Ratu Sir Lala Sukuna, the landowners and the landowning community for availing land for agricultural production and growth and development for their community but also growth and development of the other communities and for the country.

Mr. Speaker, Sir, over the last four decades we have seen how the country has expanded and it has basically demonstrated how we need to collectively create surplus and that surplus needs to be transferred to other areas where the surplus will generate additional returns. It is normal that the surplus created by individual decision-making units will find or search for areas where returns are higher and the surplus will go to that particular area in pursuit of that higher return.

Whether it is within a country or within a region or across the borders, it is normal that within a locality, within a country a surplus is created and if other countries are providing much higher return, then that surplus will be transferred. Like surplus in Australia and New Zealand will come to Fiji in search of much much higher return than what is offered in Australia and New Zealand and therefore for example the tourism sector or mine sector et cetera and they will invest.

Similarly, Mr. Speaker, Sir, we have seen surplus created in the agriculture sector invested in non-agricultural sector in Fiji. Mr. Speaker, Sir, the return on surplus that is created in the agriculture sector does not happen on its own. It happens because there are other factors of production that needs to work on that key natural resources which is land. If you do not put on those other factors of production to utilise that resource, than the returns on that particular resource should be zero. In any resource, which generates zero return, basic theory in economics is that, that particular resource has no value. Simple!

Mr. Speaker, Sir, what I am saying is that, we have resources you need to ensure that the resources have value and for the resources to have value, you need to put those resources under use otherwise the owners of the resource will not get any benefit even though they can see that they have available resource but the fact of the matter is that, if the resource does not generate any positive return than the resource has no value. That is the law of economics.

Mr. Speaker, Sir, as Minister for Agriculture, I have toured very widely in Fiji and I have seen a large vast tracts of land which is not utilised. Mr. Speaker, Sir, I sometimes hear commentaries from people saying that, and I quote, “No! this is not a very good land, this land is not of good quality.” But, Mr. Speaker, Sir, seven or eight decades ago, all the lands were under bush. The land became arable because someone worked on that land and transformed it to be arable, to be worth to undertake cultivation on that.

There were large tracts of land all over Fiji, which is now classified as ‘A’ category, class ‘A’ land, which at that particular point of time, was not “A”. Labour was added to it, time was added to it, other resources or machinery now, and at that particular time, basically there were hardly any machine power, but it was utilised to convert that land and add value to that land and make it in a form which can then be cultivated with resources of crops or livestock which can provide particular return.

Mr. Speaker, Sir, I want to take this opportunity to thank all the parties involved, the trustees of the land owner, the iTLTB, the landowners, the farmers, the labourers and the supplier of tractors for production, for making it possible for agriculture sector to provide positive returns for the growth in development of the non-agriculture sector. The growth is the same for all development countries, be it agriculture, commercial and industrial and now we see how service sector is flourishing, apart from what had happened last year and this year, that the service sector is utmost down, but it is a temporary thing.

Mr. Speaker, Sir, what I am saying is that, we need to ensure that we release this binding constraint. To release this binding constraint, we have got a strategic advantage. We got a strategic advantage in agriculture sector, our weather conditions are good, we can grow crops throughout the year, our supporting resources, like water is very cheap here, our soil fertility is very good and our produce has a brand image in the export market. We need to harness on that and take advantage on that and that branding gives us entry into premium market, Mr. Speaker, Sir.

Mr. Speaker, Sir, in this, the binding constraint is the releasing of land. Honourable Radrodro talked about getting the rental rates right. When leases are processed, there are a couple of things that potential investors look at; size of land, length of lease, and the processing fee and the rental rates. All these plays a very important role in terms of the kind of investment you would want to make.

Mr. Speaker, Sir, the investment requires large capital and the lease length plays a very critical role because you need to allow the owner to recover the investment and then create surplus beyond it, then only the investment will flow into that particular sector, whatever the sector we are talking about and in this case, the agriculture sector. That is how it operates.

Mr. Speaker, Sir, secondly, in the penal account, you need to control cost and rental rates are a very important cost. If your processing fees is like, basically buying a simple property or freehold property then what is the rental rates paid for. If you want to protect the rental rate equivalent to a market rate, the market rate would be around equivalent to, if you peg it, to the rate of return and the

rate of return would be around 5 percent to 6 percent. Is Honourable Radrodro talking about a rental rate equivalent to 12 percent or 10 percent?

At the moment, rental rates are pegged to 10 percent. You talk to anyone, they will say, “It is a very lucrative rental rate.” Government is subsidising through the Committee of Better Utilisation of Land (CBUL), 5 percent of it, and we are relooking at it whether we need to look at paying the one off processing fee. Mr. Speaker, Sir, we need to balance out what are we paying. If the processing fee is based on the size of the land then it is not a processing fee. What is it then?

Mr. Speaker, Sir, these kinds of binding constraints need to be released if you want to accelerate the growth in development of the agriculture sector. I must say that the Ministry of Agriculture is having a very good relationship with iTLTB.

Our Permanent Secretary is working very closely with the Deputy General Manager of iTLTB in assisting farmers. We get a lot of requests from investors within and outside Fiji to invest in the agriculture sector and they are looking for large parcels of land. We are working on that to see how we could work with iTLTB and identify to them that these are the large parcels of land.

Mr. Speaker, Sir, I want to assure potential investors that we are getting very positive support from the iTLTB and we do hope that we will be able to release large parcels of land for agriculture growth and development, but we also need to be mindful of how we move land away from virgin forest, et cetera, and what will be impact on climate change, how we need to manage that and have that critical balance.

Mr. Speaker, Sir, I wish to again thank the landowners we have. We have over 92 percent of the land in the country held in trust for them and if there is an issue with lower rental rates, we need to have a debate. If there is an issue on the management fee, then the problem lies with iTLTB. Normally, in the market, the management fee is about 10 percent, if it is beyond 10 percent, then they have to deal with the iTLTB. If there is a problem with rent collection, then the problem is with iTLTB, it is not with the tenants. Deal with the trustee and why they are not able to collect it and they need to come hard on those who are not paying rent on time.

Mr. Speaker, Sir, I commend the report and I do look forward to continue the good relationship we have with the trustees and landowners so that we can expand agriculture in the national interest. The national economy grows then the surplus created will be distributed amongst all those who are participating in these sectors: landowners will benefit, the owners of the factors of production will benefit, the labourers will benefit, the households will benefit, the farmers will benefit and of course, in the product side, where the money is spent, the other markets will benefit in the commercial sector where the money is spent on those sectors. Thank you.

HON. SPEAKER.- I thank the Honourable Minister for his contribution today. I give the floor to the Honourable Niko Nawaikula. You have the floor, Sir.

HON. N. NAWAIKULA.- Thank you, Mr. Speaker. A short reply to the Honourable Minister, I get angry every time when people blame the natives of this country to say that we own all these land, all these land are lying idle because these people do not understand. How we live is sustainable. We do not take more than we should from the land. Also, a lot of these land that are lying idle beside our villages are rock. All arable lands have been given away.

The Honourable Minister for Ag does not understand and maybe, the other side of the House that the natives of this country have done their obligation to the nation and he should have listened

to Honourable Aseri Radrodro. The late Ratu Sukuna understood that obligation that we are not alone here. We are here with other communities.

We need to do our part, we need to make our land available and he walked in the valleys and the mountains to consult widely and obtain their prior and informed consent and they did. They gave their land to iTLTB and they entrusted it to do its obligation, make available very widely. So that side of the House or for anyone, do not ever point a finger at us and saying that we are natives

HON. SPEAKER.- Honourable Nawaikula, this is not a consultation process. You have the floor.

HON. N. NAWAIKULA.- ... because we have done our duty and vested the control of our land to iTLTB.

That reminded me also, Mr. Speaker, when I went to Geneva, the representative of the Government said, “We do not believe in indigenous rights because we are a majority.” The Human Rights Committee said, “No, that is wrong. You should give them the totality of their rights and then you balance it”, and that is a very good example of what Ratu Sukuna did. We had a right to our land but we have to balance it also to the needs of the other community for land and that is the reason why iTLTB started, to ensure that not only the natives have access to land, everyone else, so we have equality of access. How did he do that? He enacted the iTLTB and that is Government. He demarcated the land.

The land closest to where we live in our villages, those are declared Native Reserves. Outside of Native Reserves we have equality of access, so to the other side or to anyone, do not ever tell us that we are lazy by not using our land. We have done our obligation to the nation, we have given the control of our land and its administration to the Government and we are asking from that time, 90 percent of the development vests on that, on what we did.

What has the Government done in return? Very little. Very, very, little and it is good also, Mr. Speaker, that Honourable Radrodro had started the debate with those words from iTLTB, from quoting the late Ratu Sir Lala Sukuna and understanding that. We have done that by giving our land to iTLTB to develop because this, what do we call this.

This Land Use Unit and the Act that established it has been done in total contradiction to that and I hope, Mr. Speaker, that Mr. Tevita Kuruvakadua, who is the CEO for iTLTB and Mr. Solomon Nata, are listening because what this law and this Unit has done is to usurp the rights that iTLTB set.

The iTLTB’s role is to lease out our land so they have passed this law to establish another unit to duplicate that role without consulting us, without obtaining our prior and informed consent and all this time, iTLTB has been sitting down. We entrusted iTLTB to work for us, to fight for our rights, to negotiate, so we are asking why has not the iTLTB Board question the Government on its motives in relation to this law. Let me just now put us in perspective of why this law is in breach of the duty of the Government to consult us and the duty of the Government to obtain our prior and informed consent, contrary to what the late Ratu Sir Lala Sukuna did in establishing iTLTB.

Remember, Mr. Speaker, that this Government ratified the ILO Convention 169. The ILO Convention 169 makes it prerogative for the government of the day, whichever, FijiFirst, SDL or whatever, to obtain the prior and informed consent of the indigenous people before changing any law, for example this law or changing any policy that affect them. Now, ask yourself, did the Government do that? Did the Government consult with us in establishing this Unit to usurp the rights

of iTLTB which was established by law by Ratu Sukuna. No, it did not, so it is a breach of the ILO Convention 169.

There is another breach here, that right to obtain from us our prior and informed consent. And not only that, Mr. Speaker, the Declaration on the Rights of Indigenous Peoples (UNDRIP), which they denied, nevertheless you are entitled to your opinion, but our opinion on UNDRIP is that, something that is passed by the majority of the UN becomes binding. But ILO Convention 169, it is legally binding on us, for us to respect that and it is a great disrespect that they did not consult with us, they did not obtain our prior and informed consent so it is in breach of the Government's obligation to ILO Convention 169.

I know it has not been contested in the court but that does not exonerate them and understanding that, Sir, that is a breach of that right and UNDRIP has now declared that all these rights which are duplicated, recognised by the ILO Convention 169 but duplicated in UNDRIP are now human rights. So, this law was passed in breach of our human rights because our right to be consulted, our right to free, prior and informed consent before they change any policy or law that affect us, was not done, so it is in breach of our human rights.

It is also racist and I will tell you why, Mr. Speaker. When I went to Geneva, similar law, termination of the DPP which is where we were also not consulted and obtain our prior and informed consent, the observation from the human rights committees that it is racist. Why? It is because the definition of racism is to deny or favour somebody, all people on the basis of ethnicity.

Now, the Act to terminate the GCC was done without obtaining that, it is a law that is targeted to deny that rights on the basis of our ethnicity. Similarly, to this one, this is a law that was passed to remove our right on the basis of our ethnicity and therefore it is racist. Remember that, Honourable Usamate, you are indigenous and you do not understand it. Now let me teach you indigenous, on the other side, what you should know. The conclusion is that, this law is in breach of our human rights - remember that.

HON. J. USAMATE.- How is it a breach?

HON. N. NAWAIKULA.- Honourable Speaker, Honourable Usamate is asking me how it is a breach? He was not listening, does he want me to repeat what I have just said? He is interjecting saying, "How does it breach it?" and I have just spent the full 10 minutes in relation to that.

HON. SPEAKER.- Just address the Chair.

HON. N. NAWAIKULA.- I have added now to explain how it is racist, and still being indigenous, he does not understand. I am not sure what is wrong with you. I will talk to you about what Honourable Prasad quoted to that effect, if he does not understand me, something must be wrong with him, that is the bottom line.

This is a law which is also racist and anything done on the basis of something that is clearly unlawful, will never succeed because you have the curse of God and also the curse of the *vanua* will follow you and the prime definition of that is that it is permanent and inalienable. It will never go away even by passing a law like this. It will remain as it is until it is removed. That is the meaning, Honourable Usamate.

HON. J. USAMATE.- You choose your interpretation

HON. N. NAWAIKULA.- Whatever law you pass, this will never take it away. It will persist until it is removed. That is that, now let me go to the Report. The first review they did of this Report was in 2014 and they found out exactly - nothing done. I will say now because it was in breach because that is the curse of the *vanua* and the curse of God. You did something that is unlawful and it is time to build on it, that is why it did not work and will never work. This Report is the second review (2018) of what they did in 2014. In 2014, looking back, they achieved nothing. There was no Standard Operating Procedures, they could not do the valuation. There was a clear conflict of interest with the iTLTB then, and this one, it reviewed that again in 2018.

Again, there are four recommendations here and they are basically saying that what the Auditor-General did in each Report, which is this one (Parliamentary Paper No. 134), they acknowledged that and that needs a lot of improvement. Let me go through the gist of what is to be debated as contained in the Report of the Auditor-General, and I wish to go through that.

Now I will concentrate on the Report. I have discussed and I hope I have convinced you that this law is in breach of our human rights and racist. Now let us look at the Report.

HON. J. USAMATE.- That is your interpretation.

HON. N. NAWAIKULA.- That is not my interpretation, Honourable Speaker. The other side of the House is saying that that is my interpretation. I hope they go to Geneva and attend the United Nations Permanent Forum on Indigenous Rights (because I go there all the time). It is a shame that all of you, indigenous, on that side there do not understand. *Dou sega ni kilai kemudou tiko mada ga.* You want me to say it to you in your own language. *Dou sega ni kilai kemudou tiko mada ga.*

(Honourable Members interject)

HON. N. NAWAIKULA.- You do not know yourselves. I have to do that because they cannot understand it. I have to relate it to them in their own language and if they still cannot understand that, something must be wrong here.

Mr. Speaker, Sir, on page 4.

HON. CDR. S.T. KOROILAVESAU.- Don't be emotional.

HON. N. NAWAIKULA.- No, I am not emotional.

Number 4 states the key facts in relation to what we are talking about and says that the land in Fiji is managed through three complimentary systems: iTaukei land; freehold land; and crown land. There is a mistake here, we do not have any more crown land; it should be state land, so Government, please tell whoever is responsible for providing these reports should not misinform us. The Minister for Land should know that. No more crown land but state land – the Report does not even know.

(Honourable Members interject)

HON. N. NAWAIKULA.- Oh, they are looking at me wondering why you do not understand.

Mr. Speaker, Sir, remember all the Members are looking at me and my answer to them is – they are looking at me and wondering why they do not understand.

Mr. Speaker, Sir, I will not talk in relation to that, but let me come to my conclusions and say this. Having said all that, do we need a Land Use Commission? No, we do not and I hope this government will terminate this law. I can tell the House now that this will be one of the first laws that we will terminate when we come into power.

(Honourable Members interject)

HON. N. NAWAIKULA.- In lieu of that, what we will do is that, we will empower iTLTB. iTLTB has a Land Use Section where we can take all these and give it to them and give them the money to develop the land to empower iTLTB because you are usurping the power and the administrative features of iTLTB.

Remember, Mr. Speaker, Sir, the Honourable Usamate is saying because the landowners give 50 percent, therefore it is legal. No, he does not understand what I have been talking about. I was talking about prior and informed consent before we pass this law. Wide consultation before you pass this law?

Well, forget about you, let us talk here Mr. Speaker, Sir. The solution is to empower iTLTB to do this role. Now, the question is, do we need a Land Use Commission? Yes, we do but not in the shape and form as it is here. I hope in the future, we will have what we may call a Land Use Commission which will be a regulatory body to ensure that the concerns of the Honourable Minister of Agriculture are addressed.

I hope that Commission will declare land that is declared as agriculture, do not turn it into residential or whatever. I am sure the Honourable Minister for Agriculture will agree with me. If you go through the leasing areas in the West, lands that were leased out for agriculture are now residential. That is wrong and I hope this Commission will work closely with iTLTB, Government and all the major landowners to regulate the appropriate use of all lands. So that lands that are properly demarcated for agriculture are maintained and used for agriculture all the time.

I hope too, that they will take a leaf from a comment that I heard from Ratu Mara. Ratu Mara is my hero. At one time, I was the secretary of iTLTB and Ratu Mara said that we should move away from concentrating on investment on large tracts of native land to investing on small tracts of native land with higher return. As an example of that, he said the hotel leases are very small area but have a lot of return. So listen to that and I hope they do not just joke at what I am saying because what I am saying is true. Learn from it! Amend this Act, take it away, take all that money and give it to the iTLTB Land Use Section because they need it. Thank you, Mr. Speaker.

HON. SPEAKER.- I thank the Honourable Nawaikula. I give the floor to the Honourable Minister for Commerce, Trade, Tourism and Transport. You have the floor.

HON. F.S. KOYA.- Mr. Speaker, Sir, true to form Honourable Nawaikula has gone off on his diatribe once again. I think everyone in this House and the people of Fiji actually need to be reminded because he constantly does this, Sir. I want to remind him about our Constitution. Our Constitution is a very reason why he is actually sitting here and so are we. In it, Sir, in the first line in the preamble it says, and I quote:

“We the people of Fiji recognising the indigenous people or the *itaukei*, their ownership of *itaukei* lands, their unique culture, customs, traditions and language”.

Sir, how can you actually go beyond this? What he is actually talking about is actually preposterous and beyond that, the indigenous people or the *itaukei* people's land is actually protected by virtue of this Constitution. It is protected like it has never been protected before.

We have said this time and time again, Sir, and a matter of fact the previous Governments gave it away without consent. Sir, to come here time and time again with his diatribe is actually nonsense, ludicrous and preposterous. It is ridiculous how they actually come to this Parliament and make such statements. This book protects the *iTaukei* people's land for good, Sir, go and read it, you are a lawyer.

Mr. Speaker, Sir, the Constitution is one thing. The train has gone off the rails because they have decided to take this in another direction, we are talking about the land use but the Honourable Member has now decided to tell us that maybe we should empower the iTLTB.

However, let me tell him that iTLTB has been empowered from day one and is still empowered till today. It is still empowered to do what it is supposed to do and it does what it is supposed to do. Let me tell the Honourable Member, the Land Use Division was set up not to compete with the iTLTB, it is a parallel Institution. It gives the landowners an option to go to the Land Use Division if they wished to lease their land. It is properly done and most importantly, 60 percent of the signatures of the landowning communities is required before it gets into the land. That is what the law is.

Sir, it is not like it is being taken away and some funny business is going on at the Land Use Division. I am sure the Honourable Minister for Lands will actually tell us even more about it but, Sir, these are things that actually need to be said clearly, carefully and for the people of Fiji to understand and not listening to the diatribe that comes out from Honourable Nawaikula.

Sir, I want to speak from a former investment perspective and also from where Fiji is, economically. Mr. Speaker, Sir, we have been an economy that relies on tourism, on a very, very large scale and for which we have suffered. At the moment the Ministry of Agriculture, our Ministry and the Ministry of Economy has actually being promoting as much diversification as we can.

Mr. Speaker, Sir, the Land Use Division is actually a critical component in that diversification because landowners can actually give their land if they choose to do so, then we can have large scale farming if that was required. So, what is it, there is a collaboration between the Ministry of Commerce Trade, Tourism and Transport, the Ministry of Agriculture and the Land Use Division.

Whenever investors come (local or overseas) to actually find these large tracts of land so we can diversify, our local people also want to invest in large scale farming. Diversification for us is an important word, we need to make sure that we are building up more industries and I give a classic example. I am sure Honourable Seruiratu will actually agree with me on this.

We actually sitting on a gold mine in terms of organic farming, Sir. We are all organic by nature. We have released our Fijian organic labelling and we are encouraging more and more people to do organic farming and if we do organic farming we release, we export more, we actually get more. We get paid more for organic products outside the country. All of these things, this particular body called the Land Unit Division (LUD) forms a critical component in terms of us getting that done. You have heard very lucidly from the Honourable Minister for Agriculture on how we can actually do things.

Sir, at the end of the day also, when we talk about Land Use Division we also want to talk about and I am sure the Honourable Minister for Lands will actually say something about it. We actually talk about the actual benefit to the landowners. When it comes to the Land Use Division, the State only recovers its administrative costs. There is no poundage involved in terms of when they actually give their money to the Land Use Division. So, they do benefit out of it.

No one is actually going to lose their land. They have a choice, strict guidance in terms of when they do actually deposit their land in the Land Bank and it is signed off by the Honourable Prime Minister. He is designated to sign off and I am sure the Honourable Minister for Lands will actually tell you. So, just in a nutshell, Sir, that is where we are and I think the Honourable Nawaikula needs to stop going on about this issue. He needs to read this and stop talking about Geneva because no one's rights has been tempered, Sir.

As a matter of fact, all *iTaukei* people's rights are actually protected by this particular blue book and I thank you, Sir.

HON. SPEAKER.- I thank the Honourable Minister. I give the floor to the next speaker on my list, Honourable Bulanauca. You have the floor.

HON. M. BULANAUCA.- Thank you, Mr. Speaker, Sir. I wish to comment on the Review on Follow-Up Audit on the Management of the Land Reform Programme, 2014 and reviewed in 2018.

Again, in the Land Use Decree, Mr. Speaker, Sir. This is one of the draconian Decrees; managing native land under the Ministry of Lands and Mineral Resources, why?

The Native Land are already managed under the Native Land Trust Board (NLTB). The Native Land Trust Board is already in existence to control, manage and develop in the best interest of *iTaukei* owners and the nations as a whole. It is a self-determination under UNDRIP and ILO by itself and already in existence and yet taken away; why?" No consultation made to landowners and the *Bose Levu Vakaturaga* on the creation of this Decree. It is a forced Decree, similar to the forced Constitution that we have just been shown.

Also, Mr. Speaker, Sir, under the Decree, only the Honourable Prime Minister may designate land. What about the owners of the land under the *iTaukei* Land Trust Board Act and the *Bose Levu Vakaturaga* transferring authority from the landowners themselves to only one person.

(Honourable Members interject)

HON. M. BULANAUCA.- It is alright with the state land. Again, with freehold land transferring that similar authority to the designated land. I have no problem with the 60 percent consent but that one is very important.

Although in Section 3, Mr. Speaker, Sir, the objects are:

- to utilise designated native land in the best interest of native landowners; and
- to utilise designated crown land or state land to optimal return to that state.

That is very important to develop those land with optimum return to the State or to the landowners themselves.

Also on freehold land it is not covered under the Land Use Decree. The definition of the land there only state lands and native lands. So, freehold, there is no jurisdiction over that.

Under section 3(2), achievements required:

- providing of a Land Use Unit;
- providing longer tenure of leases undergoing for agricultural and commercial; and
- providing that all land available are leased with the purpose for all parties concerned landowners and other stakeholders as well.

Mr. Speaker, Sir, what is very concerning is, section 15, certain decisions cannot be challenged. That is very important, Sir.

“Part 7 – Miscellaneous

15(1) No court, tribunal, commission or any other adjudicating body shall have the jurisdiction to accept, hear, determine or in any other way entertain any proceedings, claim, challenge or dispute by any person or body which seeks or purports to challenge or question validity and legality.”

Any decision of any Minister to the terms and conditions of lease issued by the Director of Lands or any government officers and the validity of the cancellation of the lease, licences and other instruments. No Court, no Commission can hear them. Any proceedings on claim or challenge or dispute in existence cannot be heard, Mr. Speaker, Sir and we have to issue a certificate that this has been dealt with.

A particular case here, Mr. Speaker, Sir, is Atunaisa Tiva’s case from Naboutini for the mahogany plantation to be returned to him. He won that court case but they quashed it off.

“Where any proceeding is claimed, challenged, application on dispute of any form whatsoever that is brought before any court, tribunal, commission or any other adjudicating body with regards to any of the subject matters in subsection(1) then the presiding judicial officer without hearing any of it and determining the proceedings of the application shall immediately transfer the proceeding or the application to the Chief Registrar for termination of the proceeding or the application for the issuance of a certificate under subsection(2).”

Therefore, the Chief Registrar has a lot of powers. Under section 2(e) for the purposes of any proceeding in a court, tribunal, commission or any other person exercising a judicial function conclusive of the matters stated in the certificate. Lastly, a decision of the Chief Registrar is to issue a certificate under subsection (2) is not subject to challenge in any court, tribunal, commission and any other adjudicating body.

Mr. Speaker, Sir, it is transferring a lot of authority to the Chief Registrar for decision or any grievances raised by the landowners with regards to the Land Use Decree or the Land Use Development. Other court legal cases were struck and thrown out, the most unfair and injustice shown by this Government. There is a need to have a heart to ensure that justice prevails.

Mr. Speaker, Sir, I need to follow-up on the audit findings on the standard operating procedure to validate this authority and further amendments to be finalised within six months, this was on 31st October, 2018 and that six months fell on 30th April, 2019 and that date has passed too.

Performance bonus - partly implemented processing procedure to be finalised by 30th April, 2019 that has passed too. Develop a policy on mortgage land and on how to execute mortgages to be captured and included in the SOP by 30th April, 2019, which has passed.

Clearly defined procedures, SOP for advertising vacant land to be done by 30th April, 2019, passed. Formalising MOU with Investment Fiji to advertise available land to be done by 30th April, 2019. Issues of registered leases that has been done.

Land acquisition procedures SOP for access roads to be finalised by 30th April, 2019 that has passed too. Maintain proper records for complaints fully implemented, fine. A need for a good record keeping practices under National Records Management Policy - partly implemented some issues relating to poor record keeping still persist.

Incorporate monitoring procedures in Divisions on Standard Operation Procedures template in process but not yet incorporated by Divisions and they hope to be incorporated by 30th April, 2019. All passed too as well.

The Tallyman at Nawailevu, on daily basis, transits of minerals extracted, stakeholders are consulted prior to lease agreement, access roads, et cetera. This has been done but we need the information to be diverted to the landowners.

Mr. Speaker, Sir, we are dealing with past reports, I suggest that the Minister should just come and reply to the recommendations made and then we, Members of Parliament can comment or make suggestions as a way forward. That is the recommendation to the government to take it up or not but it is important that the Minister just comes and reply to the various recommendations made and then we can comment on that, as we go along.

It is much easier and much faster Mr. Speaker Sir. Also, the *mataqali* trust account, where are the *mataqali* trust account? Which bank and how much? Who are the trustees? Are the beneficiaries fully informed, if they have been, fine if not, they need full information as early as possible? How can they access it? This is for the development of the *mataqali*...

It is important that the information keeps on going, Mr. Speaker, Sir. It is interesting to find out the following, Mr. Speaker, Sir, in this Land Use Division. How much lands are in the Land Bank per year to show the trend over the years? How many developed and how many are returned after five years and not developed and why? How many leases and returns of leases issued over the years? How much premium and total trend in the last years? What was the amount paid and how much annual rent each year?

The return as well, Mr. Speaker, Sir. How much arrears each year and return, and how much arrears to annual rent, ratio of return, it is important. How much budget since the inception, how much expenditure since the inception? Is the Government inputs generating fair and reasonable economic returns in outputs? It is important to know that.

This is an economic sector that we need to be focused on, on the value of inputs that we put into the process and the value of the outputs that we get out of it, economically? It is important, Mr. Speaker, Sir, to have all those information in the annual reports in the future, to improve on that. We need reports to be holistic in totality and much better and easier to deal with.

On Land Claims Tribunal, Mr. Speaker, Sir, on land reform, we need to have a Land Claims Tribunal. There were certain decisions made in the past, created differences and disputes and errors

arising from various commissions. It needs to be rectified and put right to be fair and ensure justice prevails. This is on the land reform, Mr. Speaker, Sir.

Also, a reversion of Government acquired land to *iTaukei* land owners and the current acquisition of Lands Act, the purpose of acquisition had been fulfilled, the land is to be reverted to original *iTaukei* landowners, and organising leases and development on such land. It is nothing wrong with that, but it must be done. Just transfer the land back to the rightful owner legally. It is all here Schedules A and B had been done, I am thankful for that.

But this one needs to be undertaken, just return the landownership to the rightful owners under the law legally to ensure justice, Mr. Speaker, Sir, and the need to open up native lands, land reform, as there are idle land here and there, but there are land locked. We need to unlock it, we need to provide roads, access for agriculture, tourism, at the same time, markets and supporting infrastructure for better returns on agriculture and other economic aspects, Mr. Speaker, Sir.

I also agree with Honourable Nawaikula, just to have a Land Use Commission, the land use training. Put the land in the best possible use that is supposed to be. Thank you, Mr. Speaker, Sir.

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

HON. DR. I. WAQAINABETE.- I thank you, Mr. Speaker, Sir, for this opportunity. I have been reading the report and one thing that I just want to bring to the floor is that, from time before immemorial, until the time that we have come through to independence until now, our *iTaukei* lands are based on the collective and on the communal land.

I know that most of us who are here, who are *iTaukei* will agree to that, that none of us can actually say this particular land is mine. It is communal and collective. That communalism and collectiveness of the land is enshrined in the Constitution, how that land is used as *iTaukei*. Whether that land is given to iTLTB, or whether that land goes to Land Use Division, it is the collective that makes the decision. It is the collective in the 60 percent that is needed.

I have known of many occasions where I have heard when *mataqalis* wanted to lease their land and they had challenges because there are some who are living overseas, for example, refused to sign and they are not able to do whether it is for iTLTB purposes or may be in this case the Land Use Division purposes. I also know that some of these lands that have been discussed are in areas where it is difficult to access. But I think the most important thing that we need to realise is that, the collective makes the decision.

I thank you, Mr. Speaker, Sir, for the opportunity to make the short contribution.

HON. SPEAKER.- I thank the Honourable Minister. I give the floor to Honourable Qionibaravi. You have the floor, Madam.

HON. ADIL. QIONIBARAVI.- Thank you, Mr. Speaker, Sir. I thank you for the opportunity to speak on this motion before the House.

First, I would like to again commend this Report by PAC and I thank my friend, Honourable Maharaj for his Committee's Report. May I also request that the Chairperson, Sir, makes an effort to listen to what the Members of this side are saying about his Report and in particular the two reports that were discussed on Monday and Tuesday. If he was listening, he would have heard me state, that

I, in fact, commended the good progress by the various Government ministries in the unqualified audit opinions which had been issued for the accounts of 2016. I went on further to say that I looked forward to the day when accounts of all Ministries would all be given unqualified opinions.

Mr. Speaker, Sir, in my contribution this morning, I would like to briefly refer to the Deed of Cession Document 1874. It contained an important vision for Fiji. I believe the vision is still valid today, 147 years later. The chiefs of Fiji in ceding Fiji to Great Britain 147 years ago in 1874 expressed the desire to secure the promotion of Christianity, civilisation and to increase trade and industry. These noble aims are fundamental and I believe are descriptive of the balancing of interest between the various communities that have made Fiji their homes.

Mr. Speaker, Sir, whilst a three-legged stool has largely been referred to as the first statesman of our nation, the late Ratu Sir Lala Sukuna's famous words and belief in the proper working of the *lotu*, *matanitu* and *vanua*. It also describes the delicate balancing between the first peoples to settle in Fiji. A three-legged stool is an apt description of the delicate balancing between the indigenous Fijians and the need for the protection of their rights and resources which have been generously given or shared and which have facilitated the development of this nation.

Secondly, the influence of European civilisation including the Westminster System and our system of laws, arms of Government, the legislature, judiciary and the executive, and the institutions that are our check and balance on the exercise of State powers. As well as the recognition by the chiefs of the need to trade and commercial operations and finally the industriousness and innovation of our Indian-Fijian community and the other minority ethnic communities who have made Fiji their homes. Today, Mr. Speaker, Sir, the two remaining major races are the indigenous Fijians who were the first peoples of this nation and our Indian brothers.

Mr. Speaker, Sir, our chiefs had given the approval for the use of their surplus land to be leased for the development of this nation. This is the single most important giving or the *isolisoli* by our chiefs through the late Ratu Sir Lala Sukuna and the chiefs of Fiji.

The onus is on Government and the iTLTB to ensure that the first people of this nation benefit from the use of their surplus land and we, the Members of this august House have an important role in ensuring that the rights of the first people of the land are protected and that they benefit from the use of their land. For this, Mr. Speaker, Sir, we have an onus that native land is administered under effective policies and procedures in governing matters concerning native land. That is the key of my contribution today, Mr. Speaker, Sir.

I would like to refer to the initial document, the Land Use Decree 2010 which is now the Land Use Act of 2010. I would refer the House to Section 9(1) – application to other laws – which reads “the Decree (now Act) has effect notwithstanding any provisions of the Native Lands Trust (Cap 134); Agricultural Landlord and Tenants Act (ALTA)(Cap 270); Agricultural Landlord and Tenants Ordinance (ALTO) 1966; and any other law, accordingly, to the extent that there is inconsistency between this Decree and the Native Land Trust Act, Agricultural Landlord and Tenants Act, Agricultural Landlord and Tenants Ordinance, or any other law, this Decree prevails.”

In essence, Mr. Speaker, Sir, that Decree, now an Act, prevails over all other Acts including the Native Land Trust Board. This is the main gist of my intervention this morning. The Land Use Decree, now Act, has been promulgated and has been implemented. The cry from our side, Mr. Speaker, Sir, to Government is to ensure that they continue to consult with the first people of the nation in regards to their resources.

Secondly, Mr. Speaker, Sir, having promulgated that Decree, now Act, Government should have taken great interest in ensuring that processes, policies, are put into place to ensure the protection of those that have given their land, those that have designated their land to the Land Use Bank, which include native land as well as Crown land.

Honourable Koya, my friend, is waving the Constitution of Fiji. We quite understand that, Honourable Koya. I have just read out the Section of the Decree, now the Act, which ensures that this Act, the Land Use Decree 2010 (which is now an Act), supersedes any other laws, including the Native Lands Trust Act. This is the point I would like to make today, Mr. Speaker, Sir.

I have already expressed appreciation to my colleague, Honourable Maharaj, for their Report and their Members. What I would like to say next, Mr. Speaker, Sir, is the fact that there was a special audit on the Land Reform Programme 2014 and again the follow-up audit in 2018 clearly shows the grave concerns in the absence of proper documentations, policies governing the administration of the Land Reform Programme, the systems and processes for Land Designation and Allocation, as well as the needs to record and monitor Land Bank activities. The PAC Report in their introduction states:

“As a matter of good governance, all public sector entities should have systems and processes to consider and implement in order that the interest of those who have given their land are protected.”

This, as I said earlier, is the main gist of my recommendations this morning.

Sir, having looked at the follow-up audits, I noted at Page 4, the 20 key issues which I am not going to read, it has various columns, the last being the OAG Assessment of Status. Whilst we acknowledge that some issues identified in 2014 have been implemented, there are still remaining comments such as “Recommendation fully implemented however, the Ministry has planned to amend the SOPs and to be finalised within the next six months” so on and so forth.

It does not reflect well on how the Ministry of Land’s Land Use Department or Unit (LUD) has failed (now it is almost ten or eleven years) to ensure that the proper processes and policies are put in place. We acknowledge that some work has been done, Honourable Minister, but more work still needs to be done in order to ensure that the findings of the Auditor-General initially in 2014 and our follow-up audit in 2018 are carried out, Mr. Speaker, Sir.

I would like to now refer to the few words expressed by Honourable Minister for Commerce, Trade, Tourism and Transport in relying on the Native Land Trust Board. The Native Land Trust Board has a duty to administer all native lands and in administering native lands, it must ensure that there is always surplus land for the subsistence use of the landowners. I am questioning because in the report, there is concern that there is a failure to monitor the lease arrangements, et cetera.

My question is, how is the Ministry of Lands conveying information about the land that have been leased to the Native Land Trust Board. I hope that, that is happening so that the NLTB is continually updating their record of leases to ensure that if there are other lease applications through the Board, that the Board is fully aware of the land that had been leased out for those *mataqali*.

HON. J.V. BAINIMARAMA.- I am very much aware.

HON. ADI L. QIONIBARAVI.- I am thankful to hear that Honourable Prime Minister. I thank you for that. These are the concerns because it is the 20 findings of the Auditors in 2014

have not been fully implemented to date. It shows that there is definitely wrong in how the Land Use Development Unit is ensuring that it complies with the requirements, the recommendations of the Auditor General.

The Native Land Trust Board to date, has done away with how the members of the Board used to be selected. We understand that now, all members of the Board are being appointed by the Honourable Minister for Fijian Affairs. Secondly, 60 percent to acknowledge the consent has been given by the landowners but the final say in the designation of the land remains with the Prime Minister, and we cannot appeal that provision.

Honourable Bulanauca has referred to Section 15 of this Act which is the restriction given to any Court of Law, Tribunal or any other adjudicating body to hear or to accept, determine or any other way entertained proceedings. I hear the Honourable Prime Minister, it is a contractual arrangement, yes, Mr. Prime Minister, but it has to be in accordance with the Constitution of Fiji. Anyone should be able to take a grievance to Court. In particular, for the first people of the nation, it is important that we have an avenue to take our concerns to Mr. Prime Minister, Sir.

Section 15, Mr. Speaker, Sir, says, “No Court, Tribunal Commission or any adjudicating body shall have the jurisdiction to accept or determine any other challenge from this Act, Mr. Prime Minister. It is important for us to have an avenue to redress the complaints that we may have under this Act.

So, Mr. Speaker, Sir, without having to go further into details, of the 40 findings I thought I would mention the absence of the Performance Bond Policy. This was a matter that was raised in 2014 and it has remained outstanding. This is very important that a policy be prepared and approved for the performance bond.

What was indicated in the Audit Report, Mr. Speaker, Sir, that Tengy Cement, in the absence of a policy on the Performance Bond, was allowed to use the Performance Bond which it had paid to meet other payments. Payment of royalty, that was never supposed to have happened if the policy on Performance Bond was put in place.

In conclusion, Mr. Speaker, Sir, I would urge the Honourable Minister for Lands to ensure that all outstanding Audit recommendations are complied with. To ensure that not only the native land owners, the first people of the nation but the people of our nation know that the land reform administration is being administered for good governance and all the policies and processes are put into place. Thank you, Sir.

HON. SPEAKER.- I thank the Honourable Adi Litia Qionibaravi. I give the floor to Honourable Ratu Tevita Navurelevu, you have the floor, Sir.

HON. RATU T. NAVURELEVU.- Thank you, Mr. Speaker, Sir. The Honourable Prime Minister, the Honourable Leader of the Opposition and Honourable Members of Parliament, I rise to contribute to the debate on the motion before the House this morning. I chose to speak on this issue because I am one of the member of a land owning units and I am leaving in the rural areas. We, landowners are very emotional when it comes to issue of the land like any of us who owns a property.

Mr. Speaker, Sir, the land issue is one of the very sensitive issue as I said. It is the mother of wealth provided by God inherited by our fathers and ancestors. It is our prior responsibility as landowners to see that the land are wisely utilised and wisely used well for any purpose. So, we have the responsibility to make decision right and to do anything right for the land because if decision is

not right, if you abuse you make me question for what we are doing about our land and the people. When I say the *vanua* I mean the land, the people and their faith. That means the faith in the *vanua*, the faith in their ancestors, the faith to their God and the faith to their land.

Mr. Speaker, this morning, I chose to stand up and raise our concern as indigenous in the *vanua*. I will speak very briefly on a few issues.

Mr. Speaker, Sir, on the Land Use Decree 2010 is one of the many far reaching Decrees promulgated in a discriminatory manner to indigenous Fijians. The majority of land targeted under the Decree is indigenous land and the Audit Report shows the unaccountable manner in which this scheme is implemented with the department refusing to advertise available land to properly inform the Land Owning Unit and basically to be accountable and verifiable Standing Operating Procedures (SOP), so that everyone including the Land Owning Unit know the rules.

Mr. Speaker, Sir, this Decree is basically a land grab with land alienated initially for up to 99 years as alluded to by earlier speakers. This Decree allows the establishment of Land Bank. The Director of Land has been given the powers under this Land Decree to issues leases, collect rentals and has been given the powers to distribute these rentals, overriding the work of the TLTB.

Mr. Speaker, Sir, this Decree went on to give the powers and there will be no recourse as has been alluded to in this House today to the Court for Land Owning Units dissatisfied with the decision that Court jurisdiction is excluded.

Mr. Speaker, Sir, I agree that there are many idle lands that need to be developed back home in the rural areas or all over Fiji. That needs to be developed with the landowners. There are lands for grazing, lands for resort, land for housing and many other projects can be done in those idle lands. But the problem, Mr. Speaker, is that the very poor people, the vulnerable people back home do not have sufficient funds to develop these lands.

(Honourable Members interject)

HON. RATU T. NAVURELEVU.- Listen, I will be proposing some of the ideas so that you can initiate.

Mr. Speaker, Sir, the landowning unit is to develop these idle lands but they do not have sufficient funds to develop those land, so in order to develop the lands to pave a way for improved socio-economic growth with the focus on equitable returns to landowners, may I propose to the Government to provide funding to the landowners so that they provide their land rather than taking the land away and giving it to others who are already rich.

I will give an example to this proposal. Landowning units have an idea to develop a project on grazing field to develop this idle land as a cattle farm. May I suggest and propose that the Government assist landowners by providing finance and if not, provide cattle fence, livestock and technical support and continuous monitoring and provide markets.

Mr. Speaker, Sir, once any Government provide this assistance concerning idle lands, I believe these idle lands will contribute to the improved socio-economic growth to our nations and more so, equitable returns to Land Owning Units of the land.

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

Honourable Members, on that note, we will suspend the proceedings. You all know about the extended lunch hour. We will resume at 3.00 p.m.

The Parliament adjourned at 12.57 p.m.

The Parliament resumed at 3.06 p.m.

HON. SPEAKER.- Honourable Members, we will continue with the debate and I now call on the Honourable Minister for Defence, National Security and Policing, Rural and Maritime Development and Disaster Management. You have the floor, Sir.

HON. LT. COL. I.B. SERUIRATU.- Thank you, Mr. Speaker, Sir. I would like to contribute as well to the motion before the House. First, I thank the Committee and all those that have contributed to the motion as well but I will keep it short, Mr. Speaker, Sir, rather than going back to the Deed of Cession of 1874 and going back to 1936 to Geneva, let us just look at the most recent issues and let us address it accordingly. We can go back to the Garden of Eden, if you want to.

Mr. Speaker, Sir, I have said it before and I will say it again, let us not question about ownership. Ownership is intact, it is guaranteed, and it is protected in the Constitution. Mr. Speaker, Sir, 91 percent of the land belongs to the *iTaukei* but the question is, how are we benefiting from this resource, not only the resources owners but of course, we have to look at the national interest as well. That is very, very critical.

This is the State of the National and Economy Report 2008 that led to the establishment of firstly, the CBUL Committee that is now a Programme under the Ministry of Agriculture and of course, the Land Use Unit in the Ministry of Land. Let me read it out, Mr. Speaker, Sir, just a few lines, "...access to land is a major pre-requisite for any development. Related to this is the timeliness of the supply of land, the company and by both security of tenure and the ability to use land for whatever purpose.

The NLTB's existence is mandated by legislation to ensure the interest of the land owners are safeguarded. The complexities involved with the administration of Native Land and the need for extensive consultations with the stakeholders if changes are to be considered have been noted and, of course, Government still respects that to-date, Mr. Speaker, Sir.

There is no utilisation of land or land taken out of the Native Reserves, so to speak, without the consent of itaukei landowners, but this is the point that I want to stress out of this document, Mr. Speaker, Sir. To effect such a transformation, it is essential that efficient mechanisms be created to make leasehold land available to potential users who are willing to pay for its use at a rate set by the market, and not by an administered or legislated rate.

Mr. Speaker, Sir, we know the problems in ALTA and NLTA, because it is regulated and it is under the Act. This is why the establishment of CBUL top up, UCV rate and CBUL to-date probably \$70 million has been given under this programme. That is what the landowner wants, apart from utilising the land for their own benefits. That is one, Mr. Speaker, Sir. Secondly, creating a market for lease land is an essential ingredient to economic development in Fiji and will also lease to landowners returns commensurate with the true value of their resources.

Mr. Speaker, Sir, I have stated just recently, that is the problem that we had under ALTA and NLTA which is administered by iTLTB. We need landowners to have the right return for the resources according to the market rate and this is why the role of iTLTB remains contrary to what the Honourable Nawaikula who, unfortunately and deliberately, left the House, but keeps making the same old rhetoric that he has been harping about all the years. There is no usurping of the role of iTLTB. As correctly highlighted by the Honourable Minister for Commerce, Trade, Tourism and Transport, it is a parallel institution that gives landowners a better choice, I would say, Mr. Speaker, Sir.

Let me just highlight some of the issues that were raised from the other side. The reasonable and fair economic returns and that is exactly why CBUL, as I have stated, and of course, that is why the Land Use Unit so that they can be given market rates as opposed to. Because as I have stated, Mr. Speaker, Sir, ownership is not an issue, but how are we benefitting from it. Let us not create fear in our own people. I urge all the Honourable Members of the House, let us help in enlightening and empowering our people with the correct information and the knowledge so that they can make the right and informed choices that they have been saying, so that they can get not only from the lease money, but of course in the utilisation of the land as well.

The question about the provision of funds as highlighted by Honourable Navurelevu, Mr. Speaker, Sir, this is not new. But again, let us take responsibility and be accountable and responsible as well when we are given public funds.

Mr. Speaker, Sir, we do not have a good record, let us be honest with ourselves. We do not have a good record. When there was money for resettlement, it is not only about the farmers who have lost their leases, resettlement money was also given to landowners. But how was that money utilised? I remember, a few years back we had the alternative livelihood allocation.

A lot of *iTaukei* benefitted from the alternative livelihood allocation, because they wanted to utilise the land that has been vacated. But majority of those lands, Mr. Speaker, Sir, have been again given to others because we cannot simply work the land. Let us be honest with ourselves, Mr. Speaker, Sir, so it is not a question of funding.

There are some who are doing very well but then unfortunately record shows that there are more who do not take their responsibility seriously. But funding, if you look at the programmes in agriculture, we are given the funds but it is only the land now, no one is or they have moved.

Land use for agriculture to be retained, yes we agree, Mr. Speaker, Sir, but let us also accept the fact that we are a developing country and when we look at the history of all developing countries, when development continues and the economy grows, the agriculture sector is perhaps the sector that suffers most because of the allocation of land particularly to other sectors and that is also the case in Fiji. There are social needs for housing purposes, Mr. Speaker, Sir. Some needs to be rezoned so that they can be used for other purposes while we are wary of the fact that we need to retain the good agricultural land but also let us understand the fact that we need to give some for other purposes.

Lastly, Mr. Speaker, Sir, the same old issue about providing access, providing infrastructure, providing market access, again, let us do our part. Development again as I have said so many times is partnership. Government will do its part, we also, the beneficiaries of the projects, the beneficiaries of the allocations, we must do our part, Mr. Speaker, Sir.

I use Bua as an example because this was brought up by the Honourable Bulanauca. Just a few weeks back, we went to Yadua Island with the Agricultural Marketing Authority (AMA) representative in Dama, Bua. This facility was just opened one or two years ago; 2018, I remember correctly, Mr. Speaker, Sir. I had a conversation with him on the way to Yadua. What surprised me, Mr. Speaker, Sir, is the facility is now closed again and one of the two AMA officials in Dama, Bua has been posted to Taveuni. I asked Samu (AMA Official) and he said, “Sir, right now I go from one end of Bua to the other end, I was only able to collect six bags of dalo, six bags of cassava”; that is why it is closed again. The only thing that we are buying now is crabs and fish.

I am talking, Mr. Speaker, Sir, about the partnership in development. Let us not only come here in this House and talk but let us go back and encourage our people to take their responsibilities seriously and of course, do their part so that they can benefit from these developments as well.

Mr. Speaker, Sir, I was talking about parallel institution and giving landowners a choice because this is exactly what happened in Nawailevu, Bua. It was under iTLTB but the landowners rejected what was offered by iTLTB and they opted to go to Land Bank, so the project in Nawailevu, Bua was facilitated under the Land Bank, not under iTLTB and let us not forget the fact, Mr. Speaker, Sir.

While we respect the iTLTB and the role that it is mandated under the Act but let us also remember the fact that at one stage and this is what led to what was here in this Report, iTLTB was heavily politicised. As a result, the landowners suffered, our economy suffered. Majority of the land leases or some of the land leases were not renewed until 2008 when the CBUL discussions started to happen and, of course, 2010 and came in to effect, but let us remember that at one stage iTLTB was heavily politicised.

When it comes to iTLTB, Mr. Speaker, Sir, there are records when deals were done, not in the interest of landowners but I would say, I would not blame iTLTB, but some of the officials in iTLTB made deals that were contrary to the very reason behind the establishment of iTLTB. They would come into meetings, siding with the investor, not with the landowner, and lots of landowners question us on this, Mr. Speaker, Sir. They (iTLTB) are supposed to be sitting here on our side but they are sitting there with the investor because they have already made a deal outside and then they came into the meeting. Those are facts and that is what led to the establishment so that we can have a parallel institution and give landowners a choice and, of course, learning from the past, Mr. Speaker, Sir.

HON. SPEAKER.- I thank the Honourable Minister. I give the floor to the Honourable Minister for Infrastructure, Meteorological Services, Lands and Mineral Resources. You have the floor.

HON. J. USAMATE.- Thank you, Mr. Speaker, Sir. Thank you for the opportunity. I think just to start the discussion this afternoon in my presentation just to go back to what we are actually talking about, what this debate is supposed to be about which is the report that we have on the review on the follow-up of the Audit of the Management of Land Reform Programme.

A lot of the discussions that have taken place have gone far beyond the ambit of what we are supposed to talk about. I remember earlier this week, there has been another talk about wastage, the Honourable Professor Prasad has talked about wastage. There is wastage when you have a Committee that is set up to discuss something and make recommendations and when we come and discuss in the House, we discover a whole plethora of other things not related to the contents of the Report itself.

I will start off by just focussing on those issues and I would like to thank the Standing Committee on Public Accounts for the work that it has done on this review on the follow-up audit of the management of the Land Reform Programme which was tabled in Parliament on 15th May, 2019 (Parliament Paper No. 66 of 2019).

In an effort to address the recommendations provided by the Public Accounts Committee, the Ministry has undertaken various improvements to facilitate the recommendations of the Committee,

therefore, the Ministry, in its presentation to the Public Accounts Committee in 2018 has managed to provide responses and issues of mitigation, resolved and actioned.

Again today, some of those issues that were discussed in 2018 and previous years, continue to be brought up in this particular discussion, even though they have already been addressed at that point in time, and already addressed to some degree by the former Minister for Lands, who made a Ministerial Statement on this matter in 2019.

However, in addition to these issues are the five recommendations provided by the Committee and I will, today, inform this august House of the update of the recommendations made and what the Ministry has implemented and actioned.

On the first one - policies governing the administration of Land Reform, where the Committee notes the recommendation by the Office of the Auditor-General and the timeframe provided by the Ministry of Lands to OAG that policies shall be developed in 6-months' time, the time for the follow-up audit (6-months timeframe) which she says expires on 30th April, 2019.

The response is that, the Ministry can confirm that the recommendations for the formulation of a policy has been incorporated into the Land Use Division SOP and the relevant SOP captures the procedures for the transfer of freehold buy-back lands - so that has been addressed.

The second recommendation in relation to systems and processes for land designation and allocation where the Public Accounts Committee noted the Ministry's Land Use Division's progress on its monitoring in conducting its outreach programme, and further recommended that the LUD strengthen its evaluation on the outreach programme. I can advise the House that the recommendation by the Public Accounts Committee continues to be implemented and enhanced further since the inception of the Land Use Division.

The outreach programmes are planned according to the budgetary allocations with specific areas identified under the viable land parcels that are collated. The targeted output for all consultations and awareness within the last financial year was achieved and the Division has achieved its quarterly targets this financial year.

The next recommendation from the Public Accounts Committee was recommending that the Ministry should conduct appropriate land studies on land deposited under the Land Bank, to ensure that there can be investment carried out on that land that have fair economic return to the landowners.

The Ministry has implemented the strategy since its inception and refined it further and amended the way that it does this in 2017. Appropriate land parcel feasibility studies and viability components have always been part of the Land Use Division's responsibilities and measurable outputs in the Ministry's Annual Costed Operational Plan as well as the Divisional business plan.

The physical inspections of land form, natural and man-made, including land use maps and soil types are being studied. These are factors that contribute to the viability of the land for its highest and best use and also the determination of the fair economic return to the landowners. Those sorts of assessments and studies are being made by the Land Use Division of the Ministry to make sure that we can identify investors for each type of land.

The next recommendation was in relation to recording and monitoring of Land Bank activities. The Committee noted that the work is in progress for the development of the database.

Further to that, the Committee had recommended that this process should be expedited and once fully operational, the information to be accessible to other relevant agencies dealing with lands.

You can confirm the implementation of the Land Bank database which is in operation. All designated native land parcel databases are shared with iTLTB. I think that issue was brought up in the House with updates on new deposits are carried out on a quarterly basis, so the information is shared on a quarterly basis.

Land parcel details and locations are also plotted and accessible through Vanua Geographic Information System (GIS), so there is visual representation of what is happening.

The last recommendation was where the Committee recommended that the Land Use Division should develop a monitoring procedure which should be incorporated into the Division's Standard Operating Procedure (SOP). The procedure should clearly outline areas, activities to be monitored. Responsibilities for monitoring is suitable timelines for carrying out the monitoring work. The Ministry confirms the implementation of the monitoring of processes and procedures have been done and they are now captured in our SOPs.

These are also reflected in the Ministry's cost of operational plan which is done on an annual basis and the Land Use Division's business plan that SOP clearly outlines the responsibilities, reporting mechanisms and timelines to be adopted within the Division.

As a result of this, Mr. Speaker, Sir, I think there are about 20 recommendations that were brought up about the Land Use Division and with the meeting of these last five recommendations, we can say that those 20 recommendations have been addressed by the Land Use Division of the Ministry.

Just to go back to some of the issues that have been highlighted in the House: I will not go back and talk about some of the issues that other Ministers have talked about, addressing some of the statements that have been made in this House. I think they have been adequately addressed. Some statements that were made I would like to talk very briefly about.

The Honourable Radrodro made a statement. He started off his statement with the Ratu Sukuna vision of making available land that you cannot use. They think, if you think about it, all the Land Use Bank does, it just deals further on that vision of this great Statesman of ours - Ratu Sukuna.

The land that is available and not being used, the Land Bank is just another way of making that available. It just complements the activities that are done by iTLTB. Does not compete with it, does not usurp it but it complements that activity. It is another way of getting the same thing done.

When you are in a market with two or three players doing the same sort of thing, there is the likelihood to be more returns for the people who are being serviced when you have more than one party engaged in that exercise. That is what the Land Bank does. As I think about it, that vision of Ratu Sukuna is a great vision; Land Use Bank is another way of making that vision a reality. That is what it does.

Honourable Aseri Radrodro also talked about issues in relation to what the Ministry is doing about the leasing of freehold buy back and the defaulting of the Land Owning Unit. As we know, there are about more than 20 plots of land that were bought back by Government and given to the landowners so that they can pay it back.

Over the years, a lot of them have not been able to do this well. There have just been a few that have been able to pay that money back. But Government goes out of its way to help those landowners pay back the debts that they have. How does it do that? In some cases, Government takes land, puts it into the Land Bank again and then leases that land out. As people pay the leases for that land, the lease amount collected is used to pay back the debt owed by the Land Owning Unit and all the costs associated with leasing this land out is not paid by the Land Owning Unit, it is met by Government.

So in this way Government is actively working to make sure that that Freehold Buy-Back Scheme actually works even though the landowners who want the land back had made an agreement to pay for the money back to Government because the Land Bank actually helps them to pay back.

If, for instance, the agreement to lease the land is over 30 years and within 15 years they have collected enough money to pay back the debt, the excess amount, the difference between the money that is collected to pay back the debt and the amount collected by Government is not kept by Government but paid to the Land Owning Unit, even though Government has paid for all the expenses for leasing out that land. So the Land Bank goes out of its way to help the landowners who wanted to buy back the freehold land. They are not able to pay it so we go out of our way to do it.

There is nothing here about land grab. Who is grabbing the land? The concern is always if the control is always with the landowners themselves. There are a number of other things that are here but I thought I should just identify some of the benefits that we have as the result of the Land Bank.

Some of these land parcels would never have been able to activate this land because it would not have generated the revenue if it had not gone to the Land Bank. Since the Land Bank has been in place, there have been more than 122 land parcels designated with the total area of 10,749.3107 hectares. Some of this land has been designated, not leased out so after five years if the landowners want, they can take it back and there have been three parcels of land where the land has been reverted back because that is the choice that they have and if they can do that.

The number of *iTaukei* land parcels designated in a survey, a 102 designated out of which 91 land parcels have been surveyed. So once the land parcels come in, this is the benefit that they get. The land gets surveyed, they do not have to pay for that survey. Even if no investor comes in and takes out that land, the land is already surveyed so if it goes back, the landowners will get the piece of land for which they already have a survey done. That is the benefit that they have, Mr. Speaker, Sir.

The total proceeds collected, the Land Use Division has derived a total amount of \$12.891 million in at least proceeds from the 91 leases, \$11.1 million of this goes to owners of the *Ttaukei* land, \$11.1 million of money that would not have been forthcoming if it had not gone to the Land Bank.

For the 2020 to 2021 Financial Year, the Division has so far collected about \$666,000 for the State and more than \$1 million revenue for the landowners. Once again, this is money that is going directly into the pockets of the landowners.

Remember that the money that is collected by the Land Bank, Government does not take its poundage. All the money that is paid, all the money that is due for that land goes directly into the pockets of landowners. There is nothing that is coming back so all the administrative costs, all the

costs that come up in managing all of these assets is met by Government. Government is actually assisting to put money into the hands of the landowners.

There is no competition in all of these things. It is all for the benefit of the people, over and above that some of the land that came into the Land Bank was also land that was used then for the Nawailevu Bauxite. The Bauxite royalty of more than \$1 million also went to the landowners there. So they are not only getting the money out of the leases for the land that is involved but also, they are getting direct benefit for themselves on a daily basis, Mr. Speaker, Sir.

I think, Mr. Speaker, Sir, other speakers will speak but to my mind I mean the Honourable Niko Nawaikula accused me of not being an indigenous person because I have my viewpoint of this.

My viewpoint is this, you can choose to look at this as something that is anti- iTaukei, I do not because we are talking about pieces of land here. There was another statement that was made by the Honourable Nawaikula, at the very end of his statement where he quoted Ratu Kamisese Mara saying, “We should lease small portions of land at high return”.

I mean that is a great philosophy to do. Do not lease large pieces of land, lease small pieces of land where you can get high value investment, for instance, like hotels. But not all landowners in Fiji have land in places where people want to build a hotel. So, what about them? Should we only just lease out land where you can get high value investment? How about those that have land in Navosa and in the Highlands up there? What do we do about them? Do we just leave them to tootle away with their fingernails or bite their fingernails, we do not do that.

The Land Bank offers them an opportunity. You give up the land and the Ministry goes out, surveys it and tries to get investors to come and invest on that land. So even those people with that kind of land have the opportunity to get something for them for the people that are living today.

Mr. Speaker, Sir, I think I will rest my presentation there. I thank again the Committee for the work that it has done, and I think we should not be seeing the Land Use Unit as something that competes or usurps iTLTB. It complements it and the returns that people get are far better than what they get from iTLTB.

Then when you have something in the Land Use Unit, things are offered at market value. The leases make up market value. Market value has no poundage, no costs so the benefits of that goes directly back to the people. Just look at it in terms of what benefits it gives to people and remember also that all iTaukei land that is taken into the Land Bank, you have to get consent of 60 percent of the landowners. If they say “No”, it is no.

Over and above that when all the processes have been done, it goes to the Honourable Prime Minister, who checks and verifies. He will make sure because no one on this side of the House wants to push down the iTaukei landowners. We want to bring them up, that is why you put this Land Use Bank to be there for their benefits.

Everything that we do, this Government is for the benefit of the iTaukei landowners and for the benefit of all the citizens of this country. *Vinaka Vakalevu*, Mr. Speaker, Sir.

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

HON. M.R. LEAWERE.- Thank you, Mr. Speaker, Sir. I will be very brief in my contribution on the motion and the debate this afternoon on the Report of Management of the Land Reform Programme.

I thank the Chairperson of the Standing Committee and the Honourable Members for this Report as they elaborated on important issues, one of which is the Land Buy-Back Scheme which has just been alluded to by the Honourable Minister.

The Buy-Back Scheme, Mr. Speaker, Sir, was established in 1993 to assist the ordinary iTaukei landowners who had little or no arable land. All they need is freehold land for their socio-economic wellbeing.

Mr. Speaker, Government then purchased about 26 freehold lands, the total of about \$4 million and the acreage is about 8,500 at the market price, determined by registered valuers.

The iTaukei landowners, Mr. Speaker, Sir, would pay back the money owed within 30 years.

Mr. Speaker, under this Scheme, the landowner found it difficult in repayment as there was reluctance but it interests them in assisting them payback what they owed. This has brought misery to landowners as it being vulnerable and unable to pay back what they owed.

Although Government is helping them as alluded to by the Honourable Minister Usamate, through other means like leasing the lands, the question of ownership is in question. They would be held to ransom all the time.

Another important issue to note, Mr. Speaker, Sir, is the absence of a standard policy for the Ministry as far as existing landowners are concerned. The Standing Committee raised the importance of a Ministry knowing what to do. The Ministry I am sure should note and develop appropriate arrangements for administering State freehold land to assist them in carrying out their functions.

In addition, Mr. Speaker, Sir, the Committee recommended that the Ministry should finalise a policy that will incorporate the processes of transferring freehold buy back land to landowners and if Government has not done this, then they have to do that.

The Government must help these landowners....

(Honourable Member interjects)

HON. M.R. LEAWERE.- All right, I am reminding you again: The Government must help these landowning units pay back the land and identify ways to acquire them, that might be just lip-service, I am stressing the point so that they can do that.

(Honourable Members interject)

HON. SPEAKER.- Order!

HON. M.R. LEAWERE.- The Government must help these landowning units pay for their lands and then identify ways to acquire them and they have failed miserably in that regard if they have not done so.

Mr. Speaker, Sir, I call upon Government and inform this House as to the status of this landowning units which I will highlight as far as the Land Buy-Back Scheme is concerned, and to help them get the land through some kind of concessions. These are Munia Island in Lau, Matakunea in Cakaudrove, Korodogo in Macuata, Mua State in Cakaudrove, Namaqumaqua in Serua, Kovunikavika in Tailevu, Vakabalea in Serua, Nasoqo in Naitasiri, Naisaudoga and Nukuloa in Cakaudrove, Kobuka in Naitasiri, Tova in Ra, Matavatuou in Tailevu, Dedega in Tailevu, Vunivesi in Tailevu, Matasawalevu in Macuata, Naveria in Cakaudrove, Matakalulu in Naitasiri, Waiduru in Nabu, Naitasiri, Raiwaqa in Serua, Monanuku in Tailevu, Naboro in Rewa, Nausori in Tailevu.

In closing, Mr. Speaker, Sir, these are the landowning units that are still struggling to pay back, then the onus lies on the Government to assist them. I thank you, Sir.

HON. SPEAKER.- I thank the Honourable Leawere. I give the floor to the Honourable Viliame Gavoka. You have the floor, Sir.

HON. V.R. GAVOKA.- Thank you, Mr. Speaker, Sir. As we all know, the Land Use Decree 2011 caused huge anxiety within the landowners of this country and they were expecting as they believe in democracy and parliamentary democracy that this Decree would be brought to Parliament on the return of Parliamentary democracy to be properly debated but we know what happened. All the Decrees that were manufactured during the time of the regime became laws in this country. So, please, do not wave the Constitution at us because we know our laws, we know they are confused, we know our rights and we were denied our rights to debate the Decrees that were passed during the regime.

Mr. Speaker, Sir, this Land Use Unit, I have to state here today that SODELPA will get rid of it. We will abolish this law, Mr. Speaker, Sir.

(Honourable Members interject)

HON. SPEAKER.- Order!

HON. V.R. GAVOKA.- They keep waving the Constitution at us saying that our land is protected but then they passed a law that says that that law cannot be challenged. Who are you kidding here? You are saying your land is protected but we are going to enact that law that you cannot challenge.

Mr. Speaker, Sir, we have challenged NLTB and we won. Our people took NLTB to Court and they won, and here you are telling them, “We are going to form something parallel to NLTB but you cannot sue it”, and you say “Your land is protected under this Constitution”. So, please, do not wave that at us. We know better, Mr. Speaker, Sir.

(Honourable Members interject)

HON. V.R. GAVOKA.- Mr. Speaker, Sir, what we have here is dereliction of duty on the parts of FijiFirst when it comes to land matters. You know that land is a very delicate issue, you know that but you were drunk with power during the regime, during that first Term of Parliament and you thought you will get away with whatever you do. Let me tell you this, people are now awake to this and your time in Government is coming to an end very soon.

Mr. Speaker, Sir, we were going to abolish this, but at least they soon have had the duty of care to look after what they had enacted. Here, we have the Committee saying “There was lack of

process, there was lack of policy and procedures on how a Unit would operate”. Already, they caused consternation within the community and then they failed to put in place proper structures. How can you say you are working for the good of the *iTaukei* landowners when there were no policies and procedures on how to operate the Land Unit? How can you say that? It was dereliction of duty, Mr. Speaker, Sir, on a breathtaking scale.

Mr. Speaker, Sir, you have made light of the reference to the Deed of Cession to 1936, et cetera, but those with the spirit with which the land was made available in this country to develop this country, and it is unfortunate that the Honourable Minister here only goes back to 2008. That is the tragedy with FijiFirst. Their history goes back to December, 2006, when they overthrew a properly and legitimately elected Government. Their history does not go further than that, Mr. Speaker, Sir. Then the NLTB and the land situation, Mr. Speaker, Sir, has been there with goodwill over the generations, and it is very sad that we have a Government who does not care, who does not respect, who does not try and protect the spirit of Goodwill that enabled us to use the land and develop Fiji to what we enjoy today.

Mr. Speaker, Sir, our team is sad, all the natives are sad, and I just want to say again to FijiFirst, “Stop preaching, start practicing.” You cannot be preaching while we have this Report that highlights massive shortfall in the way you manage the Land Use Decree, Mr. Speaker, Sir. That is the word from us. The people are saying you are wonderful preachers but you do not practice. We are getting a little tired of all the preaching.

Mr. Speaker, Sir, the Land Use Decree is an aberration in Fiji, it should not have been brought into existence that iTLTB can easily accommodate that. In actual fact, it has a Unit, a section in there that already does the work. So why create something else to undermine the work of iTLTB?

Mr. Speaker, Sir, there is a huge lack of faith in the way FijiFirst manages land. There is a credibility factor here, people do not believe you, they do not agree with you and they lack faith in how you are doing things.

Mr. Speaker, Sir, I just wish in the short time that they are in power, which is about how many months now, at least do what is needful to protect the land that is in your care right now. Very soon, we are going to abolish this Act and take away the sense of anxiety that you have created for the landowners in this country. It is time to repent to the people.

You have caused so much anxiety, it is time to change but I know, I might as well be talking to a wall because these people, Mr. Speaker, Sir, do not believe in dialogue as it is all one way, their way and nothing else, but it will soon come to an end. Land is a very delicate matter and I would urge you to heed what I am saying today. Thank you, Mr. Speaker, Sir.

HON. SPEAKER.- I thank the Honourable Gavoka. Your name is not on my list.

Honourable Minister for Women, Children and Poverty Alleviation, you have the floor.

HON. M.R. VUNIWAQA.- Thank you, Mr. Speaker. I would like to first thank the Standing Committee on Public Accounts and, of course, the OAG as well for the great work they have put in, in continuing to keep Government in check.

They have said it and we all agree - land is a delicate matter. It can serve to create emotions of division, it can also serve to create emotions of unity and that really depends on the ideals, principles we have and how we impart what we feel about land to the Fijian people.

Mr. Speaker, *iTaukei* land is something that is sacred to every *iTaukei* person. It is sacred to me and to every *iTaukei* in this House. It does not matter which side of the House we sit on and it is part of our common heritage, it is part of our common identity as *iTaukei* people and as *iTaukei* people, our forefathers have agreed and pledged to share this natural resource with every other Fijian with a common quest to develop as a nation together, so let us not forget that the *iTaukei* land that matters so much to us *iTaukei* people, also forms the basis of livelihoods for every other Fijian that has called Fiji “home”.

The platform for that legal sharing of this very invaluable resource is a lease up to a term of 99 years with conditions set by the lessor. For a long time that lessor was the *iTaukei* Land Trust Board alone.

With the Land Use Act 2010, another lessor has been created, the Director of Lands not to take away any powers from *iTaukei* Land Trust Board but to complement the work of the Board in relation to *iTaukei* land. The aim being, Mr. Speaker, to utilise unused *iTaukei* land which the owners wish to see being put to good use for their benefit and for the benefit of every Fijian.

The value that *iTaukei* land has on the very fabric of our nation can be seen first and foremost in our Constitution, and I will keep waving this Constitution because this is the supreme law of our land. How can we not speak about it when we speak about such a delicate issue as land - *iTaukei* land? And apart from the preamble of the Constitution which the Honourable Minister Koya has referred to, Section 28 of the Constitution provides as follows, and I would like to read it, Mr. Speaker:

“The ownership of all *iTaukei* land shall remain with the customary owners of that land and *iTaukei* land shall not be permanently alienated, whether by sale, grant, transfer or exchange, except to the State in accordance with Section 27.”

Section 27 is a compulsory acquisition provision. It has always existed, it is that provision that allows Government to use *iTaukei* land for a public purpose.

HON. SPEAKER.- Order!

HON. M.R. VUNIWAQA.- Section 28(2), Mr. Speaker:

“Any *iTaukei* land acquired by the State for a public purpose after the commencement of the Constitution under Section 27 or under any written law shall revert to the customary owners if the land is no longer required by the State.”

That, Honourable Speaker, is a new provision, it has never been in the Constitution before.

The return of *iTaukei* land to *iTaukei* landowners after use by the State for a public purpose only came through this Constitution 2013. Prior to that it was a discretionary matter for the Minister, and now the Minister does not have a say in it. It must be returned if the Government no longer uses it.

The bottom line, Mr. Speaker, is this, prior to the Land Use Act 2010, all control of *iTaukei* land was vested with the *iTaukei* Land Trust Board ...

HON. P.K. BALA.- Who passed the Momi Bill?

HON. SPEAKER.- Order!

HON. M.R. VUNIWAQA.- Like *iTaukei* Land Trust Board, Government wants *iTaukei* land to be used for the mutual benefit of the lessee and the landowner where it is being leased or indeed to encourage landowners to develop *iTaukei* land. One just needs to look to the allocation of budget for the development of *iTaukei* land under Head 50 to see Government's commitment to the empowerment of *iTaukei* landowner.

I understand that a total of three projects have been completed under that, with six or seven other projects on track as we speak.

HON. GOVERNMENT MEMBER.- Tell them!

HON. M.R. VUNIWAQA.- Is that a Government that does not care about *iTaukei* interest and *iTaukei* land in this country? Why would Government spend millions to do that if it did not care about empowering the *iTaukei*?

Mr. Speaker, Sir, I have been here since 2014 and I have heard the lies and fear mongering tactics of Members of the Opposition using *iTaukei* land as a tool to bring division amongst Fijians. In fact, we heard it earlier today from Honourable Nawaikula using land and issues relating to land to divide Members of this House and by extension Fijians in this country. And he had the audacity to say that we do not know where we come from on this side of the House, that we do not know ourselves. How dare he!

Please, I have a request to the Honourable Members of the Opposition, do not think that you, your voices are the only voices that carry the dreams, aspirations and the voices of the *iTaukei* people in this country.

As a Government, we carry the voices of every *iTaukei* and every Fijians in this country. That is the difference! When they preach, they preach about *iTaukei* aspirations alone. As a Government, we preach about the aspiration of every Fijian in this country.

The thing is, Mr. Speaker, Sir, with the Land Use Act 2010, *iTaukei* landowners were given a choice that I do not get to hear about from the other side. The Land Use Act opened up another avenue for leasing of land, the option under the Land Use Act has a number of benefits for the landowner that may not necessarily be available for land under the *iTaukei* Land Trust Board, as we have heard from the Minister for Lands.

And yet, we heard today in this House, this law being labelled as a "racist law". Racist, why? Because it is *iTaukei* people have benefitted \$11 million out of it? Because we have empowered *iTaukei* landowners to develop their land for the betterment of themselves and their future generations?

Mr. Speaker, Sir, if we look at the Land Use Act that is under our consideration today, I would like to point to a few features of it that protects the landowner and we have heard about the 60 percent consent before it can be deposited.

Before the Honourable Prime Minister can designate land, there must be 60 percent consent by the landowning unit. The Honourable Prime Minister has absolutely no power to designate it without the consent of the landowners, but apart from that, Mr. Speaker, Sir, some of the key features

of this law that does not exist at the moment in relation to the iTLTB Act and I would like to mention a few.

The establishment of a Trust for an on behalf of the landowners, that is mandated under the Regulations of the Land Use Act. They must form a Trust. That Trust then looks at the administration of the land that has been deposited with the Land Bank. It ensures that there is accountability, transparency and that every landowning unit member is aware of what is happening in relation to the land and in fostering the principles of accountability, transparency and good governance in the administration of trust monies, Regulation 5 requires that the Office of the Auditor General audit the annual financial statement of the accounts of the landowning unit on an annual basis.

And as Members of Parliament, we would all love to see this, one day that these accounts will come here to the House, so that we can look at it and to actually having a law, the mandate that the Auditor-General look into the money that Trusts get in relation to iTaukei land. That is a huge step for us, as a people, to ensure that landowning units are empowered to be able to look at the financial interests of their communities.

Furthermore, the regulations require that an Annual General meeting be held prior to 31st January each year for the election of new trustees and for the endorsement of Audited Annual Accounts. And these requirements, Mr. Speaker, will ensure that each landowner has a say in the management of the collective asset and that those who have been entrusted with this management role are discharging their roles in accordance with proper accounting standards and this is empowering.

Further, Regulation 6 empowers the landowners to ask for their land back after it has been deposited. They can ask for it back after five years, if it has not been leased. So, that option is available as well to landowners who change their minds after five years and their land has not been leased as yet. But we do not get to hear about all this, Mr. Speaker.

Apart from that, Mr. Speaker, I would like to just say a few words in relation to the report itself. It is encouraging, it is very encouraging to see the Auditor-General thoroughly looking into the work of the Land Use Unit and the Standing Committee as well, making recommendations on how they can make their processes and procedures more accountable and transparent.

You hear the differences in the way we look at this, Mr. Speaker. When they see the gaps in processes and procedures, they use that to create fear amongst landowners. We see it as an opportunity to make our processes and procedures better and then we need the role of the Auditor-General to point to this, to keep Government in check and to make sure that we cover those gaps.

It is even more encouraging to see that the Land Use Unit under the Honourable Minister for Lands have taken those recommendations to heart and have remedied and continue to remedy the gaps found by the Auditor-General. It is encouraging to me because I believe that if the Land Use Unit can measure up to the third party objective recommendations of the Auditor-General and in turn the Parliamentary Standing Committee on Public Accounts as appropriate that we may go a long way in alleviating the fears being fuelled by unwarranted statements and comments by some Members of this House.

I sincerely hope that come next year before election, we will stop seeing these DVDs and sermons of lies, fear mongering, using the same statements over and over to create division and to get votes for the General Election. Thank you, Mr. Speaker.

HON. SPEAKER.- I thank the Honourable Minister for her statement. I now give the floor to the Honourable Prime Minister. You have the floor, Sir.

HON. J.V. BAINIMARAMA.- Thank you, Mr. Speaker. I rise to speak in support of the motion by the Honourable Maharaj.

Mr. Speaker, seriously, we are getting tired of old charade from the other side of the House. It is starting to bore us, it is getting really boring.

The Honourable Leader of the SODELPA keeps talking about since 2014 how they are going to remove this Government. It is now 2021 and just about every day of the week, he talks about removal of this Government but I do not know which party is going to remove this Government, SODELPA 1, SODELPA 2 or SODELPA 3.

(Laughter)

HON. SPEAKER.- Order, order!

HON. J.V. BAINIMARAMA.- But they are all old charade. Honourable Nawaikula and his ILO 169. How many times I am going to tell him that ILO 169 is nothing to do with the people of Fiji, he does not seem to know that.

But if there is anything that has come up, it is about Honourable Qereqeretabua who asked the Honourable Minister yesterday whether he is going to deny about body parts being put out in Naboro Landfill. If she has any photo or any proof, bring it to the House. That is the problem with getting her facts from the social pages.

Honourable Tabuya, yesterday said how a family was so distraught that their house caught fire and they have to pay the National Fire Authority (NFA) for putting out the fire. What a ridiculous statement to make in this House. She should be investigated for this statement, Mr. Speaker.

Mr. Speaker, as I said, I rise to speak in support of the motion by Honourable Maharaj. I would like to first acknowledge the work of the Standing Committee in bringing this report back to Parliament for discussion.

The productive utilisation of land, as you have heard from this side of the House, is an important priority for any country. Fiji has always placed great emphasis on better utilisation of natural resources while ensuring a sustainable future for Fijians.

Under this Government, Mr. Speaker, we have come far in appropriately managing the development of land. Fiji's most comprehensive long term strategy in the National Development Plan clearly places priority on reforms that improve access to land. This include the review of administrative processes, digitisation of land records and capacity building to improve the efficiency and the effectiveness of land use administration.

The Land Reform Programme discussed today, as you have heard, Mr. Speaker, was initiated in 2010 and has since evolved. We now have more Fijians benefiting from investing in their land than ever before.

Mr. Speaker, I would like to address a few of the information put out today. I wish to clarify some issues with respect to the Land Use Act of 2010. I want to say here, Mr. Speaker, that the

Opposition misleads and misinform Parliament with their misinterpretation and selective preferences to the Land Use Act, 2010.

The Opposition purports to argue that the Honourable Prime Minister has the complete power to make decisions on the utilisation of *iTaukei* land, without consultation with the landowners. However, they failed to tell us that the Act prescribes the minimum of 60 percent of the members of the Land Owning Unit must provide their consent before any *iTaukei* land can be designated for leases under the Act, as you have heard from the previous speaker.

No land can be designated by the Prime Minister unless and until 60 percent of the *iTaukei* landowning unit provides their consent. Moreover, Section 5 of the Act, states that the ownership of an *iTaukei* land designated under the Act shall always remain with the *iTaukei* landowners. Furthermore, Section 11, Mr. Speaker, of the Act explicitly provides that any leases issued over *iTaukei* land must have all times take into consideration the best interest of the landowners.

Mr. Speaker, the Act establishes the Land Bank from the benefit for all *iTaukei* landowners and takes into consideration the best interest of the landowners and the overall well being of the economy. The template form of lease issued over any designated land is expressly provided in the Act. Any person reading the terms and conditions of the leases will know that the best interest of the *iTaukei* landowners are taken into consideration at all times.

The landowners have a say, not just in the fair market rent of the land but also in the terms and conditions under which the lease is to be issued including the duration of the lease, the use to which the land will be put and the person/company to whom the lease will be issued to.

The protections and safeguards provided in the Act are much more, what is provided to the *iTaukei* landowners under the *iTaukei* Land Trust Board laws and policies. For this reason, Mr. Speaker, Sir, it is not surprising that so many *iTaukei* landowners have in the past, under the former SDL Government, been frustrated with the management of their land. This was when leases were issued without proper or any consent and landowners had been ignored on the assessment of rent and the use to which the land has been put. This had irritated many landowners and other stakeholders, hence the Land Use Act.

The Act provides optimum ability to address these issues first hand, and for these reasons, so many landowning units have freely designated or are considering designating their land under the Act. These landowning units are now enjoying full market rents for the lease of their land and every single cent collected in rent is paid to the *iTaukei* landowning unit.

The Opposition obviously completely ignores the fact that under the Act each landowning unit elects up to five trustees and also requires the preparation of a deed of trust outlining their duties and functions. The Act requires the Land Department to undertake a professional survey of the land, acting at all times in the best interest of the *iTaukei* landowners. The Act also sets out clear procedures for the assessment of fair market rent which is only paid to the landowners.

Finally, Mr. Speaker, Sir, under the Act the landowning units have the full right to challenge compliance or non-compliance of any of these conditions issued under the Act. Section 15 does not take away that right in anyway.

HON. GOVERNMENT MEMBERS.- Hear, hear!

HON. J.V. BAINAMARAMA.- However, the effect of section 15 is to protect the interest of the majority of the members of the landowning unit who have chosen to put their land in the Land Bank. I want that to be understood by the Opposition, Mr. Speaker, especially the lawyers on the other side. By excluding the jurisdiction of the courts from challenging the designation of land, the Act protects the majority; 60 percent of the voice of the *iTaukei* landowners and the trustees of the *iTaukei* Landowning Unit who have the right to be heard on matters such as the designation of the land or the fair market rent payable on their land.

The Act prevents any disgruntled or politically motivated individual in bringing court cases against decisions made by the majority of the members of the landowning unit ...

HON. GOVERNMENT MEMBERS.- Hear, hear!

HON. J.V. BAINIMARAMA.- ... and thereby frustrating the majority of the landowners of the full enjoyment of the benefits from the lease of their land.

Mr. Speaker, Sir, it is rather unfortunate that the Opposition continues to misinform and mislead Parliament. The plan and simple fact is the Land Use Act empowers the *iTaukei* landowners to better participate in the decision making process of how their land is utilised for their benefit as well as future generations and the Fijian economy.

HON. GOVERNMENT MEMBERS.- Hear, hear!

HON. J.V. BAINIMARAMA.- Also, Mr. Speaker, Sir, we saw today the constant bellowing from Honourable Nawaikula about ILO Convention 169. I have already addressed this Parliament on a number of occasions, Mr. Speaker, Sir, about this ILO Convention and since he has forgotten it, it is worth reminding the Honourable Member on why he is completely missing the point on ILO Convention 169.

Fiji ratified the ILO Convention 169 on the Rights of Indigenous and Tribal People in March 1998. We are one of only 23 countries in the world that have ratified this Convention that was done by his other friend, he knows. Countries like Australia, New Zealand, South Africa and United States of America have yet to ratify the Convention.

(Honourable Member interjects)

HON. J.V. BAINIMARAMA.- Listen!

Countries like Australia, New Zealand, South Africa and United States of America have yet to ratify the Convention, including the Pacific States have yet to ratify this Convention. We are one of only 23 countries in the world that have ratified this Convention, not those big nations. In the course of the last few years, we have in many occasions addressed the issue of indigenous rights in Fiji and the safeguards provided for under the Fijian Constitution ...

HON. GOVERNMENT MEMBERS.- Hear, hear!

HON. J.V. BAINIMARAMA.- ... and the laws of Fiji to ensure that the rights of indigenous people namely, the *iTaukei* people are promoted, protected and preserved. As you have heard, Mr. Speaker, Sir, from Honourable Faiyaz Koya that the Preamble of the Convention notes that in many parts of the world, indigenous people are unable to enjoy the fundamental human right to the same degree as the rest of the population of the State within which they live and that their laws, values,

customs and perspectives have often been eroded, and thus the Convention calls attention to the distinctive contribution that the indigenous and tribal people to the cultural diversity, social and ecological harmony of human kind and to international corporation and understanding. That is Convention 169, Mr, Speaker.

The histories of indigenous people have been marked by discrimination, marginalisation, ethnocide or even genocide and unfortunately, violations of their fundamental rights still occur in many countries. Hence, Convention 169, Mr. Speaker, Sir, reaffirms that indigenous and tribal people are entitled to the same human rights and fundamental freedoms as all other human beings. At the same time, this also implies that indigenous customs cannot be justified, if these are in violation of universal human rights. This is, for example, important in cases where indigenous women with reference to customs or traditions are deprived of fundamental rights such as access to education or property.

Mr. Speaker, Sir, indigenous people's rights are not special rights, but are articulations of universal human rights as they apply to indigenous people. For example, indigenous children have the same right to education as all other children, but their distinct languages, histories, knowledge, values and aspirations should be reflected in educational programmes and services. The Convention does provide for special measures to ensure effective equality between indigenous people and all other sectors of a given society.

However, the requirement for special measures does not mean that the Convention requires that indigenous people be given special privilege *vis-a-vis* the rest of the population, unlike in other countries such as Australia and the United States of America, I would like the other side to listen to this, where we have seen various violations of rights against indigenous people, the *iTaukei* are and have always been a dominant population, and is not even in any danger of losing their way of life. .

Thus, when we talk about the rights of the indigenous in Fiji's context, we are not speaking of a marginalised minority. We are talking about majority community with a proud and active culture and a history of strong representation in Parliament.

The *iTaukei* culture is vibrant and thriving. The Opposition's continued attempts in trying to portray the *iTaukei* people as needing Government protection is insulting and demeaning to the majority of the *iTaukei*. It is absurd and makes no sense to think that a population who is in the majority is in danger of losing their cultural heritage, their traditions, their language, their expressions and their way of life, it is simply not possible, Mr. Speaker, Sir. The ILO Convention 169 provides protection for indigenous and tribal peoples and their way of life, traditions and institutions, especially when they are a minority population. In Fiji, the *iTaukei* are the majority.

With respect to the provision of the Convention in relation to land, Mr. Speaker, we have said this many times before, the over 90 percent of land in Fiji is *iTaukei* or indigenous land. It is through the Constitutional Reforms undertaken by my Government together with amendments to the State Lands Act that will now prevent *iTaukei* land from being converted into freehold land ...

HON. GOVERNMENT MEMBERS.- Hear, hear!

HON. J.V. BAINIMARAMA.- ... or being permanently alienated whether by sale, grant, transfer, exchange except in accordance with Section 27 of the Constitution which provides for compulsory acquisition of land under certain conditions. All *iTaukei* land, Mr. Speaker, Sir, that is to be acquired by the State must revert to the landowners if it is no longer required by the State.

HON. GOVERNMENT MEMBERS.- Hear, hear!

HON. J.V. BAINIMARAMA.- In other words, the loopholes which both the SVT Government and SDL Government took advantage of, to permanently alienate *iTaukei* land previously was identified and rectified by my Government to ensure that *iTaukei* land is never again alienated or taken away permanently again.

The Fijian Constitution also provides for the access to fair share of royalties for the extraction of minerals which for the very first time provides compensation to *iTaukei* landowners, not just for the exploitation of minerals but also for the exploration of minerals and we have since 2018 enacted the Fair Share of Mineral Royalties Act.

Mr. Speaker, we have many times stated the purpose and intent of establishing the Land Use Act which also protects the rights of *iTaukei* landowners. Very briefly, the Act prescribes that a minimum of 60 percent of the members of the landowning unit must provide their consent before any *iTaukei* land can be designated for lease under the Act.

Moreover, section 5 of the Act states that the ownership of an *iTaukei* land designated under the Decree shall remain with the *iTaukei* landowners. Furthermore, Mr. Speaker, section 11 of the Act provides that any leases issued over *iTaukei* land must at all times take into consideration the best interest of the landowners. Thank you very much, Mr. Speaker.

HON. SPEAKER.- I thank the Honourable Prime Minister. I now give the floor to the Chairperson of the Standing Committee for his right of reply. You have the floor, Sir.

HON. A.A. MAHARAJ.- Thank you, Mr. Speaker. I will try to keep it short. I would like to thank all the Members for clarifying a lot of issues, the former Ministers of Land and the current one for actually giving a brief on the Report itself.

There are certain things that I would like to actually talk about with regards to this particular Report. As I always say, we need to stick to the Report. This is the Report of the Public Accounts Committee. Back then we had five Members; Honourable Joseph N. Nand, Honourable Vijendra Prakash, Honourable Aseri Radrodro, Honourable Ratu Naiqama Lalabalavu and I. It is on record; a bipartisan Report. When we were scrutinising this particular Report on land reforms, we came across issues that were sensitive; land is always a sensitive issue. We took a bipartisan approach.

Land security was not an issue. It was well-explained. Our Members actually agreed, that is why it is not in the recommendation that security of land is an issue when it comes to an *iTaukei* land being given to Land Bank. It was not an issue where if you give land to the Land Bank, that land is gone forever; if the *mataqali* is not happy, the landowners are not happy, they can always get that land back if there is no development on that particular land.

Also, what was discussed and was part of the recommendation of this particular Report which was discussed at length was the benefit to the landowners if the land is actually given to Land Bank. These were some of the issues that were once we were trying to scrutinise this particular Audit Report that was before us.

Just in a nutshell, I would like to say that the Land Bank Initiative which has been implemented since 2011 through the Land Bank has undergone a number of reforms. The Land Use Division is a government initiative programme designed to make more land viable for productive and

socio-economic purposes. Most of these lands were lying idle for all these years that is currently under Land Bank.

This government initiative is stimulating economic activities and utilisation of available resources with a wider participation and Mr. Speaker, Sir, these lands are given by the consent of landowners. I think a lot has been said that we need at least 60 percent of the landowners to give consent before the Prime Minister can actually endorse that land.

The landowners do not incur any administration fee, that is another very important thing with regards to the Land Bank as compared to iTaukei Land Trust Board (iTTLTB). The iTTLTB takes its cut after collecting the lease money from the tenants and gives the remainder to the landlord. This cut pays for the iTTLTB administration. The landowners who lease their land to the Land Bank in one way receive more money than those who would offer or prefer to stay with iTTLTB. On the current status, most of it has been mentioned by the Honourable Minister for Lands, but I will just briefly touch on some of the things.

Very rightfully he said that 122 land parcels with a total land area of almost 10,479 hectares is currently under Land Bank, out of which three iTaukei land parcels has been returned to the landowners. Out of 122 parcels of land, 101 are iTaukei lands and 21 state lands, 102 designated are from iTaukei, 91 parcels have been surveyed and all those 91 land parcels have been leased out.

The Honourable Minister has very rightfully said that they have actually collected \$12.8 million till to date, out of which, almost close to \$11 million has gone to landowners. These are some of the stats we have actually looked at. Twelve years ago, the landowners were basically getting nothing out of this land and in 12 years, they have been distributed with almost close to \$11 million.

We need to look at these figures realistically. We do understand that land is a sensitive issue but we should not be going out saying things that will not benefit the landowners. We have said this every now and then that we need to bring in laws, we need to bring in policies which support both socially and economically, the landowners.

Some major investments that have actually taken place on these lands which are with the Land Bank, and I would just like to name some:

- (1) Kokomo Island Resort;
- (2) Vunicibicibi Bauxite, Macuata;
- (3) Nawailevu Bauxite, Bua;
- (4) Naita Bauxite, Bua;
- (5) 480 Holdings Ltd – Nananu-i-ra;
- (6) National Springs, Nananu, Tailevu;
- (7) Equatorial Construction;
- (8) Aurum Exploration Fiji Limited; and
- (9) Emirates Resorts Limited.

Just imagine, Mr. Speaker, Sir, these nine major investments have paid, till to date, \$8.5 million to the landlords. What is wrong in taking your land to the Land Bank with the consent of 60 percent in agreement? We do not see anything wrong with that, Sir.

(Honourable Members interject)

HON. SPEAKER.- Order, order!

HON. A.A. MAHARAJ.- We cannot do much when people do not want to understand no matter we do, some of the people just do not want to understand.

Mr. Speaker, Sir, these figures speaks for itself. The land that was idle has gained close to \$11 million for the landowners.

Mr. Speaker, Sir, I urge Members not to use this for political gain. The figure I have mentioned shows that the landowners can really benefit from this program. I also urge landowners to contact Ministry of Lands and get the facts about Land Bank and invest. Because this investment will be beneficial to the landowners. With those words, Sir, I thank you for your time. *Vinaka*.

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

Question put.

Motion agreed to.

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

SUSPENSION OF STANDING ORDERS

HON. LEADER OF THE GOVERNMENT IN PARLIAMENT.- Mr. Speaker, Sir, I move under Standing Order 6:

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

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

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

HON. LEADER OF THE GOVERNMENT IN PARLIAMENT.- Thank you, Mr. Speaker, Sir. Again on Schedule 1, we have an outstanding item on Schedule 2, the eight Oral Questions and the Written Question, thus the request to sit beyond 4.30 p.m. in order to complete what is listed on today's Order Paper. Thank you, Mr. Speaker, Sir.

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

There being no one wishing to take the floor, 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.

HON. SPEAKER.- Honourable Members, on that note, we will break proceedings for refreshments and we will resume proceedings in half an hour's time. We adjourn.

The Parliament adjourned at 4.32 pm.

The Parliament resumed at 5.07 p.m.

HON. SPEAKER.- Honourable Member, please be seated.

I now call upon the Chairperson of the Standing Committee on Justice, Law and Human Rights the Honourable Alvick Maharaj to move his motion.

CONSOLIDATED REVIEW REPORT ON THE FIJI INDEPENDENT COMMISSION AGAINST CORRUPTION 2014 & 2015 ANNUAL REPORTS

HON. A.A. MAHARAJ.- Mr. Speaker, I move that:

Parliament debates the Consolidated Review Report on the Fiji Independent Commission Against Corruption Annual Report 2014 and 2015 which was tabled on 15th May, 2019.

HON. M.D. BULITAVU.- Mr. Speaker, Sir, I beg to second the motion.

HON. SPEAKER.- I now invite the Chairperson of the Standing Committee on Justice, Law and Human Rights to speak on his motion. You have the floor, Sir.

HON. A.A. MAHARAJ.- Mr. Speaker, I take this opportunity as the Member moving the motion to make a small contribution on the Committee's Report on the Review of Fiji Independent Commission Against Corruption Annual Report 2014 and 2015.

Mr. Speaker, by way of a brief background the two mentioned Annual Reports were referred to the Justice, Law and Human Rights Committee of the last term of the Parliament and then reinstated in this new Parliament and referred to the current Standing Committee on Justice, Law and Human Rights.

The Committee which I am the Chairperson of, thoroughly deliberated on the Annual Report and the findings by the previous Committee, which highlighted a few pertinent matters that were discussed with the representative of FICAC. Some of these pertinent matters include;

- (1) The awareness programme of FICAC and its effectiveness;
- (2) The process of investigation and the various forms of complaints that come under the ambit of FICAC;
- (3) FICAC policy and structure with respect to the protection of whistle-blowers;
- (4) FICAC human resources and its ability to provide the necessary services and certain discrepancies in the financial statement of the report;

The committee deliberated on the discussion held with the FICAC representative and noted that this discussion were beneficial to the review since it has provided specific clarification on the issues that had been identified. It also reveal the tremendous work being carried out by FICAC and the future plans being put in place;

If I may Mr. Speaker, Sir, I would like to provide a few brief points on this discussion that were carried out with the representative of FICAC as noted from the Review document appended and uploaded with the committee report. The numerous issues highlighted by the Committee were

adequately responded to. It was encouraging to note that FICAC's work involves remedies and redress for corruption-affected members of the public and its work towards the prevention of corruption.

Additionally, legislations and policy that govern the Commission's work also provides adequate protection for whistle-blowers. Furthermore, Mr. Speaker, Sir, in terms of the financial anomalies highlighted, the Committee acknowledges and appreciates the clarification provided by the Commission where, amongst other things, it was highlighted that the Commission had acted upon the recommendation by the Auditor-General in 2013 to accept and adopt the International Financial Reporting Standard (IFRS) for small and medium entities. The Commission has also transitioned from semi-accruals to cash basis accounting to full accrual as per the IFRS for SME's.

Mr. Speaker, the Committee also noted the deliberations on the principles of gender equality and shares the sentiments by the previous Committee, appreciating the fact that there was a gap in placing emphasis on such requirements when the Annual Report was drafted and initially tabled in Parliament.

With those few remarks, Mr. Speaker, Sir, I thank you for the opportunity, to make a short contribution to the debate. *Vinaka*.

HON. SPEAKER.- I thank the Honourable Chairperson for his motion.

Honourable Members the floor is now open for debate. I give the floor to the Honourable Tikoduadua, you have the floor Sir.

HON. LT. COL. P. TIKODUADUA.- Thank you Mr. Speaker, Sir. Mr. Speaker, Sir, before I make a brief observation on the review report of the consolidated reports of the Fiji Independence Commission Against Corruption. I wish to comment on what the Honourable Minister Koya said last night while speaking on the Legislature review report of 2014-2015.

He said in response to the Honourable Professor Prasad who had outlined how the parliamentary office funding formula was changed at the end of 2014, that the old NFP survived on far less funding. Assumptions, Honourable Minister Koya is the mother of all ills, literally having a stranglehold on our beloved nation despite the so-called womb that he has been harping about for the past two days.

What the Honourable Leader of the NFP emphasised was the change in formula of funding, not its monetary value. He said quite clearly that there should have been an established sum topped up by the size of the Party. Of course, as the largest Party, FijiFirst would have received more, and that would have been fair because the base level of financial resourcing would have been in place.

Therefore Mr. Speaker, Sir, it is not about 32, 27, 21 on three Members of Parliament but fairplay. If the same thing, as we heard last evening from the Honourable Minister, is applied to the salaries of Cabinet Ministers, then Ministers before 2006 were getting \$100,000 less than what the current Cabinet Ministers were getting until the 20 percent cut last April, but it is still substantially much more. So, please Honourable Minister, compare apples with apples.

Now, Mr. Speaker, Sir, looking at the report that is being debated, I note that the Committee has no issues to raise on the Annual Reports of FICAC for the years 2014 and 2015. The Committee made this assessment because it did not have the scope to critically examine activities and legislative provisions in respect of FICAC post 2015, thereby, confining itself to the two reports.

No doubt, it is examining other reports of records of FICAC tabled in Parliament, but, Mr. Speaker, Sir, we are five to seven years ahead of the reports that were reviewed. The Deputy Commissioner who authorised these reports is no longer there and FICAC has a new Deputy Commissioner.

Mr. Speaker, Sir, you may recall that in May 2019, by way of an amendment Bill under Standing Order 51, the Honourable Attorney-General, who happens to be the Minister responsible for FICAC, got Parliament to approve changes to the Principle Act, which was a Decree established in FICAC in April, 2007. The changes were in respect of appointments of FICAC Commissioner and Deputy Commissioner. Of course, the reason given was to regularise the appointments with other independent officers, like the Director of Public Prosecution.

The President is the appointing authority, following recommendations by the Judicial Services Commission in consultation with the Honourable Attorney-General. One thought then, in the way the Bill was worded, that both the Commissioner and Deputy Commissioner would be persons qualified to hold a Judicial Office either a Magistrate or a Judge. Parliament was informed by the Honourable Attorney-General that this was not the case. As I said, we have a Deputy Commissioner and since the inception of FICAC, through a promulgation, we have always heard of a Deputy Commissioner, no Commissioner. Perhaps, the Acting Honourable Attorney-General can clarify why this is and has been the case.

Mr. Speaker, Sir, the fact that FICAC was created in April 2007, was in view to justify the logical claim of the *coup* being necessary to stop corruption or a clean-up campaign. Mr. Speaker, Sir, 14 years later, we all know what has been cleaned up and it is not corruption. Because only last month we were told by the Honourable Attorney-General that the Opposition could not grasp the seriousness of corruption and he justified the creation of this separate division of the Court to be known as the Anti-Corruption Division of the High Court of Fiji. What does it tell us?

The only answer is, corruption is on the rise, Mr. Speaker, Sir, FICAC or no FICAC. Last night, I accessed the FICAC website. The statistics at the bottom of the webpage are startling to say the least, in terms of FICAC's role as preventing corruption and successfully prosecuting those accused of such crimes. Mr. Speaker, Sir, while these statistics on FICAC webpage shows the following:

- complaints received - 67,417;
- cases investigated - 1,570;
- individuals charged -366; and
- individuals convicted -116.

This shows that the success rate of FICAC is abysmal. It is 0.2 percent success rate in terms of conviction and number of complaints received, and 31 percent compared to the number of individuals charged. We need to know the reasons for this, because it clearly shows that more than 97 percent of complaints received by FICAC, are not investigated, as they must be frivolous and baseless. Only 2.32 percent of complaints or 1,570 complaints were investigated.

Mr. Speaker, Sir, FICAC is also authorised to deal with complaints lodged by the Supervisor of Elections in respect of alleged breaches of electoral and Political Parties, a Registration, Conduct Funding and Disclosures Act. Three cases that come to mind are those of the former SODELPA Whip, Ratu Isoa Tikoca, former SODELPA Leader, Sitiveni Rabuka and the Minister for Agriculture. All three were acquitted, but it must have cost thousands of dollars to hire lawyers to defend that, not to mention psychological trauma associated with factors hanging over their heads.

Mr. Speaker, the outcome of these cases necessitate FICAC to relook at its role as the policing authority following referral to it of cases by the Supervisor of Elections (SOE). The FICAC needs to clearly define what action constitutes breach of laws and what is frivolous. If the same standards are applied by the SOE and FICAC for political parties and MPs that are applied to the civil service, permanent secretaries, heads of departments and even ministers under the doctrine of ministerial responsibility, many of them would be charged and hauled to court for all the anomalies that we have been debating while reviewing the audit reports. Thankfully, it is not the case and those responsible are given time to correct their errors. This is not accorded to political parties who are slapped with suspensions, threats of deregistration and referred to FICAC.

Essentially, Mr. Speaker, independent institutions like FICAC must not be used as an oppressive tool by any Government and not report to any Government minister except the President, in my view. I thank you, Mr. Speaker.

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

HON. M.D. BULITAVU.- Thank you, Honourable Speaker, Sir. I rise to make a very short contribution to the Report that is before the House. First of all, I would like to say it is a bipartisan Report and also a consensus-based Report which Members on both sides of the House agreed to.

All we have to understand is that Section 115 of the Constitution establishes the Fiji Independent Commission Against Corruption, and Section 115(7) of the Constitution, establishes Fiji adopting the United Nations Convention Against Corruption - when Fiji adopted that, probably because it had been adopted by United Nations in October, 2003 and entered into force in 2005 - the domestication process included the countries that had acceded to that to put the domestic measures in terms of the various aspirations and spirit of that Convention.

All countries which were signatories of that particular Convention Against Corruption were to take the necessary steps and even parliamentary actions to see that laws, processes and policies in place were in line with the international convention. As rightfully mentioned by the previous speaker, there were no issues raised by the Committee, and it did not find any contentious issues in the Report.

Most of the things were clarified and if you read the verbatim of the Committee on this particular Report, you will see the current Deputy Commissioner of FICAC, Mr. Rashmi Aslam, clarifying the organisation's structure in terms of appointment of the Deputy Commissioner. Also in the case of a vacancy, it becomes an *ex officio* status on how they are to report. We had another round of submissions by FICAC where the Legal Officer, Mrs. Naliva, also confirmed to us the various cases and jurisdiction which falls within the ambit of FICAC - they were focusing only on corruption cases and not on non-corruption related issues.

The previous speaker rightly said that the amount of complaints received and data is available on the FICAC website - you will see the amount of complaints that is there, cases investigated, those that have been charged and convicted but overall, that does not show the performance of FICAC but only to see how most of those reports were coming in, you know complaints, but there are processes of assessment within FICAC mechanism, where they assess cases independently and whether that is to be dealt with them, or they refer it to other authorities to be taken care of because it is not within their jurisdiction or ambit.

That is some of the issues, probably it would clear some of the doubts. But again, as Members of Parliament, and as a member of this Committee, I think the vision of FICAC is to ensure that the people of Fiji live in a life free of corruption.

I think that should be our duty, as Members of Parliament, as public office holders and also public figures, to see that we advocate a community, a nation and also a village wherever we are, a constituency which is corruption free. We must play the lead role in terms of that.

In the last sitting of Parliament, we have seen a special court created to look into anti-corruption cases, which are to some, it would mean that they will remove the backlog and also the increasing cases that are there and the other interpretation but it is already an Act now.

Another issue probably this is just for me to share to us whether it will come up in the future, but something for us to note as we are just debating to note the Committee recommendation. Some of the other Bills probably are within the Committee and some have been tabled to Parliament awaiting for a date to be debated.

The institution of FICAC, the role is slowly increasing and the ambit is getting wider and the jurisdiction on some of the laws that will be currently passed, will be administered by them on prosecution functions.

That is given the wording of the 2013 Constitution, where it says on Section 115(4):

“Without prejudice to subsection (3), the Commission may -

- (a) investigate, institute and conduct criminal proceedings;
- (b) take over investigations and criminal proceedings that fall under its responsibility and functions as prescribed by law, and which may have been initiated by another person or authority; and
- (c) discontinue, at any stage before judgement is delivered, criminal proceedings instituted or conducted by it”.

If we look at the evolution of this institution in terms of the amendment that took place in June 2016, which has empowered FICAC to enable to investigate and prosecute money laundering offences under the procedure of Crime (Amendment) Act 2004 and also the Electoral Act 2004 provides that all election related criminal offence under the Electoral Act will be reported to FICAC.

The other role that FICAC will now play as proposed by the Code of Conduct Bill (Bill No. 33 of 2018) proposed that FICAC will be the prosecuting authority for breaches of provisions of the proposed law which is yet to come. The passing of the Cybercrime Bill 2020 (Bill No. 11 of 2020) will also empower a person duly authorised by the Commissioner of FICAC to investigate and carry out functions, as prescribed by law.

But as we go along in future, given the evolution of this particular institution and also the power that is vested in it, there is a role in Section 115(14) of the Constitution which says that Parliament shall ensure that adequate funding and resources are made available to the Commission to enable it to independently and effectively exercise its powers and perform its functions and duties.

That is where I am talking from, probably given that the Bills are coming through our Committee and the ambit of FICAC is increasing, probably more training is needed to FICAC investigators and the lawyers on the different laws that will be coming under their ambit now and the various administrations of the particular law, Cybercrime, Electoral laws not only focused on pure anti-corruption offences but it has gone to a wider jurisdiction. I think that should be considered in future on how we resource this particular institution, so that it attains its vision and mission and also its purposes in the 2013 Constitution. *Vinaka vakalevu, Sir.*

HON. SPEAKER.- I thank the Honourable Bulitavu for his contribution to the debate. I give the floor to the Honourable Nawaikula, you have the floor, Sir.

HON. N. NAWAIKULA.- I am sorry, Sir, I am not contributing to this debate.

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

HON. RO F. TUISAWAU.- Thank you, Mr. Speaker, Sir. I rise to contribute to the Standing Committee Report on the Consolidated Review Report on the FICAC Annual Report 2014 and 2015.

At the outset, as indicated by the contributors today on this report, it seems that FICAC is now over burdened with a lot of cases. It is an issue which we need to grapple in this House, the over burdening of FICAC. The way I see it, it is affecting its operations and effectiveness. The Constitution is clear on the role of FICAC in Section 115.

I want to raise in this House the issue of Accountability and Transparency Commission. That Commission can complement the work of FICAC in terms of accountability of public officers, which is specified in Section 121 and I quote:

“Sections establishes accountability and transparency commission, shall consist of a Chairperson and two other members appointed by the Commission on the advice of the Judicial Services Commission.

3. The Chairperson of the Commission must be a person which qualify to be appointed as a Judge.”

The other important section is Section 121(9) and I quote:

“A written law shall provide the Commission with the jurisdiction authority and powers to receive any investigate complaints against Permanent Secretaries and all persons holding public office including those holding Ministerial offices and also MPs”

The way I see it, it is a specialised area in terms of the public sector, the different laws which governed it, including the Finance Act rather than the general, I suppose, mandate given to FICAC. That is a suggestion generally in relation to section 121 - Accountability and Transparency Commission to complement FICAC.

In terms of the 2015 Report itself, Page 58, it is stated that the Commission is controlled by the Government of Fiji, in accordance with FICA Promulgation 2007.

In terms of public perceptions about FICAC today, there seems to be a lack of trust in FICAC in terms of its independence and they have stated this in their report that they are controlled by the Government of Fiji. The Committee asked them for clarification on this and they did make the clarification that this is in terms of funding, et cetera. But if you look at the FICAC Decree or Promulgation Act 2007, Section 55 says and I quote:

“Officer of the Commissioner:

1. Commissioner shall be appointed by the President”
- 2 and 3 - Hold office
4. Commissioner other than an acting Commissioner shall not, while he holds the office of the Commissioner discharge duties of any other prescribed officer.

5. The Commissioner may seek the assistance and input of the Attorney-General.”

In our view, it is a problem because it states that it is independent. Section 55 which they seek the assistance and input of the Attorney-General and our view is that, that puts into question its independence. The FICAC response that Government does not control it, about the comment, it merely refers to the fact, as I mentioned, that it is funded by annual grants.

Another point we would like to raise, it is misleading to call FICAC a Commissioner because all decisions are made by a single person not a Commission, for example, the Constitutional Officers Commission which is the prosecuting authority. So, it gives FICAC powers of criminal investigation, et cetera, yet the Commissioner is appointed by the President on the advice of the Judicial Services Commission.

It is very difficult in reality for the FICAC Commissioner to be independent under the current structure. Even if you look at the evolution of FICAC straight after the 2006 coup, it was unfortunately been used, I suppose to harm political opponents.

Since 2007, the Office of the Attorney-General, has been continuously having consultations with FICAC, in directing FICAC prosecution and we note that there has been a lot of those who are deemed to be political opponents prosecuted; Ms. Imrana Jalal, Mr. Sakiusa Tuisolia, Mr. Sitiveni Rabuka and others. So, there is a concern this is a real perception that FICAC has been used as a tool for political oppression and also victimisation and that is the perception which is out there and it needs to be corrected.

I would like to share a few cases regarding what I am trying to share today. There has been cases where reports have been made to FICAC. I shared one yesterday, regarding the Water Authority of Fiji digger and the time lapsed. This was reported in 2019 but it came out of a report and discussed by the board in 2017 and we still have to hear how that has progressed.

Of course, the case involving a Government consultancy contract awarded to Suva Accounting Firm, Aliz Pacific, owned by Dr. Nur Bano Ali. The structure of the new Rewa Dairy, the contract of \$500,000, no tender was called by the Ministry of Commerce and Trade at that time in which the Honourable Khaiyum was the Minister for Commerce.

This is a clear breach of Governments Tender process and it was taken to court by Dr. Nur Bano Ali of the BDO but the court established appeals and agreed with the High Court when the Auditor-General was acting in persons of statutory duties and trusted to him in questioning the award of the tender. Dr. Nur Bano found that the Auditor-Generals conduct therefore, could not be classified as malicious as claimed by Dr. Nur Bano.

The judges said malice cannot be imputed and awarded cost against Aliz Pacific of \$5,000. So, that was the case which was reported but not pursued by FICAC.

The other one which BDO handled was the salary payments between 2010 and 2013 of the Honourable Prime Minister and the Honourable Attorney-General. The instructions related to these payments should be made public that these are public funds and this again, were in breach of the Finance Act and the people need to know how much have been paid.

These anomalies was revealed in the Auditor-General Report 2014 and has not been resolved, despite repeated request from the Public Accounts Committee for acquittals. Again, it refers to the same organisation, individuals and FICAC has decided not to pursue it. But in the case of political

opponents, for example in the case of Mr. Sitiveni Rabuka just before the Elections in 2018, it was reported that he had breached the Electoral Act by making a false declaration on his assets.

Again, this case showed that this was just a case of political victimisation just before the elections when he was found not guilty. I am trying to express here some of the cases which creates the perception of independence or lack of independence of FICAC.

The other case which we had raised here was QORVIS, the engagement without tender on the COP23. Again, this was reported to FICAC, documents provided and there was a breach of the procurement, regulations of government where all such contracts should be tendered and that was not done. Again, this was not accepted by FICAC.

These are just a few I am sharing and when we look at these cases, we question the independence of FICAC. Just recently on the appointment of the Secretary-General to Parliament. Sir, FICAC wrote a letter to the Constitutional Offices Commission commenting on the performance of the Secretary-General to Parliament, which is not in their mandate.

The performance of the Secretary-General to Parliament is under the mandate of the Speaker. So how come such a letter from FICAC resulted in the non-renewal of her contract? That is the question which we need to ask. Who instigated FICAC to write that letter?

(Honourable Members interject)

HON. A.A. MAHARAJ.- Point of Order.

HON. SPEAKER.- There is a Point of Order.

HON. A.A. MAHARAJ.- Mr. Speaker, Sir, the Honourable Member has been going on for a while. The Report does not contain the cases. We do not scrutinise the cases dealt with by FICAC. We deal with the operations, we scrutinise the operations, their budgetary allocation, et cetera.

The cases that FICAC deals with neither the Committee for Justice, Law and Human Rights, nor the Chambers should be discussing it because that is not part of the Report. We do not scrutinise, we have not brought it back to Parliament. Why is the Honourable Member talking about the cases that are before FICAC or FICAC has dealt with those cases?

HON. SPEAKER.- You have made your point. Honourable Member, you have got that?

HON. RO F. TUISAWAU.- Thank you, Mr. Speaker, Sir.

HON. SPEAKER.- You have the floor.

HON. RO F. TUISAWAU.- Thank you. My contention is that I am questioning the independence of FICAC. That is why I am sharing the cases in order for us to understand the basis of what I am saying and that is why I am sharing the cases. I wanted to establish that I am not speaking out of thin air, I am sharing the cases and expressing the concern not only of myself but the general public generally that FICAC is not independent. It has been used as a tool of oppression and political victimisation from 2006 up to now when it was established by promulgation in 2007.

From then till now, you look at the amount of Government opponents who have been prosecuted under FICAC. That is only what I am saying. The last one which I raised questions the independence of the Constitutional Offices Commission where they accepted that letter from FICAC

on the performance of the Secretary-General to Parliament, Mrs. Viniana Namosimalua. They should not have accepted that because the person who assess the performance of Secretary-General is the Office of the Speaker. Why did FICAC interfere?

That is my contention and that is why I am sharing these cases regarding FICAC which is why I am saying the Commission which should deal with public officers, et cetera should be established, the Transparency Commission in order to compliment FICAC. That is the reasoning I am trying to give today so that Government moves and establishes a Transparency Commission to complement FICAC so there is separation between what FICAC is doing and the conduct of public officers. What happened there should be reported to the Transparency Commission for investigation because FICAC cannot investigate itself. That is my contention today, Sir.

To conclude I would like to just respond to some issues from the previous debate that there was a comment regarding the previous debate, that there was a comment regarding....

(Honourable Member interjects)

HON. RO F. TUISAWAU.- Yes, it does not mean that I am accepting it.

HON. GOVERNMENT MEMBER.- What are you doing here?

HON. RO F. TUISAWAU.- I was elected by the people.

Section 26, they are taking credit, any *iTaukei* land apart by the State purpose after commencement of the Constitution, they are saying that they introduced it and there was no such thing there before. But it is in section 8 of the Crown Law Act. It has always been there and it has just been transferred to the Constitution. So that is what I wanted to share today, Mr. Speaker, Sir.

HON. F.S. KOYA.- Point of Order.

HON. SPEAKER.- There is a Point of Order.

HON. F.S. KOYA.- Mr. Speaker, Sir, I think this bringing up other things whilst we are talking about FICAC and trying to cover up what has actually happened before, has become too much of the thing, just as of today. It is completely in contravention of the Standing Orders. When speaking, the person speaking must be relevant, and what he is talking about is absolutely not relevant and I will refer...

(Honourable Member interjects)

HON. F.S. KOYA.- Please, listen, you are a lawyer, you ought to know.

(Honourable Member interjects)

HON. SPEAKER.- Order, order!

HON. F.S. KOYA.- You do not tell me when to speak and when not to speak.

(Honourable Member interjects)

HON. SPEAKER.- Order, order!

Do not carry on a conversation between you two, but through the Speaker.

HON. F.S. KOYA.- Standing Order 60(1), states and I quote: “When speaking, members must confine their observations to the subject under consideration.” I know, Mr. Speaker, Sir, you sometimes let it go, but it has become far too common. They are trying to cover up their holes that have been dug up by us or whatever it is, in that they are in other parts of Parliament and that should not be happening, Sir. That is all that I have to say.

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

HON. RO F. TUISAWAU.- Thank you. About 99.9 percent of what I contributed was from the Report, related to the independence of FICAC and only 0.5 percent was just responding to a previous debate, and with that, Sir, I commend the Committee with my contribution today. Thank you.

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

HON. P.D. KUMAR.- Thank you, Mr. Speaker, Sir. I rise to deliberate on the review of this FICAC 2014 and 2015 Annual Report which is before us. The Committee noted few matters, such as awareness programme and its effectiveness, process of investigation and types of complaints that came under FICAC, FICAC’s policy on Whistle-blower and the ability of human resources to provide services, et cetera.

Mr. Speaker, Sir, I note that these matters have been adequately clarified and the Standing Committee is satisfied with the explanation provided. Needless to say that matters raised should always be taken into consideration when preparing subsequent annual reports.

Mr. Speaker, Sir, reading through the 2014 and 2015 Annual Report, I must say a lot was achieved by FICAC. Over the years, we have noticed that more and more cases of fraud and corruption are being reported by organisations and individuals, particularly, Government Ministries and statutory organisations. Yesterday we heard from Honourable Kuridrani during the debate on the Public Accounts Committee Report where he questioned, what action is taken against public servants for mismanagement or abuse of office?

Mr. Speaker, Sir, on any mismanagement of funds or abuse of office, and I recall very well when the Honourable Attorney-General presented during the Budget debate, he made it very clear that any abuse of office in any Ministry or statutory authority, the Office of the Auditor-General is to bring this matter to the Permanent Secretary of the Ministry of Economy, who then reports the matter to FICAC.

Honourable Nawaikula and others who made wild and unsubstantiated comments in Parliament need to understand how the findings from the Office of the Auditor-General is communicated to FICAC.

Mr. Speaker, Sir, it is very clear the auditing role is the responsibility of the Auditor-General and the financial oversight role is that of the Ministry of Economy. Previously, Mr. Speaker, Sir, corruption matters were swept under the carpet. The case-in-point is the NBF scam, another example is the sale of 150 acres of freehold land once owned by the Savusavu Town Council.

The elected councillors chose to sell prime 80 acres of land for peanuts. The land was bought by the councillors, their friends and their family members. The Savusavu Town Council also sold off

another six lots of prime foreshore land to a councillor's wife and to councillors' friends and relatives. This happened during the SVT Government.

What action was taken by the SVT Government then? I must say, Mr. Speaker, Sir, nothing was done. Savusavu Town Council was dissolved and then life as usual. Today, we cannot even expand the market, bus, taxi, carrier stands in Savusavu because the surrounding properties were sold off.

I would like to emphasise corruption was there in the past, corruption will be in the future. There is no such thing as, corruption will be gone because corruption is greediness, so corruption will be there but the important question now is, what did the past governments do as compared to what this Government has done?

HON. GOVERNMENT MEMBERS.- Hear, hear!

HON. P.D. KUMAR.- Mr. Speaker, Sir, the most important element to deal with corruption is the political will and I must say, it is the Honourable Prime Minister who showed and demonstrated the political will and it was under his leadership that the FICAC was established in 2007 along with various laws. Let us not forget that FICAC was also acceded to the United Nations Convention Against Corruption and the work continues in this area.

Mr. Speaker, Sir, we all know corruption is a cost to Government and to the taxpayers in many different ways. As rightly observed by the Standing Committee, it is very important that the general public and organisations are adequately sensitised on the rights and responsibilities of whistle-blowers. This will ensure that people do not misuse their right to raise matters without evidence and again, the Committee picked it up correctly and Honourable Tikoduadua has just mentioned the number of complaints received by FICAC; 67,000. And then he is saying the success rate is just 0.2 percent.

Talk to someone who has handled complaints in the past, you will understand that all forms of complaints will come and it is a question of how these complaints are sieved so that you are able to identify complaints that are related to abuse of office, mismanagement and so forth. Again, one has to look for things like private gain. Did the person gain by approving something or so forth? So that element needs to be investigated and understood, but in this case, Mr. Speaker, Sir, I believe that the fact that 67,000 cases were reported to FICAC is a good sign. The people are aware of FICAC, awareness is there and FICAC is doing its job. They have charged around 366 people.

I would say as the Minister for Local Government, I see corruption at all levels. It is a fact. It is there, so do not say that in 2006 what happened was, because of corruption. Yes corruption was there but the argument is, nothing was being done about corruption. It is this Government that made an institution where people can go and lodge their complaints and provide the evidence. That is the difference.

Mr. Speaker, Sir, I also want to comment on Honourable Nawaikula's allegation yesterday under the protection of parliamentary privileges that Ministers appoint their relatives and this information is only from social media. I wish and hope that he can simply take those evidence to FICAC and lodge those evidence, rather than raising the matter here just to get attention, for nothing. So, Honourable Nawaikula, I hope you can lodge this complaint, please, do that.

Mr. Speaker, Sir, I also want to talk about one particular subject matter which Honourable Tuisawau raised. He said, FICAC is not very effective, they are overburdened with lots of cases. Yes, any organisation that receives complaints will be overburdened because that is the real reason

why they are established. But it is a matter of conducting the investigation and finding the root cause and how those cases can be solved.

In my view, Mr. Speaker, Sir, I believe that the FICAC is there, it gives people confidence in the system and it has become a tagline that if you do something wrong, I will take you to FICAC, I will report the matter to FICAC, which is extremely good. It acts as a deterrent, so we should appreciate the fact that FICAC is there for the public, for officials in private or public sector to report such cases, and I said if corruption is there, then obviously the poor lose out more than the rich. So we need to protect the poor and make sure that we are able to eradicate or combat corruption.

Finally, Mr. Speaker, Sir, I thank the Chairman and Members of the Standing Committee on Justice, Law and Human Rights for a thorough review and express my appreciation to FICAC for doing a good job which goes to show that the organisation is keeping up to its mission.

Fighting corruption should be everyone's duty to support and not just create this perception that FICAC is not doing its work. Thank you, Mr. Speaker, Sir.

HON. SPEAKER.- I thank the Honourable Minister and I now give the floor to the Honourable Tanya Waqanika. You have the floor, Madam.

HON. T. WAQANIKA.- Thank you, Mr. Speaker, Sir, for allowing me to contribute to this motion.

Mr. Speaker, Sir, we have heard about the inception of the FICAC. It has been 14 years now, we have had two Elections. I heard about the political will of the Honourable Prime Minister. It is that same will that he can also evoke under his leadership to appoint the Commission.

One of the concerns, Mr. Speaker, Sir, is this, FICAC is not independent. The perception we may argue in here that it is independent, but the perception at large it is not independent. The reason is this: we have heard from the Honourable Tuisawau when he quoted from Section 12(5), of the Act which states that the Commissioner may seek the input of the Attorney-General. It is a discretionary provision of the Commission to seek the input of the Attorney-General, it is not mandatory.

Now, we all know, for those of us that have worked at the Attorney-General's Chambers, the Attorney-General's Office is the civil defendant of our nation. They are also the legal advisor to the Government. One would have thought common sense that if any institution needs to give advice, let alone assistance, to the FICAC, it would have been the Office of the Director of Prosecution (DPP) or the Fiji Police, because of the nature of their work.

But ideally, Sir, for FICAC to be truly independent, remove any line Minister from the structure, because the audited Report that we have before us, we see the line Minister; the Attorney-General (nothing personal against the Attorney-General), it is the position of the Attorney-General that the Commissioner also has to consult.

Now, the Acts says 'may', but our Constitution, Sir, and I read from Part B - Independent Judicial and Legal Institutions, Section 115(9):

“The Commission shall provide regular updates and advice to the Attorney-General on any matter relating to its functions and responsibilities.”

Now, that is not a discretionary power and we all know as the Honourable Vuniwaqa has stated earlier today, this is the paramount law of our nation so it supersedes the Act. No matter what

happens, they have to report. Even though the Commissioner or the Deputy Commissioner is appointed by the President, they still have to report, call it what it may, let us call a spade a spade and let us speak truth to our words. The perception of the people and my perception, Sir, FICAC is not independent.

The other reason is this, the Office of the Supervisor of Elections for any complaints on the political campaigns or political parties, rightfully so, they refer the complaints to FICAC. I commend the Office for doing that.

If anyone of us here have fallen into a complaint rightfully, we should report to them. Again, Sir, the Minister for Elections, I believe, and I stand corrected, is the Honourable Attorney-General. The Supervisor of Elections, there is a line of consultation between that Office and the Minister for Elections. Again, we report again to FICAC on any political parties or any political members, there is also that line and it is here in the Audit Report.

The structure is still there to give them teeth, Sir. I do not care with due respect, Sir, whether it is Honourable Attorney-General, whether it is the Honourable Leader of the Opposition, whether it is the Honourable Prime Minister, remove that and let that Commission run independently because that is how it is done in other countries.

When you talk about independence, you talk about separation of powers. Yesterday and today, I have seen my fellow lawyers waving the Constitution. When we talk about separation of powers, again I refer everyone to this - because this is our bible, that is why we are all here. Chapter 1(f) and (g) of the Constitution talk about good governance, including the limitation and separation of powers.

Again, Sir, there is no separation of powers, no matter what we say. I speak from experience on the interference that happened to me at Fiji TV. I will not dwell on that because I have moved on. One day, no government will ever stand for ever, it changes. May not be here, one day whoever is on this side of the House and whoever is on that side of the House, will then be saying “You have no independence because you are the (Honourable) Attorney-General, (Honourable) Mosese Bulitavu, (Honourable) Lynda Tabuya, your (Honourable) Attorney-General is influencing FICAC, rest-assured when SODELPA comes in, I will be the one saying ‘Remove the (Honourable) Attorney-General from the consultation’. Let us speak truth to our words, let us be honest, let us have integrity.

I agree with Honourable Premila Kumar, no one condones corruption. It is what we have been taught at home, what we have been taught in here, hopefully more of it. Personally, I am glad that this is set up, because the corruption of our nation, the fact is, that it has increased, it is sad. There is a level of desperation, an increased level of greediness.

Mr. Speaker, Fiji ratified the UN Convention Against Corruption on 14th May, 2008, and there were five main areas they mentioned, FICAC is already working on that and I commend FICAC for that. One is on “preventative measures”. This Government did that, they established FICAC and that is one of the measures, you set it up.

The one on “preventative measures” they talked about enhanced transparency in financing election campaigns and political parties. I keep repeating myself, remove the consultation, remove the organisation structure where you see the (Honourable) Attorney-General in there. When you talk about transparency, you are talking about efficiency, this is all contention, and we have agreed to this - efficiency, transparency and recruitment based on merit.

I always believe in fighting fair and fighting clean but I can honestly say, with all due respect, that man did not get it on merit, it is no fault of his and I wish him ‘happy retirement’.

We have issues of criminalisation and law enforcement. This is already in place. The Audit Report highlights the types of offences and cases that they prosecute but I commend FICAC for that.

Asset recovery: Now in the Domestic Act, Section 13(d), “A magistrate or any court shall have the power to order the disposal of property with offences in the possession of the Commission or any offender as it applies with respect to property in the possession of the court of the Police.”

I believe this provision can be further strengthened, and perhaps something that the Chairperson can look into when there is another round of consultations, be that as it may, the fundamental principles of this Convention was asset recovery because developing nations found out that the level of corruption is so high. So, they wanted to ensure that we put in those provisions that when corrupt officials are prosecuted wherever they run to anywhere in the world even in Fiji, we will recover their assets and whatever financial gain that we make from those assets, goes back to the State so it can help whatever new Government comes in.

The other one, Sir, is on International Corporation. I heard in the House about FICAC being overburdened. I pray that they are also working with the international counterparts to ensure that the technical assistance is given to each other because whichever Government comes into power, I pray that you do not use it for your own political gain. You do not use it just to spite one another. You do not do that, you fight clean, fight fair.

It is easy for me to speak, it is easy for me to also defend myself because I am a lawyer, but I tell you what, when a person is prosecuted and I know my good friend, Honourable Mahendra Reddy, is not easy because one is the emotional trauma that comes when you get charged, it is not easy.

The other one is paying your lawyers. I pray that whichever Government comes in, remove any Minister and do not use it to spite because one day like I have always said, no government lasts, whether it be Soqosoqo Vakavulewa ni Taukei (SVT), Soqosoqo ni Duavata ni Lewenivanua (SDL), Fiji Labour Party, FijiFirst, Social Democratic Liberal Party (SODELPA), National Federation Party (NFP) - no government lasts.

I thank the Chairperson of this Standing Committee and its Members. I hope that whatever has been mentioned today that you look at enforcing it, strengthening our FICAC and giving them more teeth. As one of my former bosses used to tell me, we have a title without teeth. That is the way I see FICAC.

Thank you very much, Mr. Speaker.

HON. SPEAKER.- I thank the Honourable Waqanika for her contribution to the debate. I now give the floor to Honourable Bhatnagar. You have the floor, Madam.

HON. V.K. BHATNAGAR.- Thank you, Mr. Speaker, Sir. I rise to make a very short contribution to the debate this afternoon.

First of all, I acknowledge the work of the Standing Committee on Justice, Law and Human Rights. I also would like to thank the Fiji Independent Commission Against Corruption (FICAC) for the 2014/2015 Annual Reports, and commend the great work they carried out to protect Fijians against corruption.

Alluding to what Honourable Bulitavu has said that speaking about the evolution of this institution. I concur with you because FICAC has come a long way since its inception or the establishment in 2007 in terms of their roles, responsibilities, commitments.

Mr. Speaker, Sir, Fiji as a nation and the hub of the Pacific has made great strides in creating and constantly improving the anti-corruption culture through the fostering of fruitful partnerships with the community and public sector, and the formulation of laws contextualise to suit their climate of corruption, which exists in various sectors.

Mr. Speaker, Sir, I commend the teams dedication which drives the Commission to administer its role with much conviction. At this juncture Mr. Speaker, Sir, I would like to congratulate the Land Transport Authority for becoming the first statutory body to undergo training as part of the “I do not accept bribes campaign” being conducted by the Fiji Independent Commission Against Corruption (FICAC). As stated by Mr Levan Bouadze, the resident representative for the UNDP Pacific Office in Fiji and I quote, “the campaign is very important in the context of ensuring transparent, accountable and efficient service delivery to all citizens of Fiji”.

I commend FICAC for the rollout of this awareness campaign as not only does corruption erode the trust we have in the public sector, but it also places a strain on the country’s resources and transparency *per se*. FICAC is committed to set the foundation for good governance and create sustainable development for the benefit of all citizens of Fiji and their vision is very much reflected in the work they carry out.

I thank the Commission and its staff for the great work that they continue to do and wish them the very best for the future. That is the short contribution Mr. Speaker, Sir, thank you very much.

HON. SPEAKER.- I thank the Honourable Bhatnagar for her contribution to the debate. I give the floor to the Honourable Minister Faiyaz Koya. You have the floor.

HON. F.S. KOYA.- Thank you Mr. Speaker, Sir. We have heard quite a few comments with respect to FICAC and with respect to its independence, et cetera, but I want to just comment by reading an excerpt from the 2014 Annual Report which is subject to the Committee’s report. This is actually good information for everyone, Sir, and this is one of the reasons why we have FICAC. I think everyone needs to put this at the front of their mind, and I quote:

“Corruption is a major hindrance to sustainable development and corrosive on the fabric of our society. Corruption undermines democracy and the rule of law and leads to human rights violation, distorts markets, erodes quality of life and carries the potential to allow organised crime, terrorism and other threats to human security to flourish.”

I think it is a very important paragraph for everyone to remember exactly why the FICAC is here. FICAC was established Sir, under this blue book the Constitution and I think that again also needs to be spelt out with respect to some of the issues that have been raised.

The Fiji Independent Commission Against Corruption is not a singular authority that exists around the world that deals with corruption. If you look at many other countries around the world there are some that we strive to be like, for example Singapore, which also has its own authority that deals with corruption.

We are no different and our Constitution basically says, and I want to specifically refer to some of the issues that have raised and the questions that have been raised regarding the independence of the Constitution.

Mr. Speaker, Sir, that independence of FICAC is actually guaranteed under this Constitution just like every other right, whether it is personal right or it is a community right is actually guaranteed in that Constitution. It basically says under 115(6) and I quote:

“In the performance of its functions or the exercise of its authority and powers the Commission shall be independent and shall not be subject to the direction or control of any person or authority except by a court of law or else otherwise prescribed by written law”.

This, Mr. Speaker, Sir, guarantees FICAC’s independence and I do not see any reason why anyone should actually doubt that. Just like every other right of ours is actually guaranteed, we look around, we talk about the rights for many things nowadays, and everyone waves this blue book. It is important because this is the Supreme Law of the land. This takes precedence over everything and this is what guarantees FICAC’s independence, Sir.

Mr. Speaker, Sir, Honourable Tikoduadua is actually not here anymore, he made it sound like it was some sinister institution, right throughout the day, right from Monday every institution that exists within Government, they make it sound like some sinister thing is behind it. It is not, Sir, it is governed by certain rules and it is most definitely, it should not be a label that should be put onto FICAC.

As I said, the Constitution provides for the independence of FICAC. Now, with respect to and I specifically want to say this, Sir, they are saying that there is interference and its independence is questionable because in certain portions of the Act it says that the Honourable Attorney-General is actually interfering in the business of FICAC. I want to say something about that and I think any lawyer worth his salt would actually remember this, Sir.

The Honourable Attorney- General’s input with respect to FICAC is only with respect to finance and general administration. It is quite clearly spelt out. It is not by any means whatsoever, with respect to investigation or prosecution by FICAC. That again, is guaranteed through here, Sir, it is independent.

Mr. Speaker, Sir, if I may also refer to a particular case that was in the Privy Council in 1983, and this same particular rule regarding the independence is actually applied to the DPP’s Office and also other independent bodies, and there was a famous case in the Privy Council in 1983, which was the Attorney-General of Fiji versus the DPP. And there it was held that finance and administrative guideline does not undermine independence, Sir. That is very important for us to remember, and I keep saying this over and over, Sir, let us get the facts correct. Let us do our research before we make any statement.

There is extra independence obviously, apart from this particular court case, in the 2013 Constitution. Parliament must ensure that FICAC has adequate funding. Does that mean we are interfering? No, Sir. That is financial independence. FICAC actually appoints its own staff and there is no influence by anyone. Also something was raised about a particular provision to regularly update the Honourable Attorney-General.

Regularly updating the Honourable Attorney-General’s Office is not in any way, shape or form whatsoever, it is actually influencing FICAC decisions or investigations or prosecution. It is only there to ensure that FICAC operates independently and has all the necessary financial and administrative support from Government to be able to independently carry out its constitutional duty, Sir.

Contrary to what the Honourable Tikoduadua might have said, Sir, it is most definitely not a tool for political oppression. They make it sound like that every institution within Government is actually sinister, it is not a tool. If someone is being charged and they think they are innocent, they find a good lawyer, they go to court, when they are innocent or not, it is not influence by us or by the Honourable Attorney-General or anyone, it is independent like any other court. We now actually have a court that actually is going to do that, Sir. It is most definitely, Sir, it is very wrong to make such a sweeping statement that it is being influenced, that particular body is being influenced for political oppression, and he referred to some cases with respect to some people who have been charged.

You will notice, Sir that we do not refer to those cases at all, we leave it aside because that is the matter that either been deal with or being dealt with, it is an independent body, Sir. If someone does complain and measuring out of cases and saying that they have done these many cases and none have come to fruition and some have, in some yes, they may and in some they may not. It depends on the kind of evidence that comes before the court. I am not going to explain what happens in court, Sir, but again, it is important and imperative for us to remember.

Sir, if I raise this in my hand and I stand there and I swear on it, it means something to me, it means something to all Fijian citizens. If this book says that it must be independent, it must be independent. This is such an important tool for every single Fijian citizen and most important for all of us sitting here because by virtue of this book, we actually sit here, Sir. It is not to be treated as a joke and said oh, I am just reading it, I do not really believe in it but you stood there, you held it and you swore on it. You swear to abide by the rules in the Constitution, so Sir, this is not to be taken lightly.

All the issues that were raised within the Constitution are first and foremost the supreme law of the land. FICAC's independence is guaranteed by this particular book, Sir. I know the Honourable Prime Minister is actually going to say a few words, Sir, so with those few words, I hope that clears the air. There is some clarity with respect to independence and the issue regarding the Attorney-General, Sir.

It is quite ridiculous, Sir, that they can cast aspersions on the Attorney-General especially when he is not here, cast aspersions on him and his Office to say that he is interfering in the particular process. In no way, shape, form whatsoever has that happened, - if they have evidence to that effect, take it to FICAC, Sir, take it. But it is no good coming here and just making general sweeping statements on a daily basis without any evidence, Sir.

I stand by what the Report has actually done and I want to thank the Standing Committee for its hard work on the Report. I see there are not too many recommendations in there that are required to be attended to but you know, I think it is also good to commend FICAC in terms of its operations and just one last thing, Sir, - we must also remember that FICAC is not just about prosecutions. It is also about informing our society. They go out and do a whole lot more work and informing our society about how bad corruption is for our country and that is such an important task, Sir. I thank you, Mr. Speaker, Sir.

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

HON. J.V. BAINIMARAMA.- Thank you, Mr. Speaker. I would like to make a short contribution to the debate, in support of the motion moved by Honourable Maharaj as Chair of the Standing Committee on Justice, Law and Human Rights, and I thank the Standing Committee for its Report to Parliament.

But before I continue, Mr. Speaker, I would like to tell Honourable Tuisawau that the FICAC investigation is independent, whether it is Rabuka or MPs who are charged or even former Secretary-General to Parliament. FICAC in its investigation is independent and I must let him know that the decision with respect to the former Secretary-General, Mr. Speaker, was a unanimous decision which included the Leader of the Opposition who also agreed. I do not know if he recognises that Leader of the Opposition or not.

Third but not last, I do not know what is so special about Honourable Tuisawau that they can stand here and not say, he does not accept the Constitution of this nation. He should, before he comes to work tomorrow, look at himself in the mirror and say I am a man. I am not a hypocrite. I will not go, I will resign because I do not recognise this Constitution. That is what he should do.

Mr. Speaker, someone said that corruption is increasing. It certainly has appeared in some unforeseen places. I know FICAC will not be able to reach the corridor of the university but I hope that the university council will be able to sort out all these corrupt dealings that has ravaged the university corridors.

Mr. Speaker, one of the first conventions that my Government ratified as early as in 2007, was the United Nations Convention Against Corruption. This Convention form the basis of the introduction of two very important laws; the FICAC Act of 2007 and Prevention of Bribery Act 2007.

Subsequently, following the promulgation of the 2013 Constitution, FICAC's establishment was continued as an independent legal institution similar to the Director of Public Prosecutions, the Legal Aid Commission, the Solicitor-General and of course, the Independent Legal Services Commission.

Mr. Speaker, Sir, the 2013 Constitution enshrines the independence of FICAC with respect to its investigation of criminal offences and prosecution of criminal proceedings. No one, Mr. Speaker, Sir, and I repeat, no one except a Court of Law has any influence or any say with respect to criminal proceedings brought to the Court by FICAC. No one, whether you are a Member of Parliament, or a civil servant or a member of the public, the law applies to everyone equally.

In its review of the 2014 and 2015 Annual Reports of the Fiji Independent Commission Against Corruption (FICAC), I understand that the Committee raised an issue about the independent of FICAC. This, I understand, Mr. Speaker, Sir, arose from the contents of note 16 at page 50 of the FICAC Annual Report 2014 of which FICAC had clarified.

Mr. Speaker, Sir, I must however make it clear that section 115 (6) of the Fijian Constitution makes provision for the independence of FICAC, its functions and exercise of its authority and powers. I must also highlight the amendment to the FICAC Act 2007, in 2016 which removed the provision that the Commissioner is subject to the orders, the direction and control of the President, further ensuring the independence of FICAC.

Finally, Mr. Speaker, Sir, we can all agree that the continuous rise in corruption cases calls for concern which is why FICAC was established in the first place. My Government will continue to ensure that corruption related cases are thoroughly investigated and that those who indulge in corrupt practice face the full brunt of the law. In this regard, my Government recently established for the first time in Fiji's history a specialised anti-corruption division of the High Court and Magistrates Court as you have heard.

Mr. Speaker, Sir, this will not only ensure specialisation of designated Judges and Magistrates in anti-corruption cases, but also ensure the consistency of the application of jurisprudence on anti-

corruption cases across Fiji. We all want corruption-related cases to be promptly dealt with in the Fijian legal and court system.

To conclude, Mr. Speaker, Sir, my Government remains committed to eradicating corruption and other related criminal activities and severely punishing those who continue to indulge in such practices without fear or repercussions. Thank you, Mr. Speaker, Sir.

HON. SPEAKER.- I thank the Honourable Prime Minister and I now give the floor to the Chairperson of the Standing Committee on Justice, Law and Human Rights to speak in Reply. You have the floor.

HON. A.A. MAHARAJ.- Thank you, Mr. Speaker, Sir.

Thank you for giving me time to do the Right of Reply. I do not have much to say but I would thank all the Members who have contributed. Also I would like to thank the Honourable Prime Minister for his contribution and clarifying everything that was raised in the Chambers today.

Another thing that I would like to thank the Honourable Prime Minister for bringing this Commission and establishing this Commission to fight corruption in Fiji. No one else had the guts to do so, I thank the Honourable Prime Minister for bringing this Commission to fight the corruption that was and that may exist rightfully said, we are in the verge of eradicating it. It may not but we need institutions like this and independent institutions like this to fight corruption and to take those people to task who may be involved in corrupt practice. Thank you and *vinaka vakalevu*.

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

Question put.

Motion agreed to.

QUESTIONS

Oral Questions

Emergency Services Outside the Three Main Hospitals (Question No. 65/2021)

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

Can the Honourable Minister for Health and Medical Services update Parliament on the Ministry's plan to provide emergency services outside the three main hospitals?

HON. DR. I. WAQAINABETE (Minister for Health and Medical Services).- Mr. Speaker, Sir. I thank the Honourable Member for that question.

Mr. Speaker, for over 10 years now the Ministry has been consistently working on improving the specialist field of emergency medicine in Fiji to elevate the standards of services provided at our Emergency Department in our main hospitals, as well as our sub-divisional hospitals and health centres that deal with emergency cases on a regular basis. I know that all of us here could have had our loved ones taken to Emergency Departments and also remember that 10 year or 15 years ago, the

Emergency Department in CWM was once called the “Causality Department” and that actually changed.

The Ministry focus has been on developing and up-skilling the workforce in emergency medicine, upgrading equipment and medical appliances for the Department and addressing the infrastructure and requirements to effectively deliver the services.

We have also collaborating with the Fiji National University for the establishment of the Post-Graduate Training in Emergency Medicine for specialist doctors as we believe that having local specialists will drive the development that we envision for health. The initial Post-Graduate Programmes that the Fiji National University the former Fiji School of Medicine initially was in the five main areas for surgery - anaesthesia, obstetric, gynaecology, internal medicine and paediatrics.

As time went on emergency medicine was actually introduced than five years ago, Mr. Speaker, we did not have any local specialist in Emergency Medicine. Now, after all the training, we have six specialists present in the Ministry with three employed by Fiji National University, leading the training in education of emergency doctors, two of the specialists are now based in CWM and one at the moment, is temporarily at Sigatoka Hospital.

In addition, five doctors have just completed their Masters Degree in Emergency Medicine at FNU and are undergoing supervision for specialist registration. Sir, they have done the four years and they are doing another two or three years in terms of their supervision and peer review. At the moment, another 21 doctors are currently undertaking Post-Graduate training to become specialists in the field of emergency medicine in the near future. Training courses are also available to Emergency Department nurses and other support staff to upgrade their knowledge and skills in the care of patients in this department.

The Ministry is also upgrading Emergency Departments at the main divisional hospitals given their role as the main centres for specialist emergency medicine care, as well as their supporting role for the small facilities in the respective divisions. The Labasa Hospital Emergency Department in 2009 and 2010 with the support of KOICA had repairs and renovations of about FJ\$1.4 million. In Lautoka, this was \$12.7 million in the whole repairs which included Emergency Department and it was opened in 2017 and last year, more than \$750, 000 was the repairs and renovations done at the Emergency Department at CWM Hospital.

The Ministry is also invested in upgrading equipment and appliances and set aside the budgetary allocation each year to purchase and repair equipment and appliances for the department. 2021 has been particularly difficult in getting the medical equipment and appliances needed - adequately sorted due to the global disruption of supply chain for medical equipment and appliances. Despite all that, the Ministry will be able to do this.

The Ministry is remodelling its service provision model with the great focus on outreach services. The Emergency Medicine speciality has now begun to station specialists in a number of target health facilities around the country. We now have an Emergency Medicine Specialist attached at the Nausori Subdivision Hospital, the Valelevu Health Centre, Sigatoka Subdivisional Hospital, Makoi Health Centre and Nakasi Health Centre and their role is to facilitate the standardisation of Emergency Care and critical interventions, such as early thrombolysis of heart attacks at the peripheral facilities so that the same standard of care that is delivered in the main hospital is also provided in the smaller referral hospitals.

Emergency Medicine Doctors have also joined outreach and FEMAC teams providing support and assistance post-disaster to Serua/Namosi, Nadroga/Navosa, Ra, Tailevu and in Vanua

Levu.

Moving forward, the Ministry continues to support Workforce Development efforts and Fiji National University (FNU) has commenced Post-Graduate training for emergency medicine this year at Lautoka Hospital which was also a step forward.

The Ministry is pleased to note that the Government commitment effort in developing the services in Fiji is bearing fruit and we are looking forward to achieve its vision in Emergency Medicine Specialists at the most significant health facilities around the country to be able to deal with emergency cases.

I thank the Honourable Member for that question and I thank you, Sir.

HON. SPEAKER.- Thank you. We will move on.

Status of the New Ba Hospital
(Question No. 66/2021)

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

Can the Honourable Minister for Health and Medical Services update Parliament on the current status of the new Ba Hospital?

HON. DR. I. WAQAINABETE (Minister for Health and Medical Services).- Mr. Speaker, Sir, I thank the Honourable Member for that question because we aware the Fijian Government signed the Concession Agreement for the upgrading, development, operation and maintenance of the Lautoka and Ba Hospitals with Health Care Fiji (HCF) which is the ownership is Fiji National Provident Fund (FNPF) 80 percent shareholdings and the remaining 20 percent is owned by Aspen Medical Limited.

Aspen Medical will be the operator of the hospital under the Public Private Partnership (PPP) and the company has wide range experience in delivering solution for hospital related activities and the management in delivery of health care. It is also a trusted global provider, hospital staffing and management solutions including assisting clients to set the correct strategic direction, address specific operation, clinical needs and to develop in delivering the new operating models.

Mr. Speaker, Sir, under the Public Private Partnership Agreement, the Clinical Services would be provided and this includes specialist outpatient services, emergency services, Dialysis, Cardiac Catheterization, Cardiovascular Surgery, Adult Intensive Care, Paediatrics Intensive Care, High Dependency Care, Coronary Care, Neonatal Care, Chemotherapy, Medical Oncology, Internal Medicine, Gastroenterology, Trauma Orthopaedic Stress Management, Gynaecology, Diabetes Care, Paediatrics, Burns and Plastic Surgery, to name a few. These services are tied to very specific key performance parameters.

Mr. Speaker, the Health Care Fiji (HCF) Chief Executive Officer, Ms. Annette Owttrim is now in the country after going through the quarantine process. She has been meeting our Ministry of Health Medical Services officials and the Ministry of Economy team and has mobilised their team to progress work on the Public Private Partnership. We all know that PPP is the first of its kind and planning is vital before the operations begin.

Mr. Speaker, the COVID-19 pandemic caused major disruption, including the ability for them to actually begin last year as the Chief Executive Officer (CEO) and her staff were not able to come

through. As such, operation details are currently been discussed with Government and Health Care Fiji and plans are in place to progress the project with the opening of the Ba Hospital Operation in the second half of 2021. This should be followed by the Lautoka Hospital.

It is now equally important, Mr. Speaker, that project design in corporate health standards a new trend driven by the COVID-19 concerns. The National Health Capability Development and capacity building will be at the forefront of the partnership.

Mr. Speaker, the presence of the Health Care Fiji Chief Executive Officer in the country is an indication that work has progressed and it just a matter of time when this project will be fully large and significantly uplift the provision of tertiary care in the country.

Under its leadership working with the Ministry of Health and Medical Services, the Public Private Partnership when implemented and beyond the requirements of the concession agreement but without detracting from the contractual intended specified requirement of the agreement to further the PPP will benefit everyone. For instance, training and capacity building programmes will be implemented not only for the health care Fiji staff but there will be opportunities for wider health community nurses, doctors and other health professionals.

Mr. Speaker, Sir, the intention of this company HCF to develop training models with FNU and the Learned Medical Colleges in Australia and New Zealand for post-graduate medical training. I hear that already discussions are happening with the Royal Australasian College of Surgeons in this respect. At present, Mr. Speaker, Sir, there is limited formal post-graduate training programmes for nurses in Fiji. HCF is working with FNU and the University of Fiji in the development of post-graduate nursing programmes in acute nursing such as Emergency Nursing, Operating Theatre Nursing, Intensive Care Nursing, Paediatric Nursing, Orthopaedic Nursing and Specialist Surgical Nursing.

This training will be conducted on a job through expatriates' clinical educators within this area. HCF has also signed an MOU with a major Australian university who would be bringing Australian students to Lautoka and Ba Hospitals for clinical placements in areas of general nursing, midwifery and para-medicine. In exchange for access to clinical placement, the university will provide on-site training to our staff and HCF nursing staff in addition to that by health care Fiji.

The upskilling of both medical and nursing staff will then carry on into the paramedical area where paramedical border will be looked in, that could be implemented not just in the support of Lautoka and Ba Hospitals but also to provide outreach services. Increased allied health and paramedical skills capacity within Fiji will further enhance the Fiji health system and help support within Fiji their safety to travel which can be used for marketing to the tourist sector to increase economic growth.

Mr. Speaker, Sir, there will be significant upskilling for health staff. There will be engagement with social enterprises within Fiji to attract and train disadvantaged people for employment by HCF. This model is used within Australia and HCF will be taking the lessons learnt from these engagements to ensure positive outcome for these persons.

Employment opportunities exists in areas such as laundry services, catering services, potter services and other services will also be explored. Basic financial and other skills based training will also be provided to this person.

Mr. Speaker, Sir, HCF is exploring employment models to support those personnel who cannot seek employment because they have young children and limited social-support to allow them

to work. These models will consider opportunities for their children to attend the on-site Child Care Centre with potential volunteering for one day by the person in-lieu of payment for Child Care Services. This model will assist in breaking the cycle of poverty for some disadvantage persons and provide opportunities for meaningful engagement in the workforce and society.

Mr. Speaker, Sir, we want to get the PPP project done and done right and apart from the capacity building in employment opportunities within health care, the local community will be engaged to ensure that capacity developed within Fiji and there is creation of new job opportunities.

Mr. Speaker, Sir, examples of this will be mentoring of personnel within the hospital to enable career progression and appointment through to executive level positions, engagement of local contractors, development of cadetships for ICT graduates, the support, the implementation and ongoing management of the health management system, the enterprise resource planning in human capital management system as well as other systems and the use of local hotels with access accommodation capacity for many hotel service delivery.

Mr. Speaker, Sir, not only the PPP Lautoka and Ba Hospitals will ensure improved service and better value for money, there would be increased economic benefit and increase skills and capacity within Fiji. I thank you, Mr. Speaker.

HON. SPEAKER.- I thank the Honourable Minister. Honourable Niko Nawaikula you have the floor.

HON. N. NAWAIKULA.- Can the Honourable Minister clarify whether hospital equipment were moved from Ba Hospital including hospital beds to Keiyasi for show during the opening of that hospital?

HON. DR. I. WAQAINABETE.- There was no show. The beds that were in Ba Hospital are the beds of the Ministry of Health. They were purchased but because we were worried about the lock-downs of COVID-19 happening in the West and the cases that was springing up in Ba and Rakiraki, we prepared that hospital with consultation with our PPP partner HCF as a possible isolation facility. That is why we took those new beds and put it there.

Once that is being cleared, we were then able to bring the beds back to where they were intended for and that is the new Navosa Hospital. That is why we took those new beds and put it there. Once that is being cleared, we were then able to bring the beds back to where they were intended for and that is the new Navosa Hospital.

HON. SPEAKER.- Is that a supplementary question?

HON. RO F. TUISAWAU.- Supplementary question. Thank you for the explanation Honourable Minister. Can you explain what are the plans for the current physical facilities for Ba Hospital and are there any plans for the staff in relation to the new initiative - PPP? Thank you.

HON. SPEAKER.- Honourable Minister.

HON. DR. I. WAQAINABETE.- Mr. Speaker, Sir, first thing I want to say is in relation to the staff. The staff have been advised, both Lautoka and Ba Hospitals that they could actually transit into the health care Fiji or if they wish to remain within the Ministry of Health, then we will repurpose them to other facilities. That also will work well, for example, we may have the capacity to keep on increasing our outreach health services, but certainly that is up to the individual staff. They will sign

individual contracts with the company first. The second part of the question, if I remember correctly...

HON. SPEAKER.- He can only ask one.

HON. DR. I. WAQAINABETE.- Alright, only one, thank you.

HON. SPEAKER.- We move on to the third Oral Question for today. I now call on the Honourable Member to ask his question. You have the floor, Sir.

Strategies to Create Market Opportunities
(Question No. 67/2021)

HON. A.D. O'CONNOR asked the Government, upon notice:

With the global trade being affected by the pandemic, can the Honourable Minister for Commerce, Trade, Tourism and Transport inform Parliament on the Ministry's strategies to create market opportunities in new and existing markets?

HON. F.S. KOYA (Minister for Commerce, Trade, Tourism and Transport).-Thank you, Mr. Speaker, Sir. I would like to thank the Honourable Member for the question. Trade is actually integral to growth and economic development. This applies to every single country.

However, Mr. Speaker, Sir, as we all know, it has been under some tremendous pressure as a result of the COVID-19 pandemic as economies worldwide are actually suffering from the drop in production and also in consumption. We have had pictures of empty supermarket shelves and panic buying, some panic buying were created by false rumours, it has been common in the first few weeks of the COVID-19 pandemic, the shutting down of borders and the decreasing trade have affected many countries, especially those that are heavily reliant on imports and exports.

Mr. Speaker, Sir, the actual restoration of cross border trade is undoubtedly vital in driving a global economic recovery in the wake of the pandemic and a return to the trade-led growth will hinge on creating some enabling conditions for businesses to actually trade. One of the most effective means of addressing this is actually by creating new market opportunities and there are various ways to accomplish this. The Ministry of Commerce, Trade and Tourism has been actively involved in this.

Mr. Speaker, Sir, the Pacific Region alone has a combined population of about 10 million people, excluding Australia and New Zealand, of course. Not only are they collectively Fiji's largest trading partners, they are actually seen as a region that will continue as an important trading block, especially for Fiji.

Therefore, the modernisation of existing trade agreements, and I think this will happen across the world with many trade agreements, Sir. The modernisation of these trade agreements such as the Pacific Island Countries Trade Agreement (PICTA) are actually important. This particular Agreement establishes a free trade area amongst the Pacific Island countries and is a stepping stone towards a wider trade integration of its members on both the regional and a multilateral scale.

However, one of the challenges that we have actually faced is with respect to the rules of origin and that basically means that under which goods can enter respective markets duty free. Fiji is part of that Committee that is reviewing the rules to enable more Fijian Made products to be traded with Pacific Island countries.

Mr. Speaker, Sir, another critical agreement that Fiji is advocating is the Melanesian Free Trade Agreement and this Agreement will take the Melanesian trade and economic integration to the next level as it includes trade in services and investment. However, Sir, this Agreement needs to be signed by Papua New Guinea and Vanuatu in order to be effective otherwise the old agreement will still apply.

With regards to Australia and New Zealand, Sir, the South Pacific Regional Trade and Economic Cooperation Agreement (SPARTECA) one on the Australian system of tariff preferences are the best two tiers going as far as our trade with Australia and New Zealand is concerned but that is not to say that our discussions on PACER Plus have come to a dead stop. We have our issues with that, which we have raised and apart from our strategy to consolidate trade with the Pacific region, we are actually also pursuing markets in the Association of Southeast Asian Nations (ASEAN) region.

We are in discussion with a number of Asian countries on bilateral future trading arrangements and everyone will appreciate that these actual discussions need careful consideration because apart from offering the biggest opportunities, Sir, these countries are also our most fierce competitors. In this regard, Fiji is actually exploring obtaining observer status in the Regional Comprehensive Economic Partnership, commonly known as RCEP which consists of all the major economies of Asia but includes Australia and New Zealand.

As part of our multilateral strategy, Mr. Speaker, Sir, in August last year, I am very proud to say this, Fiji became the first Pacific Island country to sign a Trade & Investment Framework Agreement with the United States and this provides Fiji a platform for increased dialogue with the US on trade matters. In addition, we are negotiating a historic agreement with New Zealand, Iceland, Norway, Switzerland and Costa Rica on Climate Change, trade and sustainability. This agreement is the first of its kind that has trade and climate change goals and sustainability at its core. It will enable freer trade in environmental goods and services, thereby environmental and trade objectives concurrently accelerating access and uptake of environmental goods and services and technology.

Mr. Speaker, Sir, in response to the current COVID-19 situation, the role of the Trade Commissions, our Trade Commissions have also become more important than ever and whether through the ongoing delivery of consular services on which many overseas Fijians actually rely on or through continued trade and investment facilitation to contribute to Fiji's economic recovery. Fiji's Trade Commissions in Australia, New Zealand, China and North America are actually playing a key role in promoting Fiji as a trade and investment hub of the Pacific.

Our Commissions continue to help improve market access for Fijian products and services in the respective countries through market research and conducting some targeted media campaigns and proactively assisting Fijian exporters to tap into the new market. During the pandemic, Sir, the Trade Commissions relooked also at their strategies and have found innovative ways of delivering their services and liaising with important stakeholders.

Mr. Speaker, Sir, one of the most important things also is whilst we are actually creating new market opportunities, we are also working in terms of reforms on the area of doing business. We expect to make investment in both domestic and foreign and it is easier to be realised. Over the past few years, we have actually implemented a number of reforms in starting a business such as online registration of company business name, online tax registration, removal of business licences, launch of doing business platform, bizFIJI, the repeal of Stamp Duties Act and establishing of the Building Permits Evaluation Committee which I spoke about yesterday, Sir, to name a few.

These reforms, Mr. Speaker, Sir, we will continue and we will incorporate technology also to facilitate these processes. Despite the bleak outlook of global trade, we continue to focus on strengthening the critical sectors like agriculture, I mentioned this about the collaboration that actually exists between the ministries and agriculture food processing that continue to grow despite global value chain breakdown. Also the support that we provide to micro, small and medium enterprises to strengthen their business resilience is also an important part of our strategy to sustain and increase our market presence.

Mr. Speaker, Sir, these are just some of the strategies of the Ministry to ensure that opportunities are created for Fijian businesses to induce economic recovery, so I hope that answer suffices.

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

HON. I. KURIDRANI.- A supplementary question, Mr. Speaker, Sir: Can the Minister inform the House if his Ministry is working with other ministries like the Ministry of Agriculture, Ministry of Women, Ministry of Forestry and Ministry of Fisheries in this regard to finding markets for our non-sugar products? Thank you, Sir.

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

HON. F.S. KOYA.- Thank you, Mr. Speaker, Sir. Mr. Speaker, Sir, I think I have said this on many occasions and I am not just saying this on behalf of this Ministry. This whole Government has a collaborative approach with respect to how we do business, whether it is to do with trade, overseas trade or whether it is actually us doing it locally, but to answer your question, Sir, absolutely yes.

HON. SPEAKER.- Thank you, Honourable Members, we move on to the fourth Oral Question for today.

The Honourable Viliame Gavoka has excused himself and I have given permission for the Honourable Peceli Vosanibola to ask Question No. 68 instead. You have the floor, Sir.

Quality Control Measures - Fiji Roads Authority
(Question No. 68/2021)

HON. P.W. VOSANIBOLA asked the Government, upon notice:

Can the Honourable Minister for Infrastructure, Meteorological Services, Lands and Mineral Resources update Parliament on quality control measures used by the Fiji Roads Authority in the improvement of roads around the country?

HON. J. USAMATE (Minister for Infrastructure, Meteorological Services, Lands and Mineral Resources).- Thank you Mr. Speaker, Sir, and thank you to the Honourable Member for the question and for stepping in for the Honourable Gavoka.

Our quality control of roads and the improvement of roads: The Fiji Roads Authority, which has the responsibility for the road network for almost around 7,000 kilometres, bridges, streetlights and jetties has had in place its quality control measures to try to ensure the quality of the assets that it has.

In doing this, there are a number of things that it looks at and tries to do:

- (1) Have standards in place, so it tries to establish quality control through standards, mechanisms in place. One phase is the compliance to the road work standards and specifications. These standards and specifications list all the vital elements in which compliance is required in order to maintain the level of quality that is required in terms of general construction standards for Occupational Health and Safety (OHS), for environmental management, quality assurance for traffic management, or quality control and testing, for clearing and grubbing, rock-filled stabilisation of earthwork materials, materials from road construction and all the nitty gritty details of ensuring conformance and standards - having these standards in place;
- (2) Ensure that hired contractors adhere to the status. FRA ensures that they engage contractors who produce works of quality and accuracy of detail to the requirements of the specifications and drawings. In relation, they ensure that they bring on board contractors that have the type of experienced workers, foremen, surveyors, et cetera, and other technical staff together with the right equipment and instruments to ensure that the contractor can deliver the kind of work that is needed.
- (3) Expect the engaged contractor to be carrying out all the examination and testing of the materials that they use in accordance with the requirements on the specifications.
- (4) Making use of the numerous tools that they have. Such tools as the technical review of FRA road standards, the FRA standard for drain requirements, the Code of Practice for temporarily traffic management, the manual for traffic signs and markings and many more similar guides that the FRA uses to guide and ensure quality control.

This is important as they provide initial guides or clarification to its specific design information and procedures. The various systems, processes in place are all to ensure that Fiji has the best possible roads that we can have.

The other area that is also addressed in terms of quality control is to raise awareness. By ensuring quality services, they are also proactive on social media through *Twitter*, *Facebook* and *Instagram* on public awareness on road blocks. This is done to ensure that the travelling public manage their travel time to minimise delays of congestion as much as possible.

The fourth element they try to do in managing control of the quality is to set their own capacity within FRA in terms of getting the right people to do the job that is required within FRA. These people with the right knowledge, the right experience, right qualifications, people who are well-versed with the overall management, contractual obligations, the time and costs, aspects of the contracts planning and executing, the implementation of the work discipline, on-site and off-site and also we were able to manage the various complexities that are involved in managing the development of roads.

The fifth aspect that they use is quality control in trying to enhance better quality data to work with the project that they do, enhancement of their GIS base system that registers all of their assets and plays a key role in prioritising maintenance, renewals and new road construction. I think that in a nutshell, Mr. Speaker, Sir, there are major components of the things that FRA tries to use to enhance the quality of the assets that they are expected to maintain and develop. Thank you, Mr. Speaker, Sir.

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

HON. N. NAWAIKULA.- Could the Honourable Minister explain why with all those, we still have so many potholes and even lovo holes?

HON. SPEAKER.- Honourable Minister.

HON. J. USAMATE.- Thank you, Mr. Speaker, Sir. There are two aspects of roads: You have to have roads that you need to maintain to keep them up to a level where they do not disintegrate. As roads begin to disintegrate much more, that road has to be totally rehabilitated. Some of the roads that we are having now in Fiji where there are a lot of potholes, these roads have gone past their service ability lifespan. They need to be totally rehabilitated.

Unfortunately, we have quite a number of these roads. So when we have a lot of these roads around what we need to do at FRA, because they do not have all the contractors and the funds at all times to rehabilitate all roads, they will have a planned programme to rehabilitate some and those that they are not going to rehabilitate immediately, they try to patch them up until they come to the time when they can rehabilitate. For instance, this week I heard some questions about the roads between, is it Ba and Tavua? That particular stretch of road, FRA has got the plan to get the contractor on board by the month of May. So in the meantime, what they do before they await the time they are completed, they rehabilitate the roads. That means they rip everything up, and fix the whole road, in the meantime, they will do some small patch-ups on the potholes that are there.

There are some other places where you have some potholes after they have done the resealing then there are some small potholes that crack up. Those ones they also have a planned approach to try and remedy those potholes that they come up with.

I think the intention over the long term is to completely eradicate all potholes, to build the roads up to a standard where we do not have that. But it is going to take some time because the surface of the roads for some of the roads that we do have, are in conditions that we just basically have to rehabilitate the whole thing. Ultimately, over the long term we need to have a number of plans, for example, for the seal roads, we make sure that we can bring up a better standard where we can remove all of the potholes. For unsealed roads, we are to bring them up to a certain standard.

Mr. Speaker, Sir, in the meantime while the potholes that are there, as much as possible, we do not want to keep spending a lot of money on potholes but if we have to rehabilitate lengths of roads, you cannot rehabilitate all at once, you rehabilitate that much, the rest you keep on filling the potholes that you think you can rehabilitate the rest of the road. Thank you, Mr. Speaker, Sir.

HON. SPEAKER.- Thank you, Honourable Minister. Honourable Peceli Vosanibola.

HON. P.W. VOSANIBOLA.- Thank you, Mr. Speaker, Sir. My supplementary question to the Honourable Minister; can the Honourable Minister advise Parliament on the timeline or plans towards the periodic maintenance of public roads on the maritime islands of Kadavu, Lakeba, Vanua Balavu, Gau and Ovalau?

HON. J. USAMATE.- Is that the maintenance of roads or the completion of the roads that are being developed now?

HON. P.W. VOSANIBOLA.- The periodic maintenance.

HON. J. USAMATE.- The periodic maintenance is periodic. That means it is planned. The periodic maintenance will be carried out because it is periodic, whether it is done quarterly, monthly,

it is planned and those periodic maintenance will be done according to the period in which they are planned.

HON. SPEAKER.- Thank you, we will move on.

Boats and Outboard Engines - Provision and Effectiveness
(Question No. 69/2021)

HON. S. ADIMAITOGA asked the Government, upon notice:

Can the Honourable Minister for Education, Heritage and Arts inform Parliament on the provision of boats and outboard engines to schools and its effectiveness?

HON. R.S. AKBAR.- Thank you, Mr. Speaker, Sir. The Honourable Prime Minister and the Honourable Member of this Parliament: I rise in Parliament this evening to address the question asked by Honourable Adimaitoga on the provision of boats and outboard engines' assistance provided to our schools.

Mr. Speaker, Sir, in accordance with the Fijian Government Policies containing the democracy and sustainable socio-economic development 2009 to 2014, it is to provide affordable transport services and improve accessibility to education, the Ministry's Travel Assistance Programme for students for low income families started in October 21st, 2009 with the Bus Fare Assistance Scheme.

Honourable Nawaikula, let me draw your attention to the comment that you made in Parliament regarding the Bus Fare Assistance Scheme. You called it a 'scam'. Let me correct you: The \$18.1 million that you asked me to return to you was provided to Vodafone for providing assistance to well over 80,000 students in that particular year. In other words, Honourable Nawaikula, you were misleading Parliament.

HON. N. NAWAIKULA.- Answer the question.

HON. R.S. AKBAR.- I do not want to talk you.

Mr. Speaker, Sir, that was very misleading and the reason I am trying to correct Honourable Nawaikula here is the tendency of some of the Honourable Members from the other side to put misinformation on the social media pages to create this hype. You called it a 'scam'. Let me correct it: There was no scam and I hope you understand that.

When you read a report, please, interpret the report correctly. The Auditor-General did not even mention there was a scam. All he said was, there must be an agreement with the company that is paid that money and we are in progress with that. So, stop smiling, it is not funny at all, definitely, not funny at all.

HON. SPEAKER.- Honourable Minister, just stick to the question.

HON. R.S. AKBAR.- Mr. Speaker, Sir, the Ministry, in 2010, made provisions to extend the Transport Assistance Scheme to students that used other modes of transportation. Children used trucks, mini buses, carriers and even punts to travel to schools in the absence of a bus service.

To ensure all our children had access to transportation, the Ministry worked with the Land Transport Authority (LTA) to issue licences to other transport modes that were provided and to operate in these remote areas.

Children were provided with transport vouchers that they could use to travel to school. These vouchers were used for bus services, even before the e-ticketing were introduced, Rural Service Licence (RSL) that we know, mini vans, trucks and boats.

Mr. Speaker, since 2014, the Ministry further extended the service to assist students in remote and maritime schools through the provision of boats and outboard engines to schools.

In the interior and maritime zones, children did not have access to any form of transportation which denied them the basic right to education. To ensure all children had access to quality and equitable education, we then assisted in 2014 till today, a total of 120 schools that accounts for 46,806 students through boat and outboard motor assistance. In the Eastern Division, we have so far assisted 67 schools, 25 schools in the Northern Division, 13 schools in the Central Division and 18 schools in the Western Division. I have a thorough list of the distribution of schools that received boats and engines and is available for any Member who wishes to have access to that.

Mr. Speaker, Sir, today we have more children in primary and secondary schools because of the transport assistance provided and this is our Government's significant investment in the education sector. Those schools needing support are required to submit the Boat Assistance Application Form through their District Office that goes to the Asset Management Unit of the Ministry for assessment on the need and approval. And then of course the approval is granted on a case to case basis.

To strengthen the allocation and distribution, the Ministry has put in place a Standard Operating Procedure to ensure that there is a licence operator to transport the children to school and that there are controls in place to eliminate abuse.

The FijiFirst Government has initiated many programmes that directly benefit Fijian children. The boat and the outboard engine assistance is just one of the many initiatives that have directly impacted the livelihood of our children. The financial responsibility has been taken off the shoulders of the Fijian parents and we are proud to say, we have more children in our schools today.

Mr. Speaker, Sir, the Boat and Outboard Engine Assistance Programme have been very effective. As of today, we have more children in rural and maritime schools travelling to school. In 2012, before we started this initiative, there were about 10,000 students in primary and secondary schools in the Eastern Division. Today we have 11,184 students enrolled in our schools. The Eastern Division has received the most support through this initiative.

Mr. Speaker, Sir, in terms of student data, I have already mentioned that and the Ministry will continue to make efforts to ensure children are able to access education and must be thankful for the opportunities that we provide. In terms of additional data, we still have for this budget year, we are still awaiting the outboard motor and engines from Asco Motors which should be delivered to us soon and we have 15 schools that will be able to receive this assistance in the coming months. Thank you.

HON .SPEAKER.- I thank the Honourable Minister. We will move on. Supplementary question?

HON. M.R. LEAWARE.- Supplementary question, Mr. Speaker, Sir. I thank the Honourable Minister for her response but let me just put this straight. The boats and engines did not start in 2009

but well before that because I was the one looking after this when I was in the Ministry of Education. A supplementary question, Sir, who pays for the fuel for these outboard engines?

HON. R.S. AKBAR.- Sorry, Mr. Speaker, Sir, can I have the question repeated?

HON. M.R. LEAWERE.- The question, Mr. Speaker, Sir, who pays for the fuel? Is this budgeted in the Ministry of Education's budgetary provision?

HON. R.S. AKBAR.- Thank you, Mr. Speaker, Sir. Thank you very much for the question. For the boats that are owned by the communities and provide services to the nearby schools, the students are provided with a boat voucher. The schools that get the boat and engine from us, there is a transport allocation, the boats are handed to the school management on the condition that the boats will be used for transporting the students and sometimes for teachers as well. The fuel and other costs is provided for by the Ministry.

HON. SPEAKER.- We will move on. The sixth Oral Question for today and I call on the Honourable Tabuya to ask her question. You have the floor, Ma'am.

Installation of CCTV Cameras - Urban Centres
(Question No. 70/2021)

HON. L.D. TABUYA asked the Government, upon notice:

Can the Honourable Minister for Local Government, Housing and Community Development update Parliament on the status of the installation of CCTV cameras around the urban centres?

HON. P.D. KUMAR (Minister for Local Government, Housing and Community Development).- Mr. Speaker, Sir, with your permission I would like to clarify a comment made by Honourable Tabuya to the response to the Ministerial Statement on the NFA Integrated Community Firewarden and Emergency Response Framework.

Mr. Speaker, Sir, Honourable Tabuya had claimed that National Fire Authority is charging for services for uninsured properties. Mr. Speaker, Sir, as of now NFA has never received any payment for cost incurred in attending to any uninsured property fire. Also Mr. Speaker, Sir, in an audit by the Office of the Auditor-General as a matter of emphasis in the audit report, it was stated that the owners of properties that are not insured are liable to pay to the NFA reasonable costs and expenses incurred in providing firefighting services as per section 33(e) of National Fire Services Act.

Therefore, Mr. Speaker, Sir, this particular family mentioned by Honourable Tabuya who lives in Makoi was not asked to pay for NFA and they did not pay a single cent to NFA. I can confirm that NFA...

(Honourable Members interject)

HON. SPEAKER.- Order

HON. L.D. TABUYA.- Thank you Mr. Speaker, Sir, a Point of Order.

HON. SPEAKER.- You have the floor

HON. L.D. TABUYA.- The Point of Order is that the Honourable Minister is misleading Parliament. I had met with the family and I can verify that on the same night I called the CEO for the National Fire Authority who had said at that time they were not charging for it, but they however did come to me a few weeks later to say that they had to pay an amount. That they had been pursued to pay for that amount.

So, that is the undertaking, they gave to me. Now, unless she is saying otherwise that she has met with that family and they did not receive that, then she is misleading Parliament Mr. Speaker, Sir. That was the undertaking that they gave to me. Now, she is saying Mr. Speaker, Sir, that never been paid...

HON. SPEAKER.- You have made your point. The rest of us take account of what she has said.

HON. P.D. KUMAR.- Thank you Mr. Speaker, Sir. NFA confirmed that there was a fire incident in Makoi on 20th October, 2020 and they did attend to the emergency but there was no cost charged to the family. The cause of the fire was electrical overloading and NFA is emphasising that there is a provision in the law, which is very clear that they have to charge under Section 33(e) but they have not been charging anyone. No one has paid any money to NFA on uninsured property. That is the information I have.

So, I wanted to clarify that. Now, moving on to the question that Honourable Tabuya has asked. I want to thank her Mr. Speaker, Sir, for her question. Now, CCTV cameras are installed to create safer environment for our people and to deal with the issue of vandalism in towns and cities. These cameras also increase people's perception of safety and the use of public places.

Mr. Speaker, Sir, the total number of cameras currently installed by municipal councils are 229 and the number of CCTV cameras yet to be installed are more than 56. The councils are putting these cameras in and around council properties such as markets, kiosks, and parks and in certain streets. The councils are working closely with Fiji Police Force in deciding the location of camera installation and monitoring of live-feed.

I would like to reiterate that this initiative has been undertaken to ensure council properties and people are safe. Mr. Speaker, Sir, some councils are currently in discussion with the Fiji Police Force Chamber of Commerce and the ratepayers on this subject. There are at least nine councils that have taken the initiative of installing CCTV in the urban areas. These are Suva City Council, Lautoka City Council, Lami Town Council, Nasinu Town Council, Nausori Town Council, Sigatoka Town Council, Labasa Town Council, Ba Town Council and Savusavu Town Council.

Only four councils have not installed any CCTV camera. Suva City Council has installed 117 cameras in the public areas while Lami Town Council has one camera. Suva City Council has replaced CCTV cameras at the bus stand in the last five years. Currently, all cameras are in working condition, however, six cameras at My Suva Park have been disconnected by FRA to allow for road extensions. This will be restored after the completion of road works.

The Lautoka City Council has 20 CCTV cameras installed, 15 cameras are in the Lautoka Market area and five cameras are located at strategic positions in the city. The Nausori Town Council has six cameras installed in the CBD area and 16 cameras around the Nausori market. The Nasinu Town Council has installed 28 cameras inside and outside Laqere Market.

Labasa has 16 cameras which were installed by Duavata Northern Crime Free Committee and Savusavu Town Council has eight CCTV cameras on the Council premises covering kiosks, bus

stand and four cameras are in the Council's depot. The Sigatoka Town Council has five CCTV cameras installed in the town and Ba Town Council has eight cameras inside the Ba Municipal Council.

Mr. Speaker, Sir, it is worth noting that Labasa Town Council has engaged Datec to install 20 bullet cameras and 26 dome cameras within Labasa Market and bus stand area in the next four weeks. This will assist the Council to monitor any illegal activities in the Market, assist in dispute resolution amongst market vendors and reduce vandalism and break-ins.

Mr. Speaker, Sir, all Municipal Councils are working towards installing CCTV cameras because we do understand that towns and cities need to be safe and we need to give that assurance to the public. Thank you, Mr. Speaker, Sir.

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

HON. M.R. LEAWERE.- Thank you, Mr. Speaker. In terms of the effectiveness of this initiative, I withdraw my question, Mr. Speaker.

HON. SPEAKER.- I am disappointed. We will move on.

Co-operatives Concept Linkage to Livelihood Programmes
(Question No. 71/2021)

HON. DR. S.R. GOVIND asked the Government, upon notice:

Can the Honourable Minister for Commerce, Trade, Tourism and Transport explain how the co-operatives concept is linked with other livelihood programmes under the MSME Fiji or other Government initiatives?

HON. F.S. KOYA (Minister for Commerce, Trade, Tourism and Transport).- Thank you, Mr. Speaker, Sir. I thank the Honourable Govind for his question.

Mr. Speaker, Sir, in times of crises and economic strife, this co-operative model of business essentially entails pooling our best resources, be it our human resources, finance, infrastructure and equipment, it can be a solution towards establishing commercially viable income generating businesses. This is especially relevant to the rural and the grassroots communities, Mr. Speaker, Sir.

We currently have more than about 400 or so co-operatives which continue to increase on a weekly basis through new registrations and this is a very positive thing and they can be found in all the divisions even in some of the most remote places in Fiji, Sir.

I am happy to report, Sir, that the co-operative industry has more than \$132 million worth of assets and was able to earn about \$17.7 million in revenue despite the current economic situation so these are good numbers and they can only get better, Sir. Today, we have close to 25,000 Fijians who are actually members of co-operatives, Sir.

What we must also remember, Sir, is that the function of co-operatives is actually based on six key values of self-help, self-responsibility, democracy, quality, equity and solidarity. Co-operatives at the moment are operating through so many different sectors and is not limited to wholesale, retail agriculture, fisheries services, financial transport and real estate.

Mr. Speaker, Sir, given our Pacific way of life and our way of communal living, these co-operative business models are very much suited to the way we actually live. In Fiji, there is a minimum requirement of 10 people to form a co-operative and as recognised there was a legal entity, and automatic it brings its natural benefits such as being able to access finance and going to contracts et cetera, and transparency and training to name a few.

A number of co-operatives, Mr. Speaker, Sir, have been able to access Government Livelihood Programmes. For example, through the Ministry, more than 25 co-operatives have been assisted through various grassroot grant programmes and specifically talking about the human resources, development programme and national export strategy and MSME Concessional Loans which amount to close to about \$1.4 million.

Just last week, Sir, unfortunately, I was unable to go, but the team has actually returned from Yacata Island after handing over a boat engine and a solar freezer to a co-operative in Yacata as part of their income generation aspiration.

The Department of Co-Operative has been working closely also just to fortify what I had mentioned earlier, so we are working closely with resource-based Ministries such as the Ministry for Agriculture, Ministry for Fisheries, Ministry for Forestry and Ministry for Sugar and development partners to also form co-operatives.

Mr. Speaker, Sir, due to the actual structure of these co-operatives, they are able to access these livelihood programmes under other ministries as well as donor agency support. For example, through various farm mechanisation programmes with the Ministry of Agriculture, co-operatives are able to receive tractors, et cetera and this is on a one-third, two-thirds basis.

Additionally, Sir, you will notice in sugar cane belt areas, if you ventured that way a little while ago, there are boom in sugar cane harvesters. Most of these harvesters are actually owned by co-operatives and the Ministry of Sugar introduced a Government grant for the purchase of the sugar cane harvesters a few years ago whereby they would give \$90,000 as grants to co-operatives who would use this grant as equity funding with the Fijian Development Bank to obtain a loan in order to purchase sugar cane harvesters.

Mr. Speaker, Sir, we are actually seeing this today because the Government has actually placed a strong emphasis more on service and value addition and resource-based co-operatives rather than just a simple consumer store.

I am not claiming that co-operatives are actually a panacea to all our businesses and entrepreneurship aspirations but it is a model that the Ministry actively promotes to empower the grassroot community and the right to economic participation which is guaranteed under the Constitution, Sir. I thank you, Mr. Speaker, Sir.

HON. SPEAKER.- I thank the Honourable Minister. Honourable Ro Filipe Tuisawau, you have the floor.

HON. RO F. TUISAWAU.- The *iTaukei* Affairs Fund is currently conducting business initiatives amongst some *iTaukei* communities. Are there any collaborative efforts between the Ministry and the *iTaukei* Affairs Fund on the current initiative? If not, are there plans for that?

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

HON. F.S. KOYA.- I think when I answered Honourable Kuridrani a little earlier, that answered the question that we collaborate with all ministries and we do not specifically go out and just look at one community; the whole of Fiji and every single ministry we do collaborate with them.

You would know this also, Sir, that in terms of the representation in the co-operative population, quite a few of them are actually based in the rural areas and that means there is a whole lot more *iTaukei* people involved in it. It is not about selectively looking at one particular community. We serve everyone but just by numbers, then at the end of the day because there is a village setting et cetera, there are a whole lot of co-operatives. But yes, your answer to collaboration, we collaborate with all the ministries.

HON. SPEAKER.- Thank you. We will move on. Honourable Members, that brings to an end the Oral Questions for today.

We have one Written Question and I now call on the Honourable Leawere to ask his question. Do not disappoint me this time.

(Laughter)

HON. M.R. LEAWARE.- My apologies.

Written Question

Ministry's Risk Management
(Question No. 72/2021)

HON. M.R. LEAWARE asked the Government, upon notice:

Can the Honourable Minister for Employment, Productivity, Industrial Relation, Youth and Sports update Parliament on the following:

- (a) occupational health and safety;
- (b) operational and human resource/succession planning;
- (c) fraud control and anti-corruption;
- (d) sexual harassment and discrimination;
- (e) disaster recovery, IT back up and business continuity; and
- (f) assessment of potential conflicts of interest.

HON. P.K. BALA (Minister for Employment, Productivity, Industrial Relation, Youth and Sports).- Thank you, Mr. Speaker, Sir. I wanted to submit my written answer but I am also very disappointed, so I will table my response at a later sitting date as permitted under Standing Order 45(3). Thank you.

HON. SPEAKER.- Thank you, Honourable Members. Question time is now over.

Honourable Members, that brings us to the end of today's sitting. It has been a long day so we adjourn Parliament till tomorrow morning at 9.30.

The Parliament adjourned at 7.32 p.m.