

# **PARLIAMENT OF THE REPUBLIC OF FIJI**



## **PARLIAMENTARY DEBATES**

### **DAILY HANSARD**

**MONDAY, 7TH JUNE, 2021**

**[CORRECTED COPY]**

# C O N T E N T S

	<u>Pages</u>
Minutes ... ..	1762
Communications from the Chair ... ..	1762
Presentation of Papers and Certain Documents ... ..	1762-1763
Electoral (Amendment) Bill 2020 ... ..	1763-1779
Electoral (Registration of Voters) (Amendment) Bill 2020 ... ..	1780-1792
Political Parties (Registration, Conduct, Funding and Disclosures) (Amendment) Bill 2020 ... ..	1792-1810
Review Report – Water Authority of Fiji Annual Report 2016 ... ..	1810-1816
Consolidated Review Report – Sugar Cane Growers Fund 2009-2018 Annual Reports ... ..	1816-1820
Consolidated Review Report – 2014 & 2015 Department of Forestry Annual Reports	1820-1827
Consolidated Review Report – Tourism Fiji 2013 and 2014 Annual Reports ... ..	1827-1831
Review Report – Performance Audit Report on the Management of Traffic Congestion ... ..	1832-1836
Review Report – Performance Audit on the Administrative and Management of the Bus Fare Assistance through E-Ticketing for School Children, the Disabled and the Elderly ... ..	1837-1841
Consolidated Review Report – 2011-2013 Ministry of Lands and Mineral Resources Annual Report ... ..	1841-1844
Consolidated Review Report – Fiji Sugar Corporation 2007-2017 Annual Report ... ..	1845-1849
Review Report – Department of Legislature 2016-2017 Annual Report ... ..	1849-1853
Review Report – Office of the President 2015 and 2016-2017 Annual Reports ... ..	1853-1857
Consolidated Review Report – Fiji Independent Commission Against Corruption 1st January-31st July 2016 and 1st August 2016- 31st July 2017 Annual Reports ... ..	1857-1861
Review Report – Office of the Prime Minister January-July 2016, 2016-2017 and 2017-2018 Annual Reports ... ..	1862-1868
Review Report – Fiji Human Rights and Anti-Discrimination Commission 2016, 2017 and 2018 Annual Reports ... ..	1868-1874
Review Report – Fijian Electoral Commission 2016 and 2017 Annual Reports ... ..	1874-1879
Review Report – Fiji Corrections Service 1st August, 2016-1890-1747 31st July 2017 Annual Report ... ..	1879-1885
Review Report – 2018 General Election Joint Report by the Electoral Commission and the Supervisor of Elections ... ..	1885-1887
Adjournment ... ..	1887-1888

## **MONDAY, 7TH JUNE, 2021**

The Parliament met at 9.46 a.m. pursuant to adjournment.

HONOURABLE SPEAKER took the Chair and read the Prayer.

### **PRESENT**

All Honourable Members were present, except the Honourable Assistant Minister for Health and Medical Services and the Honourable Ratu T. Navurelevu.

### **MINUTES**

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

That the Minutes of the sitting of Parliament held on Saturday, 5th June, 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**

HON. SPEAKER.- I welcome all Honourable Members to today's sitting of Parliament, those present in person and those joining us virtually from across Fiji. 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.

At this juncture, I remind all Honourable Members of the decision of the Business Committee for a full sitting day today to complete all the business listed on the Order Paper and in that regard Honourable Members, I hope that you are all prepared for another long session.

Thank you, Honourable Members, we will proceed to the next item on the Order Paper.

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

HON. SPEAKER.- The following Reports were tabled with the Secretary-General to Parliament and referred to the relevant Standing Committee for deliberation, in accordance with Standing Order 38(2):

#### Standing Committee on Natural Resources:

- The Department of Forestry, January to July 2016;
- The Ministry of Forestry August 2016 to July 2017 Annual Report.

#### Standing Committee on Public Accounts:

- 2019 Auditor-General's on the Economic Service Sector, General Administration Sector, Infrastructure Sector and the Social Service Sector;

- COVID-19 Compliance Audits, Management of Unemployment Benefits, Management of Concessional Loan Package to Micro-Small and Medium Enterprises;

For information purposes only:

- Third quarter Appropriation Statement, Actual Expenditure from 01 February 2021 to 03 April 2021.

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

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

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, pursuant to the resolution of Parliament on Friday, 11th December, 2020 and Monday, 22nd March, 2021, I move:

That the Electoral (Amendment) Bill 2020 (Bill No. 50/2020) be debated, voted upon and passed.

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

HON. SPEAKER.- Honourable Members, before I call on the Honourable Attorney-General, I remind you that pursuant to the resolution of Parliament, debate will be limited to an hour. I call on the Honourable Attorney-General to speak on his motion.

HON. A. SAYED-KHAIYUM.- Thank you, Mr. Speaker, Sir. As we are aware, the Electoral (Amendment) Bill 2020 was tabled in Parliament on Friday, 11th December, 2020. The Bill was then referred to the Standing Committee on Justice, Law and Human Rights for review, and on Saturday, 5th June, 2021, the Chairperson of the Standing Committee tabled the Report on the Bill.

Mr. Speaker, Sir, by way of background, the Bill seeks to amend the Electoral Act 2014. As Members of Parliament, we are all familiar with the Acts, it essentially provides *inter alia* for the conduct of a general election.

Mr. Speaker, Sir, the most recent General Election took place on 14th November, 2018, and the final results of that Election was announced on 18th November, 2018. Following the 2018 General Election, the Electoral Commission and the Supervisor of Elections submitted a joint report to Parliament which includes the Multinational Observer Group (MOG) Report.

Mr. Speaker, Sir, the MOG Report was prepared by the Multinational Observer Group for the 2018 General Election, which consisted of the following countries: Australia, Canada, the Federated States of Micronesia, France, French Polynesia, India, Indonesia, Japan, New Zealand, Papua New Guinea, the Republic of Korea, the Rwanda, Solomon Islands, Tonga, United Kingdom, United States of America and Vanuatu.

The Joint Report made recommendations for Parliament, Mr. Speaker, Sir, to consider, before going into the next general election in 2022, or at the latest 2023, including the review of various aspects of our electoral laws in order to deliver general elections in line with international best practice. In particular, the Joint Report made recommendations for, amongst other things, the review of laws on political party funding and disclosures, and the development of clearer guidelines on the restrictions on the use of State resources during the political parties' campaign period. A clear definition for campaign period was also recommended for the purposes of clarity.

The Joint Report also, Mr. Speaker, Sir, recommended that the rules surrounding objections and appeals related to the registration of voters should be developed so that political parties and other registered voters are able to challenge the registration of voters.

It is also international best practice, Mr. Speaker, Sir, to review and reform electoral laws following the conduct of an election. As per the electoral calendar, Fiji has passed the mid-cycle mark to the next general election and it is now an ideal time to update our electoral laws.

The Constitution of the Republic of Fiji has brought about significant reforms in the electoral framework in Fiji. The evolution of ethnic-based voting and introduction of the common voter roll has been recognised as positive steps towards improving Fiji's democratic environment.

The shift from individualistic-based politics in each constituency to a national level party-based competition in a single national constituency promotes both, liberalism and competition within the political party structure. The current system has also resulted in greater stability in Parliament by reinforcing the party-based system that we have in Fiji.

Mr. Speaker, Sir, the current electoral legal framework in Fiji is based on the latest and modern electoral practices from around the world. In 2014, we introduced the Act that, amongst other things, established the following:

- (1) A two-tiered election management process where the Electoral Commission is the overarching body responsible for the conduct of elections, according to law, and the Supervisor of Elections as head of the Fijian Elections Office (FEO) is tasked with carrying out the operational delivery of the elections. The Supervisor of Elections is bound by the decisions of the Electoral Commission and he reports on all election operations to the Electoral Commission.
- (2) The Electoral Commission and the FEO have been provided with budgets to ensure that all the planning and preparations for the general elections are facilitated.
- (3) We have also established a full time election management body - the FEO, so they could, in alignment with internationally accepted best practices, prepare to deliver free, fair and credible elections as per the electoral laws in place. Having a full time election management body also allowed Fiji to, amongst other things, implement a system of continuous ongoing voter registration, allowing every Fijian who turns 18 years old to immediately register to be a voter. In the 2006 General Elections, the Observers noted a significant irregularities in the voter registration process.
- (4) Develop detailed international manuals and Standard Operating Procedures to ensure that there is consistency in the delivery of elections. Having these processes allows Fijians to experience election services which are consistent, be it in the Civic Centre in Suva or at the Polling Station in Kubulau, in Daria, Vanua Levu.
- (5) The FEO has also develop comprehensive election training manuals and trainer guides to train the staff that work on the elections. Training is not limited to the staff who manage polling stations but every staff who is recruited at the FEO for any particular role has to undergo a proper training process.
- (6) The legal framework has introduced open merit recruitment for all election staff. Many countries around the world have adopted the practice that ordinary citizens work in the polling stations on election day. In Fiji, this was a big culture change and so many

politicians in the past still unable to grapple with the fact that over 20,000 ordinary Fijians were able to consistently deliver two credible General Elections in Fiji.

- (7) Having a full time general election management body also meant that the capacities of Fijians in this highly specialised sector grow to match with other more developed countries. The FEO has invested heavily into election capacity building of its staff and also the capacities of ordinary Fijians.

In 2018, the FEO introduced a comprehensive model that is called ‘Introduction to Elections’ in the Year 10 secondary schools curriculum. This initiative itself demonstrates an investment into the future democratic development of the country.

Furthermore, the Fijian Parliament since 2014, has made improvements to the legal framework so as to ensure that the electoral laws promote free, fair and credible elections. Further, Mr. Speaker, Sir, these improvements are critical to ensuring that the Electoral Legal Framework is responsive to Fiji’s international obligations, at the same time, conducive with efficient delivery of elections.

Mr. Speaker, Sir, in 2017, Fiji ratified the United Nations Convention on the Rights of Persons with Disabilities. We now have aligned the election laws to this Convention, even though in practice, what we are going to approve has already been put in practice but now we are aligning the laws with it.

The Elections, Mr. Speaker, Sir, should not be seen as a one-off event. Elections are, in fact, cyclical events with entailed pre-election events. Election operations results in the post-election events.

The amendments in the current Bill, Mr. Speaker, Sir, will now put in place requirements that the:

- (1) Electoral Commission approves the list of polling venues annually so that the FEO can register voters to vote at polling venues that have been approved. This amendment is critical as voters in Fiji can only vote at the polling venue they are assigned to.

The amendment ensures that the FEO only registers voters to polling venues already approved by the Electoral Commission. This amendment also allows the Electoral Commission to carry out extensive consultations with stakeholders on the polling venues to be used in an election.

- (2) Supervisor of Elections will now be able to either put the Party name or the Party symbol on the National Candidates List. This amendment further strengthens the operational aspects of the party-based Electoral System that Fiji utilises. It also implements the recommendations of MOG in 2014 and 2018, as well as the Electoral Commission’s from 2014 and 2018.
- (3) Transparency of the electoral operations is further strengthened by allowing the Supervisor of Elections to designate more areas in the election operation facilities as designated areas for Party Agents and Observers to stand and observe such processes. It is noteworthy that the FEO already did this in practice, and the law gives further legal powers in this regard.

- (4) Amendments to section 53 will further streamline the voting process inside the polling station. As it is, voting in Fiji usually takes two minutes, and we are now further streamlining the steps for a voter inside the polling station. The Electoral Commission has approved that the maximum number of voters in a polling station will be 650 in the next Election.
- (5) Changes to section 100 will allow for more thorough analysis and research on the voter list, particularly in terms of turnout, to be conducted immediately after the election. The FEO published the 2018 General Election Turnout and Survey Reports, which have brought to light significant matters for all stakeholders to consider. This amendment will allow such comprehensive reports to be available straight after the election.
- (6) Amendment to section 109A now provides for an official campaign period in Fiji. The effect of this section is to allow the authorities to monitor the election campaign and implement campaign rules so that voters are protected from unlawful campaign practices, including, of course, from the incumbent.
- (7) Laws on the use of State resources for campaign have been amended in line with the recommendation of the Electoral Commission to prevent State resources from being committed to electoral campaigns.
- (8) Section 116 of the Act is being amended to allow the Supervisor of Elections to remove or direct any political party, candidate or police officer to remove any material that is in breach of the campaign rules. This would ensure that the breach of campaign rules is rectified immediately, once the FEO is made aware of the campaign breach. If the political party or candidate or police officer fails to comply with the directive of the Supervisor of Elections, they commit an offence under the Act.
- (9) Law further attempts to protect the election and all stakeholders from false or fake information. Clause 35 of the Bill inserts a new section 144A, to introduce provisions in the Act, to allow the Supervisor of Elections to deal with content published by political parties, or persons that may contain false information or designed to diminish the public confidence in the performance of any duty or function of the Supervisor of Elections and the Electoral Commission.

The provisions also create a framework for the correction or removal of such information. The provisions further empower the FEO to require any service provider to remove such information.

The Electoral Commission and the Supervisor of Elections highlighted that false information pose high risk to the activities in the last two General Elections and as such, the penalties under this section are high, although this does not stop a court from awarding penalties best suited to the circumstances of the offence.

Mr. Speaker, Sir, we would like to, of course, acknowledge and thank the Standing Committee on Justice, Law and Human Rights for the work it carried out. There were widespread consultations and review of the Bills. Of course, the Political Parties did appear also before the Committee. We understand numerous consultations have been held, Mr. Speaker, Sir.

I have, of course, a clause by clause definition of what has been amended in the Bill, but I think in the interest of time because we have one hour, I will stop there, as a matter of introduction, so others could speak too. Thank you, Sir.

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

I call on the Honourable Nawaikula, you have the floor.

HON. N. NAWAIKULA.- Thank you, Mr. Speaker. I know that we have one hour to debate this so I would be brief, to give chance to others.

The subject matter of the motion is the Principal Act which is the Electoral Act 2014. In total, there are about, at least, 30 changes that are being brought in, in this amendment to be included in that. One of the expressed reason that is stated in the Explanatory Notes is basically that this is a response to the Multinational Observer Group (MOG) Report and recommendations.

Mr. Speaker, SODELPA's position is that, in relation to this and the other two Bills that will follow, namely Bill No. 51 on voter registration and Bill No. 52 on the Political Parties Decree. The position from this side of the House, that is, SODELPA is that, we do not agree and we oppose the amendments proposed in this Bill, for the following reasons.

Mr. Speaker, since the passing of all these Acts in 2012, 2013 and 2014, the SODELPA Party has been advocating free, fair and regular elections, as guaranteed under the Constitution. The proposed amendments in this Bill and the other two Bills, namely Bill No. 51 and Bill No. 52, we submit are only making cosmetic changes to the Electoral Framework and do not take into account the totality of the recommendations of the MOG in its 2018 Report.

Mr. Speaker, it also does not take into account the Joint Political Parties Submission for Election in 2017 and the Elections Commission's Report of 2014, which made recommendations for reforms to make the system a lot more fairer. We are also seriously concerned, Mr. Speaker, that we do not agree in a software that is used in the recording and the tallying of votes.

Mr. Speaker, it is true that counting at polling stations is done manually but the Results Management Information System or RMIS is electronic, and the way that the Supervisor of Elections ran counting and tallying process in 2018 is wholly unsatisfactory. The delay of release of Protocol and Results for each polling station which prevented the Parties from verifying the results being answered.

We also, Mr. Speaker, do not agree with the provisional results system. In 2014 and 2018 we argued it was unlawful, and this has been proven in the amendment for the Act that is now proposed, which Parties also had been verifying.

Further, Mr. Speaker, the RMIS must be tested and the Electoral Commission Chairman undertook to release the report on that process to political parties but in the end, it refused. The Parties had asked for this to the Commission and the Commission had undertaken to do so but in the end, it did not forward those.

There is also concern, Mr. Speaker, that the Bill continues to increase the powers of the Supervisor of Elections. This is too much power vested in one person and is a symptom for bad governance. Mr. Speaker, in fact, the Supervisor of Elections now holds, at least, three positions simultaneously namely; as Supervisor of Elections, he is also the Registrar of Political Parties, he is also the Secretary to the Electoral Commission and he registers voters and issues the National Voter Roll. There should be some checks and balances to ensure transparency and accountability.

The electoral network has vested too much powers into one person and that is Mr. Saneem.

(Technical glitch with virtual connection)

It tantamount to making cosmetic changes in an unfair system that is rigged against Opposition Parties and gives FijiFirst the whole advantage.

In reverse, Mr. Speaker, the change means that the court jurisdiction is ousted as the Supervisor of Elections cannot be challenged in the court, and we are reminded that in his very first General Election that he conducted in 2014, his own Electoral Commission took him to court for insubordination. He argued in return that he should have the power to ignore the Electoral Commission if the instruction was unlawful, and that is a total contradiction of what is set out in the Constitution. The Constitution clearly sets out that the head or the main person during the election process is the Commission and the Supervisor of Elections is like his CEO. He is not the person in-charge, and that should be maintained at all times.

That, Mr. Speaker, is the basic position of the Party and if I can now look briefly at the proposed amendment, I will say very broadly, although it says that it is being done in response to the MOG, that is not the situation, in fact. Even the Report that was tabled last week, makes no mention of that, so the bottom line is that, this is an initiative that is being put forward by the Government to benefit itself and yet, there were many submissions made to it by Political Parties but these were all not taken on board as we saw from the Report. They were allowed to make representations but there were excuses on that. It was submitted to the Supervisor of Elections to make their comments and in the end, all the recommendations were not taken into account

So taking all that into account, this side of the House opposes the proposed amendment. Thank you, Mr. Speaker.

HON. SPEAKER.- Thank you. We will move on. I have six speakers on this agenda item and I now call upon the Honourable Maharaj. You have the floor.

HON. A.A. MAHARAJ.- Thank you, Mr. Speaker, Sir. I thank you for this opportunity to make my contribution on the debate. The Electoral (Amendment) Bill, Mr. Speaker, Sir, was referred to the Justice, Law and Human Rights Committee which I am the Chairperson.

Mr. Speaker, Sir, the Committee reviewed the Bill and has tabled its Report back to the Parliament. I will not stray too much into all the details of the review since this has been covered extensively in my remarks when tabling the Committee's Report. In addition to this, Honourable Members and members of the public can gather any information which they would want by going through the Committee's Report.

It is worthy to know that registered political parties and individual members of these parties had participated in the wide range of consultations that we carried out. As I mentioned in my Report, the Committee took a bipartisan approach in reviewing the Bill and the Report before this Parliament comes under the hands of all Committee Members.

Mr. Speaker, it is sad to note that Opposition has opted to oppose the Bill. I acknowledged in my speech, Honourable Gavoka for his precise and to the point submission which we had taken on board and the Committee brought those changes to ensure to accommodate political parties. At the time of submission, we did not even ask a single question to a political party to deter them from giving their true opinion. This make wonder what Honourable Nawaikula just said, where were these points when the political party was before the Committee to give its submission.

Mr. Speaker, Sir, I wish to start by repeating that the Committee, as Members of Parliament, have considered all the submissions received by us. We have considered, in our view, and in the best interest of electoral governance of Fiji and provisions where we deem it fit. We made recommendations as necessary for amendments.

Mr. Speaker, Sir, I still like to reiterate that we went through each and every submission that was presented before the Committee by the political parties and then it was vested on the Honourable Members to decide independently which one needs further clarification and which ones were good to go ahead.

Mr. Speaker, Sir, I take this opportunity to draw some light on the critical issues that were brought before the Committee during the review and addressed by the Committee.

Firstly, I wish to clarify that there is no electric voting or counting in Fiji. Every voter that enters the polling station to vote, votes on a ballot paper. At the end of voting on election day, all ballot papers of the polling station will be counted in the same polling station by the same elections officials who are supervising the voting during the day, and that is also done in the presence of Party Agents and Observers. This is totally contrary to what some Honourable Members who have been going around and advocating to the general public that the counting is not done manually. According to the people the counting is done electronically or there is a software which does the counting.

It was interesting for the Committee to note Mr. Speaker, Sir, that some political parties and political party members went to an extent to tell people that there is some kind of machine. The submitters told us that we were told that, "you take all the ballot papers, you put it in a machine, the machine takes all the ballot papers, does the counting, but before it does the counting the interesting point comes in, they said that the machine is designed in such a way that if you try to vote for any other party, the machine is going to change your vote to favour the government.

(Honourable Member interjects)

HON. A.A. MAHARAJ.- This is the level of information that has been relayed....

(Honourable Member interjects)

HON. A.A. MAHARAJ.- It is in our report. It is in our verbatim report. You can go and read. People have come up with those kinds of excuses, Mr. Speaker, Sir.

(Honourable Members interject)

HON. A.A. MAHARAJ.- Where is that machine? People have been advised that the counting is done at the National Count Centre, that is false, Mr. Speaker, Sir. They have been actually fed that it should be done at the divisional level. The Supervisor of Elections and the Electoral Commission actually do the counting at the polling station itself so that people know what is happening, who voted, how many votes were cast and which particular candidate got which number of votes.

(Honourable Member interjects)

HON. A.A. MAHARAJ.- The Protocol of Results is published soon after the counting at a place which is accessible to the general public, which is accessible to the agent who is actually present at that particular polling venue. Why are they saying that Protocol of Results is not released? The party agent who is there can take the picture and send it to the political parties. They do not come up with all these.

Mr. Speaker, Sir, after the counting is done, the result of the polling stations are announced, a pink copy of the result is pasted outside the polling station and that result is the final result from the polling station. There is no further count unless, as directed by the Supervisor of Elections or is caught exercising electrical jurisdiction.

Secondly, I wish to explain that the result process, after the conclusion of the count, the P residing Officer calls the National Result Centre and conveys the results of the polling station to them. The staff at the National Centre enters the results and the results on the night of the elections are known as the “provisional results”.

When political parties came to do a submission on this, we had contradicting information. Some of the political parties agreed with the provisional results to be announced, some of the political parties did not agree, then it was left to the Committee. The Committee deliberated on the international best practices that provisional results should be announced.

We cannot be saying that one political party comes and says that provisional results should be announced, we accept that and the other political party comes and say it should not be announced, we should accept that. We can only accept one and that is the discretion of the Committee and the Committee Members. They cannot come here and harping that their submission had not been taken on board, that is why we have the independence of the Committee to make some decisions.

Mr. Speaker, Sir, the day after the elections, the Fijian Elections Office (FEO) begins the compilation of the final results, the final results are entered into a result management software, directly from the Protocol of Results that had been received from the polling stations. Again, that particular information is out there at the polling stations which actually goes into the system. So, what is this reconciliation all about? It can be reconciled with the pink copy and whatever actually comes in the software, these two information should match.

Mr. Speaker, the FEO uses the double blind system of data entry to ensure that the final results are accurately recorded from the Protocol of Results. While this process may be slow, it has proven to be accurate. The FEO releases detailed results from each polling station and the final national results since the data entry process takes time. The final result is usually given about four days from the date of election.

The data entry will also continue even after all pre-poll and postal counting has finished. Furthermore, Mr. Speaker, Sir, the Bill has vested the authority on the Supervisor of Elections to determine whether to include the party names and party symbols in the National Candidate List. This information will greatly assist the voters who may wish to choose their candidates along party lines.

Again, I clearly would like to inform the August House that while this power is vested with the Supervisor of Elections, it is on the political party to decide whether they want to have the party name or party symbol. If we decide to have party symbol and at the time of elections, the party decides to have party name, we cannot change it because we do not have the powers to change the law. The law needs to come to Parliament before it is changed so the discretion is left with the Supervisor of Elections on the request of political parties on what needs to go on the candidate listing.

HON. SPEAKER.- Honourable Member, you better get on with it. We have limited time on this debate and you have already taken up 10 minutes. You have the floor.

HON A.A. MAHARAJ.- It is also provided a special polling venue in Suva for overseas registered voters who are in Fiji during polling day. This is a critical amendment, Mr. Speaker, as it will allow for exercise of the right to vote for every Fijian who is a registered voter. Furthermore,

Mr. Speaker, the Bill will provide the Supervisor of Elections sufficient time to compile and submit the General Election on the Electoral Commission post-General Election.

The Bill will provide penal consequence for failing to adhere to the directives by the Supervisor of Elections regarding the removal of materials that is in breach of the campaign rule. It will also specify the period which elected related offences will be limited too. Any offence in the law will have to be referred to FICAC for prosecution and if found guilty by the court, the court will determine the appropriate penalty based on the legal guidelines. The law only provides for the next maximum penalty is applicable.

The Bill proposes to allow the Supervisor of Elections to remove or direct to remove any false information or fake news as asked for it to be corrected. Any person or entity that fails to follow such directive will be subject to prosecution in the Court of Law. Mr. Speaker, false information and fake news appears to have become the bread and butter for some individuals and the elections must be protected against such practice as far as practicable.

Mr. Speaker, we know what happened during the 2018 General Elections, but let me remind Honourable Members that false information, such as the Government was about to sell Kadavu to China, can actually hinder the results. That is why this kind of information needs to be brought down. We cannot be spreading this kind of information to the general public that can actually hinder the results of the election. It is not just about the Government or Opposition, it is relating to any political party. This should not be allowed.

The proposed amendment in the Bill reflects the key recommendation by the Multinational Observer Group (MOG) from 2014 to 2018 General Elections. Also, Mr. Speaker, I stated this, 100 percent of the recommendations have been accepted by Supervisor of Elections, yet Honourable Nawaikula comes to this Chamber and said it is not been accepted.

HON. SPEAKER.- Get on with it, get on with it!

HON. A.A. MAHARAJ.- Mr. Speaker, with those few words, I urge the Honourable Members of this august House to support this Bill. Please, reconsider and support the work of the Committee.

HON. SPEAKER.- I now give the floor to the Honourable Minister for Commerce, Trade, Tourism and Transport.

HON. F.S. KOYA.- Thank you, Mr. Speaker, Sir. I thank you for allowing me to contribute to the debate on the Electoral (Amendment) Bill 2020 as alluded to in the Report of the Standing Committee on Justice, Law and Human Rights. The amendments to the Act are proposed, following the review of the Joint Report of the Electoral Commission, the Supervisor of Elections and the Multinational Observer Group (MOG) Report on the 2018 General Elections.

Mr. Speaker, Sir, in line with internationally accepted good practice and in accordance with the 2014 MOG Report, Recommendation No. 6 basically stated that the Government of Fiji should review and finalise all the existing electoral laws and regulations governing elections well in advance of the next election.

Mr. Speaker, Sir, it is a good time for Parliament to debate and approve the amendments as proposed in the Bill. In summary, they seek to align definitions and relevant clauses with other electoral laws and it will remove any form of ambiguity, Mr. Speaker, Sir, such as the amendment to section 30 which basically says that a person who is a registered voter may object to the nomination

of any candidate on the ground that the nomination of the candidate as an independent candidate does not comply with the requirements of the Constitution.

Mr. Speaker, Sir, the amendments are simply to improve the electoral process. Some amendments captured in law, certain processes that the Fijian Elections Office was already implementing, for instance, the 2014 and 2018 General Elections, the Supervisor of Elections issued provisional results, the matter which has been spoken about already, and the publication of those particular provisional results. The process of delivering provisional results, as alluded to earlier, it brings about a sense of calm, Mr. Speaker, Sir, over the anxiety of all Fijians at the conclusion of the voting on the day.

The amendments also give the Elections authority/powers to monitor campaigns properly, and as alluded to just now by Honourable Maharaj, it gives the authority to monitor the campaign properly and actually minimise misleading information and that has been at the forefront of both recent General Elections, Sir, the misleading information that has actually been spread about or misrepresentation by the parties or candidates or their agents.

Mr. Speaker, Sir, the law now very clearly defines the official campaign period and during this period, the legal provisions governing the campaign were being forcible. Election authorities will be able to monitor their campaigns and ensure that interests of voters are protected and that is paramount, Sir.

The key amendment of the Act is also for the protection of voters against fake information circulated through all forms of media and as we can see, there is a lot of fake information, not even during election times that causes a lot of disruptions and fear amongst people, Sir. The voters decide who leads the country and they should make their decision based on accurate and true information. I think everyone in this House needs to stand up and support that, Sir, not things that are being cooked up for political point-scoring. It is quite very un-Fijian of us if we are doing that.

Sadly, social media has become a platform, Mr. Speaker, Sir, where there is a great amount of abuse. It is unfortunate when such platforms are used to bash female candidates, threaten supporters of other parties and when some individuals hide behind purported freedom of expression to suppress the freedom of others.

In addition, Sir, to allow accessibility of the voter list for analysis purposes after the conduct of General Elections, this will definitely assist all the political parties during and after elections. These types of ground breaking amendments, Mr. Speaker, Sir, allows for more transparency, again, consistent with the FijiFirst Government and the Bainimarama-led Government principles.

Again, Mr. Speaker, Sir, I wish to remind Honourable Members of this august House that the proposed amendments are not something that has been thought of overnight, the changes recommended are based on an independent report of the Multinational Observer Group as part of their observations during the 2018 General Elections.

The Committee has returned the Bills to Parliament and consisted of Honourable Members from both sides and the same Committee has heard views from most of the members outside as well.

I thank you, Mr. Speaker, Sir for allowing me the opportunity to wholeheartedly support the Electoral (Amendment) Bill 2020, Bill No. 50/2020.

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

HON. ADI L. QIONIBARAVI.- Thank you, Mr. Speaker, Sir. I rise to contribute to the motion before the House and I thank the Chairperson and Members of the Committee of the Standing Committee on Justice, Law and Human Rights for their Report.

We appreciate, Mr. Speaker, Sir, the consultations made around Fiji on the draft Bills that was already decided by Government. In my contribution to the February Parliament Session, I had pleaded that what is needed, Mr. Speaker, is an independent commission to be appointed from both sides of the House to carry out a holistic review of the whole legislative framework for elections.

My colleague, the Chairperson of the Committee, has explained to the House the misunderstanding of the people, in that, there is a computerised counting of votes. That may be so, but our main contention, Mr. Speaker, Sir, is the use of the Result Management Information System to tally the records which the Chairperson has also explained this morning. It is the tallying of the records or the input of the protocol of results from each polling venue to the machine - the Result Management Information System which is the problem that we have, Sir. The software used for that should be allowed, in fact, the political parties had requested for this after 2014 General Elections and in preparation for the 2018 General Elections.

The political parties should be allowed to appoint their own independent IT experts to check out the software that is being used to tally the records from the protocol of results. Yes, it is this machine that actually determines the result of the votes for each candidate and therefore the result of votes for each political party, Mr. Speaker, Sir. This is our main problem. We asked for independent experts to be appointed so that they can check out the software in these machines. We also requested that the day before the tallying and during the tallying process that the machines are to be under 24-hour police security and not private security through the whole electoral process and we have a particular problem about the machines being used. This is on the algorithm software, Mr. Speaker, Sir.

It is said that in other jurisdictions, electronic data can be manipulated through algorithms in the software of these machines. Elections data can also be interfered through these external hacks into the computer. The algorithms are commercial or patent secrets of the manufacturer and legally cannot be accessed, Mr. Speaker, Sir. So the Elections tallying machines can be bought with the knowledge that they have external capacities to manipulate results, Sir. That is our major concern, Mr. Speaker, Sir.

Secondly, just adding on to Honourable Nawaikula's contribution this morning that Section 119 of the Electoral Act be amended in order for the Electoral Commission to approve of service and not the Minister for Election, that the Electoral Commission be granted its own separate budget and to employ their own employees including their own secretary, Mr. Speaker, Sir.

The underlying philosophy has to be that the Electoral Commission and the Supervisor of Election's primary objective is to facilitate free and fair election rather than to default to a restrictive and forbidding environment and rules. We have had two actual General Elections, Mr. Speaker, Sir. The people remained doubtful on the system of Elections. The doubts are represented by the people who had voted the Opposition candidates in the 2014 and 2018 General Elections. The numbers increased and will continue to increase, Mr. Speaker, Sir.

The doubts are contained in our joint Opposition Parties' submission to the Electoral Commission, Mr. Speaker, Sir. The people of the nation are asking for fairness, that is all, Mr. Speaker, Sir. We simply asked for fairness so that all political parties compete on an even playing field. That is our prayer, for true equality be imposed by the electoral rules so all political parties have an equal chance under the system rather than a system that is designed to register parties and punish politicians.

In my February submission, Sir, I had also alluded to an example of how the rules operate against opposition parties. The blackout period, Mr. Speaker, Sir, does not apply to people voting two to three weeks earlier, so in fact one day voting is a myth because the Elections actually takes place over a month in Fiji.

Mr. Speaker, the experience in the 2014 and 2018 Elections is that, the 40-hour blackout is designed to enable the ruling party to silence the opposition parties. For example, in 2018, internet trolls established fake pages, mimicking the Fiji Times, the Fiji Television news, et cetera, and spread fake news such ‘a falsified SODELPA policy to abolish Diwali’, Mr. Speaker, Sir. It would be interesting to investigate and find out who really were behind these postings.

Due to the requirements of the blackout period and draconian penalties to be meted out to those who breach the blackout period, the opposition parties could not go on mainstream media or social media to correct lies which were detrimental to our final vote count. Even the mainstream media could not point out that these are fakes and fake pages.

That, in a nutshell, Mr. Speaker, Sir, just additional points to the issues that have been raised by Honourable Nawaikula this morning, and I thank you for the opportunity to address the House in this motion. Thank you.

HON. SPEAKER.- I give the floor to the Honourable Viliame Gavoka. You have the floor.

HON. V.R. GAVOKA.- Mr. Speaker, Sir, I will pass, Sir. Thank you.

HON. SPEAKER.- I give the floor to the Honourable Lenora Qereqeretabua.

HON. L.S. QEREQERETABUA.- Thank you, Mr. Speaker, Sir. I just wanted to start by saying that I am amazed that while COVID-19 is a deep and a world crisis across Viti Levu, we are being asked in this House to come and rubberstamp these three Bills.

At the outset, the National Federation Party makes it abundantly clear that we do not support the three Amendment Bills relating to the electoral process and political parties tabled in December 2020 and reported to Parliament on Saturday, 5th June, Mr. Speaker, Sir. What I have just said reiterates the NFP’s position that we had related to the Standing Committee on Justice, Law and Human Rights in March of this year.

Our submission extensively outlined the flaws in the proposed Amendments in the three Bills. They did not and still do not address the fundamental flaws in the electoral process that were exposed during the 2014 and 2018 General Elections. Two days ago, Mr. Speaker, Sir, we were told by the Chairperson of the Standing Committee of widespread consultations and hearings that the list of venues was read out, but nowhere was there a mention of the number of submissions made at those venues.

So much so, Mr. Speaker, Sir, I remember that one of the Committee Members, the Honourable Mosese Bulitavu, was calling on people, through the media, to, please, come forward and make their views known, because the process of lumping all three Bills together was a huge mistake. One expects political parties, lawyers, academics, the Fijian Elections Office, of course, and the Electoral Commission, to fully grasp the meaning and intent of the changes but to anticipate and expect the same from lay people is just foolish, to say the least.

Lay people just do not have the time to become instant experts on electoral laws, Mr. Speaker, and that is why, Sir, the majority of people who did attend the public hearings made political

statements. Certainly, some of the comments that were reported suggested a wide distrust of Government.

However, while they did not focus on individual provisions of the Bills itself, their ability, understanding and perception of the changes was that it was cosmetic and not genuine, and they are absolutely right. Mr. Speaker, the Amendments do not bring about electoral integrity. It is easy to label the process free and fair but we noticed a lack of transparency and different interpretation of rules in the last two General Elections.

In February, Mr. Speaker, Sir, Parliament debated the Review Report of the Standing Committee on Justice, Law and Human Rights of the 2014 Elections Report by the Electoral Commission and the MOG. Yet, two months before that in December, Parliament was told that the electoral process and how political parties operated needed reform. This is despite the fact that the Standing Committee on Justice, Law and Human Rights rightly recommended that after two General Elections, it was time to establish a special parliamentary committee to extensively review electoral processes.

Yet, the Government has ignored this salient recommendation. Why rush it through with a few cosmetic changes on the face of substantial recommendations made by the MOG and the Electoral Commission on its Report of the 2014 Elections? Of course, this Government does not believe that a bipartisan review is a good idea, it does not suit its agenda, especially that of an administration that believes in micro-managing everything.

HON. A. SAYED-KHAIYUM.- No!

HON. L.S. QEREQERETABUA.- Mr. Speaker, Sir, there were a number of major recommendations from the 2014 Report and this include, empowering the Electoral Commission with independent legal advice, instead of solely relying on the Solicitor-General. This avoids the perception that the Head of the Attorney-General's Office is not making decisions which favour his boss, the Honourable Attorney-General.

Our Honourable Attorney-General who accuses everyone else of acting political, seems to forget that he too is a politician. So why would he now allow the Electoral Commission access to legal advice from someone who does not work for him? Of course, it is the same for this Parliament. For the first time, this Parliament does not have its own counsel. So why are we surprised that the Government does not support this recommendation?

The 2014 recommendations also included fewer restrictions on the news media, allowing party symbols for ballot papers and making independent observer provisions less restrictive. Indeed, the recommendation was for the active involvement of Civil Society Organisations (CSOs) and NGOs in monitoring and observation. All of these recommendations were swept under the carpet.

To put simply, Mr. Speaker, Sir, there has been very little or no heed paid to the recommendations of the 2014 Annual Report of the Electoral Commission and MOG findings into the 2014 General Elections. If genuine democratic ideals were at the forefront of the consultation process in our so-called true democracy, the Committee which had very clearly supported the establishment of a Special Parliamentary Committee to review the entire electoral process should have offered amendments to the Electoral (Amendment) Bill. It did not, and no prizes for guessing why.

Instead, this Government is forging ahead and blatantly ignoring what was recommended after the 2014 and 2018 General Elections. It only made cosmetic and not real changes as

recommended by the Commission and MOG, before the nation went to the polls in 2018. The Government seemingly had no intention whatsoever of adopting major recommendations from the Report in 2014 and, again, in 2018. While turning a blind eye to substantive changes, it decided to make changes that it thinks are suitable.

Absolute transparency of an independent institution is totally necessary for transparency. Surely, any government that believes in transparency, accountability, good governance and absolute independence of institutions, would have embraced these recommendations. That is why we, in our submission to the Parliamentary Select Committee, said the Bills before the Committee were premature and draconian. We said, they would ensure further concentration of power into the hands of a few with a duplication of roles, such as that of the Supervisor of Elections and Registrar of Political Parties.

We, therefore, believe that given the experiences of the last two General Elections, Mr. Speaker, Sir, the laws are tailor-made to ensure the continuity of the rule of the FijiFirst Party by restricting functions of truly democratic parties of the Opposition. This is the kind of animal farm application of laws that we are being subjected to, Mr. Speaker. This Government is putting obstacle after obstacle in the way of Opposition Parties, in the desperate hope of averting electoral disaster for itself in the next general elections.

I end, Mr. Speaker, Sir, by saying, we give notice that if we are in Government, we will completely overhaul the electoral laws towards a fair and neutral electoral process, independently supervised and administered and which protects political plurality, instead of threatening it. Thank you, Mr. Speaker, Sir.

HON. SPEAKER.- I now call upon the Honourable Attorney-General to speak in reply.

HON. A. SAYED-KHAIYUM.- Thank you, Mr. Speaker, Sir. I will not be too long. I feel obviously compelled to respond to some of the issues that have been raised by the other side.

Mr. Speaker, Sir, I think there is a general lack of inability of the Opposition to simply read the material. If they actually read the laws and actually read the MOG recommendations and if they saw the laws that were being amended, they would realise, that in 2014, there were 38 MOG recommendations.

Mr. Speaker, Sir, 23 have already been implemented, seven of which are within this particular Electoral Bills that we are going to look at today. The ones that are not being implemented - some of them are policy based decisions and some of them are not relevant because they do not fall within the ambit of these particular laws. Specifically, for this particular law, 156 sections of the Electoral Act, 35 are being amended.

The other point that I want to make is also, if they looked at it, I have got a table here, they could have done it very easily themselves, in the 2014 Multinational Observer Group Report. We have actually highlighted in yellow and green all the recommendations that are being implemented, and you can see that significant changes have been made.

This is the 2018 MOG Report. Again, Mr. Speaker, Sir, it is highlighted here the ones that have been amended and the ones that have not been amended in terms of the recommendations. I would also say, Mr. Speaker, Sir, if Honourable Members were truly genuine about what they were talking about and I refer this Parliament to the EU Report of the 2006 General Elections, there were so many observations made by the European Union and recommendations and almost invariably, every single recommendation by the EU Observer Group has been implemented. Some, of course,

are not relevant because we do not have single member constituencies anymore but we now have, like Israel, Moldova and various other countries in the world, what we call a One National Constituency or a Single Constituency State.

But there are so many recommendations, Mr. Speaker, Sir. After observation by the EU, for example, whether it is about gender representation in respect of the officers that were appointed because they were not appointed under OMRS, it was a boys club. They observed about the Office of the Supervisor of Elections – very few women held positions of responsibility or were selected as Presiding Officers. There was lack of reconciliation in the ballot papers. Wooden ballot boxes were used with padlocks and you have boxes being transported from the interior of Viti levu and various other places to only about three or four counting stations throughout Fiji. Now, the counting is done wherever the polling takes place. There were a number of observations - about the tensions between the Electoral Commission and the Supervisor of Elections, about the Supervisor of Elections disappearing on the first day of the Elections, and so many observations were made.

Mr. Speaker, Sir, never in the history of Fiji have we ever had in the Elections Office, a Polling Agents Handbook, a Media Handbook, a Candidates Handbook and Election Information Booklet. The Honourable Qionibaravi went on about Result Management Information System (RMIS). The RMIS was actually developed by DATEC Fiji and Mr. Speaker, Sir, she does not even know. They have an obsession with Pakistan. The RMIS is developed by DATEC - they got their information wrong. It was a full system flush in front of all the Observers and all the Party agents. Again, they got their information wrong.

No private security was hired - only the Police guarded the Results Centre, Mr. Speaker, Sir. They do not even know. I think, Honourable Qereqeretabua or someone else, one of them (they all kind of blend into one), said, “The Electoral Commission has got its own budget, it is an independent Commission.” They are going on about it being independent and that it should have its own budget. It is already there, Mr. Speaker, Sir.

The Solicitor-General is selected by the Judicial Services Commission. This personalisation of matters, trying to cast castigations on people’s individualities, their personalities, their professions, as opposed to speaking on the Bill itself.

Mr. Speaker, Sir, the reality of the matter is that, again, there was some comment made that the provisional results were unlawful. It is not true! Section 102(3) requires the SOE to publish progressive results received by each candidate and each party and as recommended now under the particular amendment to the Bill, Mr. Speaker, Sir, he has to do it for 24 hours and that is when it will end.

Mr. Speaker, Sir, the other point is about the election campaign period. It binds the incumbent, as I have said, the sitting Government as well as political parties. There is a specific provision here that says, “State resources cannot be used once the campaign period starts.” What is the recommendation?

It says that the campaign period must not be earlier than 30 days prior to the completion of three years and six months -three years six months is in July. I think from my calculation, in June and July next year. So, 30 days before that the campaign period starts, in fact, before the Writ can be used, the campaign period starts. So, even the Government is bound by it so if the election is held in November next year, we are all bound by it.

If this was a Government trying to hide and do something clandestine and use State resources to win election campaigns, we would not have recommended this recommendation. They do not

appreciate that. They do not read it because they have got a philosophical blockage -they oppose everything. They go on into the members of the public, community and spread misinformation about the electoral process itself. Yet, they still want to go and contest under it, knowing full well that the system is good. If they are so principally-minded, do not contest the elections.

Mr. Speaker, Sir, it is the same way that people come to this Chamber, complain about the Constitution, yet, swear to uphold the Constitution. That is the level of hypocrisy. Which one is it, are you Arthur or Martha? You have to make a choice.

Mr. Speaker, Sir, as Honourable Gavoka was there, leaders of the other political parties were there, when we had the meeting with the Electoral Commission. As I have said in the Chamber before, the Leader of the Hope Party made a very valid point. You cannot expect to contest under the electoral system which you continuously try to undermine. You cannot expect to criticise low voter turnout as they were claiming, but on the other hand, you continuously say that the system is not working. Do not complain about it! If you are going to undermine it, obviously some people may get affected by it.

Mr. Speaker, Sir, the point of the matter is that, the people who contested in the electoral system, if they were truly honest, they would actually go and read the recommendations. They would look at the MOG observations. They would look at the EU Report. They would look at the recommendations of the EU Report that had already been implemented and then they would realise the credibility of the electoral system in Fiji is unprecedented, and I use that word. It has never been done before, Mr. Speaker, Sir, the level of transparency.

We are now recognised by the Institute for Democracy and Electoral Assistance (IDEA), the international body on elections. The FEO is used as a role model for other Pacific Island Countries. This is third party validation. It is not us doing it but a third party coming along and saying, "Fijian Elections Office, can you go and help these other countries?" What other better validation do we need?

Mr. Speaker, Sir, the point of the matter is that, if you look at the electoral laws that have been proposed for amendments, it creates much better systems in place. They go on about saying, "Awh, the Supervisor of Elections has got so many different roles." Yes, because before, the Supervisor of Elections also registered political parties. There was no specific laws surrounding that but now, everything is clearly set out.

What is the law regarding registration of political parties? What is the law regarding political party donations? Before there were no laws around donations to political parties. Anyone could give, any business person could give and they would expect favours after that. They do not appreciate that. They probably oppose that too now. The same role was performed by the Supervisor of Elections before, but there were no specific laws. Now, there is clear-cut laws. If he does something outside the mandate of the law, then he can be taken to task, or whoever is going to have that role.

Mr. Speaker, Sir, I would urge Honourable Members to, please, look at this holistically and, please, I beg you, please simply read. If you read, you will realise what has actually been done. Thank you, Sir.

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

Question put.

Motion agreed to

[A Bill for an Act to amend the Electoral Act 2014 (Bill No. 50 of 2021), passed and enacted by the Parliament of the Republic of Fiji. (Act No.            of 2021)]

HON. SPEAKER.- Honourable Members, on that note, we will adjourn for tea and resume in half-an-hour.

The Parliament adjourned at 11.00 a.m.

The Parliament resumed at 11.33 a.m.

HON. SPEAKER.- Honourable Members, we move to the next item in the Order Paper. I now call upon the Honourable Attorney-General and Minister for Economy, Civil Service and Communications, to move his motion.

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

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, pursuant to the resolution of Parliament on Friday, 11th December, 2020 and Monday, 22nd March, 2021, I move:

That the Electoral (Registration of Voters) (Amendment) Bill 2020 be debated, voted upon and be passed.

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

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

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

HON. A. SAYED-KHAIYUM.- Thank you, Mr. Speaker, Sir. As highlighted, the Bill was the second Electoral Bill that was tabled in Parliament on Friday, 11th December, 2020. The Bill was then referred to the Standing Committee for review and on Saturday, 5th June, the Chairman of the Standing Committee also tabled a report on the Bill.

The Standing Committee extensively reviewed the Bill, Mr. Speaker, Sir, and from the Report, it is evident that consultations were conducted and submissions were received on the Bill.

Mr. Speaker, Sir, this is the smallest of the electoral laws. It has 24 sections and there are 10 sections that are being proposed to be amended. Of course, a lot of these is premised on the recommendations by the Multinational Observe Group (MOG) and also essentially, from the workings of the Electoral Commission and the Supervisor of Elections as to how we can improve and provide clarity in respect of this particular provision of the electoral laws.

Mr. Speaker, Sir, Clause 1 of the Bill provides for the short title.

Clause 2 amends section 2 of the Act to insert the definitions: election, Fijian Elections Office and polling day to align them to the definitions of election, Fijian Elections Office and polling day under the Electoral Act 2014. Mr. Speaker, Sir, there are a number of other terms that are clarified.

Clause 3 of the Bill amends section 4 of the Act to give the voter the opportunity to select the polling venue closest to their residence.

Clause 3 of the Bill also amends section 4 to allow the Supervisor of Elections to assign a polling venue closest to the voter's residence, if the voter fails to select a polling venue as such. A lot of people sometimes fail to do that.

Clause 3 of the Bill also allows the Electoral Commission to approve the Voter Registration Form to be used for the registration of voters.

Mr. Speaker, Sir, Clause 4 of the Bill amends section 9 of the Act to capture the details that are currently in the National Register of Voters which includes the closest polling venue.

Mr. Speaker, Sir, Clause 5 of the Bill amends section 10 of the Act to amend the issuance of a voter card, following the registration of a person as a voter. Clause 5 of the Bill also amends section 10 to include a provision which states that all voter cards are the property of the Fijian Elections Office and any card found must be returned to the Fijian Elections Office.

Clause 6 of the Bill inserts the new section 11A in the Act to allow the Supervisor of Elections to publish the National Register of Voters.

Clause 6 of the Bill also allows political parties to obtain a copy of the Register upon payment of an approved fee. Mr. Speaker, Sir, this is the third recommendation of the MOG in which they suggested that legislation should incorporate such a provision. This provision also give legal effect to the current practice of the Supervisor of Elections implemented in the 2018 General Election where Fijians were allowed to inspect the Register to verify their details.

Mr. Speaker, Sir, the Standing Committee also has proposed that a new Clause 7 be inserted in the Bill. This new Clause amends section 12(1) of the Act to allow the Supervisor to remove any registration from the Register that was obtained by fraudulent means or by the provision of incorrect details. The new insertion will cause the re-numbering of the Clauses so that the next Clause will be the newly re-numbered 'Clause 8' of the Bill.

Mr. Speaker, Sir, Clause 8 of the Bill inserts a new section 13 in the Act to require the Supervisor of Elections to notify those whose names are to be removed from the Register, of the removal of their names and also the Supervisor of Elections to publish an annual notice of all the removed names.

Mr. Speaker, Sir, it was also proposed a step-by-step process to ensure that a person whose name is to be removed from the Register is informed of the proposed removal and has ample opportunity to explain to the Registrar why his or her name should remain on the Register.

Mr. Speaker, Sir, Clause 9 of the Bill inserts a new section 16 in the Act to allow a person to make an objection in relation to the inclusion of a name of a person on the Register. Clause 9 of the Bill also outlines the procedure a person must follow to make the objection.

Clause 9 of the Bill also inserts a new section 17 in the Act to allow the Supervisor of Elections to either uphold or dismiss an objection within seven days from the date the objection is delivered to him or her.

Clause 9 of the Bill also inserts a new section 18 in the Act so that a person may make an application to the Electoral Commission for a review of the decision made by the Supervisor of Elections in relation to an objection. Clause 9 of the Bill outlines the procedure a person may follow in making an application to the Electoral Commission.

Clause 10 of the Bill amends Section 19 of the Act to clarify that the Register will be closed at a time specified in the Writ, and from then onwards no name is to be registered into the Register.

Clause 11 of the Bill inserts new sections 19A to 19F in the Act. New section 19A allows the Fijian Elections Office to verify any document with the relevant agency, if the registration officer suspected that the document produced during registration is false or invalid.

The new section 19B allows the Fijian Elections Office to seek assistance from the State and State agencies in relation to the verification of information submitted by voters during registration.

The new section 19C states that the data obtained from voters is protected and not disclosed to any person or entity by the registration officer, or any person employed by the Fijian Elections Office at the time of registration. It also includes the provision which states that if a person contravenes section 19C, he or she is liable on conviction to a term of imprisonment not exceeding five years.

The new section 19D mandates the Supervisor of Elections to ensure that there are adequate security features on the voter card to prevent fraudulent activities. The Supervisor of Elections is also allowed to upgrade the security features in the voter card and to also issue new voter cards to voters. This is an essential upgrade to ensure the credibility of the voter card is maintained.

The new section 19E allows the Fijian Elections Office to facilitate the replacement of a voter card when a person's voter card is damaged, misplaced or lost.

The new section 19F ensures that the Fijian Elections Office staff adhere to the provisions of the Act and also provides for a fine of not exceeding \$50,000 and term of imprisonment not exceeding 10 years or both, when they are in breach of the Act.

Clause 12 of the Bill amends section 22 of the Act to allow the Supervisor of Elections to delegate his or her powers to an officer of the Fijian Elections Office under the Act.

Those are the amendments, Mr. Speaker, Sir, under this particular Bill and I recommend those amendments to Parliament. Thank you, Sir.

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

HON. A.A. MAHARAJ.- Thank you, Mr. Speaker, Sir. I thank you once again for giving me the opportunity to make a contribution on the debate on the Electoral (Registration of Voters) (Amendment) Bill 2020. Just as the previous Bill, the Bill was referred to the Standing Committee on Justice, law and Human Rights which I am the Chairperson.

The Committee reviewed the Bill and has tabled the Report back to Parliament, and like the other Bill, I will not stray too much into the details of the review, since it has been covered extensively in my remarks when tabling the Committee's Report. In addition to this, Honourable Members and members of the public can gather the information from the Committee Report.

Mr. Speaker, I will rather focus on some of the main issues which were brought before the Committee during the review, and which the Committee placed reasonable emphasis on. Out of the three Bills, I must emphasise at this point in time that during the collection of submission from the general public, this was one of the most highly anticipated Bill by the general public because when we were actually having a discussion, when we go for a public submission, we present the report on Bill No. 50, Bill No. 51 and Bill No. 52, and then we leave the floor open for the submittees to present on whichever Bill they want to present on.

One of the most interested thing we found out was that, the most interest came out of Bill No. 51, then Bill No. 50. People were least bothered about Bill No. 52, as they actually stated that electoral amendment bill with regards to the political parties should be dealt with by the parties themselves, and they were not too much interested in that Bill.

Mr. Speaker, Sir, firstly, under the Electoral Act, Fijian voters can only vote where they are assigned by the Fijian Elections Office. While as polling venues, details are critical in facilitating the voter to vote, it was not featured on the first green coloured voter card that was issued since 2012. The amendment to the Act will allow the Supervisor of Elections to insert the polling venue in the new voter card. Although this amendment might seem minor in nature, it will prove to be instrumental in guiding voters to their polling places when it comes to an election.

At the same time, the Act is being amended to make it legally mandatory for the Supervisor of Elections and Fijian Elections Office to ask a voter to select a polling venue closest to their place of residence. In case a voter is unable to make the selection, Fijian Elections Office staff are permitted to select a venue. The Committee found that the proposal for alternative venue would be confusing, hence have suggested for its removal.

Also in regards to the voter registration, members of the public who participated, suggested that registration be carried out in communities and villages and if possible, this should also be carried out in locations which are polling venues for the next general election. Essentially, the amendment also brings about the opportunity for the political parties and individual voters to challenge the registration of a voter on the roll. The amendment also facilitates an appeal process for anyone who has been removed from the roll as well.

The Committee also suggested a process as properly outlined in the law for the Supervisor of Elections to follow before removing any person from the roll. This process includes an opportunity for the affected person to show why they should not be removed from the roll. Moreover, the proposed change to the law which would require that voters upgrade and get new voter cards is said to be a concern to voters.

Voters already have upgraded cards, which were used in the 2018 General Elections and according to the public who participated in the public consultations, this new proposal would mean voters going through an inconvenience of getting necessary identification documents again such as original birth certificates. It was also noted that the provisions of the Bill aligns to the initiatives in place, which contribute to Fiji's efforts in achieving the National Development Plan whilst also addressing the principles of gender equality.

Mr. Speaker, the Committee had recommended for certain changes to the Bill and had made amendments accordingly and an amended copy of the Bill has also been tabled in Parliament for Honourable Members consideration. These few key amendments came about after extensive deliberation by the Committee whereby there were numerous discussions with the Electoral Commission and the Fijian Elections Office through the Supervisor of Elections and also constant communication through the Office of the Solicitor-General in terms of getting necessary legal clarification.

The main amendments to the Bill includes, removal of the provision and wording which would have provided that voters can choose alternative polling venue during voter registration and upgrading of their cards. This is one of the submissions by political parties which was taken on board as well.

Inserting a provision which aims to address fraudulent activities regarding voter registration, specifically by empowering the Fijian Elections Office to be able to remove registration from the National Register of Voters which were secured through fraudulent means. This was one of the issues identified by the Committee itself and asked for an amendment.

Re-wording of subsequent clauses after the new addition to the Bill, which contributes to the

objective of removing registration from the National Register of Voters and also provide for the process of removal from the Register. There are also consequential amendments to the Bill which are grammatical in nature and are consequences of substantial changes made to the provisions of the Bill.

Mr. Speaker, with those few remarks, I urge the Honourable Members of this august House to consider the amendments put forward by the Committee and support the Electoral (Registration of Voters) (Amendment) Bill 2020.

HON. SPEAKER.- Thank you. I call on the Honourable Nawaikula. You have the floor.

HON. N. NAWAIKULA.- Thank you. Can you hear me, Mr. Speaker?

HON. SPEAKER.- Yes.

HON. N. NAWAIKULA.- Thank you. Before I start, Mr. Speaker, let me also place on record the anxiety and the concern of the public out there on the recent spike in numbers of COVID-19 - 83. What is of concern is not the number, but the number of new clusters, so to speak - 11 in total. I beg the Government to, please, address the nation and give them an assurance that all is good and all is under control.

Mr. Speaker, the Honourable Minister for Economy has been harping about the fact that this is the best amendment, it is good and the Opposition should come and join. But the irony is that if he was so confident, why did the Government not go for bipartisan? That would have been the best option so that we have a united front coming into Parliament and suggesting on amendments which all parties agree to, knowing of course, Mr. Speaker, that the gist of what we are doing is, we are looking for measures that will allow, as noted by the Constitution, free and fair elections.

We are now discussing that avenue. So, it would have been really good to give confidence to the population out there if the Government had suggested a bipartisan approach in coming here, as opposed to initiating the amendments by itself and now criticising the Opposition Party for not supporting it because we are talking about the confidence and confidence will go a long in giving the appearance at least or the true meaning to free and fair elections.

Secondly, Mr. Speaker, the Chairperson on Justice, Law and Human Rights Committee had stated that I had been wrong in saying that the amendments do not take into account the recommendations of the Multinational Observer Group. I think that is totally wrong, Mr. Speaker, and if I can refer you to the recommendation of this Group which appear at page 33 of their recommendations.

One of the recommendations is, and I quote:

“To ensure the credibility of the elections process, it is necessary to also include the participation of domestic, accredited, non-partisan election observers.”

I wish to ask Honourable Maharaj and the Honourable Minister for Economy, where in these amendments does it address that? And if I can go to the other recommendations, and I quote:

“Political party identification should be included on the national candidate list and or voters should be permitted to bring how to work materials inside the polling station.”

In relation to this, the Government has stated that they have addressed this, but it is wrong. Honourable Maharaj referred to a provision which says that it gives discretion to the Supervisor of Elections to agree to that, on the candidate listing and the names of their party identification. But if you

look at that provision, it says, “it gives to him a discretion” and the excuse that the Chairman had stated is that, to make it compulsory, one needs changes to the Act”. That begs a question, why is he not changing the Act now; why does it not come with these amendments? They have not addressed that because it only gives the discretion whereas the recommendations has stated that that must be done.

Mr. Speaker, there is another recommendation that I wish to refer to, which says that the division of responsibility between the Electoral Commission and the Election Office should be clarified. That division is clear if you read sections 75 and 76 of the Constitution which makes it very clear that the conduct of the elections is the responsibility of the Commission.

The Supervisor of Elections is responsible to the Commission. He is like the CEO and having said that, Mr. Speaker, I think it is wrong for Parliament to be vesting powers directly on the Supervisor of Elections. What we should be doing is, we should be empowering the Commission that will have a right to delegate its powers to the Supervisor of Elections.

Mr. Speaker, there is another recommendation, and I quote: “Consideration should be given to reducing requirements for party registration and activities.” I challenge the Chairman of the Standing Committee on Justice, Law and Human Rights, as well as the Honourable Minister for Economy to tell us where in these amendments he does that. I would like to say that it does the opposite. If we look at the amendment for Bill No. 52, it brings more onerous and it makes a lot more restrictions for the political parties.

Mr. Speaker, there is another recommendation and I quote: “Public office holders including trade unions should be allowed to be political party members” and I wish to challenge again the Chairman of Committee as well as the Honourable Attorney-General to tell us, where in these three amendments does it address that.

Mr. Speaker, coming to Bill No. 51 this is to amend the Registration of Voters Act of 2012. As the Honourable Minister for Economy said, there are about 10 changes that they are bringing in to incorporate. The explanation in the Bill also says that this is done as a response to the Multinational Observer Group Report. But if I can refer both the Honourable Attorney-General and the Chairman to the recommendations, there are two recommendations from the MOG in relation to the registration of voters and if I can read those, the first one is, and I quote: “To facilitate prospective voters in remote areas through the duration to apply for postal voting should be lengthened and the Fijian Elections Office should be more active in providing support and amenities”. I would like to ask them, “is this being addressed in this legislation or not?” If not, “where will this be resolved?”

The other recommendation is that, it is important for voters and political parties to be informed of the National Voter Roll through all available means. So I ask, “Where is this being addressed?” But on the amendments proper, the greatest concern and the Chairman has also stated, that is where the response was the biggest from the communities was in the change of voter cards that we have to change now. I know there will be a problem here, even for me because my name that I am usually known for is ‘Niko Nawaikula’, but that is not the name that is in my birth certificate. So, there is going to be a lot of confusion in relation to that. So we ask the simple question, “If the election has been done smoothly in the last two General Elections without any amendments, why are we doing the changes now?”

With those words, Mr. Speaker, we oppose this motion.

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

HON. F.S. KOYA.- Thank you, Mr. Speaker. Thank you for the opportunity to contribute to the debate on the Amendment Bill. At the outset, let me say, Sir, I support the amendments being proposed to the Electoral (Registration of Voters) (Amendment) Bill 2020.

The Bill has taken on board the recommendations of the Multinational Observer Group (MOG) and this is commendable, Sir, and I wanted to speak briefly about the voter registration cards. The voter card is actually widely used as a recognised card nationally and the amendment will, firstly, give the voter card some legal status and the amendments also enable greater credibility of the voter registration and the Register.

Now, since its establishment in 2012, the National Register of Voters is possibly the most current and up-to-date database of all Fijians, Sir. To promote a greater level of checks and balances in the Register, Fijians will have the opportunity also to object to a person registered on the voter roll. This will mean, any incorrect registrations can be challenged and if successfully proven, it can be removed.

Mr. Speaker, Sir, the law further makes allowances for someone whose application to register has been refused or has been removed from the roll, following a successful objection to apply to the Electoral Commission to review a decision made by the Supervisor of Elections.

The new features, Mr. Speaker, Sir, on the voter card will actually strengthen the ability of the Fijian Elections Office (FEO) to verify voters' details and to eliminate any misrepresentation by the voters. So, basically, what we are doing is eradicating voter fraud and identity theft.

Now, when a fraud does occur, it actually dilutes and weakens the votes of all law abiding voters. The new version of the voter card now explicitly states the venue of the voter as pointed out by the Honourable Attorney-General, and this critical upgrade will be of great assistance to the voter on election day. In order to further verify the details of the voter, the FEO can seek assistance and information also from the State and its relevant agencies, and these checks and balances will provide a clean and robust voter registry, Sir.

In addition, having upgraded the security features on the card will, again, prevent fraudulent activities and by having those strong security features on the card, the FEO is actually protecting the details and the data of the voter, ensuring the authenticity of the card being presented by the voter during registration.

The updating of the Voter Register is, again, another critical component, to ensure that there is no voting fraud. For example, Sir, in San Francisco in 1988, the Jury found 1,800 deceased people listed as eligible voters on the voter registration list. In addition, before, some electoral reforms in Mexico, a registry was used as a tool for electoral fraud. The reform in Mexico was to ensure accurate voter registration. These are some of the examples internationally why stronger rules, Mr. Speaker, Sir, around the protection of data and protection of voter cards are important.

The proposed amendments hold the FEO accountable, Sir. For example, section 19C states that the data obtained from voters is protected and is not disclosed to any person by the Registration Officer, or any person employed by the FEO at the time of registration. It further includes provision which states that if a person contravenes section 19C, then he or she is liable to conviction for a term of imprisonment not exceeding five years. Therefore, Mr. Speaker, Sir, this should increase the confidence and the trust in the FEO and hopefully, more people come forward to register. There is nothing sinister about it.

In its final report, Mr. Speaker, Sir, the MOG for the 2018 General Elections highlighted that

the Fijian Elections Office was well administered with voting and counting transparent and credible - two very important words, Sir, 'transparent' and 'credible'. With this proposed amendment, Sir, we are taking a step further to strengthen the credibility and the rights of voters.

Mr. Speaker, Sir, with that contribution, I fully support the Electoral (Registration of Voters) (Amendment) Bill 2020. I thank you, Mr. Speaker, Sir.

HON. SPEAKER.- I thank the Minister. Honourable Members, we will move on. I give the floor to the Honourable Gavoka. You have the floor.

HON. V.R. GAVOKA.- Thank you, Mr. Speaker, Sir. At the outset, let me just express my disappointment that we were not given enough time to discuss the Reports of the Committee.

In SODELPA, Mr. Speaker, Sir, we normally have a caucus to go through reports like this and establish our position on any issue and especially this one important issue. We were given this Report on Saturday, we stayed up until 7.00 p.m. on Saturday, yesterday (Sunday) was a rest day and now (Monday), we are debating this Bill, so we must do a better job than this. We appear to be doing many things in haste and it is really impacting on the contribution that we could make towards something of this importance.

Mr. Speaker, Sir, for me, I have always spoken about the confidence of our people in the process, and if you read the Report back in 2014, their confidence level has remained low. And I have always spoken in this House about creating confidence-building measures to give confidence to our voters, to come forth and vote.

We still do not have any explanation from the Supervisor of Elections as to why 171,000 voters did not vote in 2018. For a small country like Fiji, Mr. Speaker, Sir, 171,000 people is a lot of people.

HON. A. SAYED-KHAIYUM.- Ask the voters.

HON. V.R. GAVOKA.- He has to come up with the reasons why those many people did not vote, it is inexcusable. We cannot accept that, Mr. Speaker, Sir. We know there are some reasons but he has to come forth and tell us why.

Mr. Speaker, Sir, on the registration issue, fine, we understand that the voter ID card should show where you will vote, the venue, but we are now into June 2021. We had a statement from the Chairman of the Commission last week or the other week saying that the Writ can come out in May 2022, meaning there could be an election in July 2022. So how much time do we have, Mr. Speaker, Sir, to have our people in this country surrender their old card with their birth certificates and to be issued with a new card?

We do not believe it can be done, Mr. Speaker, Sir, it is too mammoth an undertaking and that requirement for the ID. We ask the question, why can they not surrender the old card and be given a new card? Why do they have to go and secure a birth certificate?

We all travel, we know how difficult it is for people in the far-flung areas to leave their villages and come into the town to obtain or secure a birth certificate. Why are we making it more difficult for our people, Mr. Speaker, Sir? My fear is that, registration will be very low in 2022 and not many people will vote and we really question as to whether we have true democracy in our nation.

Mr. Speaker, Sir, I must ask the Commission and the Supervisor of Elections to, please, if

you can, just use the current card for 2022 while you set about redoing things for 2026. The way it is, we need to give them enough time and if need be, Mr. Speaker, Sir, for the sake of certainty, we know the earliest we can have an Elections is in July 2022, the latest is January 2023. We must agree at this point and say, “Okay, we’ll have an Elections at this point to give people enough time to change their voter ID card.” I would even go to say “Make a statement now, let’s have an Elections in January 2023 and do things properly, not do it in haste.” Otherwise, a lot of people will not vote and we may end up in more than 171,000 people not voting in 2022.

Mr. Speaker, Sir, I often said in this House, there is one time in the lives of our people, that moment of truth, every four years, for them to go into that very exclusive booth and to decide how they are going to be governed for the next four years. It is a sacred role and something that we treasure and we must make every effort for our people to exercise their rights at that moment of truth,

Mr. Speaker, Sir. I am very concerned about this registration thing, and I would like to see a reduction in the number of people who will turn up to vote. It was about 90,000 in 2014 and 171,000 in 2018. If anything, it should be below 5 percent in this country. It is way too high the way it is, and it makes a mockery of what we believe is the way we run our democratic processes in this country.

On that note, Mr. Speaker, Sir, I would plead with the Government, with the Electoral Commission to relook at the registration. There is no reason why you cannot use this again for 2022, people will know that they voted at a particular point in 2018, and they can always go back there.

In Malolo, some of my colleagues in there voted in Solevu in 2014, when in 2018 we went back to Solevu, they were told, “Oh, you’re voting in Malololailai.” That, Mr. Speaker, Sir, is part of one of the problems. I would say, “Don’t change the cards as yet, if you do, give certainty, give the people time to change for the sake of our people to vote and for the Government of the day to be elected in a truly democratic manner.” Thank you, Mr. Speaker, Sir.

HON. SPEAKER.- Honourable Members, I now give the floor to the Honourable Tikoduadua.

HON. LT. COL. P. TIKODUADUA.- Thank you, Mr. Speaker, Sir. Mr. Speaker, Sir, dotting the ‘i’s and crossing the ‘t’s, I believe, is what the Committee has done to this Bill tabled last December. Nothing was included from the submissions made by various stakeholders, the Report is just like the Committee going through the motions. Its wheels being greased from time to time to keep moving until its work reaches the floor of Parliament and this is precisely what has happened.

Mr. Speaker, in March, we had submitted to the Committee. The grievances into section 2 states that applications for registration have to be on the form approved by the Electoral Commission. Now, this seems like a redundant clause because many have already registered and updated their cards based on FEO’s public announcement in February of 2020 on the invalidity of the Green Cards. What is not explicitly stated and should be in this Bill is that all voter ID cards used from 2014 to 2018 Elections are now invalid and all citizens must get new ones provided that new birth certificates and associated costs are not a barrier to citizens’ constitutional political rights.

Thankfully, Mr. Speaker, the illogical proposal on February 2020 of FEO that a married woman cannot use their husband’s married name is missing from the Bill.

The amendment to section 4 where the registration of voters must now include a primary polling venue in addition to an alternative polling venue that may then be selected by SOE, is messy

and in my view illogical. But there is nothing in any of the reports post 2018 Elections by the Electoral Commission or the Elections Office that justifies the need for alternative polling venues.

What the political parties do know is that it was the actual voter registration list and data used in 2018 Elections was problematic. For example, people registered to vote in Nukuloa, Gau, actually lived in Nanukuloa in Ra.

Then just as political parties were being given the list of registered voters for August 2018, we noticed that certain polling venues were listed under random provincial Divisions as commonly used all over Government systems.

The reason for this *ad hoc* arrangements, according to SOE, immediate reports that year is that the Elections Office had carefully distributed the entire country into 25 administration area which will be looked after by 23 administrative officers.

Mr. Speaker, SOE further stressed that they are not required to distribute the entire country along provincial, district or town boundary lines. This year SOE actually acknowledged during a meeting with political parties that there were some problems right to the attention about wrong classification of voters to wrong polling venues but we have never had closure on the full extent of those disenfranchised workers whose Constitutional Political Rights were denied when they wanted to express their voting intent, the question still remains, Mr. Speaker.

Mr. Speaker, why did approximately 677,000 voters make the effort to register yet only approximately 458,000 actually cast the vote. This is a damning indictment on the FEO and the millions of public money poured into it to conduct Elections.

Mr. Speaker, sections 16, 17 and 18, have new insertions, yet, those new additions were repealed in a previous motion of the Bill and it only leaves more questions in our mind on the competence of both drafting and intent.

Mr. Speaker, it is also an outstanding report for forensic audit for Electoral IT System by KPMG that all Opposition parties had called for, prior to the 2108 Elections in their joint submissions for it to be tabled in Parliament. Now why has it not been done, Mr. Speaker?

In a recent meeting with all Political Parties, the Electoral Commission disclosed the nature of the Report but did not deliberate on its contents. Did the Committee know of its existence? We would have extracted it to be part of their final report as an annexure but it is not, Mr. Speaker.

Overall, Mr. Speaker, none of our observations were looked at by the Committee, and we ask why? Did it not understand the ramifications of these changes? Why turn a blind eye to the salient recommendations in the submissions or did it just not bother revisiting all submissions, to scrutinise the ramifications of the proposed changes just because they were pressed for time.

Whatever the case, Mr. Speaker, nothing in this amendment Bill makes elections truly free and fair and let me repeat that 'nothing in this amendment Bill makes election truly free and fair'. Registration of Voters is the first step towards this goal but this legislation needs another meaning to this process and we do not support this Bill that is before the House. I thank you, Mr. Speaker.

HON. SPEAKER.- I thank the Honourable Member. Honourable Members, I now call on the Honourable Attorney-General to speak in reply, you have the floor.

HON. A. SAYED-KHAIYUM.- Thank you, Mr. Speaker, Sir. Just to respond to some of the

issues that were raised, Honourable Nawaikula, I think, perhaps of IT issues, he may not have heard me properly. I did say that out of the 38 MOG recommendations in 2014, 23 have been implemented or are being implemented through these Bills.

Then in the 2018 Report, I said there were 21 in total - 14 are being implemented and six through these Electoral Bills also, seven are not being implemented and I gave the reasons as to why those ones are not being implemented. They either have recommendations in respect of other laws or they have recommendations that, from a policy perspective, does not have an impact on the ability to hold free, fair and credible elections.

Mr. Speaker, Sir, the other point that I want to clarify also is that, the Honourable Gavoka spoke about the voter turnout. He said the Supervisor of Elections must give reasons as to why? Again, Honourable Members of the Opposition are continuously giving out reasons and undermining the credibility of elections. Obviously, that can have an impact on people not wanting to participate.

I think Honourable Gavoka is being disingenuous because at that meeting we had - all the political parties, the Electoral Commission and the Supervisor of Elections did also say that they published a handbook in which it gave reasons. They went and did a survey of voters on what they thought, why they did and did not vote. Where did they get their source of information from - from *Facebook* or social media or television or radio? A thorough study has been done. I think he has, perhaps, forgotten about that and is, perhaps, just grandstanding here.

If I can also point out, Mr. Speaker, Sir, in 2006, as IDEA has noted, the voter turnout in Fiji was 64 percent.

HON. V.R. GAVOKA.- Not true!

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, this is from IDEA, an international body. You see, this does not fit in with their narrative.

(Hon. V.R. Gavoka interjects)

HON. SPEAKER.- Order, order!

HON. A. SAYED-KHAIYUM.- Mr. Karavaki was not there on the first election day. Did you see the 2016 Election Report? There is a sad indictment on Mr. Karavaki.

The problem with the Opposition is that, they only get statistics that fits in with their narrative. They do not want to look at facts, so I will go back and inform you about the voter turnout, in:

- 1992 - 78.77 percent;
- 1994 - 74.8 percent;
- 1999 - 89.4 percent;
- 2001 - 81.05 percent;
- 2006 - 64 percent;
- 2014 - 84.6 percent; and
- 2018 - 71.92 percent.

The other point, Mr. Speaker, anyone that is interested in having a thorough analysis of elections need to look at the percentage of invalid votes. It is one thing to cast the vote, one thing for voter turnout but how many peoples' votes are actually counted? The percentage of invalid votes cast were as follows, in:

- 1999 - 9 percent;
- 2001 - 11.7 percent;
- 2006 - 6.4 percent;
- 2014 - 0.75 percent;
- 2018 - 0.92 percent (not even 1 percent) and;
- all the preceding years - 9 percent, 11 percent and 6 percent.

If you want to do a thorough and honest analysis, you have to look at all the statistics and all the figures, Mr. Speaker, Sir, and this is available publicly. You can go to their website, it is there. And here, we are having to regurgitate it because it does not fit in with their narrative.

Mr. Speaker, Sir, the other point I also wanted to highlight and let me read this out from the Final Report of the European Union Election Observation Mission Fiji 2016. It says, and I quote:

“The complete final Register of Voters for all constituencies was finalised on Wednesday 3rd May 2006, well after the scheduled date of 4th April for the closure of electoral roles. The reasons for not meeting the deadline to supply the Register of Voters in time for polling included the following:

- (1) The OSE was not been able to meet the legal required time schedule to display the main voter’s roll in time for public scrutiny.
- (2) Political parties discovered serious deficiencies on the roll and complained to the OSE and EC.
- (3) The OSE had to understand 15,000 to 20,000 corrections - amongst them 3,000 raised by political parties - which delayed the finalisation of the roll and the start of printing.
- (4) The OSE decided late in the process to use a Master Roll as the single register during polling days. Since this Master Roll included all supplementary rolls, the OSE was only able to print the final register once all the necessary corrections were undertaken.”

Those were the kind of shenanigans that took place prior to the 2014 General Elections.

I just want to go back to the original Bill itself. Mr. Speaker, Sir, the reality of the matter is that if you look at the amendments, it essentially provides clarification. Honourable Gavoka will be pleased to know that already 200,000 voters have been issued their new cards.

Mr. Speaker, Sir, if you look at the clarification, it essentially is there to bring better accountability and make sure that the FEO is actually held accountable, the staff of FEO are held accountable and they cannot divulge any information. They must do the right thing.

If the Supervisor of Elections is going to remove someone’s name from the National Register of Voters, it gives a step by step description as to how he or she should do it, whoever the Supervisor of Elections would be. They have to send the notice to the person’s last known address. They have to give them a particular amount of time, and then if the person wants to object, they can object. They can appeal to the Electoral Commission and the Electoral Commission can then review the decision of the Registrar which is the Supervisor of Elections in this particular case.

Mr. Speaker, Sir, there is also publication of the voters list. All of those mechanisms are put in place to protect the voters. As has been highlighted by one of the speakers, it is also to ensure there is no voter fraud. We have seen a couple of cases where people actually tried to, but they have actually been successfully prosecuted regarding voter fraud after 2014, where someone tried to register (I think) more than once. And there is also the security features of the voter card, Mr. Speaker, Sir.

Mr. Speaker, Sir, like I said, this Bill is the smallest of all the laws there. A number of amendments have been made to essentially ensure better protection for voters.

Mr. Speaker, Sir, I would like to highlight this. Fiji ratified the Convention on the Elimination against Racial Discrimination some time back. Interestingly enough, Fiji had a reservation and the reservation was with respect to political rights under Article 5 of the Convention on the Elimination against Racial Discrimination. The reservation stated to the extent, and I quote, "... that any law relating to elections in Fiji may not fulfil the obligations referred to in Article 5(c) of the Convention, the Government of Fiji reserves the right not to implement the aforementioned provision of the Convention."

The Bainimarama-led Government removed the reservation in 2012 and 5(c) on political rights, says "in particular the right to participate in elections to vote and to stand for election on the basis of universal and equal suffrage to take part in the government as well as in the conduct of public affairs at any level and to have equal access to public service."

Imagine, Mr. Speaker, Sir, if Fiji had a reservation to this particular Article in the Convention. None of the Opposition Members has mentioned this and this particular reservation was removed in 2012 to ensure that the International Convention is actually adhered to and our laws actually comply with that. Since then, Mr. Speaker, Sir, we have ratified without reservation, ICCPR and ICESCR - the two main Conventions and without reservation, so obviously all our laws need to be in compliance with those two Conventions. None of the Honourable Members of the Opposition have mentioned that.

Mr. Speaker, Sir, therefore, I recommend that this Bill be agreed to. Thank you.

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

Question put.

Motion agreed to.

[A Bill for an Act to amend the Electoral Registration of Voters Act 2012 (Bill No. 51 of 2021), passed and enacted by the Parliament of the Republic of Fiji. Act No. of 2021]

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

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

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, pursuant to the resolution of Parliament on Friday, 11th December, 2020 and Monday, 22nd March, 2021, I move:

That the Political Parties (Registration, Conduct, Funding and Disclosures) (Amendment) Bill 2020 be debated, voted upon and be passed.

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

HON. SPEAKER.- Honourable Members, before I call on the Honourable Attorney-General, I remind Honourable Members that pursuant to the resolution of Parliament, debate will be limited to one hour. I now call on the Honourable Attorney-General, Minister for Economy, Civil Service and Communication to speak to his motion. You have the floor.

HON. A. SAYED-KHAIYUM.- Thank you, Mr. Speaker, Sir. As with the other two previous Bills, this Bill went through the Standing Committee and they had widespread public consultations.

Mr. Speaker, Sir, by way of background, the Bill seeks to amend the Political Parties Act, which is registration, conduct, funding and disclosures. The Act provides, amongst other things, registration of political parties for elections, the rules governing the conduct and funding, as well as the disclosures and reporting to be made by political parties.

Mr. Speaker, Sir, Clause 1 of the Bill provides for the short title.

Clause 2 of the Bill amends Section 2 of the Act to insert definitions of “election” and “polling day” for consistency in our electoral laws. The definitions of “election” and ‘polling day’ in the Bill are aligned to definitions in section 2 of the Electoral Act.

Clause 3 of the Bill amends section 3(4) of the Act to enhance the administrative record of political parties and the Registrar for Electoral Parties to ensure easy accessibility to and transparency of the records. Clause 3 of the Bill also amends section 3 of the Act by inserting a new subsection, to ensure that the Registrar updates the Register on an annual basis.

Clause 4 of the Bill amends section 7 of the Act to clarify that no political party will be registered from the time the Writ for a General Election is issued to the time the Writ is returned. This is also, Mr. Speaker, Sir, aligned to the amendment made by the Electoral (Amendment) Bill which we have just passed earlier on.

Clause 5 of the Bill amends section 10 of the Act to ensure that all political parties open bank accounts and provide the bank account details to the Registrar within 90 days of registration. The law is quite prescriptive in political financing, however, this amendment will give legal effect to proper finance management by having the bank accounts.

Clause 5 of the Bill also amends section 10 of the Act to provide that the political party has an existing bank account. The political party must, within 60 days of the commencement of the amended legislation, provide the bank account details to the Registrar. A political party must also notify the Registrar as soon as practicable if there is a change in the bank account details.

Mr. Speaker, Sir, Clause 6 of the Bill amends section 14(1)(c) of the Act to provide certainty and clarity on the timeframe during which this section is applicable.

Clause 7 of the Bill amends section 16 of the Act to allow the Registrar to assess a political party’s election spending and compliance with other laws. This is the 12th recommendation of MOG, which suggested that political parties be required to report campaign expenditure following a general election.

Clause 8 of the Bill amends, Mr. Speaker, Sir, section 21 of the Act so that the proceeds of any investment, project or undertaking in which a political party or independent candidate has an interest, no longer forms part of the source of funds for the political party and independent candidate. However, income derived from buildings owned by a political party would form part of the sources of funds for a political party.

Mr. Speaker, Sir, Clause 9 of the Bill amends section 23 of the Act to allow a political party to provide information on its source of funds to the Registrar within 90 days, instead of the current 30 days, after the end of each financial year. It gives the political parties a bit more time.

The Standing Committee has proposed an amendment to Clause 9(b) of the Bill, instead of a political party publishing the information in a daily newspaper which actually will be a huge cost to the political parties. The information will be made available at the Office of the Registrar of Political Parties in Suva for inspection by the members of the public upon payment of approved inspection fee.

Mr. Speaker, Sir, Clause 10 of the Bill amends section 24 of the Act to allow the Electoral Commission to assess the general election spending, as well as compliance with other laws. Clause 10 of the Bill also monitors donations and income and expenditure for nominated candidates, which includes independent candidates.

The Standing Committee has proposed an amendment to Clause 10(b) of the Bill. A candidate is to provide the information on assets, income, expenditure, donations, et cetera, no later than the 60th day after the polling day, but the information must be information as at the 30th day after polling day. Essentially, what that means, if the elections is held on 1st June, your account should be as of 30th June, and then you have 60 days to actually clear those accounts.

Mr. Speaker, Sir, Clause 11 of the Bill amends section 25 of the Act to allow the Registrar to assess a political party's general election spending and compliance with other laws.

Clause 12 of the Bill amends section 26 of the Act to ensure that political parties publish their audited accounts within three months after the end of each financial year.

The Standing Committee has proposed an amendment to Clause 12(b) of the Bill. Instead of a political party publishing its audited accounts in a daily newspaper which would be costly, the audited accounts would be published on the official website of the Fijian Elections Office, which obviously anyone can access.

The Standing Committee has also proposed an amendment to Clause 12(c) of the Bill to allow the Registrar to approve that any auditor can carry out an audit of the accounts for a political party. That Act currently says that the Registrar may, at any time, request that the Auditor-General carry out such an audit.

Clause 13 of the Bill amends section 30 of the Act so that appeals are made to the Electoral Commission instead of the High Court. It is necessary to create an expedition technical forum for the determination of appeals and complaints and the Constitution already grants the Electoral Commission powers to direct the Supervisor of Elections as the Registrar.

Clause 14 of the Bill inserts a new section 30A in the Act to allow political parties to request the Electoral Commission to mediate or arbitrate where there are disputes on any campaign issue between the political parties themselves.

That is just a brief introduction of the amendments, Mr. Speaker, Sir. Thank you.

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

HON. A.A. MAHARAJ.- Thank you, Mr. Speaker, Sir, for once, again, giving me the opportunity to contribute on the debate on the Political Parties (Registration, Conduct, Funding and Disclosures) (Amendment) Bill 2020.

Mr. Speaker, the Committee reviewed the Bill and has tabled its report back to Parliament and just as in the other Bills, I will focus my input on the main issues, which were brought before the Committee during the review. Fiji, in its law, already incorporates some of these international principles such as:

- (1) Companies cannot make donations to political parties and candidates.
- (2) Companies and organisations cannot provide indirect non-monetary support to political parties in the form of discounts and concessions and the current amendment also prohibits parties from investing in companies so that the party policy is not influenced by commercial interest.
- (3) There is a maximum limit of total amount of donation that can be made by individual to any political party in one calendar year,
- (4) There are regular reporting requirements in terms of assets and liabilities of political parties and the requirement for disclosures are to be done annually, so that it is possible to carry out analysis in terms of funding elements and elections.
- (5) Office holders and political parties annually submit disclosures of their assets and liabilities.
- (6) Political parties are required to submit their annual accounts to a satisfied accountant or auditor for an independent audit for their accounts.

Moreover, Mr. Speaker, the Bill will prescribe excessive reporting requirements regarding details of donors and funding providers. This Bill will also shift the onus of publishing of political party financials and disclosures in a daily newspaper to political parties, which submitters believe carries excessive cost implication which has been amended by the Committee. Additionally, the Bill will prescribe disclosures in daily newspapers that relate to relatively the same period. It will also be amended by the Committee.

It will also authorise the Electoral Commission to be the final decision-maker for appeals against the Registrar of Political Parties. Moreover, the Bill will enable political parties to seek mediation and arbitration for resolving political party disputes and that the Electoral Commission is to be the final arbiter.

Mr. Speaker, the Committee had recommended certain changes to the Bill and had made amendments accordingly and an amended copy of the Bill has also been tabled in Parliament, for the Members consideration.

Those amendments made to the Bill include that the information required to be disclosed should just be provided to the Registrar of Political Parties and be made available at the Office of the Registrar in Suva for inspection by members of the public upon payment of an approved fee. This change is seen in the reworded Clause 9(b) of the Bill provided with the Committee's Report.

Additionally, the period of 30 days provided in Clauses 10 and 11, Mr. Speaker. In the

version of the Bill tabled in December 2020, is to be extended to at least 60 days, which hopefully, will provide the Political Parties ample time to submit their financials as stated in the Clause. Thus, Clauses 10 and 11 were amended accordingly.

The Committee also amended Clause 12 which would see that political parties' audited accounts will be published in a format provided by the Registrar of Political Parties and also the publication can be done via the Fijian Elections Office official website.

There were also other amendments to the Bill which are consequences of the substantial changes to the Bill proposed and made by the Committee. These were merely grammatical in nature.

With those few words, Mr. Speaker, I urge the Honourable Members of this august House to consider the amendments put forward by the Committee and to support the passing of the Political Parties (Registration, Conduct, Funding & Disclosures) (Amendment) Bill 2020.

HON. SPEAKER.- Thank you. I give the floor to the Honourable Nawaikula. You have the floor.

HON. N. NAWAIKULA.- Thank you, Mr. Speaker, Sir. I wish to contribute to the debate on the Political Parties (Registration, Conduct, Funding and Disclosures) (Amendment) Bill 2020, Bill No. 52/2020.

Mr. Speaker, the amendments that had been suggested by Government that is for debate as explained that the purpose of this amendment is especially stated as a response to the public observer group recommendations. So, if we ask ourselves, what are these recommendations? Here again, if I can refer you to Page 33 of the recommendations and allow me to quote some of those.

The first title of this recommendation in relation to political parties says:

- (1) Consideration should be given to reducing requirements for party registration and the activities.
- (2) Public officeholders, including trade union officers should be allowed to be political party members.
- (3) The Fijian Elections Office and the Electoral Commission should consider implementing elections and campaign calendars to ensure political parties and other election stakeholders have time to prepare for the elections. It goes on for two or three others.

We ask the question, Mr. Speaker, is this amendment responding positively to those recommendations? I wish to say quite frankly that the answer is, 'No', and the amendment does not only address what recommendations are but it goes much, much further to impose and restrict the performance of political parties.

Allow me, Mr. Speaker, to illustrate this. If we look at the principal Act which was passed in 2013, it was divided into four Parts - sections 3 to 20 and 21 to 26 deals with the funding of accounts and political parties and candidates, and sections 27 to 31 deals with the general provisions. The amendment that are being brought in now amend sections 3, 7, 10, 14, 16, 21, 23, 24, 26 and 30. Wondrous restrictions, requirements and conditions to be imposed, Mr. Speaker. The amendments will actually impose serious restrictions and conditions.

If we look at the contents of the Report of the Standing Committee on Justice, Law and Human Rights, it makes no reference at all to the Multinational Observer Group (MOG) or what they said or

whether the consideration was taken to look at that. So it is fair to say, Mr. Speaker, what the Government is doing now is, it is only using the MOG Recommendation as an excuse to amendment which initiated itself more advantageous. They appear from the various provisions that I have mentioned. For example, the political parties are now required to open bank account and register within 90 days. Secondly, if the political parties has an existing bank accounts to provide details to register within 60 days. Registration to assess a political parties election spending and it goes on and on.

The totality of this is that, as opposed to a recommendation by the MOG in saying that consideration should be given to reducing the requirements for party registration and its activities, this has gone totally opposite for that and I challenge the Honourable Minister for Economy in his reply to frankly say what about the submissions of the other political parties SODELPA, NFP and the Labour? Which part of its submission has he taken on board? Because I am sure, he will say there are none, none whatsoever and then this Committee had been using mainly to rubberstamp what the Government has.

One of the problems in relation to that, Mr. Speaker, is because the law-making process is not independent and here, I wish to say again all the time that I attend this Committee, we need legal advices to Parliament and Parliament must have its own draftsman so that the Committee, instead of referring submissions from the public to the Solicitor-General which is Government, it should refer to an independent body which is the drafters and Parliament's own legal adviser. So those things are lacking and for those reasons, the outcome that we require for free and fair election coming out of these measures will not be achieved.

With those words, Mr. Speaker, this side of the House does not support the motion before the House. Thank you.

HON. SPEAKER.- I thank the Honourable Member. I now give the floor to the Honourable Minister for Employment, Productivity, Industrial Relations and Youth and Sports.

HON. P.K. BALA.- Thank you, Mr. Speaker, Sir. I wish to contribute in support of the tabling of Bill No. 52.

Mr. Speaker, Sir, whole of last week, there were a lot of praises about the Standing Committee Reports and today as soon as we come to the Electoral System Bills, the Committee is no good. I do not know where the Opposition is coming from but, Mr. Speaker, Sir, with the time limitation, this Bill and the earlier Bills (Bill Nos. 50 and 51) addresses issues relating to the general elections following the consultative review process resulting in the Report by the Joint Committee on each of the areas.

Sir, Bill No. 52 reflects important considerations on the registration and conduct of political parties. As such, it is an important amendment as the immediate stakeholders are present in this august House. I note that this will directly impact the electoral system as the foundation of our democracy. The Bill will provide the transformation platform required for a healthy and vibrant democracy.

Mr. Speaker, Sir, the amendments under Bill No. 52, I strongly believe, will better reflect current realities and addresses issues that will make for better administration and roll out political parties with a positive impact on elections and therefore on our democracy as a whole. In addition, the changes will also ensure greater accountability from all political parties and stakeholders in the electoral process. The days of unregulated and close accountability of political parties are well behind us and this Bill correctly reflects the need for all political parties to ensure that they are fit for the purpose through a proper registration process.

Mr. Speaker, Sir, the new electoral process and these proposed amendments, to further streamline, is a far cry from what I would call the “bad old days” of Fijian politics. These amendments extends accountability and transparency for all political parties. The current streamline model means we no longer have the undue pressure of the old model of political parties lining the streets or school verandah, Mr. Speaker, Sir, as if they were in a fish market. Free flowing of grog and pots of *palau*, Mr. Speaker, Sir, were the name of the game during those days, and being taken for a ride in more ways than one.

Once you found yourself forced into a political party bus, taxi, minivan or carrier or a party-faithful’s car, the right of freedom and the right of choice were compromised. The streamline system means, Mr. Speaker, Sir, that we do not have extended polling days and even more extended counting of polling and even more extended period of collecting and delivering the ballot papers. Sometimes as being mentioned so many times in this august House, no one knew where the ballot papers ended up under the loose and extended polling system.

The current representative system, Mr. Speaker, Sir, ensures the true freedom of choice from a national ballot for a national representative rather than the old racially-divided communal and national seats. My friend, Honourable Professor Prasad who is smiling, knows what I am talking about and as someone like me who fought two elections under this old system and I am thankful Mr. Speaker, I would like to reiterate, as someone who fought two elections like me under the old system, I am thankful like many Fijians that we have moved on and these amendments will only serve to further progress a system of democracy that respects the rights of voting of people.

I have been hearing from the early 1980s about this electoral system, that the system is not working for us and now when we are progressing, tuning up the electoral system, still there is opposition. This does not seem like cattle to be pushed into pens and forced to vote without a fair choice.

Mr. Speaker, Sir, I remember during those days we are talking about polling days, all the political parties, all agents used to take the voters right up to the polling booth and in between, the voters are told, “Remember who you have to vote.” Where is this right of choice? Where is the freedom? This is what I am asking, Sir, so Bill No. 52 and its proposed amendments is a very good indicator of democracy as the process and these changes shows how it is progressing in Fiji.

The changes, Mr. Speaker, Sir, means that political parties and candidates will have more reasonable time-frames to meet the deadlines for financial disclosures. It will also mean that all Fijians will have the right to access these disclosures and thus ensure accountability and transparency. This will only serve to inspire confidence in our electoral system and by the extension, the Fijian model of democracy.

We all want a free and fair elections, Mr. Speaker, Sir. So, if you want free and fair elections, I urge all the Honourable Members to support this motion that is before us. So, Mr. Speaker, Sir, I support Bill No. 52 and its amendments as it progresses democracy and the electoral system in a fair, transparent and accountable manner.

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

HON. V.R. GAVOKA.- Thank you Mr. Speaker, Sir. What we have in Fiji is the big money democracy that props up FijiFirst and the small money that props up the other parties.

Mr. Speaker, Sir, to correct some of the assertions made by the Honourable Minister of the elections, there are other experts who say that the 2006 Elections had a higher turnout than what they are suggesting. On that one, we believe that the lowest over some time was 2018. Here, we are being told that our system is the best there is in this region, but how can you reconcile that with 171,000 who did not turn out to vote in a small country like Fiji? How was it that people in Moala, Nadi, were registered to vote in Moala, Lau? How was it that people in Narewa, Navosa, were registered to vote in Narewa, Nadi? How was it that people in Kaba, Tailevu, were registered to vote in Kabariki, Kadavu? Really, Mr. Speaker, Sir, it is not the best system there is. It needs a lot of work.

HON. GOVERNMENT MEMBER.- That is what we are trying to fix.

HON. V.R. GAVOKA.- Mr. Speaker, Sir, when it comes to funding, elections cost money, we all know that. We, at SODELPA, is a Party that relies on contributions from our members as low and as high as \$2 per person. That is the nature of our people, Mr. Speaker, Sir.

(Honourable Members interject)

HON. V.R. GAVOKA.- We raise funds in a way that is unique to us.

(Honourable Members interject)

HON. SPEAKER.- Order!

HON. V.R. GAVOKA.- We have our *solu*, we have our *kaji*, we have our *solesolevaki* but the way this is happening, Mr. Speaker, Sir, is that we cannot do it.

(Honourable Members interject)

HON. SPEAKER.- Order!

HON. V.R. GAVOKA.-. It makes it difficult for us, Mr. Speaker, Sir. We are processing a contribution of \$2 in the same way...

(Honourable Members interject)

HON. SPEAKER.- Order!

HON. V.R. GAVOKA.- ... a voter in Fiji supporting Fiji that contributes \$2 to his party is being processed in the same way that we process someone whose contributing \$10,000.

(Honourable Members interject)

HON. SPEAKER.- Order!

HON. V.R. GAVOKA.- So, Mr. Speaker, Sir, if the people of this country, the vast majority can only afford \$2, why do you make it difficult for them to support their parties?

(Honourable Members interject)

HON. V.R. GAVOKA.- You can have your *solu*, you can have your *kati*, you can have your *solesolevaki* in clusters and have it monitored by the police, if you want to. Do not expect everyone

to be registered. Anyone who turns up at the *solis*, you note down his name and how much they gave.

(Honourable Member interjects)

HON. V.R. GAVOKA.- Mr. Speaker, Sir, it just limits the opportunity for the people to doubt in democracy. We want our people to take part in the democratic process. Already according to FijiFirst, democracy can only be expressed in English. Who told FijiFirst that if you want to enjoy democracy, you can only express it in English? We are only allowed to speak in English in this House.

HON. A. SAYED-KHAIYUM.- Yes.

HON. V.R. GAVOKA.- The vast majority of our people, Mr. Speaker, Sir, understand what democracy is, but does it have to be in English?

HON. OPPOSITION MEMBER.- No.

HON. V.R. GAVOKA.- As I have said, Mr. Speaker, Sir, when I went to Singapore, in Parliament, you can speak in English, you can speak in Mandarin, you can speak in Malay and you can speak in Urdu. In Fiji with our racial makeup, we can only speak in English.

(Honourable Government Members interject)

HON. V.R. GAVOKA.- I am hearing Honourable Bala saying it has never been better. I am saying, “What plan do you have here, Honourable Bala?”

Mr. Speaker, Sir, we express our freedom in the way we are. We engage in democracy in the way we are in our structure. Here is FijiFirst saying, “Do not forget everything that is traditional. Whatever you believed in, forget it because democracy has to be done the FijiFirst way.”

Mr. Speaker, Sir, it is a tragedy that we are imposing all the rules on our people who just want to express their democratic rights. We do not agree with all these onerous requirements by the Supervisor of Elections in terms of fundraising for political parties.

Mr. Speaker, Sir, in the last elections, SODELPA did not have any television advertisements, not one radio advertisement because of lack of funds, but, we gained six more seats, we grew from 15 to 21 seats, whereas the big party, FijiFirst with all its big dollars, went down from 32 to 27.

Mr. Speaker, Sir, what it is telling us that big money politics does not work in Fiji. The people must be allowed to contribute in the way they can afford so that we can really have true democracy in our country. I wish that the Supervisor of Elections would be sensitive to all these, would realise that we want people to vote, take some democratic rights and encourage them to raise funds the way they are accustomed to raising funds.

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

HON. F.S. KOYA.- Thank you, Mr. Speaker, Sir. Thank you for allowing me to contribute to the debate on the Political Parties (Registration, Conduct, Funding and Disclosures)(Amendment) Bill 2020. Instead of going into a diatribe and responding to Honourable Gavoka, I think I will leave that to the mover of the Bill. The key amendments to the Act being proposed are actually related to

campaign expenses and disclosures by political parties, specifically the need for political parties to maintain a proper bank account and audited accounts.

Mr. Speaker, Sir, in this day and age, modern accounting practices should inspire all parties who already have proper bank accounts and finance rules, it is actually just simply good governance. Industries in Fiji have already moved so far ahead as we rely on modern accounting software and reporting for all businesses. The political parties that are registered in Fiji should demonstrate nothing short of these particular standards, Sir. The political parties in every election, their aspiration is to hold and expend public finances, manage public funds which will mean a serious number of responsibilities on the parties.

If you want to do that, you need to show that in your own house. The parties must demonstrate their capacities to manage their finances with utmost transparency, with utmost accountability to set the scene for them to ultimately manage public finances, Mr. Speaker, Sir. This is such an important point and I think it has just gone above everyone's head on the other side.

Mr. Speaker, Sir, it is with great concern to learn from the recent investigations by the Supervisor of Elections that some political parties could not maintain appropriate receipts of monies they received. We see Honourable Gavoka saying, "Oh, we should be allowed to do this and we should be allowed to do that." You govern it like that and you want to go and sit in the Government and govern, and be transparent? It actually appears that some of the parties open bank accounts for purposes related to relief and welfare but ended up using funds for party administration.

That if anything, Mr. Speaker, Sir, this actually questions their finance management policies and governance rules. It is a reflection of themselves and you want to go and govern the whole of Fiji. We noted from media reports, Mr. Speaker Sir, where these discrepancies in the receipts as against the legal declarations are going into hundreds of thousands of dollars.

Some party accounts, Mr. Speaker, Sir, appeared to have ignored the basic rules of accounting and happened to have clean audits by audit firms. It is quite astounding, Mr. Speaker, Sir. Political Party accounts should be prepared with the highest accuracy and commitment to comprehensive disclosure. The Registrar's inquiries revealed systematic issues in the accounts which also raised questions on the actual genuineness of these disclosures. Very simply put, Mr. Speaker, practice what you preach.

Mr. Speaker, Sir, in addition to transparency, the greater accountability and good governance, the Amendment Bill will significantly reduce administrative costs for political parties. The amendments will remove the need for political parties to publish financial information of party office holders and financial contributions to the parties and newspapers, instead through this amendment.

Mr. Speaker, Sir, the Fijian Elections Office will publish all the information on their website and personal declaration will now be available for inspection from the Registrar's Office directly upon payment of an approved fee. This, Mr. Speaker, Sir, not only reduces costs but actually enhances the capacity for new and smaller parties to commit public transparency and scrutiny without the burden of significant costs.

Mr. Speaker, Sir, with those few short words, I fully support the amendment of the Political Parties (Registration, Conduct, Funding and Disclosures) (Amendment) Bill. I thank you, Mr. Speaker.

HON. SPEAKER.- I thank the Honourable Minister. I give the floor to the Honourable Jale.

You have the floor.

HON. A. JALE.- Thank you very much, Mr. Speaker, Sir. The way I see this amendment is that the amendment is giving the Registrar power to choke the light out of these poor political parties out there.

It is also unfair because it is giving a very unfair scrutiny on their funding sources. It is not only applicable to the parties but applicable to the candidates that will be standing in the coming Elections and future Elections.

Whilst the Registrar of Political Parties is focusing a lot on other political parties, it is unfair because it is not giving the rate the same treatment to the FijiFirst Party. They are turning a blind eye on the FijiFirst Party. I regard the FijiFirst Party as a corporate sponsored party.

(Laughter)

HON. A. JALE.- Although it is not allowed under the law but they are cunningly changing the law to suit their purpose by bringing and extracting money from corporate organisations to fund that. You have seen the list in the news media about the directors of companies.

HON. A. SAYED-KHAIYUM.- A Point of Order, Mr. Speaker, Sir.

HON.SPEAKER.- A Point of Order.

HON. A. SAYED-KHAIYUM.- The Honourable Member is misleading Parliament. He said that FijiFirst is getting money from corporate organisations. We are not, the donation's list has been made public and no company has given any money to FijiFirst. For him to say that it receives money from corporate is completely incorrect. Thank you, Sir.

HON. SPEAKER.- Honourable Jale, take note of the Point of Order.

HON. A. JALE.- Mr. Speaker, I take note of that Point of Order but the list he had mentioned about people who are contributing, same family, directors from the same company, if it is individual contribution, then what is the source of those contributions?

That is why I am saying, Mr. Speaker, although we are only allowed to pay a maximum of \$10,000 a year, there are people that have contributed to this party, we suspect that there is something wrong. These people cannot run away from this. The people should know that the FijiFirst Party's rule will end someday, a new party will come through. These people cannot run away from what they have done. They have broken the law so they will be taken into task in the future.

It does appear, Mr. Speaker, Sir, that big companies are being influenced by FijiFirst Party. The situation right now is, where the Government has allowed and open up Fiji, which has cost the upsurge of COVID-19. What is more important? Are the lives of the people of Fiji more important than the dollars that these big business people are getting through COVID-19? That is the big question, Mr. Speaker. There are a lot of concerns about the decision of Government on what is priority. To me, the priority of the people of Fiji is most important.

It must also be noted that the FijiFirst Party is being run from the Attorney-General's Office, the Honourable Minister's Office. I do not see any of their offices open, where they operate from, they are operating from their own office using Government money to run the Fiji First Party. The Supervisor of

Elections should come and verify that they are using Government funds to run their Party, and I think that that is unfair on the situation on the ground. They are trying to control the political parties from being free to run their political parties.

One of these requirements is about publishing annuals report after any Annual General Meeting (AGM). The Honourable Attorney-General has just mentioned that it is costly, why then do you put these requirements under these changes? It costs money to the small parties that are only getting their funding from small sources, membership fees as the party leader has also alluded to. So, I will say, Mr. Speaker, Sir, this is an unfortunate Bill he has proposed. It is very unfair that the conditions have to be met by political parties in Fiji and aspiring candidates for future elections. Thank you very much, Mr. Speaker, Sir.

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

HON. PROFESSOR B.C. PRASAD.- Thank you, Mr. Speaker, Sir.

(Technical glitch experienced through virtual connection)

HON. RO F. TUISAWAU.- There is something wrong with the system.

HON. N.NAWAIKULA.- Can we take an adjournment now, Mr. Speaker?

HON. SPEAKER.- Honourable Member, where has he gone now?

(Laughter)

Honourable Member, you have the floor.

(Technical glitch experienced through virtual connection)

HON. SPEAKER.- Honourable Members, what we will do, we will take the lunch adjournment now while we try and fix this glitch and better come on straight after that, and then after that, we will take the right of reply.

We will now adjourn for lunch.

The Parliament adjourned at 1.36 p.m.

The Parliament resumed at 2.48 p.m.

HON. SPEAKER.- Honourable Members, we will resume with the debate and I give the floor to the Honourable Professor Prasad. You have the floor.

HON. PROFESSOR B.C. PRASAD.- Thank you Mr. Speaker. I thought it might be appropriate for me to begin my remarks on this Bill by reading from the so-called Political Parties Code of Conduct and what it requires of political parties. It says, and I quote:

“Every political party shall—

- (a) respond to the interests, the concerns and the needs of the citizens of Fiji;
- (b) respect and uphold the democratic process as they compete for political power so as to implement their policies;
- (c) promote consensus building in policy decision making on issues of national importance;
- (d) promote national patriotism and national unity; and
- (e) respect, uphold and promote democratic values and principles, performing inclusive participation of political party members and accountable representation in governance.”

Mr. Speaker, I wonder if the political party currently in power has even looked at the Code of Conduct and I am sure its secretary, now the Honourable Attorney-General, would have written those words.

The needs of the people of Fiji, right now, are to protect them from the coronavirus and keep food on the table. Instead, Mr. Speaker, they want us to debate issues like the Department of Forestry’s annual report for 2014.

The idea that this government would ever promote consensus building in policy decision making on issues of national importance is laughable. The whole of Fiji knows that very well. Rule by fear, in my view, is the norm.

The idea that this party would uphold accountable representation in governance is equally ridiculous Mr Speaker, the Fiji First Party has not even held an annual general meeting or their so-called congress for seven years. And as for respecting and promoting democratic values, Mr Speaker, this Bill is proof that the Fiji First Party has no interest in that. We made submissions but our submissions on what is before us, were totally ignored.

Mr Speaker, why, in section 3 of the Bill, is it necessary for the Registrar now to demand from political parties new information such as office holders’ names, contact details, party bank account details, names and contacts of party auditors and even their legal advisers? What is the need for this control-freakery?

The Registrar of Political Parties told parties at a meeting in February that some parties have been observed engaging "premium legal practitioners" and auditors, but the cost of their services to the party are not being declared by market value. The parties were told that companies or hotels cannot give discounts to political parties or these will be considered as donations to the party, and if these types of donations were more than \$10,000 in value - these are breaches of the law.

In section 24, the new subsections 2A and 2B of the Bill are more stringent than before. Candidates must now at the 90th day after polling day, make more onerous declarations to the Supervisor of anything and everything election-related. The same goes for political parties.

At the last meeting with political parties, the Registrar said that once candidate nominations were filed, apart from the usual assets and liabilities disclosures, candidates must also disclose all monetary donations made to their personal campaigns with receipted details of names and addresses. He even wanted details of in-kind donations such as vehicles for campaigning etc.

So I assume if Honourable Bala was contesting in the Election next year, then his friend, brother or whoever gives him a car to campaign in a meeting, he/she must declare him/her as a donor to the campaign. Parties were informed that within the nomination period if a candidate was found in breach of their rules, the parties would be suspended and would not be able to campaign. The Registrar, for example, Mr. Speaker, Sir, was adamant that candidates would be agents of the party.

What are all these new rules about? One word, Mr. Speaker, Sir, it is some kind of fear. The FijiFirst Party has promoted a climate of fear in the country. People are actually fearful (and I have said this before) of being associated with Opposition Parties. They tell us on a daily basis that they do not want to be sacked, they do not want to be seen with us. They are worried about investigation by FICAC or being audited by FRCS. This is what people fear about associating themselves with the Opposition parties.

For the so-called disclosure, rules are to expose the names of people who even buy a \$20 dinner ticket to provide food for a pocket meeting, if someone is holding a meeting. Of course Mr. Speaker, Sir, this is not FijiFirst Party's problem. We know how to raise funds. We know whose houses they go to and who is inviting them there. We know how their lineup and write \$10,000 cheques.

No fundraising dinner is needed for FijiFirst, Mr. Speaker, Sir, no small donations are needed. This is why they have millions of dollars in the bank, when smaller political parties cannot even hold a fundraising dinner, without being asked who paid for the potatoes, for example. Mr. Speaker, Sir, this is the climate of fear that the FijiFirst Party promotes and this is exactly the way they want it. While the FijiFirst Party's cronies line up to write the cheques, the Registrar wants to see the receipt for every person who has put a *saqamoli* in a tin or who has contributed to a *solu*. Honourable Gavoka talked about that.

Mr. Speaker, Sir, we all want proper transparency and accountability around donations and party funding, but we also want political parties to thrive, to have active members and support us, particularly for people who are not rich, who are not writing big cheques to come forward and participate. This is the respect it has for the democratic principles and equal participation by political parties. This toxic culture is not accountable or transparent, Mr. Speaker, Sir. It is the worst breeding ground for cronyism and corruption.

When we reach Government, Mr. Speaker, and that in my view is not too far away, all these laws will be completely reformed. We will build laws which encourage and support political parties participation so that people feel empowered to contribute to the politics of the country, whether in Government or in Opposition. We will not have donors sitting on interview panels of candidates of political parties with the Honourable Attorney- General, who is also the General Secretary of FijiFirst Party. We will also not have the registered officer be the Honourable Attorney- General and also the Honourable Minister responsible for elections of a political party. We will not allow major donors, Mr. Speaker, Sir, to sit on boards of major organisations or the Constitutional Officers Commission,

unlike what is happening now. When a donor fundraiser is actually on an independent Constitutional Commission Office, the most important independent body, and he is also on the FNPF Board. We will not appoint a donor or fundraiser who is supposed to be a member of the Electoral Commission.

The European Union and the Commonwealth will have significant presence as election observers on terms of reference in conformity to international adopted practises unlike the last two elections. The Honourable Attorney-General quoted from the European Union Observer Group. We did not even ask for a Commonwealth Observer Group. I know that the Commonwealth actually wrote to the Government before the last election to offer Commonwealth Observer Group. And we had our observer group but under Government's terms of reference.

Simply, Mr. Speaker, Sir, it is important for the Government to walk the talk. But if they do not, we will walk the talk when we come into Government. It is one thing to preach about something and another to not know what is happening in reality, in practice, and that is why, we cannot support this amendment to the Bill. Thank you, Mr. Speaker, Sir.

HON. SPEAKER.- I thank the Honourable Member for his contribution to the debate. Honourable Members, I now call on the Honourable Attorney-General to speak in reply. You have the floor.

HON. A. SAYED-KHAIYUM.- Thank you, Mr. Speaker, Sir. A number of issues have been raised but starting off, firstly, in respect of the amendments itself, the whole purpose of the Political Parties (Registration, Conduct, Funding and Disclosures) Act, was to bring about transparency. There was no such provision before in the Fijian electoral laws where you had governance regarding political parties and how they were funded.

Prior to 2014, companies and individuals could write big cheques. I remember when I was in the private sector, I was once invited by someone to attend a dinner held at the Holiday Inn where the ticket per person was a \$1,000. They said, "Why do you not come to this dinner", and I said, "Well, no, I cannot afford \$1,000, nor do I support this political party." They said, "No, no, come along, it is free. One of the other bigger companies actually bought a few tables and they are giving away tickets and I managed to get two. So why do you not come along too." Of course, the name of that company was not registered as a donor. That company, I think, bought about two or three tables, and we all went there for free just to have a good feed. But this is how funding was done previously, Mr. Speaker, Sir.

Mr. Speaker, Sir, there was a company called Duavata Initiative Limited. That was, in fact, registered through, of course, Munro Leys who subsequently got a lot of work from the SDL Government, writing up regulations, et cetera. The persons who were Directors of the Company were Marica Karikaritu, Mere Samisoni, Joel Sahay, Laisenia Qarase, Ratu Jone Kubuabola and Kaliopate Tavola.

It is interesting that one of the objectives of this Party was to provide financial, social, administrative, structural support and other assistance for political organisations which support free enterprises within Fiji. Now, if you actually donated to this company or participated in this company, you would actually get preference in Government contracts and that was the trend.

What this Act does, it stops this kind of nonsense. We have also seen with the example that I have used, Mr. Speaker, Sir, that with the dinner party, in the same way, you could have companies going to a *solu*, going to some *gos-phulia* or whatever it is and basically saying, "Oh, we are paying \$5." But you could have one company paying for the entire thing and there would be no record. We

say, "Oh, it is only \$5." But the entire *gos-phulia* could be funded by one company. No record. This is the reason why we need to have accountability. It is precisely the reason because people have numerous ways of bypassing the laws. The laws they are complaining about is equally applicable to FijiFirst, Mr. Speaker, Sir.

Mr. Speaker, Sir, I wanted to also highlight that in respect of these amendments if you look at it, we have tried to make the law a lot more amendable for political parties. For example, we have tried to defray the costs because the printing of those records were actually dependent on the political party itself printing it and paying for it. Now, we are saying, "You give the accounts to the Supervisor of Elections or the Fijian Elections Office, they will put it up on their website and you have actually met their requirements." You do not actually have to fork money out. So, it helps smaller political parties where it will be a huge financial strain on them. In numerous places, Mr. Speaker, you will see how we have tried to actually to bring about accountability.

The other issue, Mr. Speaker, Sir, is that, we know from the last General Elections that apart from, for example, SODELPA, doing its own fundraising or FijiFirst or other Parties, for some Parties (not for FijiFirst) you had candidates who went and collected money on their own volition. Some of them actually raised \$70,000 or \$80,000. We have heard complaints from people saying, "We actually gave money to this particular individual candidate who was part of this political party but they have not given us an accountability of it." This is why there is a provision here that all candidates, whether they are candidates of FijiFirst, SODELPA, NFP or whichever political party, they must also give a statement on the funds that they have raised and the funds that they had spent as of 30 days after the election date. It is applicable to everyone. Some of the candidates here know that, that is what they have done - they have individually raised funds.

We have actually said, "Candidates need to provide their statement as of 30 days after the election date," whereas political parties are given another 30 days because political parties, obviously, raise a lot of funds. So, they are actually given two months to provide their statement and we know some political parties, without naming names, are not very good at managing their own internal funds and they have their only internal issues. We have given them that leeway.

But to say that accountability of political parties is an affront to democracy is absolutely preposterous, in fact, it is utter nonsense. That is where their accountability starts.

They have gone on about FijiFirst Annual General Meeting. Look at our Constitution! Your Constitution may be worded differently. Our Constitution is worded differently. We are following our own individual Constitutions, that is the point.

Now, Mr. Speaker, Sir, Honourable Jale, who I expected to be a bit more, sort of, intellectual input because he was a Permanent Secretary before, et cetera, said that we are running the FijiFirst from my office. What a nonsense! We have a permanent office in Brown Street. We have got an office in Lautoka. We have an office in Labasa. We have an office in Ba, and still functioning, Mr. Speaker, Sir.

Mr. Speaker, Sir, the reality of the matter is, overall, I would like to comment on the electoral system because some of them actually have not stuck to it. Honourable Gavoka, when we talked about Electoral Act, he did not want to comment. He came late in the day and try and debunk the whole thing. We have stood here and said, "These reports have come from EU, they have come from IDEA. He said, "Oh, certain experts have told us", which experts? Name them? We have named our experts. These are independent bodies. IDEA is made up of people who are professionals, an international body. The EU is an internationally recognised observer group. They are experts because it does not fit in with their

narrative. When we come into discussion, we talk about bipartisanship, you need to talk with clean hands. Some may say even clean hearts.

Mr. Speaker, Sir, the fact of the matter is, this overall electoral system which the former Leaders of NFP - A.D. Patel, Siddiq Koya and James Madhavan all argued for 'one person, one vote, one value', equal suffrage, in the true sense of the word. Removal of ethnic voting. Mr. Speaker, Sir, this electoral system does give that.

The Honourable Minister for Employment, Productivity, Industrial Relations and Youth and Sports, of course, speaks with a lot of expertise on the *palau* making, and we all know that. Before, he had to supply *palau*, he had to supply *yaqona* and he had to supply transportation. People would tell you, "If you do not give me transport to your polling station, I will not vote for you." Honourable Professor Prasad knows this also. I think he contested one election. I am not sure when he contested but he was leader of NFP for a brief moment, quite some point in time.

Mr. Speaker, Sir, all of those practices took place. Those practices do not take place anymore, and that is what you call 'direct vote buying'. We had people complaining, "Oh, they came and ate all my *palau* but they voted against me."

Mr. Speaker, Sir, this system does not allow for that anymore. This system says that people have the right to choose, irrespective. In fact, we disallow incentives.

No one talked about, Mr. Speaker, Sir, that under this electoral system, we now have more female candidates. I have the statistics here. There were 27 candidates in 1999 but I do not have the percentage because it is hard to ascertain. Elected were 11.3 percent, so eight out of the 71 Members were females. In 2001, 31 out of 351 candidates were female - 8.8 percent. How many got elected? Sir, 7 percent - five out of 71. In 2006, 30 out of 345 were female candidates - 8.6 percent. How many got elected? Sir, eight out of 71 - 11.3 percent.

In 2014, 44 out of 248 candidates - 17.7 percent; a doubling of the previous General Elections in 2006. How many were in Parliament? Sir, eight out of 50 - 16 percent. In 2018, how many female candidates? Sir, 56 out of 235 - 23.8 percent. How many were elected? Now, I understand with the inclusion of Honourable Waqanika, 11 out of 51 - 21.6 percent.

Mr. Speaker, Sir, none of the Members spoke about what this electoral system does. None of the Members spoke about the fact that if you look at the demographics, we have a lot more younger people in the parliamentary system. The electoral system, the way it was structured was to, in fact, encourage a political party to include a wide variety of candidates to be able to appeal to a cross-section.

We are a small country as we have been told. Previously, we had single member constituencies. Some Honourable Members are still thinking that way. So someone who come from Ba Open, Ba India, Ba Fijian, that is what they are all concerned about. My bridge, my people. Now, all of us in this Parliament have to be concerned about everyone whether the person lives in Lau or the person lives in Nadera, or whether the person lives in Labasa and irrespective of ethnicity, we need to be concerned about every single citizen. No Honourable Member spoke about that. What about those issues?

Mr. Speaker, Sir, the fact of the matter is that, the system actually brings about a lot better accountability and a lot more transparency in the process. I would urge the Honourable Members, please, I implore you, get away from this narrative you have constructed and look at the facts. Read the documents, the booklets and the plans. Read the MOG Report, the Electoral Commission Report

and the Fijian Elections Office Report in detail. Try and understand it, as well as understand the objective of it.

Mr. Speaker, Sir, the reality of the matter is that, these amendments, as I have said, reflect some of the MOG recommendations. Honourable Nawaikula said that the rationale for this, we are saying that every amendment is based on MOG. No, we did not say that. If he reads the actual background, it says, "After having received and reviewed the Multinational Observer Group's Report on the 2018 General Elections, the Electoral Commission and the Fijian Elections Office have made recommendations. A few changes to the Act does not mean it is exclusively based on that." He said, "...it is exclusively based on that." He has put in words, when this country knows he does not say that.

Honourable Gavoka spoke about language. Mr. Speaker, Sir, if you go and look at Singapore, political parties are not formed on the basis of ethnicity. They are not. They have a long history of assimilation. In the 1960s, when Lee Kuan Yew started building those housing blocks or HDD blocks, what we call Housing Authority in Fiji, they had a mandate and it was enforced. Chinese, next to Malay, Malay next to Tamil, they forced it. You had to do that. It is a fact. There was a requirement, so people had the ability to interact. They understood more of each other's language.

The point is, as Honourable Gavoka is trying to evade, is that, when you actually have a history of political division based on the electoral system that divided people along ethnic lines, you cannot one day say, "We are all Fijians", and then when you went to vote, you have the Indian line, Fijian line, Others line - political parties based on ethnicity. You cannot have that.

Mr. Speaker, Sir, let me get to my point. If someone stands up here and speaks in a language or a dialect that half or three-quarters of the people do not understand, then what is the inclusivity? Where is the inclusivity?

This is why, if you read the Fijian Constitution, it says that the teaching of conversational Fiji-Hindi and *iTaukei* is now compulsory in primary schools and God willing, we will reach a stage one day in our country where we are able to understand all the languages. Speak each other's languages, joke in each other's languages.

At the moment, when you speak in a language, if you do not understand, you cut them off, and we are a small country but it is completely irrelevant to this particular Bill that you brought about. You see, it is irking them since a couple of days. It is irking them. They want to link the donations to democracy. They do not talk about accountability and transparency. Then on one hand, they talk about bipartisanship but they debunk everything. We are diametrically opposed to each other philosophically. That is the point. Philosophically and diametrically, we are opposed to each other. How can they say that, Mr. Speaker, Sir?

If you look at the amendments to this particular Act, Mr. Speaker, Sir, we will see that it brings about better accountability and transparency. They have gone on about big business. Big businesses do not support us, individuals who may own companies, their money comes out of their accounts. It is clearly shown, our donation list is transparent. We do not hide it behind some lamb curry night, as was shown in NFP's records. Every single cent of money is accounted for. We do not have some large donations coming from USA and it is hidden in that, we do not know who gave the other \$200,000. Every single cent the FijiFirst has given, Mr. Speaker, Sir, is accounted for.

Mr. Speaker, Sir, the point is, I would like to urge all Honourable Members of Parliament to support this particular Bill because it does bring about greater accountability and transparency overall

to the electoral system; it involves greater participation; the results have shown greater participation by women in our electoral process and we hope to reach that magic target of 30 percent as most people talk about very soon.

We hope in the next General Elections that political parties will have more female candidates, more young candidates, few from a cross-section of society, from different professions to appeal to people but also at the same time, people who can actually be honourable Members of Parliament not simply come to Parliament for the sake of political or power ascendancy but for the benefit of this country Mr. Speaker, Sir. Thank you.

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

Question put.

Motion agreed to.

[A Bill for an Act to amend the Political Parties (Registration, Conduct, Funding and Disclosures) Act 2013 (Bill No. 52 of 2020), passed and enacted by the Parliament of the Republic of Fiji. (Act No. of 2021)]

HON. SPEAKER.- We move on. I now call upon the Chairperson of the Standing Committee on Natural Resources to move his motion.

#### **REVIEW REPORT – WATER AUTHORITY OF FIJI ANNUAL REPORT 2016**

HON. S. S. KIRPAL.- Mr. Speaker, Sir, I beg to move:

That Parliament debates the Review of the Water Authority of Fiji Annual Report 2016 which was tabled on 10th February, 2021.

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

HON. SPEAKER.- I now invite the Chairperson of the Standing Committee on Natural Resources to speak on his motion. You have the floor.

HON. S.S. KIRPAL.- Thank you, Mr. Speaker, Sir. The Water Authority of Fiji is a commercial statutory authority that was formed by the Government of Fiji under Promulgation 2007. However, WAF office took the responsibility from 1st January, 2010. The WAF has the responsibility to provide efficient and effective water and waste water service in an environmentally sound and sustainable manner to this nation.

Mr. Speaker, Sir, Water Authority of Fiji recognises that improved operational efficiency is a key step in achieving long term sustainability since it became a statutory authority in 2010, Water Authority of Fiji has been focusing on operational improvements to both the Water and Waste Water System and has been putting in place measures to resolve long standing issues that have life service delivery.

Mr. Speaker, Sir, during the year, Water Authority of Fiji replaced 25,200 domestic water metres, non-revenue reduced from 39.6 percent to 31.6 percent, and water treatment programme was successfully launched to educate the wider community on the need and how to contribute to water conservation.

Mr. Speaker, Sir, the major setback in the year was the Category 5 *TC Winston*. Within two days of the cyclone, WAF was able to supply 69,000 customers with 634,000 litres of water. Furthermore, the 13 WAF Rural Unit Rapid Response Team with five members in each team in the Northern, Western, Central and Eastern Divisions were able to conduct damage assessments and provide quick fix solutions, as an interim, before rehabilitation began areas not receiving water.

Mr. Speaker, Sir, other key achievements include the development of water models for Nadi and Suva, which are being used to identify the resolve complex operational issues with the water supply network and the establishment of a GIS system.

With its Non-Revenue Water (NRW) figure estimated close to 50 percent, WAF has targeted a significant reduction in NRW to improve both its operational efficiency and the recovery of costs for water production & distribution. The biggest challenge for Water Authority of Fiji is to address the current high levels of NRW to reduce it to an acceptable 20 percent or alternatively to a level where reduction of NRW remains economical for WAF to continue pursuance.

Mr. Speaker, Sir, WAF's forward objective is to reduce NRW to 20 percent in the next two years, that is, from 2016 to 2017. Keys to Success Non-Revenue-Water accounts for almost 50 percent of WAF's treated water production, therefore, all aspects of NRW have to be addressed which includes complete function of Zone/DMA Structure Fiji-wide. In addition, projects currently undergoing execution should continue as a normal yearly programme to ensure the reduction of NRW to 20 percent and further maintaining it at 20 percent or reducing it further.

Mr. Speaker, Sir, though 2016 was a disastrous year for WAF and for the entire Fiji, however, WAF was able to come through those obstacles in providing our people with clean and safe water. Mr. Speaker, Sir, the Standing Committee on Natural Resources has given its recommendation in the reviewed report for consideration, however, most of the issues have been addressed since it is a 2016 Annual Report.

Finally, I commend the effort of the Natural Resources Committee Members in the compilation of the Review Report of the Water Authority of Fiji 2016 Annual Report. Appreciation goes to the Executive Management of the Water Authority of Fiji for their timely contribution in the compilation of this bipartisan Committee Report. Mr. Speaker, Sir, with those few comments as a Member moving the motion on this Committee Report, I thank you for this opportunity.

HON. SPEAKER.- Thank you. Honourable Members, the floor is now open for debate on this motion. I give the floor to the Honourable Aseri Radrodoro.

HON. A.M. RADRODRO.- Thank you, Mr. Speaker, Sir. I just like to make a short contribution on the motion before the House. First of all I would like to thank the Chairman and the Members of the Natural Resources Committee for compiling this Report.

I have been reading through the contents of the report. I would also like to take this opportunity to thank the Board, the Executive management and the staff of Water Authority of Fiji for the great work that the Committee had highlighted in the recovery towards post-*TC Winston*. Going through the recommendations of the Committee, Mr. Speaker, Sir, I note that the 2013 Constitution also has a provision where it grants every Fijian citizen safe drinking water and adequate sanitation.

I would like to relate that to the objectives of WAF which is to provide consistent water supply 24/7. There are about seven recommendations by the Committee and I would like to inquire whether the recommendations also touched on the consistent water supply to the stakeholders in Fiji. I think

the need for the Committee if they can enlighten how WAF had tried to tackle the continuous disruptions in the water supply. I note the continuation of the water supply disruption is against the objectives of the WAF and it is also against the provisions of the Constitution. We would like to know what is WAF doing about it?

As we see, Mr. Speaker, the recommendations of the Committee No. 1 is the timely submission of the Annual Report, we are talking about the 2016 Annual Report. I have been browsing through the Water Authority of Fiji website and I note that the 2017 Annual Report will be submitted in the second quarter of 2021 and the 2018/2019 is going to be submitted in the third quarter of 2021. So I urge the Executives and the Board of WAF to speed up the submission of their Annual Report.

Mr. Speaker, Sir, I think there is a need to understand that annual reports gives information to the Members of this House and they are being updated on how the organisation is carrying out its responsibilities and how the funds have been adequately utilized in terms of the roles that they play in the provision of water, Mr. Speaker, Sir.

I also like to speak on the Recommendation No. 2 where the Committee has recommended for the Water Authority Fiji to reduce Non-Revenue Water to less than 47 percent, Mr. Speaker, Sir. I think this is a challenge that any entity would go through, especially Water Authority of Fiji because this exercise is requiring a lot of resources in terms of manpower to be able to carry out effectively this work of reducing the Non-Revenue Water. There are leakages, Mr. Speaker, Sir.

I believe, sometime recently the Water Authority of Fiji had also laid off a huge number of employees, maybe they could also be brought back to ensure that this recommendation by the Committee which is valid to carry out this work and ensure there is less wastages in terms of leakages in the water pipes, Mr. Speaker, Sir.

The other issue, Mr. Speaker, Sir, is about staff. I would like to also request the Water Authority of Fiji and the Honourable Minister, those who work in the Sewerage Division or Department within the Water Authority of Fiji, they have inquired and they requested that they be supplied with a proper PPE so that they can carry out their work effectively and efficiently, Mr. Speaker.

At the moment the odour that is coming out of the, Kinoya and Navakai Sewerage Systems is not helping them carrying out their work effectively. We hope that future reports of the Authority would take this into consideration to ensure that the workers of the Water Authority of Fiji especially those who work in the Sewerage Department are properly equipped, Mr. Speaker, Sir.

HON. SPEAKER.- I thank the Honourable Member. I now 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. First of all, I would like to thank the Members of the Committee for the excellent work that they have done in reviewing the Annual Report for Water Authority of Fiji.

I would like to speak on some of the recommendations that are in the Report. Honourable Aseri Radrodoro has already pointed out the progress that is being done in relation to the first recommendation in the Annual Report. As pointed out, 2017 is virtually complete. The others which is the first half of 2018 - the seven months, the - 2018/2019 and the 2019/2020, all of those are waiting the financial statements to be audited by the Office of the Auditor-General. Once that has been

completed, then the Annual Reports can be tabled in Cabinet and then in Parliament eventually for discussion in the House.

In terms of the second recommendation for the non-revenue water, this is a critical area for the Water Authority of Fiji (WAF). The Authority had developed its range of plans, its strategic plans in line with the National Development Plan, the Constitution and the SDGs, and also on 1st August, 2020, its Annual Business Plan also focussed on the importance of water and wastewater assets. That is very important.

One of the things that they have done is they have had another look at the structure within WAF. So, there has been the creation of Manager Infrastructure and Service Delivery in all of our regions – Western and Northern Divisions. These are technical people who are career engineers, they are from Fiji and they are Fijian citizens who have been developed for senior leadership. One of their important roles would be to address this non-revenue water, reduce the leakages and make sure as much as possible that the water that is produced is charged and that it is not lost.

The other thing that we are doing in relation to this is that, we are getting professional support to address non-revenue water. This is being done through capacity building....

(Technical glitch experienced through virtual connection)

There has also been an investment, as the Committee has suggested, in equipment - specialised acoustic lead detection equipment, such as correlators, noise data loggers, sounding machine and listening sticks that help to identify needs and pinpoint accuracy. These have been bought to assist our non-revenue water teams to reduce the major inefficiencies and also is being restructured with our Regional Teams addressing non-revenue water.

We have invested in automation to manage our assets, including our major reservoirs, valves, water treatment plants, an inclusion of Supervisory Control and Data Acquisition (SCADA). All of these continue to build the organisation capacity towards automation.

Honourable Radrodro has talked about the need to look at the workforce and this is absolutely critical. An assessment has been taken of the required workforce on what additional human resource is needed. The WAF is also exploring outsourcing operational work, such as attending to complaints. In the past, a lot of this is being done by staff of WAF itself but now, more of this work will be outsourced to private contractors that can address these areas. We have already piloted this venture and have had some good success with pursuing this course of action. This means that contractors will bring in their machines to attend to complaints and this will allow WAF to concentrate on its core functions.

Each year, WAF submits its Public Sector Investment Programme (PSIP) and included in this PSIP is its recommendations on things that need to be done to address our piped water supply and distribution, the pipes that need replacement and all of these is done on a priority listing every year.

We are mindful that we are in a deeper situation at the moment, it is a pandemic situation. The economy has been affected like every other country, so all these will need to be taken into account as we look at the budgets in the forthcoming years to address the issue of replacement, like infrastructure that we have.

There is a current year drive within WAF to recruit specialised technical staff in all their areas of operation and where there is a gap, job interviews are being undertaken so that we can boost WAF's service operations.

Operationally, WAF is doing its best to maintain water balance distribution in the aging infrastructure that it has inherited. A lot of the pipes, a lot of the systems are very old, so while you are looking at replacing it, we are trying to make sure that the infrastructure we currently have is able to meet our needs as best as possible.

For Recommendation No. 3 in terms of its assets, WAF has now formed an Assets Management Committee with the assistance from water care organisations. Under this exercise, all the existing structures are being relooked at ....

(Technical glitch through virtual connection)

The WAF has invested in capacity building that includes the redeployment of our MSIDs in all the regions to monitor works and services to Fijians and to address fraudulent activities. The WAF has an Internal Audit and Risk Team....

(Technical glitch through virtual connection)

...has been taken in this financial year to change the culture through our culture development programme and the entire WAF Team has been going through this culture change programme. It is not just about equipment, it is also about how and the way people think and their attitude and that is why culture is very important. The WAF Team has chosen its values for the first time in the last 10 years and these efforts create a strong foundation for the WAF Team to build its values.

For plant hire and machinery, WAF has implemented strict rotation on plant hire and machinery contractors to ensure no favouritism is practised because this was a problem that we have had in the past. The selection of plant hire contractors is made manually and plant hire hours are strictly monitored and reconciled before payments are made.

The Authority has reduced its plant hire needs by looking into the option of vehicle pooling and outsourcing projects 100 percent completely. Plant hire analysis is done every week and reports are sent to management to plan and implement a viable plant hire usage for their various teams.

The WAF Internal Audit Unit is doing random checks on plant hire unit to check compliance. They have carried out independent assessments in 2020 in terms of our revenue and as mentioned, the assets of WAF was never fully captured but this exercise is ongoing into the future.

On Recommendation No. 5, Mr. Speaker, Sir, in terms of rural rainwater harvesting which was initiated in the financial year from 2016 to 2017 with a budget of around \$4 million, by the end of the financial year in 2017, WAF received 787 applications from customers living in rural areas, who lack the reliable source of water and depended entirely on either rainwater or nearby creeks. All 787 customers were served with a 5,000-litre rainwater harvesting tank and in 2017 to 2018, WAF's budget for this programme was increased to \$4.5 million and in its submission to Government, WAF continues to seek funds to address the demand for clean water and this will be an ongoing initiative, Mr. Speaker, Sir.

For Recommendation No. 6, WAF has a five-year strategic plan and an annual business plan that addresses all of our goals and targets, broken down into activities for each financial year and this creates a pathway towards SDG 6 which is related to water.

The most critical challenge that we have faced this year at WAF has been the pandemic and the climate change effects but as stipulated earlier for WAF in response to Recommendation No. 2,

a strategic plan and annual business plan have been aligned to the NDP and will move us constantly towards the target that we have in our Constitution.

In conjunction with the Ministry of Economy's Planning Unit, WAF has made their 20-year national development programme monitoring list that specifies the number of water...

(Technical glitch through virtual connection)

... that will be done in the years ahead to meet SDG 6.1 and 6.2 by monitoring these measures, each year's target percentage to reach 100 percent population coverage by the year 2036. And that monitoring list, Mr. Speaker, Sir, is monitored every year and the report that is done.

(Technical glitch through virtual connection)

In terms of Recommendation No. 7, for annual reports and the breakdown of gender equality, this is being taken on board and WAF will be implementing that, Mr. Speaker, Sir.

Recommendation No. 8 which is emphasising the importance of including primary school students in the Water Champion programme, WAF has got a dedicated team for community engagement where awareness is created on digital platforms that include children, adults and stakeholders, including NGOs, business-houses and more. Based on this, children are engaged and WAF agrees on the Committee's recommendation and will look to include as many children of our nation as possible.

Recommendation No. 9 which is in terms of the acronyms, that recommendation is taken on board.

Mr. Speaker, Sir, on the comments made by the Honourable Member in terms of Personal Protective Equipment (PPE) for staff that deal with wastewater, Occupational Health and Safety (OHS) is very important to WAF and we know that OHS is very important for WAF and so too is the PPEs that we have, as we know that a happy staff will be a productive staff.

In terms of consistency, yes, consistency of supply, we have talked in this House about the Rewa River Water Scheme that will bring a lot more water into the Delta, that is a reticulation system between Suva and Korovou and all these activities are focussed, Mr. Speaker, Sir, about making sure that we can have a consistent supply of water in the future. I commend the WAF and its Management and staff for their commitment and progressing towards their target. Thank you, Mr. Speaker, Sir.

HON. SPEAKER.- You are way over time, Minister. For future reference, all Ministers take note of the time. There is an agreement between Whips on the time. Let us try and stick to that. I do not mind if you go a couple of minutes over but do not double your time.

I now give the floor to the Chairperson to speak in reply.

HON. S.S. KIRPAL.- Thank you, Mr. Speaker, Sir. I would just like to thank the Opposition Member for his contribution and also the Honourable Minister for Infrastructure, Meteorological Services, Lands and Mineral Resources for the clarification on all the recommendations.

I have no further comment to make. Thank you, Mr. Speaker, Sir.

HON. SPEAKER.- Honourable Members, Parliament will now vote to note the content of the Report.

Question put.

Motion agreed to.

HON. SPEAKER.- I call upon the Chairperson of the Standing Committee on Economic Affairs to move his motion. You have the floor.

### **CONSOLIDATED REVIEW REPORT – SUGAR CANE GROWERS FUND 2009–2018 ANNUAL REPORT**

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

That Parliament debates the Consolidated Report on the Review of Sugar Cane Growers Fund 2009-2018 Annual Report which was tabled on 11th February, 2021.

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

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

HON. V. NATH.- The Standing Committee on Economic Affairs tabled its consolidated Review Report on the Sugar Cane Grower's Fund 2009-2018 Annual Report on 11th February, 2021.

The Sugar Cane Growers Fund (SCGF) plays a significant role in the sustainability of the sugar industry. It provides loan to sugarcane growers for various reasons, which include, but are not limited to, increasing production of sugarcane, improving efficiency in planting, growing, harvesting and transporting of sugarcane, carrying out rehabilitation and maintenance works as well as to enable cane growers to participate in commercial ventures.

Earlier in 2020, the Committee had visited SCGF's headquarters in Lautoka to better understand its functions and operations. The Members met with the CEO and his team and were provided with a comprehensive presentation on the mandates of the organization and the progress that has been made over the years.

The presentation includes various substantive internal reforms that took place over the period of the report to ensure that the internal policies and procedures are aligned with the mandates of the organization. During its meeting with the SCGF team, the Committee was pleased to note that our sugar industry has received various forms of support from international bodies such as the European Union to assist towards the Cane Planting Programme. The Committee strongly believes that such initiatives will take the industry forward and encourages SCGF to continue to explore similar opportunities with other international development agencies to enhance the sustainability of the sugar industry.

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

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

The Committee commended the overall performance of the Sugar Cane Grower's Fund and its commitment towards assisting cane growers and other stakeholders. However, to ensure growth and sustainability of the sugar industry, the Committee encouraged Sugar Cane Grower's Fund to continuously enhance and improve the quality of services they provide to the farmers.

Mr. Speaker, Sir, with that contribution, as the Member moving the motion, I thank you for the opportunity.

HON. SPEAKER.- Thank you. Honourable Members, the floor is now open for debate on the motion. I give the floor to the Honourable Kuridrani.

HON. I. KURIDRANI.- Thank you, Mr. Speaker, Sir. I thank the Chairperson of the Standing Committee on Economic Affairs and its Committee for providing this Consolidated Review Report for the Sugar Cane Grower's Fund for the period of 2009 to 2018.

Mr. Speaker, Sir, the review covers a period of 10 years, meaning that the Sugar Cane Grower's Fund has not been submitting annual reports in time during the period of the review, and under the watchful eye of this Government that has been in power for the last 14 years, I mentioned last week that the performance of all stakeholders within the sugar industry is manifested in the FSC 2019 poor outcomes.

The poor results achieved by the FSC is a clear manifestation of this Government's poor governance, mismanagement and the obvious absence of checks and balance, lack of monitoring and evaluation mechanisms. That is why we are receiving outdated reports. I want to reiterate what I said last week that it is very important and crucial to introduce a standard for submission of annual reports, penalties and disciplinary actions against the organisation and the Minister responsible. Only through this, Mr. Speaker, Sir, we will get rid of outdated reports and avoid ourselves of being irrelevant.

Mr. Speaker, Sir, I have been impressed on the current performance of the Sugar Cane Grower's Fund and the vast loans, products that are accessible to farmers. The Sugar Cane Grower's Fund should be commended for their achievements despite their limited manpower resources, recovered all aspects of farm development, personal and social welfare for farmers, their development and security and investment diversification for more than 12,000 active farmers scattered around our country.

Now, I will drive our focus to the Committee's Recommendation No. 5. It recommended that FSC to take urgent measures to settle their outstanding balance of \$4.2 million. This outstanding loan is fetching an 8 percent interest rate and secured by an assignment over cane proceeds from the FSC farms in Drasa, Lautoka and Waqadra in Nadi. The collateral security was offered as a form of a Government guarantee.

My concern here, Mr. Speaker, Sir, we all know and its public knowledge that the FSC is technically insolvent, therefore, its ability to repay is nil. So, we are left with the only security which is the Government guarantee. Now I plead with this Government to, please, honour its commitment and repay the FSC loan of \$4.2 million with interest of 8 percent. This will allow the Sugar Cane Grower's Fund to expand its operations. The Sugar Cane Growers' Fund currently have 31 staff of which only 13 are loan officers who are stationed in eight offices around the country to serve more than 12,000 active farmers. We all understand the risks associated with uncovered debts to financial institutions.

Mr. Speaker, Sir, I will also briefly touch on the Committee's Recommendation No. 6 for the Sugar Cane Grower's Fund to explore to other areas, especially, the natural disasters. I believe the insurance company is a bit too reluctant to touch these areas because of the high risk associated with the natural disasters and high premium rates.

Mr. Speaker, Sir, for the sake of reviving the drowned sugar industry that once was the backbone of our economy for decades and the benefits of the farmers and the families that rely on the sugar industry. I request this Government to intervene and assist the Sugar Cane Grower's Fund to provide subsidised premiums for special cover for disasters. This has been one of the major setbacks and hindrance to the industry over the years. Thank you, Mr. Speaker, Sir.

HON. SPEAKER.- I thank the Honourable Member for his contribution. I now call on the Honourable Prime Minister.

HON. J.V. BAINIMARAMA.- Thank you, Mr. Speaker, Sir. I rise to support the Consolidated Report of the Standing Committee on the review of the Sugar Cane Grower's Fund 2009 to 2018 Annual Report.

Mr. Speaker, I commend the work of the Fund and its 31 staff located across the eight offices throughout the cane belt areas. I also commend the 36 staff who work at South Pacific Fertilizers Limited which report its operation through the Consolidated Report of the Fund, being the majority shareholder of the fertilizer company.

Mr. Speaker, the Fund was established under the Sugar Industry Act No.9 of 1984, following which all monies and assets of the Sugar Cane Price Support Fund were transferred to the Fund. For the information of this august House, the Sugar Cane Price Support Fund originated in 1946 when the decision was made to keep aside certain funds from the sugar price to take care of the rehabilitation works. Upon reserving sufficient funds, the Capital Development Fund was established.

Mr. Speaker, the core function of the Fund is, as we all know now, to provide loans to registered cane growers with the intension to increase cane production, improve efficiency in planting, growing, harvesting and transporting of cane, as well as farm rehabilitation.

The Act also provides loan for crop diversification and commercial ventures of growers for the benefit of the sugar industry. On a few occasions the Fund also provided loans to Fiji Sugar Corporation and the South Pacific Fertilizers Limited. The Fund had once provided a loan of \$380,000 to the Sugar Cane Growers Council in January 2009.

Let me elaborate further on what transpired and my Government's intervention to protect the South Pacific Fertilizers Limited that went into cashflow crisis and was on the verge of winding up. Mr. Speaker, had my Government not taken action to save this only company that supplies fertilizers to cane growers, the industry would have collapsed entirely. It must not be been forgotten that the Sugar Cane Growers Council, the Fiji Sugar Corporation and the Sugar Cane Growers Fund, owned shares in South Pacific Fertilizers Limited before 2009.

Therefore, Mr. Speaker, the former Council's CEO, being on the Board of South Pacific Fertilizers Limited definitely had vested interest in the affairs of the fertilizer company rather than focusing on the health of the company, given that he was representing the Councillors. The then Board allowed the company to continue selling fertilizers at \$19.50 per bag, despite knowing that the production cost was approximately \$31.50 per bag of fertilizer.

Considering the welfare of growers and to ensure reliable supply of fertilizers to growers, my Government stepped in, as we all know, to provide fertilizer subsidy of \$14.09 per bag for growers in 2009 to cover the increased cost of fertilizer. Mr. Speaker, since then, Government has been subsidising fertilizer and further increased the subsidy to \$25.59 per bag from the 2017-2018 financial year. Between 2009 and 2018, my Government has provided a total subsidy of \$78 million within this 10 year span, except for the years 2012, 2013 and 2015.

The Fund, with the South Pacific Fertilizers Limited, has made healthy profits. Not only had the growers benefitted directly from the fertilizer subsidy, Mr. Speaker, they have also gained indirectly through dividends provided to shareholders. The Fund and the Council, Mr. Speaker, receive a good six percent dividend annually, which is then invested back to the growers in the form of loans and grower services.

Honourable Members, Mr, Speaker, on the other side are blindsided to all these worthy deeds of Government and the industry institutions. The Fund's share, Mr. Speaker, has increased to 90.6 percent and the Sugar Cane Growers Council's share has increased to 9.4 percent in the fertilizer company while the FSC chose to divest its shares in 2009. This is when the Council borrowed \$380,000 to take up part of FSC's divested shares.

Mr. Speaker, the Sugar Cane Growers Fund, being the major shareholder, has offered funding to the South Pacific Fertilizers Limited for the procurement of raw materials which has been paid back in full by the company and is currently debt-free. This is a win-win situation for both organisations whereby the fertilizer company is able to acquire raw materials for fertilizer sales and profits made by the company which is then paid back to the shareholders as dividend.

Mr. Speaker, the Ministry of Sugar Industry ensures that all our institutions work diligently to enhance sustainability of the industry by providing assistance to the growers. The Fund, Sir, is undertaking various reforms, including strengthening its governance and policies to ensure growth and innovative services to the growers. With the new IT system, the turnaround time for loan approval has been reduced by nearly twice the time. As part of the IT plan, the Fund is in the process of rolling out its SCGF App to enable growers to check their loan balances, retrieve statements and apply for loans online.

The Fund, Mr. Speaker, has also approved the loans quality by improving the arrears portfolio to loans portfolio from 25 percent in 2018 to 13 percent in 2020, and is currently reviewing its strategic plan to bring further efficiencies. Between 2009 and 2018, the Fund provided a total loan of approximately \$82 million to 37,807 loan clients.

The Fund is non-discriminatory and provides equal opportunities for loan access to both gender. Women still represent 5 percent of the Fund's loan customers. To encourage more women into cane farming, as we have heard in the last couple of days, Mr. Speaker, through the Ministry of Sugar Industry's New Farmers Assistance Programme, the Fund offered loans to female growers at a reduced rate of 0.5 percent from the normal rate, while special loan packages is also under consideration for women.

Mr. Speaker, the Fund also has a significant role, especially in the renewal of leases, to ensure that the growers' livelihoods are not affected. However, Mr Speaker, with the reform that my Government brought in, farmers can now lease land up to 99 years for commercial agriculture, and up to 50 years under the Agriculture Landlord and Tenants Act (ALTA). Based on those initiatives, Mr. Speaker, in early 2019 the Fund granted 50-year leases to growers in Nawaicoba, who are the first lessees to get their leases renewed for a period of 50 years and some Honourable Members on the other side, unconsciously, Mr. Speaker, are asking what my Government has done in sugar.

Mr. Speaker, the Fund is also managing the Ministry of Sugar Industry's Cane Development Revolving Fund programme. Under this programme, growers have been accessing interest-free loans for cane planting. To-date, a total of 1,318 growers have accessed this loan. Further, the Fund has administered the New Farmers Assistance Programme and the Fund, again, stood shoulder to shoulder to support new growers through its newly-developed farm loan product.

Mr. Speaker, another loan initiative is the collaboration with Fiji National Provident Fund to allow its members to withdraw their funds to purchase new cane farms. The Fund attaches special attention to its social obligations and one such initiative is the introduction of bundle insurance. Since its inception, Mr. Speaker, the Fund has paid a total premium of \$1.8 million and \$979,000 was paid to 250 growers for their claims. This is, again, historical, Mr. Speaker. Under no Government was this done.

I note in the Report that the Committee recommended for the Fund to explore other non-covered insurance such as natural disasters. As an update, Mr. Speaker, the Fund is currently working with the Pacific Financial Inclusive Programme to pilot a climate disaster risk financing insurance. I can say that the Sugarcane Growers Fund has been one of the strong pillars of the sugarcane industry and with its robust reform programmes, I am sure it will deliver many more commendable results.

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

HON. SPEAKER.- I thank the Honourable Prime Minister. I now call on the Chairperson of the Standing Committee on Economic Affairs to speak in reply.

HON. V. NATH.- Mr. Speaker, Sir, I do not have any further comments. Thank you.

HON. SPEAKER.- Honourable Members, Parliament will now vote to note the content of the Report.

Question put.

Motion agreed to.

HON. SPEAKER.- I now call upon the Chairperson of the Standing Committee on Natural Resources to move his motion. You have the floor.

### **CONSOLIDATED REVIEW REPORT - DEPARTMENT OF FORESTRY 2014 AND 2015 ANNUAL REPORT**

HON. S.S. KIRPAL.- Thank you, Sir. Mr. Speaker, Sir, I move:

That Parliament debates the Review Report of the Consolidated 2014 and 2015 Department of Forestry Annual Reports which was tabled on 23rd March 2021.

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

HON. SPEAKER.- I now call upon the Chairperson of the Standing Committee on Natural Resources to speak to his motion. You have the floor.

HON. S.S. KIRPAL.- Mr. Speaker, Sir, this Report contains the findings of the Committee on the administration, organisation structure, programmes, major achievements and performance of the Department of Forestry in 2014 and 2015 respectively.

For the years under review, the Department of Forestry undertook various projects and I would like to highlight a few for both years. In 2014:

- (1) Sandalwood Development Programme was introduced and \$100,000 was approved by Ministry of Finance for the project. Key achievements included 13 communities empowered on sandalwood resources development.
- (2) Establishment of Cottage Industries - a total of four small cottage industries were established under the project, operating as small micro business enterprises creating employment opportunities for additional 50 personnel and increase returns of \$100,000 per annum.
- (3) Pine Woodlot Logging Package - the purpose of this project is to assist the people of maritime islands to utilise their forest plantation resources for the construction of their houses. The Prime Minister during his visit in early 2013 approved the acquisition of portable machines for the people of Gau and Cicia to cut their pines in order for them to build their houses from the sawn timber. The total project budget allocation for 2014 was \$1,080,000. Lessons learnt from this project enabled the Department to replicate the project in other maritime islands in need of similar assistance.

Mr. Speaker, Sir, to name a few of the projects undertaken by the Department of Forestry in 2015:

- (1) Forest Restoration Trial in Degraded Areas - two forest restoration plots were established at Nanukuloa (March 2015) and Yavuna (July 2015). The objective was to study performances of different tree species in degraded sites and response of plants to various silviculture treatments.
- (2) Mixed-Species Woodlot Trial - this project is an on-farm research activity and targeted for farmers who have surplus land which could be utilised to grow mixed-species of high-value trees to produce top grade cabinet timber and maximise returns from the land. Two trials were established, one in Colo-i-Suva (March 2015) and the other at Mrs. Salochna Wati's farm in Vaqia, Ba.
- (3) Forest Subsidy Programme - the Department was allocated \$50,000 in 2015 to support Small Medium Enterprises (SMEs) such as the woodcarvers to boost their production and contribute more towards economic growth. Also, the purpose of this scheme is to drive woodcarving businesses in Fiji from an informal platform to a formal business platform that will enable them to move even further in contributing to Fiji's socio-economic development.
- (4) Royalty Rates and Classes - Mr. Speaker, Sir, at present Fiji's strong political commitment to REDD+ programme has been in place since the initiation of the programme almost 10 years ago and reflected in the annual government budget provisions to support readiness efforts and to establish the REDD+ Unit within the Ministry of Forestry. The ERP supports the national vision for sustainable management of forest resources and provides direction to the Ministry for the implementation of REDD+ strategy. The national REDD+ programme and activities of ERP are important components of recent national plans and strategies, most of which are forward-looking plans.

Mr. Speaker, Sir, the total export for 2014 was \$80.59 million while the import was \$17.96 million and in 2015, the export was \$100.21 million with imports of \$15.294 million. This shows an increase in export to 24.34 percent, a decrease in import to 70.46 in the year 2015 compared to 2014.

Mr. Speaker, Sir, the Natural Resources Committee has given its recommendation for the improvement in the Review Report for consideration.

Finally, I commend the Report of the Natural Resources Committee members in the compilation of this Review Report and my appreciation to the Senior Executive of the Ministry of Forestry for their timely and compilation of the bipartisan Committee Report.

Mr. Speaker, Sir, with those few comments, as the Member moving the motion, I thank you for this opportunity.

HON. SPEAKER.- I thank the Honourable Chairperson. The floor is now open for debate on the motion and I give the floor to the Honourable Bulanauca. You have the floor.

HON. M. BULANAUCA.- Thank you, Mr. Speaker Sir. Just a few comments or suggestions and one is on the Committee Members. It says that it is a bipartisan report but the Opposition Members' photos are not in the report, maybe they are not good looking. It is important that they include their photos there. Secondly, on the recommendation, I go along with the recommendations, Sir.

Also the recommendation on SDGs and NDPs. I recommend, Mr. Speaker, Sir, that future reports to improve just after the overview to have one or two pages, identify the main SDGs for that particular Ministry and how have they achieved it. It is important to make emphasise on the SDGs relevance to that Ministry and the NDPs relevance to that Ministry. How have they achieved it? If they have achieved it, good! A brief narrative on how have they achieved it, if they have not achieved it. What are they doing to achieve it? So, it is important to improve those Annual Reports like inserting those one or two pages emphasising on the most important SDGs and the NDPs.

On Forestry, this is an economic sector. I know there are a lot of things that have been done but what is important is to increase performance for these economic sectors and the Ministry of Forest is one. Their performance, Mr. Speaker, Sir, is on decline, the contribution to GDP is declined. In 2014-2015, the production was declined and we will find that out in the future report, if it continues to decline.

So, it is important, Mr. Speaker, Sir, to ensure that the contribution is increased to the GDP and also we will need to rectify a lot of things in order to improve the performance for the Ministry of Forest. For 2014, there were \$55 million for advice on forest sector policy reform hence the contribution to Fiji's national Gross Domestic Product from \$55 million it went down to \$43 million, it declined. If we look at the performance from 2016 onwards, it declined also.

So, it is important to increase the contribution of forestry sector in the economic sphere, Mr. Speaker, Sir. One of the areas that need to be improved there is the recovery rate. Normally, it used to be 45 percent, now it is at 50 percent particularly for grade 1 and grade 2. We need to improve the recovery rate from 50 percent to 55 percent or even 60 percent. Mr. Speaker, Sir, they know how to do it. It is important to make policies in order to recover as many timber out of any log from the forest, Mr. Speaker, Sir, in order to increase the contribution to GDP and also increase the contribution to export.

I think the 2014-2015 exports and imports need to be improved as well.. As an example, Mr. Speaker, Sir, is the mahogany. We have the best plantation in the world in Fiji, yet the production is reducing. In 2010-2011 the production was 94,000 cubic metres, in 2014 it came down to 54,000 cubic metres and later on in the year it was right down to 20,000 cubic metres, Mr. Speaker, Sir. So, it is important to watch those economic indicators, Mr. Speaker, Sir.

You need to increase it rather than reducing it. Our export as well for mahogany. Mr. Speaker, Sir, from 2010 to 2011 it was \$30 million and in 2014 and 2015 only \$20 million. Now it is down to \$6 million. Those indicators are very important. So we need to resource finance the Ministry of Forests so that they can produce a lot more to export. And certification is one area where you need this, so we are requesting the Honourable Prime Minister if can do the certification for the mahogany plantation in Fiji. It is important that we do because the plantation is much easier than the natural forest.

We are looking forward to the Honourable Prime Minister to ensure that, as he promised in the Fiji Mahogany Trust meeting last year, to look into the certification of the mahogany plantations in Fiji. That is very important, Mr. Speaker, Sir, because the consistent mahogany log buyers, like Dayals, TABS, Mahogany Land Owners Company Limited, have orders now but those orders from buyers overseas will increase when the certification comes about. It is important to increase its performance and export for our increased foreign exchange to Fiji. Thank you, Mr. Speaker, Sir.

HON. SPEAKER.- I give the floor to the Honourable Naiqamu.

HON. O. NAIQAMU.- Thank you, Mr. Speaker, Sir, for the opportunity to contribute to the motion before the House. I wish to respond to the Honourable Member of the Opposition, Honourable Bulanauca's remarks made last week and I would also like to commend the contribution of Fiji's forestry sector to our economy.

Before I do that, I would like to thank the Honourable Prime Minister for his vision, foresight and having empathy for Fijians while leading our nation during this trying time. I would also like to thank the Ministry of Health, the front liners in our daily battle with this global pandemic, COVID-19 and all other civil servants who are part of the screening, vaccination, awareness and outreach team that are working tirelessly.

To them, I would like to say, *vinaka vakalevu, bahut dhanyevaad* and thank you to you all and your families.

Honourable Bulanauca blamed Government for the recent increase in the number of COVID-19 cases and he also has never ending comments on Fiji's forestry sector. Doctors, nurses and civil servants are away from their families for weeks and are out there risking their lives, and here, we have Honourable Bulanauca encouraging Fijians not to take heed of medical advice, but resort to natural or herbal medicine.

Mr. Speaker, Sir, right now our nation does not need the advice of a boost doctor. This is not the time, nor the place for the blame game.

HON. GOVERNMENT MEMBER.- Tell them, tell them!

HON. M. BULANAUCA.- He is not speaking on the subject, Mr. Speaker, Sir.

HON. O. NAIQAMU.- Our past and natural resources were already in dire straits, being overexploited by early settlers who came into Fiji during the sandalwood and beche-de-mer trade.

The forestry sector recovered from this exploitation until after the 1987 *coup*, when our forest resources were traded off and exported to the various markets, both local and overseas to generate much needed revenue. It was during this post-coup period, Fijians turned a blind eye to the importance of nature. Therefore, we are now facing the wrath of nature in the form of climate change and the occurrence of tropical cyclones.

Mr. Speaker, Sir, this Government, however, has greatly transformed Fiji's forestry sector with its various policies and projects, as trees and forests do not grow overnight. We must also understand these policies and projects will take time to be implemented and for Fijians to see each one.

Mr. Speaker, Sir, the 30 million trees in 15 years initiative signifies Government's commitment to elevate the importance of trees and forest is critical to nation building, by reviving our kinship with nature and its relevance to our very own existent in this planet.

I urge all Fijians to support and advocate this great initiative for the benefit of our current and future generations.

Mr. Speaker, Sir, Government has also progress its efforts to reduce carbon emission through an emission reduction programme facilitated by REDD+. The Forest Carbon Partnership has welcome Fiji's efforts to reduce carbon emission to support our small island nation.

Fiji is now the first small island state and among few countries in the world that will be receiving climate finance from the World Bank. This milestone achievement speak volumes and will continue Fiji's global effort in addressing climate change.

Mr. Speaker, Sir, fish and forests take years to mature. Twenty years or more for pine; 35 years or more for mahogany, and more than 50 years for native trees. During their growth, they need water, sunrise and a proper environment to survive in. This is their structure of growth.

Therefore, Mr. Speaker, Sir, Government also has structure in place to grow the forestry sector and given time the FijiFirst Government will return this sector to its glory days.

Mr. Speaker, Sir, I hope, Honourable Bulanauca is listening, I urge him that this ever ending comments on the forestry sector together with Members of the Opposition to go out and plant a tree today.

Mr. Speaker, Sir, the forestry sectors contribution to our economy is huge but rest assured this is not the end. There are more plans in place to ensure that there is equitable distribution required in the forest sector as this is the sort of vision this FijiFirst Government has. It is a long term. It is continuous and it is sustainable.

Mr. Speaker, Sir, before I take my seat, I would like to thank the management and staff of the Ministry of Forestry for their support and perseverance during my term as Minister for Forests.

Forestry sector is at its peak because of the commitment and sacrifice by all its staff. And I was honoured to have a great team behind me in particular my Personal Assistant, Ms. Jotivini Raleca; Public Relation Officer, Ms. Melaia Katonivualiku; Drivers - Mr. Paiata Rarasea, Mr. Elia Nakete and Mr. Savenaca.

Mr. Speaker, Sir, since January 2019, these Civil Servants have travelled to more than 300 villages with me promoting the 30 million trees in the 15 years initiative. I take this time to say *vinaka vakalevu, bahut danyavad, shukriya* for the hard work, commitment, sacrifice and I wish them well in their future endeavours. Mr. Speaker, Sir, I support the motion before the House.

HON. SPEAKER.- I give the floor to the Honourable Qereqeretabua.

HON. L.S. QEREQERETABUA.- Thank you, Mr. Speaker. I thank the Committee and I also specially thank my *tauvu*, the former Minister and also the staff of his Ministry.

I just note in the Committee's Report, Mr. Speaker, in roles and responsibilities (3.2.4), it says and I quote:

“Furthermore the Forest Policy will also be reviewed in 2021 to ensure inclusion of emission, reduction policy direction, climate change, environment policies and the relevant SDGs.”

And as we go further down to the recommendations it links in with Recommendation No. 4 that the Ministry staff undergo training on the SDGs to enable a better understanding of the Sustainable Development Goals and their linkages to the Ministry of Forestry.

Mr. Speaker, it just reminds me when we first had our first Parliamentarians Workshop at the Warwick, we had a mock Committee meetings and I sat in the Social Affairs Committee and the Permanent Secretary of Forestry did us the honour of appearing before the mock Committee. I asked him if the Ministry of Forestry was already employing drones to keep an eye from the sky on activity and possibly illegal activity happening in our forest and he at that time, what was December 2018 said, “no”. So I look forward to hearing different soon and I look forward also to seeing more environmental questions posed to the Ministry when they next appear before the Committee. *Vinaka*.

HON. SPEAKER.- I give the floor to the Honourable Prime Minister, you have the floor.

HON. J.V. BAINIMARAMA.- Thank you, Mr. Speaker. We are so very lucky in this Parliament, we have heard a lot of stories about bush doctors and now, we have the opportunity to see one in person.

Mr. Speaker, I acknowledge the Committee for its assessment of the Department of Forestry's Annual Report for the years 2014 and 2015. For the purpose of the Report, I will refer to the Ministry of Forestry as Department of Forests, as it was known in 2014 and 2015.

In the latest sectoral statistics made available by the Reserve Bank of Fiji in its economic review, the first four months of the year had an increase in production by 37.95 percent from mahogany logs and 70.5 percent for sawn timber, while woodchips production, Mr. Speaker, increased by 96.6 percent due to global demand.

The increased sustainability of the industry, particularly during the pandemic is not only owed to the demands from overseas markets, Mr. Speaker, but the actual long-term strategies by my Government for the industry, and through partnership forged over the years with the private sector through mainstreaming sustainable forest management as per our National Development Plan. My Government understands the importance of international certification standards and its requirements and prerequisites for international markets.

In 2014, Mr. Speaker, Fiji Pine Limited in particular achieved certification from the Forest Stewardship Council (FSC) and Tropik Woods was certified under the Chain of Custody. To achieve this recognition, Mr. Speaker, the Department of Forests was instrumental in supporting Fiji Pine's work towards certification by providing financial support in creating public awareness. Today, Fiji Pine Limited is the lone timber entity in Fiji that was granted FSC Certification in 2014, enabling it to open up new markets in Asian countries.

Whilst on the topic, Mr. Speaker, Honourable Bulanauca mentioned last Saturday about forest certification and he harped on it again in the last couple of minutes, saying that the forest certification

standard was drafted and rejected by the FSC. Let me correct the Honourable Member that the forest certification standard was rejected by the industry and not the FSC based in Bonn, Germany.

The certification is no easy task, Mr. Speaker, as he thinks. All credible forest certification programmes are complex and require stringent compliance with laws and regulations. Essentially, there are 10 Principles, 55 Criteria and 200 Indicators that need to be fulfilled to get full compliance. That is no small feat, Mr. Speaker, as it takes, at least, a minimum of two years to get all boxes ticked. We are working with Fiji Hardwood Corporation Limited (FHCL) and given the experiences of Fiji Pine, it should not take much longer before we get the certification for FHCL.

Currently, FHCL's 13 licence holders are marketing its products to international markets. The FHCL licence holders, Mr. Speaker, export its harvested mahogany to Australia, New Zealand, as well as South America. With the certification of FHCL, it is expected to fully recognise the potential of international markets, particularly Europe. Once we have made FHCL compliant, we need to ensure that all sawmills exporting mahogany are compliant under the Chain of Custody.

Mr. Speaker, it was unfortunate that the COVID-19 pandemic derailed our plans, but it did with many other plans and we are not sitting idly. The Ministry of Forestry will continue to collaborate with FHCL and other hardwood entities in our efforts to secure forest certification once things get back to normal.

In 2015, Mr. Speaker, the Department signed a grant agreement with the World Bank valued at \$3.8 million for Fiji's REDD+ Programme to prepare Fiji for carbon financing. As I had mentioned in my statement on Saturday, Mr. Speaker, Fiji has signed a carbon trading agreement with the World Bank and we are now the first Small Island Developing State (SIDS) in the world to enter into carbon trading.

Mr. Speaker, both the 2014 and 2015 Reports are being re-submitted to Parliament with additional information required by the Parliamentary Standing Committee on Natural Resources. I am pleased to advise that the Department has addressed outstanding issues highlighted by the Committee. One major tangible development, Mr. Speaker, is the coordination of Fiji's Tree Planting Campaign, involving the planting of 30 million trees in 15 years beginning from 2015 in which the Honourable Naiqamu was very much involved in.

Fijians and visitors alike have helped plant close to seven million trees in two and a half years, setting a record. Mr. Speaker, I take this opportunity to acknowledge His Excellency the President and your goodself, Mr. Speaker, and even Honourable Members of the Opposition for championing Fiji's tree planting campaign. The campaign will benefit the environment's biodiversity and ecosystem services, while also meeting the economic and social needs of all Fijians and the current and future generation.

Based on those remarks, Mr. Speaker, I support the motion before the House.

HON. SPEAKER.- I thank the Honourable Prime Minister. I now call upon the Chairperson of the Standing Committee on Natural Resources to speak in reply. You have the floor.

HON. S.S. KIRPAL.- Thank you, Mr. Speaker, Sir. Just to clarify with Honourable Bulanauca, the SODELPA Members were suspended during the time of generation of this Report, so that is why their photos are not there. There was no mistake from the Secretariat staff and it was just because they were suspended. I would like to thank the former Minister for Forestry for his contribution and also the Honourable Prime Minister for clarifying the other issues. Thank you, Mr. Speaker, Sir.

HON. SPEAKER.- Point of Order.

HON. M. BULANAUCA.- Other Committee Reports too, they have their photos in the report even though they were suspended, their photos were still in the Committee Reports.

HON. S.S. KIRPAL.- Honourable Bulanauca, there was no contribution from the Members of the Opposition which was why there are no photos of them.

HON. SPEAKER.- We will move on. The Parliament will now vote to note the content of the Report.

Question put.

Motion agreed to.

HON. SPEAKER.- I now call upon the Chairperson of the Standing Committee on Economic Affairs to move his motion. You have the floor.

### **CONSOLIDATED REVIEW REPORT – TOURISM FIJI 2013 AND 2014 ANNUAL REPORT**

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

That Parliament debates the Consolidated Report on the Review of Tourism Fiji 2013 and 2014 Annual Report which was tabled on 24th March, 2021.

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

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

HON. V. NATH.- Thank you Mr. Speaker, Sir. The Standing Committee on Economic Affairs tabled its findings and the recommendations on the Tourism Fiji 2013 and 2014 Annual Reports in March 2021.

The Committee noted with appreciation the important role played by Tourism Fiji towards Fiji's economy. Not only do they bring in revenue for the nation, but they also provide employment to thousands of Fijians. In fact, in 2014 itself, Fiji welcomed a record 692,350 international visitors and tourism earning was valued at \$1.5 billion by the Fiji Bureau of Statistics.

Over the years, Tourism Fiji 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 peoples to visit Fiji and left an enduring impact.

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 commended Tourism Fiji for its continued progress towards increasing Fiji's market share through their various campaign strategies and suggested that Tourism Fiji's report be inclusive of their progress towards achieving the Sustainable Development Goals relevant to them.

Mr. Speaker, Sir, with that contribution, as a Member moving the motion, I thank you for the opportunity.

HON. SPEAKER.- I thank the Chairperson of the Standing Committee on Economic Affairs. Honourable Members, the floor is now open for debate and I call on the Honourable Gavoka. You have the floor.

HON.V.R. GAVOKA.- Thank you, Mr. Speaker, Sir. The Report does not say much, going back some years, but I echo what the Chairman has indicated that tourism is number one in the country and has a huge impact on our economy. Just a correction there, Mr. Chairman, the Matai Programme is a not a new programme, it is as old as Noah's Ark. It has been there with Tourism Fiji for quite some time.

Mr. Speaker, Sir, when we talk about tourism in the context of today, we need to be free from COVID-19. We talk about its impact on the economy, and it is very important that we combat COVID-19 successfully. Yesterday, there was an interview on the radio in the vernacular, where a very intelligent young lady was interviewing a doctor and her name was Iva. It was established that some 130,000 people have been vaccinated. The doctor did a wonderful job of talking about COVID-19, how it affects Fiji and how it came about - from Oxford University, the scientists and WHO too, to try and allay the fears of the people to take the vaccine.

It is very important for tourism, Mr. Speaker, Sir, that we are vaccinated. In Israel, as I was saying earlier on, that they went through three waves but after 60 percent of the population were vaccinated, they managed to attain herd immunity. So, I asked the question last week, at what point, Honourable Minister, do we become immune on a herd basis?

Mr. Speaker, COVID-19 is a disaster now. This morning, we woke up to the news that 85 or 86 people have been positive. I dread to wake up and discover what the number is tomorrow; I dread that. It is a disaster, Mr. Speaker, and the FijiFirst Government has to relook at the way it is doing this. We have offered assistance to be one in this and this line - that they philosophically oppose diametrically, is quite infantile. People form bipartisanship in emergencies - the British in WWII, even New Zealand with COVID-19, they had it on a bipartisan basis.

We need to do that, Mr. Speaker, Sir, because it is tourism-related and we need to recover tourism. Right now, Sir, I am worried that the recovery in tourism will be long time coming. What is obvious to us is that, there is turmoil within FijiFirst. Those who want help first and those who want economy first. I think the Honourable Prime Minister should reconcile the forces within FijiFirst and go on a definitive way on how to combat this thing. There is no clarity in the way we do it.

HON. GOVERNMENT MEMBER.- What do you want?

HON. V.R. GAVOKA.- If you want to go help first, go help first. What about if we wake up tomorrow and there are 120 cases? What would the Honourable Prime Minister say tomorrow?

HON. GOVERNMENT MEMBER.- What do you want?

HON. V.R. GAVOKA.- We want clarity! We want this country to be safe. If need be, close down the country! We cannot go this way - close one day and open the next day. Please, Honourable Prime Minister, show some leadership here. It is getting out of hand. This is preposterous and we are really worried about the way things are going with the COVID-19, Mr. Speaker.

Mr. Speaker, in my statement last week, I had said that by talking to the Australian Government, we can send some of our tourism workers to go and work in Australia. They have already worked there and we should do it again, revisit and do it in a big way.

Australia, Mr. Speaker, is the only economy in the world that is bigger today than before COVID-19. Europe is in recession, the United Kingdom is going backwards and the United States which is also going backwards. Only Australia is ahead pre-COVID-19.

HON. MEMBER.- China?

HON. V.R. GAVOKA.- China does not ....

(Honourable Members interject)

HON. SPEAKER.- Order, order!

HON. V.R. GAVOKA.- Our neighbour is Australia, the biggest economy in this part of the world. In actual fact on a per capita basis, bigger than India, bigger than China, bigger than Japan. They are up there, Mr. Speaker, so let us approach them, let us talk with them and send our people to go and work in the tourism industry in Australia.

Honourable Speaker, I have been blamed that I am always lobbying for Australia, well, this is the time to have someone who is friendly to Australia to be talking about these things and setting up policies.

Mr. Speaker, we have a disaster, our tourism will not come back if we continue to dilly dally with the way FijiFirst is going about things today. Thank you, Mr. Speaker.

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

HON. F.S. KOYA.- Thank you, Mr. Speaker. I thank you for allowing me to contribute to the debate, might I emphasise, on the Consolidated Report on the Review of Tourism Fiji 2013 and 2014 Annual Reports. The opportunity is here to debate that particular Report and I see, in his usual form, Honourable Gavoka's train has derailed again and gone off to some other direction.

We all know what is going on, Honourable Gavoka, we are all doing our part and, please, do not make it sound like it is all FijiFirst's fault. I can tell you this much, Honourable Gavoka, there is not a split in FijiFirst in any way, shape or form, as you would indicate, at all. We are all on the same page and we are all behind our Honourable Prime Minister, unlike your Political Party.

I also want to thank the Standing Committee on Economic Affairs for acknowledging the great work done by Tourism Fiji and its recommendations. I think everyone will acknowledge, Sir, that the years 2013 and 2014 were both exceptional years for the tourism industry. Thousands of Fijians were employed and were great for the Fijian economy, and these were the years, Mr. Speaker, that actually set the stage for our travel and tourism industry for the years to come, except for when we just got hit by COVID-19.

We have had, for the first time, in 2014, it came close to surpassing the 700,000 odd visitor arrivals. We had almost 10,000 more visitors from Australia than in the previous year. We had 15,000 odd more visitors from New Zealand. We have 6,000 odd more visitors from the United

States and 2,000 from Europe and 5,000 from China, which is actually a growing market. And the value of our industry was recorded at that particular time at a stellar \$1.5 billion, the feat that was never achieved before, Sir.

We showed phenomenal resilience, despite being ravaged by *TC Evans* and two damaging floods in 2012, which actually cost us hundreds of millions of dollars. In 2013, whilst even experiencing a slight 0.3 percent decline in the arrivals, we still managed a recorded increase in the value of the industry. For the most part of 2013 and 2014, our focus was on rebuilding the brand of Tourism Fiji and also the following natural disasters.

As mentioned by the Honourable Chairperson, we successfully launched the new global brand 'Fiji Where Happiness Finds You' and this brand has, over the years, reached the extremely large global audience attracting some of the greatest and some of the more larger events to Fiji - the very brand we have seen alongside international brands, such as the Fiji Surf Co, PGA Tour of Australasia and Super Rugby, Sir.

In 2013, Tourism Fiji also launched its website and in 2014, the Fijian Tourism Expo and the Matai Programme, an online travel agents' specialist training programme. I do not know why he gets offended about someone mentioning something about that, whether it has been around now. It is better now than it has ever been, all of which contributed to the organisation and the industry's growth.

As recommended by the Committee, Mr. Speaker, Tourism Fiji has, over the years, also established both, its digital and its social footprint, and that of the entire tourism industry. It is still constructing and building more its online capabilities to have more web platforms that help communicate with larger markets.

In 2014 also, Tourism Fiji continued to improve its website and launched a number of social media campaigns and online programmes, and these actually helped Tourism Fiji effectively monitor the performance of the campaign and get into new markets.

We also noted the Committee's recommendation to include in its reporting, Mr. Speaker, a summary of key visitors' statistics for, at least, five years and flight payment we agreed it is good seeing the bigger picture.

We further note the recommendation to have more KPIs, including overseas regional offices, and at present like with most other statutory bodies, Mr. Speaker, the KPIs are detailed in the actual service agreement between the line Ministry being the Ministry of Commerce, Trade, Tourism and Transport.

For Tourism Fiji, this includes KPIs beyond visitor arrivals by market which includes; trade shows, tactical campaigns and public relations, to name a few. The monitoring and evaluation is also undertaken on a quarterly basis by markets who report on achievements and this recommendation is being considered for future reporting.

With respect to the remaining Annual Reports, might I report to the House, Sir, that there was a fire at the Tourism Fiji Head Office in 2018, and substantial amount of documents were lost and this contributed to the delay in the reporting process. However, Tourism Fiji has submitted its narrative till 2019 to the Ministry and it is working closely with us and the Office of the Auditor-General to have them tabled by the year end, Sir.

During the period under review and this is important, Sir, we also witnessed the transformation of our Fijian ‘Air Pacific’ brand to ‘Fiji Airways’, collecting another accolade for its rebranding efforts. The group recorded an underlying profit of \$17.2 million for the first half year alone.

Let me remind the other side of the House, again, Sir, our national airline - the very airline that they dismissed whole of last week, is one of the main reasons for the phenomenal performance of the industry, and I want to acknowledge that publicly. We understand it will take time to return to the glory days that we have had. Obviously, our focus is in making sure that our country is safe and sound from COVID-19 and where we go from here, we will be very focussed.

The Fijian Government, through Tourism Fiji, Fiji Airways and the industry and all our stakeholders, will continue to work on the four-stage market re-entry that we actually have done. We will continue to explore opportunities for safe travel pathways through the Fijian COVID-Safe Economic Recovery Framework.

We will continue to prioritise also the industry through our budget response, we will continue to encourage sector-wide vaccination and we will continue to prepare our industries through careFIJI commitment. We are constantly at work with respect to the questions that Honourable Gavoka has about the vaccination, et cetera, and we are constantly at work with the Ministry of Health to ensure that our tourism industry gets back on its feet as quickly as we can, Sir.

I want to take this opportunity to thank the Tourism Fiji Board and the Acting CEO for their remarkable support to both, the industry and Government, whilst we go through these terrible times at the moment, Sir. I want to thank, Mr. Speaker, for allowing me to contribute. Thank you very much.

HON. SPEAKER.- I now call on the Chairperson of the Standing Committee on Economic Affairs to speak in reply.

HON. V. NATH.- Thank you, Mr. Speaker, Sir. I thank the Honourable Minister for his input and also Honourable Gavoka. The only concern raised was that, Honourable Gavoka often does not digest quickly but he just throws up.

What I meant there in my presentation was that, the new Fiji Matai Specialist Programme and website was the designation training programme for tourism partners set in Fiji. Probably, he just could not digest it, he probably only listens to the first part of it.

I thank the Honourable Minister for clarifying that. It is a new programme with the website which was launched and I congratulate all the team members of the Tourism Fiji for doing excellent work. *Vinaka*, Mr. Speaker.

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

Question put.

Motion agreed.

HON. SPEAKER.- I now call on upon the Chairperson of the Standing Committee on Public Accounts to move his motion.

**REVIEW REPORT - PERFORMANCE AUDIT REPORT ON THE  
MANAGEMENT OF TRAFFIC CONGESTION**

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

That Parliament debates the review of the Performance Audit Report on the Management of Traffic Congestion which was tabled on 24th March, 2021.

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

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

HON. A.A. MAHARAJ.- Thank you, Mr. Speaker Sir. The Performance Audit Report investigated the traffic congestion along the Suva-Nausori corridor. This is characterised about 20 kilometres connecting land travellers between Suva City and the developing Nausori Town with around 6,000 of its citizens needing to move at the same time each day in the same direction.

According to the extrapolated Carpooling Survey undertaken by LTA Transport Planning and Statistics Department in October, 2016, this immediately causes traffic congestion during peak hours, which means the travelling public would be spending an average of two hours travel between those two destinations.

Mr. Speaker, Sir, the legislation and regulations governing the Transport Sector in Fiji are as follows:

- (1) Land Transport Act 1998;
- (2) Fiji Roads Authority Act 2012;
- (3) Police Act 1965;
- (4) Bicycles Act 1939;
- (5) Railway Act 1976; and
- (6) Land Transport Regulations 2000.

Mr. Speaker Sir, the Auditor-General has stated in the Report that several legislation, policies and plans require amendments and reviews. If the legislation is not revised when required, then it will not address the current and forthcoming risks and challenges.

The FRA advised the Committee that there was no overlap in the role between the FRA Act and the LTA Act. On the other hand, the Department of Transport advised that the enforcement of the land transport-related matters was undertaken by the LTA, the Fiji Police Force and the Municipal Councils. Those two agencies were already covered in the Land Transport Act.

The FRA was responsible for development of infrastructure, hence they were covered by the Roads Act. The responsibility of the Traffic Management Strategies was with the LTA. However, there was a technical working group that looked at a wider scope of matching infrastructure development with the land transport needs of the country.

The Bicycles Act, Mr. Speaker, will be reviewed and the terms of reference will be developed during the 2020-2021 financial year to look at the provisions that would give bicycle owners and riders equal space, accessibility and rights to the usage of the road.

With regards to the Scrapping Policy, Mr. Speaker, the Department of Transport advised that

the Ministry has a draft Scrapping Policy and in order to have a coordinated approach, the policy will be consulted in conjunction with the Land Transport Act review. The combined consultation on the Policy and the Act will ensure that deregistration of motor vehicles and the need to accredit agencies to process and export the scrap metal is adequately captured in the Policy and the Land Transport Act. The Department will coordinate with the Department of Environment and all other relevant stakeholders on the implementation of scrapping of motor vehicles in Fiji.

Mr. Speaker, Sir, the Vehicle Scraping Policy is a strategy that is aimed at discarding aged or inoperative vehicles in the country. The Department of Transport had described that one way the scrapping of vehicles can take place is through setting a vehicle quota and phasing out the vehicles with the registration A, B, C, D, E, F, et cetera, provided they are no longer fit to be on the road or already non-operative. At this point in time, I would like to emphasise that we are not talking about double alphabetical registration.

The Land Transport Authority informed the Committee that before an age restriction can be introduced in Fiji, there is an absolute pre-requisite to have a mandated end of life agreement introduced by the Ministry of Environment. Not having an environmentally friendly mechanism for the disposal and recycling of life expired vehicles, will result in the Fijian countryside being turned into informal scrapyards.

Mr. Speaker, Sir, to conclude, 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 - be appropriately and expeditiously addressed.

Coupled with the absence of prescribed procedures at the Department of Transport and lack of formal agreements and arrangements to establish coordination between lead agencies in addressing the problem of congestion on Fiji's roads, the Committee notes the continuous efforts in the implementation of actions under the Fiji Decade of Action for Road Safety 2011-2020 National Plans. It is anticipated that there will be more effective collaboration, integration and result-oriented efforts from relevant transport agencies in controlling traffic congestions and at the same time, alleviating the carbon footprints in Fiji. Mr. Speaker, Sir, I thank you for this opportunity.

HON. SPEAKER.- Honourable Members, the floor is now open for debate and I give the floor to the Honourable Kepa. You have the floor.

HON. RO T.V. KEP A.- Thank you, Mr. Speaker. Mr. Speaker, I rise to contribute to the debate and I wish to first of all thank the Chairperson and the Members of the Public Accounts Committee for this report and also state here that I am also a Member of this Committee.

Mr. Speaker, this is a very hot topic in Fiji - our roads and the vehicles that are on the roads. At any gathering, that is pre-COVID, traffic congestion was always a good way to start a conversation as everyone had something to say about it like, why can Government not get traffic problems under control or what is wrong with the LTA? We are paying so much money to operate our vehicles; why can LTA not do something about the traffic jams or why can FRA, who are given so much money in the budget, not do something about the potholes? I am trying to get home early to cook dinner and I have to try to dodge all these pot holes on the road.

People are saying, Mr. Speaker, that there are so many vehicles on the road. They look into the showrooms, there are more vehicles. People look out to sea (pre-COVID-19 that is Mr. Speaker, Sir) and they see ships bringing in more vehicles. On the wharves, there are more vehicles. Areh! Does Government not know that already there are too many vehicles on the road?

The review here, Mr Speaker, Sir, in attempting to address the very important issue of traffic congestion is a very timely one and it refers, as alluded to by the Chairman of the Committee, to the 20 kilometres of road connecting commuters between Suva and Nausori. Also Mr. Speaker, Sir, he spoke about that survey that was done.

There was also another survey conducted by the Department of Transport in 2017 which estimated that it takes approximately two hours for people to come from Nakasi to Suva, and that was in 2017, Mr. Speaker, Sir. In 2021, how much time does it take now to get from Nakasi to Suva? That would be very interesting and to make matters worse for this congestion, a sudden mass movement of pedestrians, for example, at the end of a school day, the exodus of students at the same time from all schools, all coming to the crossing area, factor in the jay-walkers who walk between vehicles, pose a high risk and rising stress and blood pressure levels for everyone, especially motorists.

Mr. Speaker, Sir, therefore, in addressing traffic congestion which concerns us all, we are looking at 10 agencies or stakeholders that were mentioned in the report who are legislated with these responsibilities, who should be working together as a cohesive and coordinated unit to ensure that there is a good flow of traffic especially at peak hours. Those agencies Mr. Speaker, Sir, are the Department of Transport, the Traffic Unit of the Fiji Police Force, Fiji Roads Authority, Land Transport Authority, Department of Town and Country Planning, Ministry of Waterways and Environment, Ministry of Economy, Fiji Ports Authority, Maritime Safety Authority of Fiji and Vodafone.

Perhaps, Mr. Speaker, Sir, we should factor in Energy Fiji Limited and Water Authority of Fiji because sometimes, soon after a highly sealed road has been completed, we see workers coming and digging trenches across that sealed road. Also, the Municipal Councils. But Mr. Speaker, Sir, speaking about those agencies, there are some shortcomings shown in the internal workings and internal controls of those agencies where there is supposed to be consultation and coordination.

One of the issues highlighted is that, there are no MOUs and I quote here from the Performance Audit of Traffic Congestion, “The absence of established formal agreements or MOUs maybe a contributing factor in the weak coordination between relevant agencies which may lead to difficulty in achievement of common goals or objectives of these agencies.”

Here is another one Mr. Speaker, Sir, I quote; “It is difficult to believe that the National Transport Consultative Forum (NTCF) which the Honourable Minister for Infrastructure and Transport himself opened on 3rd July 2019, where he spoke in glowing terms of the transport sector, contributing about 8 percent toward Fiji’s GDP yet, only one year later in 2020, this report says that there were no NTCF meetings held as there was no funding provided in the budget of that financial year. How can no funding be provided, Mr. Speaker, Sir, for this top forum? We hear from the LTA that they collected almost \$14 million in road user levy alone by the end of the financial year in July 2019.

Something is not right Mr. Speaker, Sir. Where are the priorities if there are 10 agencies and they are not meeting? Each doing their own thing, there is no MOU, no consultation, no coordination, no monitoring and no supervision. So, do you wonder why people who know something is wrong are left wondering about the traffic problems and when will they ever end? The other issue in the Report speaks about dedicated bus lanes, which our Chairperson spoken on briefly - carpooling, cycling and pedestrians but that can be looked at on another day, Mr. Speaker, Sir.

In conclusion, at the end of the day, the issue of traffic congestion and finding solutions to it rests with the political will of the Government of the day. The Honourable Minister, Permanent

Secretary and the CEO of LTA and FRA are very highly paid people. Yet, the two Reports, that is, the Performance Audit on Management of Traffic Congestion and the Review of the Performance Audit on Management of Traffic Congestion, highlight the shortcomings and lack of internal controls, which the Honourable Minister has to remedy to ensure he actually does something to shorten travelling time between places like Suva and Nausori, and not just come to Parliament and give long speeches - a lot of talk and no action. This is his portfolio and people are really tired and they are praying, wishing and hoping that Government will do something about the traffic congestion. Thank you, Mr. Speaker, Sir.

HON. SPEAKER.- 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. On behalf of the Ministry of Infrastructure and the Fiji Roads Authority (FRA) which works very closely with all the stakeholders, I think it suffice to say that all the stakeholders are involved in meeting and discussing the issues to deal with traffic congestion.

In terms of FRA, they work closely and in collaboration with the Ministry of Transport, as you have seen in the:

- development of the four lanes;
- constant work that is done on upgrading traffic lights;
- installation of new lights;
- development of footpaths and street light projects to encourage people to walk short distances and especially, within the central business district; and
- looking at junctions to ease the flow of traffic in junctions.

One of the things that the FRA is also looking at, at the moment, is looking at the current demands within the Suva area, Mr. Speaker, Sir. There is an assessment being done of the traffic flow and this information will feed in to the improvements. The FRA will be looking to undertake this assessment and also look at improving the Traffic Impact Assessment - something was not done very fully in the past.

There is a particular recommendation in the Report, Mr. Speaker, Sir, Recommendation No. 5 which talks about the introduction of sensor traffic lights, whereby the lights will change according to the number of vehicles on the road. I can inform this House that currently, the FRA is already at work on this. The appropriate infrastructure to run an integrated traffic system is being installed in Suva-Nausori corridor as part of the capacity building projects.

In addition to that, for all of the existing lights that are already in place, they will be upgraded to the same standard. We hope to have all those in place by early next year and after that, LTA and the Police would be given the go ahead to connect the hardware to their Integrated Traffic System and that will help address some of the issues that exist in terms of traffic congestion.

The FRA and the Ministry of Infrastructure will be working very closely and it does work closely at the moment with the Ministry of Transport, to continue to focus on what can be done to address the issues of traffic congestion. Thank you very much, Mr. Speaker, Sir.

HON. SPEAKER.- I thank the Honourable Minister. I now give the floor to the Chairperson of the Standing Committee on Public Accounts to speak in reply.

HON. A.A. MAHARAJ.- Thank you, Mr. Speaker, Sir. I would just like to say that traffic is not just an issue that is actually faced in Fiji, it is a global issue. The infrastructure is not able to take the amount of vehicles on the roads, so it is not a blame game. We need to actually work together, the agencies need to work together to see how best we can work towards easing of traffic. Thank you, Mr. Speaker, Sir.

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

Question put.

Motion agreed to.

HON. SPEAKER.- Honourable Members, on that note, we will suspend proceedings for half an hour.

The Parliament adjourned at 5.04 p.m.

The Parliament resumed at 5.32 p.m.

HON. SPEAKER.- Honourable Members, I call upon the Chairperson of the Standing on Public Accounts to move his motion. You have the floor.

**REVIEW REPORT – PERFORMANCE AUDIT ON THE ADMINISTRATIVE AND  
MANAGEMENT OF BUSFARE ASSISTANCE THROUGH E-TICKETING FOR  
SCHOOL CHILDREN, THE DISABLED AND THE ELDERLY**

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

That Parliament debates the Review Report on the Performance Audit Report on the Administrative and Management of the Bus Fare Assistance through E-Ticketing for School Children, the Disabled and the Elderly which was tabled on 25th March, 2021.

HON. J.N. 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.

HON A.A. MAHARAJ.- Thank you, Mr. Speaker. The Office of the Auditor-General has conducted a performance audit to ascertain the efficiency and effectiveness of Government's Bus Fare Assistance Programme through e-ticketing for the school children, the disabled and the elderly.

Given the sustainable development objectives of the Fijian Government to prioritise in the National Development Plan, the provision of bus fare assistance through e-ticketing is a Government initiative targeted at providing and promoting quality education for all social inclusion and empowerment, youth development and women and gender equality.

Mr. Speaker, Sir, the bus fare assistance through e-ticketing to school children from low income families is attempted to ensure that all children have access to quality education. However, the scope of the audit for the information of all Honourable Members does not cover the acquisition of the services of the e-ticketing provider.

The audit examined the various functional roles of the Ministry of Education and the Department of Social Welfare under the responsibility of the Ministry of Women and how they managed the e-ticketing programme. The audit also looked at the monitoring and reporting aspect of the programme and how the information maintained by the e-ticketing service provider was scrutinised, analysed and reported with respective Ministries and Departments.

The Committee noted that a total of 88,579 students received transport assistance vouchers in 2009 when it started while 80,879 elderly and disabled persons received 50 percent concession voucher in 2011. In 2017, the e-ticketing process for bus fare was implemented and by Term 3 of 2019, a total of 66,674 students and about 51,444 senior citizens and persons with disability received e-transport cards to utilise e-ticketing. The elderly and the disabled person received full 100 percent assistance for their fare at the maximum value of \$40 per month in 2018.

Students living in rural areas that have no bus services still use vouchers to travel on carriers and minibuses. Public funds amounting to \$100 million have been spent over three years since the assistance was delivered through the e-ticketing platform in 2017.

Mr. Speaker, Sir, the Government's plan and actions are aligned and implemented in

accordance with SDG 1 - Reduce Poverty; SDG 14 - Provide quality education for all; and SDG 10 - Eliminate Inequality.

Part 3.1.5 of the NDP emphasises on the theme Quality Education for all. Under the NDP Goals and Policies, Goal Number 2 emphasises on ensuring every Fijian student has equal access to education at all levels including the provision of assistance towards student's bus fare.

Mr. Speaker Sir, with those words, I thank you for this opportunity.

HON. SPEAKER.- Honourable Members, the floor is now open for debate on this motion. I give the floor to the Honourable Leawere, you have the floor.

HON. M.R. LEAWERE.- Thank you, Mr. Speaker, Sir. I thank you for the opportunity to talk on the motion that the House is debated on this afternoon. I thank the Chairperson of the Standing Committee on Public Accounts and the Honourable Committee Members for the report.

We go straight into the report, Mr. Speaker, Sir, the Bus Fare Assistance Programme through e-ticketing has sufficient mandate under the Constitution to enable it to be functional and effective in providing the required assistance to school children, the elderly and persons with disabilities.

Mr. Speaker, Sir, issues to be taken up and noted is the availability of structures in public transport for our elderly and persons with disabilities. However, the audit determined that policies and procedures implemented to support the Cabinet decisions need to be reviewed, as they were prepared for the voucher assistance before the e-ticketing system was introduced.

Similarly, Mr. Speaker, Sir, the absence of an agreement between the external e-ticketing service provider with the Ministry of Education and undated agreement between the external e-ticketing service provider and the Department of Social Welfare needs to be rectified to ensure that the interests of Government are adequately protected and also the effect it has on the taxpayers money involved.

Mr. Speaker, Sir, the anomalies were found given the poor internal controls including lack of monthly reconciliations of records between the two Government agencies and the e-ticketing service provider. There is also a need to work towards mitigating risks identified, which caused over payment. This include the risk of over payment of assistance through excessive top ups, school fees paid beyond the school zones, payment of assistance to ineligible recipients, lack of declaration of interests by processing officers and continued top-up of cards for deceased senior citizens.

The risk, Mr. Speaker, Sir, of fraud for unused balances in cards, also existed if these are not checked and not scrutinised properly. Generally, Mr. Speaker, Sir, the system has been effective in providing bus fare assistance through the e-ticketing platform, however, utilisation of resources could be improved with an effective and accountable internal control systems.

Mr. Speaker, Sir, I support and endorse the seven Committee recommendations and, therefore, the two Ministries should take serious consideration on those recommendations as the audits that were conducted on those recommendations will assist them to improve their performance in the administrative and management of the Bus Fare Assistance Scheme through e-ticketing for the schoolchildren, the disabled and the elderly.

Before I conclude, Mr. Speaker, Sir, this is my brief comment on the motion at hand. I just received a note that there are about 100 workers from a very big company in Suva, who have been laid off because they did not receive vaccination and that is a worrying trend. I hope that the

Government comes up with a statement to say that companies cannot impose this draconian or very strict guideline for workers who are not ready for vaccination. On that note, I thank you, Mr. Speaker, Sir.

HON. SPEAKER.- I now give the floor to the Honourable Minister for Education, Heritage and Arts.

HON. R.S. AKBAR.- Thank you, Mr. Speaker, Sir. I would like to respond to the motion for debate on the floor....

(Technical glitch experienced through virtual connection)

...provided including Vodafone Fiji Ltd, the Fiji Bus Operators Association and our rural service providers, who ensure that our children are safely transported to school on time and they reach home on time as well. So, we thank you on behalf of the Fijian children and the Government.

Mr. Speaker, Sir, transport assistance is only provided to children where combined annual household income is below \$16,000. Families from the informal sectors are also eligible for this assistance and are required to provide the statutory declaration certified by a Justice of Peace. Upon verification by the head of school, approval is granted by the Ministry.

Mr. Speaker, Sir, the Fijian Government continues to provide various forms of assistance that not only benefits students but also many Fijian families. We will continue with such assistance and we need to ensure that this assistance is given out to those who truly deserve it and any information that is given to us, qualifying our students should be done with utmost honesty.

Mr. Speaker, Sir, there have been instances where we have identified abuse of the Transport Assistance Scheme by parents and students and, of course, by our staff, as mentioned by the Honourable Attorney-General. We have come across students who tap their cards more than once, allow their friends and families to take advantage of their cards and we have noted cards are being used in weekends and long hours.

Mr. Speaker, Sir, we have taken strict action on our staff who have abused the system. Currently, cases lie with the Police and FICAC investigation is ongoing. We have terminated the services of a couple of staff from the Transport Assistance Unit last year, and I hope that that is a deterrent to all those who would be trying to abuse the system.

Mr. Speaker, Sir, the Ministry has taken stringent approaches to ensure there is a better control that will eliminate abuse and strengthen this assistance system. From Term 1 of 2020, we have implemented card restrictions during school holidays, 15 minutes of blackout time from the first step. Cards can now only be utilised on weekdays from 6.30 a.m. to 9.00 a.m. and 2.30 p.m. to 5.00 p.m. With those restrictions in place, Sir, the Ministry will be looking at adjusting the external examination times for students so that there is no inconvenience caused.

We have developed a transport policy and are in the process of finalising a new set of standard operating procedures, as mentioned by the report on page 15. This policy has been developed in consultation with relevant stakeholders and is aligned to the Electronic Fare Ticketing Act of 2014.

Mr. Speaker, Sir, the Ministry is currently in the process of implementing online application forms, automating reporting and reconciliation strategies within our FEMIS system. Children can now redeem their cards with any District Education Office, Ministry Headquarters, any Vodafone outlet, even at bus terminals and in the bus itself.

Mr. Speaker, Sir, the Draft Service Agreement as recommended by the Committee on page 17 is in the second phase of consultation with our service provider, to place key reporting mechanism that will allow greater control and we anticipate to have this ready before the end of July this year.

Mr. Speaker, Sir, we are also developing and engaging into a Memorandum of Understanding with all our existing RSL transport providers, such as boat operators, minivans and carriers. This will enable the Ministry to have a set clear guideline and enable us for better accountability. This will be completed before the end of this financial year.

Mr. Speaker, Sir, the Ministry is also looking at developing and implementing an online complaint management system as mentioned on page 20 that will register all issues raised in regards to this assistance programme. We welcome complaints and suggestions from the communities, parents and children themselves, as to how we can better the service.

Mr. Speaker, Sir, daily automated reports from the service provider on page 23 of the Report has enabled the Ministry to verify usage, identify abuse and monitor card funds and balances. Cards are topped up every term of the school year. More top-ups are done if students join the scheme later than the cut-off date for valid reasons.

Mr. Speaker, Sir, I end by thanking the Standing Committee on Public Accounts for their recommendations and, of course, the Ministry is taking consideration on improving our internal controls to better our Transport Assistance Scheme. I thank you, Mr. Speaker.

HON. SPEAKER.- I thank the Honourable Minister. I give the floor to the Honourable Minister for Women, Children and Poverty Alleviation. You have the floor.

HON. M.R. VUNIWAQA.- Thank you, Mr. Speaker, Sir. First of all, I would like to thank the Chairperson of the Standing Committee on Public Accounts for the Report before us.

The Chairperson has clearly laid out the historical background to the introduction of this assistance to those living with disabilities and the elderly (65 years and over) that this Ministry serves. At the moment, Sir, we have over 41,000 recipients of this assistance, over 38,000 elderly persons and over 2,000 almost 3,000 persons living with disabilities, access this assistance.

The e-ticketing system has made the use of Government investment in this area more transparent and has also helped us as a Ministry to be able to review current policies to ensure that Government's intent is fulfilled. I take note of the recommendations that have been made by the Public Accounts Committee and particularly, in relation to the finalisation of Standing Operating Procedures and also in relation to the Complaint Management System.

As I had indicated last week, Mr. Speaker, Sir, there is currently a reform in relation to the Ministry's IT system for the delivery of all the Social Protection Schemes that the Ministry delivers on behalf of Government. To that end, the recommendations that have been made by the Public Accounts Committee will be taken on board to be part of the reform process. I thank you, Mr. Speaker.

HON. SPEAKER.- I thank the Honourable Minister. I now give the floor to the Chairperson of the Standing Committee for Public Accounts to speak in reply. You have the floor.

HON. A.A. MAHARAJ.- Mr. Speaker, Sir, I would like to take this opportunity to thank the two Ministers – the Honourable Minister for Women, Children and Poverty Alleviation and the Honourable Minister for Education, Heritage and Arts, for taking on board the recommendations by

the Committee in trying to improve the system. I would also like to thank Honourable Leawere for his input towards the debate.

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

Question put.

Motion agreed to.

HON. SPEAKER.- I now call upon the Chairperson of the Standing Committee on Natural Resources to move his motion. You have the floor.

### **CONSOLIDATED REVIEW REPORT – MINISTRY OF LANDS AND MINERAL RESOURCES 2011-2013 ANNUAL REPORT**

HON. S.S. KIRPAL.- Mr. Speaker, Sir, I move:

That Parliament debates the Review Report of the Consolidated 2011, 2012 and 2013 Ministry of Lands and Mineral Resources Annual Reports which was tabled on 25th March, 2021.

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

HON. SPEAKER.- Thank you. I now invite the Chairperson of the Standing Committee on Natural Resources to speak on his motion.

HON. S.S. KIRPAL.- Mr. Speaker, Sir, I, on behalf of the Committee, commend the Ministry of Lands and Mineral Resources on the satisfactory performance shown during the review period.

The Committee acknowledges the commitment of the staff of the Ministry, the leadership provided during the years and their contribution towards the accomplishment of the Ministry's achievements on the targeted output areas. The Committee also notes the backlog of Annual Reports of the Ministry of Lands and Mineral Resources, yet values the consistent performance of the Ministry during the review period.

Mr. Speaker, Sir, I wish to add that during the review period, the Ministry's priority was to implement Government's reform initiatives on land, mineral and groundwater resources for sustainable socio-economic growth at the national level by 2012. The Ministry continued to vigorously implement Government's reforms and policy initiatives on land, minerals and groundwater resources.

Mr. Speaker, Sir, the Committee also wish to acknowledge the current leadership of the Ministry of Lands and Mineral Resources that continues to strategize and align its key output activities and programmes towards the National Development Plan.

Finally, I commend the effort of the Members of the Standing Committee on Natural Resources in the compilation of this consolidated review report of the Ministry of Lands and Mineral Resources for 2011, 2012 and 2013 Annual Reports. My appreciation to the Executives of the Ministry of Lands and Mineral Resources Executives for their timely contribution in the compilation of this bipartisan Committee Report.

Mr. Speaker, Sir, with those few comments, as the Member moving the motion on this Report, I thank you for this opportunity.

HON. SPEAKER.- I thank the Chairperson. Honourable Members, the floor is now open for debate on the motion. I give the floor to the Honourable Vosanibola. You have the floor.

HON. P.W. VOSANIBOLA.- *Vinaka*, Mr. Speaker, Sir. I wish to make a short contribution on the motion before the House. At the outset, in Fiji, nothing is more important than land. Land is the fulcrum around which Fiji revolves and majority of Fijians rely on land for their livelihood and it is a source of power, culture and identity.

First and foremost I would like to thank the Chairman and the Members of the Committee (I was a former Member) for scrutinising the Consolidated Annual Report for the years 2011, 2012 and 2013 and its submission to Parliament.

Mr. Speaker, Sir, the Ministry of Lands and Mineral Resources is made up of two Departments, namely the Department of Land and Survey which is responsible for the administration, development and management of all State land activities, and the Department of Mineral Resources which oversees and facilitates development of the country's mineral and groundwater resources.

Mr. Speaker, Sir, I wish to highlight some of the achievements made during the period under review. In 2011, it was the opening of the Nawailevu Bauxite in Bua, the signing of the Vatukoula Social Assistance Trust Fund and also the progress towards the land reform initiative.

In 2012, the organisational structure adjustment within the Ministry enhanced the performance of achievement rate at 82.9 percent. In 2013, the conducive working environment has strengthened networking with other stakeholders which improved service delivery and an example was at the Land Administration Division where it managed to surpass its annual target during 2013.

Mr. Speaker, Sir, the period under review also presented the Audited Financial Statement Report by the Auditor-General and it is worth noting, as the statement of losses for the year ended 31st December, for the three years stated that there was no loss of money, revenue and fixed assets recorded.

Nevertheless, Sir, in the 2012 Annual Report in regards to the Audited Financial Statement Report, the Ministry did not prepare a Trust Account Statement of Receipts and Payments for 2011 to substantiate the opening balance as at 1st January, 2012.

Mr. Speaker, Sir, may I highlight some of the issues observed during scrutinising the three Annual Reports:

- (1) There is a need to safeguard public interest from scrupulous land dealers.
- (2) The poor auditing of Annual Reports with errors on the final edition which was submitted to Parliament.
- (3) Unable to meet the demands of the Ministry's clients due to outdated processes.
- (4) The untimely submission of Annual Reports. Nevertheless, Sir, the Annual Reports for the Ministry submitted to Parliament as of today for the years 2011, 2012, 2013, August 2016 to July 2017 and August 2017 to July 2018, but there was no Annual Report

submitted to Parliament for the period 1st January, 2014 to 31st July, 2016. Sir, the pending Annual Report is to be submitted to Parliament.

- (5) The significant rise in land rent arrears over the three-year period due to the additional non- payment of leases from:
- (i) Current lease;
  - (ii) Increase annual rent due to reassessment; and
  - (iii) Expiry - renewed and retrospect rent is charged.

Sir, based on the 2013 Annual Report, here are some of the challenges faced by the Division of the Ministry of Lands which will pave the way forward for service delivery improvement. At the Land Administration Management, in the past, the Division was largely neglected by management. Consequently it was inundated with complaints and criticisms with regards to turnaround time for granting of consents to land dealings, generally on leasing and licencing.

In the Land Survey Division, some of the challenges the surveyors faced while implementing their duties are terrain physicality, remoteness of work site and wet weather conditions.

In Land Valuation Division, redeployment after the realigning process, thus most of the senior educated staff were moved to other Divisions, leaving a band of inexperienced valuers.

Sir, I fully support the recommendation by the Committee and request the responsible Minister to provide an update on the actions taken and also to some of the issues raised.

To conclude, Sir, land is a golden asset to any landowner, either a family, sub-clan or any Fiji citizen as it is a heart bit of our existence and even more becomes a sensitive issue.

I commend the Ministry on their achievement in regards to the key output areas and Key Performance Indicators during the period under review.

Sir, I wish to express my sincere appreciation to the Honourable Minister, Permanent Secretary, Directors and all staff for the services rendered and I hope that the Ministry's clear and precise vision for land and minerals for life as outlined in the 2020-2021 Corporate Plan and its mission will enhance the addressing of some issues and the recommendations raised. Thank you, Mr. Speaker, Sir, I commend the motion before the House.

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

HON. J. USAMATE.- Thank you, Mr. Speaker, Sir. I thank you for the opportunity to respond to this agenda item. First, I would like to congratulate the Honourable Members of the Committee who came up with the Report and for their services.

I would like to speak very briefly on some of the recommendations that are in the Report. Recommendation No. 1 is making the suggestion that the Surveyor-General of the Valuation Division of the Ministry compiles trends and averages of major land users, and this should provide information to the members of the public. This is something that the Ministry is already doing and as a secondary custodian of raw property data, the Valuation Division collects this information and it is sold on a monthly basis for a nominal fee of \$54.50. That information is provided on a monthly basis, people can have access to it, even though averages or trends are not always an indication of value because value is a subset of a lot of other facets of land.

Mr. Speaker, Sir, Recommendation No. 2 is recommending that there should be proper editing of future annual reports. I endorse this completely, and as Minister, we would expect that when annual reports are produced, that they are delivered up to par and there are no mistakes, and they provide a pertinent kind of information that the public and Members of Parliament have the right and are entitled to see, Mr. Speaker, Sir.

Recommendation No. 3 talks about the need to look at outdated processes and the Committee has recommended that this should be reviewed and improved. Within the Ministry, Mr. Speaker, Sir, there has been an ongoing process of reviewing Acts, legislations, policies and processes. Currently, we are in the middle of reviewing our Mining Act, we are looking at the Surveyors Regulations and formulation of a Groundwater Policy, as well as looking into the review of the State Lands Act and the Rivers and Streams Act.

There has also been the process of structural realignment - looking at the structures within, reorganisation, changing jobs, changing job descriptions to make sure that people are put in the place where they are most effective in. As a result of that, there have been new units created within the Ministry, for instance, we now have an Environment Division in our Mineral Resources Department (MRD) that looks after all the mining activities. There is a Complaints Unit, Media Unit and also a Quality Assurance Unit that monitors the work across the Ministry.

Mr. Speaker, Sir, as a result of this, there has been strengthening of monitoring. Two examples of the monitoring mechanisms is that, we have now engaged natural resources duty officers, who monitor report of gravel extraction activities around Fiji. Secondly, we also have a team now that is monitoring the rental arrears because I think it was raised by the Honourable Member, and the engagement of project officers allows us to do this. The Ministry is also looking at developing dashboards and database systems that allow us to keep track of our ongoing performance against business plans on an annual basis.

There has also been the development and the revision of the Ministry's Standard Operating Procedures (SOPs). In 2015, they put all the SOPs together and at the end of last year, all of these SOPs were then revised and improved because the focus is always on improving the performance of the Ministry as a whole. We believe that if we fix the system, we have a new vision and new processes, we will be able to achieve a kind of outcomes that we want this Ministry to do because it is a Ministry that looks after 4.5 percent of all land in Fiji.

Mr. Speaker, Sir, just the last point, on page 9, I have noted here that it says under 'gender equality analysis', there is no information on gender. Suffice to say that the of the Ministry of Lands itself, Mr. Speaker, Sir, is a female, the seven directors - third level of management are also ladies who are managing this Ministry quite well and we look forward to their continuing, improving on the services of the Ministry of Lands and Mineral Resources. *Vinaka vakalevu*, Mr. Speaker, Sir.

HON. SPEAKER.- I thank the Honourable Minister. I give the floor to the Chairperson of the Standing Committee on Natural Resources to speak in reply. You have the floor.

HON. S.S. KIRPAL.- Thank you, Mr. Speaker, Sir. Mr. Speaker, Sir, I would like to thank Honourable Vosanibola for his contribution and also the Honourable Minister for Lands, who clarified the issues that were raised by Honourable Vosanibola. I have no further comments to make. Thank you.

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

Question put.

Motion agreed to.

HON. SPEAKER.- I now call upon the Chairperson of the Standing Committee on Economic Affairs to move his motion. You have the floor.

**CONSOLIDATED REVIEW REPORT -  
FIJI SUGAR CORPORATION 2007-2019 ANNUAL REPORT**

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

That Parliament debates the Consolidated Report on the Review of Fiji Sugar Corporation 2007-2019 Annual Reports, which were tabled on 25th March, 2021.

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

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

HON. V. NATH.- Thank you, Mr. Speaker, Sir. Mr. Speaker, the Standing Committee on Economic Affairs tabled its Consolidated Review Report of the Fiji Sugar Corporation Annual Reports from 2007 to 2019 in March, 2021.

The Fiji Sugar Corporation (FSC) is the largest sugar milling company in the South Pacific. It has a Board of Directors which is the policy-making and governing body and was incorporated by an Act of Parliament in 1972, to take over the milling activities from South Pacific Sugar Milling (SPSM) and Colonial Sugar Refinery (CSR) in 1973.

The FSC operates three sugar mills, two of which are in Viti Levu, Lautoka and Ba, and a third one in Labasa in Vanua Levu. The fourth mill which was the Penang Mill in Rakiraki ceased operations in 2017 due to its inability to cope from the devastations caused by *TC Winston*.

Earlier in 2020, the Committee conducted a site visit to FSC Headquarters in Lautoka as well as all the three mills in the Western and Northern Divisions in order to better understand its functions and operations. During its visit, it met with the CEO and his team who provided a thorough update on the sugar industry as well as the various initiatives FSC had undertaken in recent times to ensure the sustainability of the sugar industry. The Committee also took the opportunity to meet with farmers as well as visit various sugarcane farms.

The Committee noted that FSC faced various challenges throughout the period under review which include, but are not limited to, decline in active growers, low yield and lease renewal issues including short-term leases, damage and losses caused by natural disasters, aging farmers and shortage of labour.

After the thorough site visits, the Committee Members fully appreciated the contributions of sugarcane farmers towards our economy through their hard work and perseverance. The Committee believed that all stakeholders in the industry would need to work together to address the significant decline in the number of active growers and this could be done by formulating marketing strategies to not only revive inactive farmers but to entice new farmers into joining the industry as well.

Climate Change has had a detrimental impact on the sugar industry over the years with natural disasters such as cyclones and floods destroying farms and infrastructures. We all may remember the devastating impacts of *TC Winston* in 2016 as well as *TC Keni* and *TC Josie* in 2018 and these were just a few of the many examples of what the sugar industry has had to go through over the years.

Furthermore, the Committee extended its appreciation to the Fijian Government for stepping in and assisting the sugar industry during natural disasters in its capacity as the largest stakeholder in FSC. The Committee was of the view that other stakeholders must closely work with FSC to identify potential opportunities for the organisation.

To conclude, on behalf of the Members of the Standing Committee on Economic Affairs, we would like to extend our appreciation to the CEO of FSC and the hardworking team for their invaluable support towards the sustainability of the sugar industry. Mr. Speaker, Sir, with these contributions, as the Member moving the motion, I thank you for the opportunity. *Vinaka*.

HON. SPEAKER.- Thank you. The floor is now open for debate on this motion, and I call upon Honourable Saukuru. You have the floor.

HON. J. SAUKURU.- Thank you, Mr. Speaker, Sir. I wish to make comments on the Consolidated Report on the Review of Fiji Sugar Corporation 2007-2019 Annual Reports. But before I do that, Sir, I wish to draw the attention of the Honourable Attorney-General to my plea last week to include the Yasawa Group in the food ration distribution. On the weekend, I received communication from the ....

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

(Honourable Members interject)

HON. SPEAKER.- You have the floor, Honourable Saukuru.

HON. J. SAUKURU.- On the weekend, I received communication from the lone female *Mata ni Tikina* in the Ba Province, *Mata ni Tikina Nacula*, that our people in Yasawa are facing problems since they are isolated from Lautoka, and the hotels that used to be their source livelihood are all closed. I am pleading with the Honourable Attorney-General to, please, kindly look into this request.

Sir, the sugar industry has been the mainstay of the Fijian economy since 1882 but the industry is in a lot of trouble. In the 1990s, Fiji produced over 4 million tons of sugarcane. Today, production has declined to below 2 million tons.

Mr. Speaker, Sir, the Committee, in their ‘Conclusion’, noted that it is well aware of the important roles played by the Fiji Sugar Corporation (FSC), however, due to various reasons and contributing factors, FSC’s performance over the period has not been very encouraging. As such, our national support must be extended to FSC to ensure the long-term sustainability of the sugar industry.

In my contribution, I wish to summarise the nine findings and the six recommendations of the Committee into the following. While we appreciate the efforts of Government in improving the efficiency of the mills, the Fiji Sugar Corporation should focus on its core business as the miller as such the organisation must be restructured likewise to ensure the mills efficiency.

I will be very straightforward in my contribution and to caution all Honourable Members of this august House that we should not politicise the issues of the sugarcane growers. In a newspaper report of 5th May, 2017, the submission from the cane farmers in Ba to the Standing Committee on Economic Affairs pointed, and I quote; “The dire state of the sugar industry is because of the continuous political interference and the ongoing suppression of growers’ views and suggestions.” They further said, “If you just listen to farmers and resolve problems then the issue is resolved. If you laugh at our problems and do not listen, we will vote with our feet. You can’t get rid of politics

but you can solve problems if stakeholders listen and work together, democratising the Sugar Cane Growers Council by having elected farmers on the board, would be a good start”.

While I support the Committee’s recommendation that the FSC should consider value-adding and diversifying to other products, such as icing sugar, sugar syrup and others, my concern is with the farmers who are struggling. Moreso, with the absence of the sugar protocol preferential price, rather than abandoning sugarcane. Farmers can be encouraged to diversify to other crops.

Sir, I believe it has been mentioned in this august House that non-sugar crops are much more profitable than sugarcane. A crop-diversified farmer makes a lot more profit than a single crop sugarcane farmer. There is a clear opportunity for Fiji’s agriculture ministry to encourage sugarcane farmers to consider their farms for diversification and whose income are significantly in the process.

Fijian tenancy arrangements differ from conventional western systems for two main reasons, the majority of land is communally owned and landowners and tenants do not deal directly with each other. A third party, the ITLTB, administers the communally-owned native land within the margins of the law. Within our province, we continue to see a great number of prime sugarcane land parcels being converted to either residential or commercial because of the uncertainty of lease tenure.

At policy level, we need to break the wall, separating landowners and farmers to encourage a more healthy partnership that is free from external influence. They are one family, Sir, and they have been living harmoniously for generations. I thank you, Mr. Speaker, Sir, for the opportunity and thank the Committee for their Report.

HON. SPEAKER.- I now give the floor to the Honourable Prime Minister.

HON. J.V. BAINIMARAMA.- Thank you, Mr. Speaker, Sir. I do not know where the Honourable Saukuru was coming from, I think he is lost in another world.

Mr. Speaker, I rise to support the Consolidated Report of the Standing Committee on the review of the Fiji Sugar Corporation 2007-2019 Annual Reports. Sir, Government funded upgrades of more than 3,300 cane access roads every year and a total of 90 bridges and crossings have been constructed.

Mr. Speaker, Sir, as mentioned in the Annual Reports, we are now able to harvest over 40 percent of cane with nearly 100 mechanical harvesters, resolving issues of the labour shortage. With this assistance, the cane production increased gradually from 2017.

However, due to natural disasters and the impact of climate change, that have had a huge impact on cane production, the target of 2 million tonnes was simply not possible. Between 2007 and 2021, the industry had suffered not one but 12 tropical cyclones of which two were Category 5. Cane production was severely damaged, totalling more than \$280 million.

Mr. Speaker, Sir, the Fiji Sugar Corporation (FSC) is also exposed to exchange rate fluctuations. Revenue from exports have been significantly affected after the preferential sugar price was abolished years ago.

The European Union reforms, Mr. Speaker, which completely ended in 2009 has led to a decline of sugar price by 36 percent, forcing FSC to sell sugar in open market at much lower world market price, given the surplus stock of sugar in the world market. With the continuous losses due to low revenue income, FSC has been directly affected with its cash flow, despite making several achievements as per its strategic plan.

Given a number of unforeseen circumstances, as far as many challenges of running 340 year old mills, Mr. Speaker, Sir, profitability as many expect is not an easy task, let alone the aging farmers. Despite the many odds, my Government has been supporting the industry and we will continue to do so for the 200,000 people who are directly or indirectly dependent on it. While many may think otherwise, we remain optimistic in turning the industry to commercial viability, despite many legacy issues.

Mr. Speaker, Sir, FSC has also set up a Properties Committee, tasked with the responsibility to identify non-core and unproductive assets for disposal. I know in the last couple of days the Honourable Members of the Opposition had been questioning the rationale for disposing of these assets. Let me explain to them that these assets are those with very high opportunity cost and does not add value to FSC as a Miller.

However, Mr. Speaker, Sir, the value addition can be far better done by those who can put it to better use and to do this, huge capital funding is required. These assets have been sitting with FSC for decades and it will sit idle for decades if nothing is done with the zero value addition. Therefore, Mr. Speaker, FSC intends to make best use of its assets now so that it can reinvest. It is as simple as that, and very easy to understand.

It is obvious, Mr. Speaker, that there is a decline in the number of growers during the period under review, and there are numerous reasons for this. These factors include, but are not limited to tenure of lease being too short, to realise commercial viability of sugarcane farming. We have reactivated the Committee for Better Utilisation of Land (CBUL) to bring inactive growers back to farming in accordance with their lease conditions.

Mr. Speaker, as an update to this august House, around 230 leases in Seaqaqa are due to expire in the next five years. Through concerted efforts of iTLTB and all industry stakeholders, it has been agreed that flexibility is being provided to those growers on lease renewal option for lease terms of up to 50 years and 99-year lease for commercial agriculture.

Through the Ministry of Sugar Industry's New Farmers Assistance Programme, Mr. Speaker, a total of 268 new farmers have been brought into cane farming. We assisted them with their lease acquisitions and five-acre farm establishment cost for a total of \$1.5 million. Amongst other initiatives, such as the re-branding of sugar, FSC is considering making sugar cubes for local and overseas markets. There are ongoing efforts to identify new markets, particularly in Asia, New Zealand and the Pacific.

Mr. Speaker, FSC is implementing a number of mill upgrading projects to enhance mill efficiency at its three Mills that are over 135 years old. But let us not forget FSC's legacy issues and its obligation to settle its remaining loan repayment of \$67.8 million to the EXIM Bank of India for the grossly failed STM Project which was initiated in 2004 under the previous SDL Government.

The EXIM Bank of India offered a loan of US\$50.4 million to FSC on 7th November, 2005, to pay the Indian contractors for work undertaken on what became known as the failed STM Project - an attempted upgrade of three sugar factories. Since then, Mr. Speaker, the FSC started paying the vendors for supply of factory materials and installation of the plant until 2009 with payments still continuing till now. By the time we realised what was going on, it was too late. The EXIM Bank also carried out its independent assessment in 2013 and agreed that issues needed to be rectified to carry out corrective engineering. In fact, Mr. Speaker, the 2019 KPMG Forensic Report indicates that the total value of destruction to FSC from this failed STM Project is \$344 million.

The point is, Mr. Speaker, this project failed because of supply of poor quality equipment,

poor materials, quality workmanship and equipment installation coupled with failed project management. The cost of this mess was obviously before my time and I want to put records straight. Unfortunately, Mr. Speaker, FSC is paying the price of bad governance and unaccountability of those in office then.

Based on those remarks, Mr. Speaker, I, therefore, support the motion, *vinaka*.

HON. SPEAKER.- I thank the Honourable Prime Minister. I call on the Chairperson of the Standing Committee on Economic Affairs to speak in reply. You have the floor.

HON. V. NATH.- Thank you, Mr. Speaker, Sir. I do not have any further comment and I thank you for the opportunity.

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

Question put.

Motion agreed to.

HON.SPEAKER.- I now call upon the Chairperson of the Standing Committee on Justice, Law and Human Rights to move his motion.

#### **REVIEW REPORT - DEPARTMENT OF LEGISLATURE 2016-2017 ANNUAL REPORT**

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

That Parliament debates the Review Report of the Committee on the Department of Legislature Annual Report of 2016-2017 which was tabled on 17th February, 2020.

HON. S.S. KIRPAL.- I beg to second the motion, Sir.

HON. SPEAKER.- Thank you. I now invite the Chairperson of the Standing Committee on Justice, Law and Human Rights to speak on his motion.

HON A.A. MAHARAJ.- Mr. Speaker, the Department of Legislature is responsible for providing administrative and support service including administration, funding, entitlements of Parliamentary purposes and is headed by the Honourable Speaker of Parliament. At this point, I would like to acknowledge the late Dr. Jiko Luveni, who was the Speaker of Parliament when the Annual Report was tabled in this august House.

Mr. Speaker, through the review it can be inferred that there has been commendable effort and tireless work conducted by the office in meeting its obligations. There were numerous achievements by the Department for the reported year including but not limited to it being able to achieve its constitutional functions as highlighted in the Mission statement by successfully carrying out the following activities during the period 2016-2017 which includes:

- Successfully facilitating 144 sitting days during the first Parliamentary term with over 160 Bills approved by Parliament;
- 2,500 questions and supplementary questions asked over the term of Parliament;
- Over 2,600 appearance by individuals before the respective Parliament Standing Committees; and

- More than 700 written submissions by citizens tabled with the respective Standing Committees during the first Parliamentary term.

The Department had achieved much in terms of outreach programmes some of it being:

- High number of schools (primary, secondary and tertiary);
- High number of visits to communities and villages;
- Four Speaker's debate organised;
- One Women's Parliament and over 100 Parliament Tours; and
- Publication of educational materials which were shared/distributed to schools.

Mr. Speaker, positive feedbacks were received via the evaluation forms, regarding the Department's outreach programmes. The effectiveness of the outreach programs can be measured by the level of participation in the Parliament process.

The Committee noted that the Department had in place systems for awareness, for Parliamentary work, particularly standing committee work. These include the use of social media platforms, engagement and partnership with non-government organisations and civil society organisations and the move towards broadcasting of Committee sittings.

Mr. Speaker, reasons were given that having a Parliamentary Counsel is redundant, given that there is an existing agreement with the Solicitor-General's Office in terms of assistance provided to Parliament and its Committees. To date, there has been no issues with the way issues and matters are being handled and the Department sees that this is an efficient and sustainable arrangement which must continue.

The Committee also put forth certain recommendations for consideration by the Department:

- The Committee notes the ongoing discussion between Parliament and Judiciary to create more space for Parliament. The Committee suggested that this process be expedited.
- The annual reports to include Key Performance Indicators (KPI) on the overall functions of Parliament.
- The Department look into revitalising the Youth Parliament to increase the interest of youth in their Parliament and Parliamentary process.
- Committee commends the efforts by the Department's Strategic Plan, however, there is a need for adequate resources allocated for successful implementation of the Strategic Plan.
- There has to be a standardised mechanism for monitoring and evaluating the SDGs across all six Standing Committees. Furthermore, the Standing Committees and its staff to have the necessary knowledge and skill to perform SDGs analysis, monitoring and evaluation.
- The Committee acknowledges and commends the achievements of the outreach programme of the Department, however, it is recommended that there should be a systematic approach for wider outreach programmes, which can effectively be monitored and assessed for its impact.
- Parliament needs to create more awareness within the general public about the Bills that are before the Standing Committee.
- There should be other incentives such as annual performance awards.
- Parliament should have health awareness programmes for Members of Parliament and staff.

With those few words, Mr. Speaker, I urge Honourable Members of this august House to take

note of the contents of the Committee's Report and show support for the motion before the House. Thank you, Mr. Speaker.

HON. SPEAKER.- Thank you. I give the floor to the Honourable Jale. You have the floor.

HON. A. JALE.- Thank you, Mr. Speaker, Sir, for allowing me to say a few words on the Review Report on the Department of Legislature Report 2016-2017 Annual Report.

The issue of space problem has been highlighted again in this Report. I do understand that, that matter was raised in the past. I do not know what plan is there to provide more space to the Opposition Members of Parliament; they still need space. The question is, why are we not going back to where we are supposed to be in Veiuto? That complex was custom built for Parliament. What is the plan by Government?

I think we should not worry about any more coup because the Prime Minister has already assured us, there will be no more coups in Fiji, so do not worry about that. The issue about systematic way to oversight progress for SDG was being brought up in the Report too and I think, Mr. Speaker, this is a very important area.

The SDG really encompasses almost everything concerning life of people on earth and also in the sky. I will suggest, Mr. Speaker, Sir, that it would be more effective if you appoint a Standing Committee to look after the oversight and monitoring of SDG because ministries and departments looks after the SDG that is concerning them. There is no oversight mechanism to see that these SDGs are pursued and the plan of Government is achieved and then regularly report back to Parliament about the progress.

The issue about high turnover of staff, people resigning from Parliament. There are two aspects of it as I see, one is that the conditions of service in the Parliament or they are not very happy with that and that is the reason why they leave. The other side of it is that, the parliamentary staff are very marketable and they have been attracted by a better job outside and they are able to compete with us and able to go and get the jobs out there and I think that is very encouraging.

Let me tell you, Mr. Speaker, Sir, my experience with the staff of this august House, particularly the Legislature. I have been involved with the Standing Committee on Foreign Affairs and Defence and my experience has been a wonderful one. I must say the outstanding service, they provide. I am very impressed with the standard of work that they display. I thank Mr. Jacob and his team for the services provided to the Standing Committee on Foreign Affairs and Defence and I am sure the other Standing Committees are performing at the same level.

I would like to say here and salute the people that are in the Civil Service now. I know we are going through a trying time, there are a lot of things that are challenging the nation, particularly COVID-19. People out there in the fields, you are spending hours protecting the people of Fiji and I would like to salute you. Thank you for the dedication to the work and thank you for your perseverance. I wish you all the best. Please stay safe. *Vinaka vakalevu*, Mr. Speaker, Sir.

HON. SPEAKER.- I thank the Honourable Member. I give the floor to the Honourable Attorney-General. You have the floor.

HON. A. SAYED-KHAIYUM.- Thank you, Mr. Speaker, Sir, I will be brief. There are a couple of issues, one of them, of course, is regarding the space. The idea eventually is that, at least, this entire wing would be occupied by Parliamentary staff and also Members of Parliament. God willing, one day we will all have one office each and enough space.

The idea eventually was to have most of the Judiciary move across to Veiuto. In particular, a couple of courts have moved, the Court of Appeal and the Supreme Court will have sittings there. The idea is also to have the Domestic Court and also the Juveniles Court move there because it has better grounds. When families come, there is custody disputes, et cetera, at least the environment is a lot more salubrious, et cetera, so that is the point.

Of course, COVID-19 has slowed down some of the move across and I understand that there has been discussions between the Secretary-General's Office and the Chief Registrar regarding Level 3, at least. It would be nice to, of course, have areas where the media can have their own room where people can go and do interviews, as opposed to the kind of very disorganised fashion we have when we come inside to the Parliamentary premises.

Mr. Speaker, Sir, Honourable Jale raised the issue of why do we not go back to Veiuto? Well, after the desecration of Veiuto in the events of 2000, the property was very significantly damaged, in particular, the main Chamber. All sorts of shenanigans took place in the Chamber itself.

Mr. Speaker, Sir, we know a lot of what happened but obviously, the acoustics, et cetera, was not very good. This Parliament, of course, is quite symbolic - this Chamber itself because this is where Fiji had its first Parliament after Independence. It is coming back to this place. We had the first *coup* here. Unfortunately, someone covered it up, the first bullet that was shot in this Chamber and the idea is to have a symbol of our democracy post-independence and this is why we come back to this Chamber and it is serving us well.

Mr. Speaker, Sir, the other point that we want to highlight is that, the staff of the Legislature have, of course, if you compare the salary rates that the staff are being paid today, compared to what they were being paid in say 2006 is significantly higher. I think the fact that we have people coming in from the private sector, people going from the public sector into the private sector as Honourable Jale has said, is a good sign. The fact that people are able to cross-across - coming from a private to public and public to private, goes to show that there is some level of compatibility, not just the skillsets but also in terms of the salaries that are being offered.

The other point, Mr. Speaker, Sir, is that, some of the issues that have been raised is more to do with the House Committee itself. There is a House Committee, I do not know how active they are but the House Committee really should meet to address some of those matters pertaining to Members' accommodation and various other issues.

The issue about Opposition having large offices, we, the Government side, have also raised. There used to be 32 of us cramped up in a very small space, probably a similar size space to what the Opposition has. The space is an issue but obviously, it will be resolved very soon.

Mr. Speaker, Sir, I would just like to point out one probably in terms of the technical aspect of it, given the constitutional independence of Parliament and that is reflected in the Budget too with a one-line item under Independent Bodies, I think the title of this particular report should not be 'Report on the Department of Legislature'. It is no longer a department, it is actually an independent body.

Perhaps going forward, Mr. Speaker, Sir, to show the independence of it as we have and whether it is FICAC or Auditor-General's Office, we should have the 'Report on the Legislature' changed to 'Office of the Secretary-General to Parliament' or the 'Office of the Speaker of Parliament' because when they call it a department, it intimates that it is part of some other bigger organisation when actually it is not. I think there is a bit of mistitling in that respect, but we would

like to thank, of course, all the staff for the work and we look forward to working together with them. Thank you, Sir.

HON. SPEAKER.- I thank the Honourable Attorney-General. Parliament will now vote to note the content of the Report.

Question put.

Motion agreed to.

HON. SPEAKER.- I call upon the Chairperson of the Standing Committee on Justice, Law and Human Rights to move his motion. You have the floor.

### **REVIEW REPORT – OFFICE OF THE PRESIDENT 2015 AND 2016-2017 ANNUAL REPORTS**

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

That Parliament debates the following Reports –

- (a) Review Report on the Office of the President Annual Report 2015 which was tabled on 18th February, 2020; and
- (b) Review Report on the Office of the President Annual Report 2016-2017 which was tabled on 19th February, 2020.

HON. S.S. KIRPAL.- Mr. Speaker, Sir, I move to second the motion.

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

HON. A.A. MAHARAJ.- Thank you, Mr. Speaker, Sir. The Office of the President is headed by the Official Secretary, who is responsible for coordinating all forms of direct support for the President. As part of this role, the Annual Report for the financial year is prepared by the Official Secretary which follows the provisions of the Financial Management Act 2004 and tabled in this august House.

Mr. Speaker, Sir, I would like to get straight into the main matters regarding the Committee's review of the Annual Report beginning with the year 2015. So, to begin with, for the Review of the Office of the President Report 2015, there were a few issues identified.

On the role of the Official Secretary and the Permanent Secretary to the Office of the Prime Minister, the link is enshrined in Fiji's Constitution and further advised that the Official Secretary oversees and manages the accounts, operation, corporate services and operates autonomously, while the Permanent Secretary's guidance and advice is sought on matter pertaining to employment.

On His Excellency's role, it is the constitutional provision that prescribes His Excellency's role and the numerous engagement that the President attends to. The Committee sought clarification on the roles and duties of the President of Fiji, mainly in respect to the difference of the Head of State role from that of other constitutional powers vested on His Excellency.

The Office responded by stating that His Excellency's core role is enshrined in the Constitution and additionally, the President also has a role of:

- (1) promoting Fiji within the international community through receiving diplomats;
- (2) conducting community visits and engagements; and
- (3) advocating and championing campaigns for causes that benefit the people of Fiji, such as promoting programmes that reduces Non-Communicable Diseases.

Vision of the office; the Committee noted that the Office of the President has tirelessly worked and done so much in order to achieve its vision. In its review, the Committee noted that the vision statement of the Office; "To be the pillar of national unity," was a statement that requires actual supporting evidence of how it is achieved.

In its response, the Office mentioned that it has put in efforts of continuous collaboration and engagement with the Government Ministries, Departments, religious and faith-based groups, schools, NGOs and sporting bodies. All activities and engagements carried out by the Office are carried out in an apolitical manner. The Office assured the Committee that it is well resourced to meet its obligations in terms of its administration, sound policy advice, strategic planning and finance.

On the College of Honours Recipients, the honours and awards in the College of Honours is regulated via the Fiji Honours and Awards Act 1995. In summary, the College of Honours possesses no decision making powers, but merely considers the recommendation to the president, nominations received for the awards, and His Excellency makes the final decision. There is a process whereby, the College considers and recommends the nominations and it is to be noted that the honours and awards are intended to recognise exceptional services and achievements.

On key outputs and achievements and its contribution to the Office, the Committee noted the great effort put in by the Office in achieving its outputs which, in turn, contributed to the services provided by the Office. In its review, the Committee also deliberated on the key outputs that were achieved for the year 2015 and how these outputs had enhanced or contributed to the service provided by the Office.

The Committee was advised by the Office that the achievement of the key outputs had greatly contributed to the services provided in terms of achieving its goals and targets of the Office and in providing better support to His Excellency in carrying out his role and responsibilities. There were numerous engagements facilitated by the Office as a result of the intended outputs of the Office.

On the Audit opinion and Financial Statement, the Office responded that there was indeed oversight in the accounting practice at the reported period, and this was mainly due to the lack of appropriate staffing capabilities. The Office has since managed to address this by having a fully-fledged accounts section and qualified and experienced staff.

Mr. Speaker, Sir, also, it was noted that the Office had successfully facilitated His Excellency's constitutional role pertaining to assent to Bills for the reported period. The Committee noted that the Office had encountered hurdles in facilitating His Excellency's engagement for youth and young people's awareness on NCDs due to rehabilitation efforts of the Government in the aftermath of *TC Winston* in the year 2016.

Furthermore, the Committee also noted that the Government reforms of rehabilitating schools had also hindered the community engagement of school visitation to promote the fight against NCDs. What other options were there, would have been actually explored by the Office of the President.

With those few words, Mr. Speaker, Sir, I urge the Honourable Members of this august House to take note of the content of the Committee's Report and show support for the motion before the House. Thank you, Mr. Speaker, Sir.

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

HON. L.D. TABUYA.- Thank you, Mr. Speaker, Sir. To start off with, I want to commend the Committee for their work on the review of this Report of the most high Office of the President.

Just a couple of points I would like to make from the Reports from 2015, 2016-2017, the recommendations I wanted to focus on. You would know this, Mr. Speaker, in your previous experience as the President of the country, was the establishment of the Fiji Children's Award in 2010 of which you were the patron and we were hoping that with this Fiji Children's Award being brought by a very small but very strong group of women in this organisation called "Fusion Fiji", that the Fiji Children's Award recognises the exceptional service of children.

I know the Honourable Minister for Education, Heritage and Arts has also become chief guest for one of our Fiji Children's Award all the way in Ra. We appreciate her attendance to that but if you recall, Mr. Speaker, when we were seeking for the recipients of these awards to be included in the College of Honour, there was an issue about the current laws which is in the Fiji Honours and Awards Act 1995, needed to be amended so as to include the criteria of the children to be recognised.

Now, I know that this is being done now with the College of Honour with one or two children recognised. We are very happy that some of them were Fiji Children's Award recipients so it made it easier for the College of Honour to be able to absorb those children in and recognise them for their exceptional service. However, I do plead again with the Government, we did enquire again with the current President, he said the same thing and so did the College of Honour with the Chairperson, Dr. Kedrayate who told us the same information that we needed the Act amended.

However, Mr. Speaker, it does not take away from the fact that these individuals who were being recognised for exceptional service, the recommendation from the Committee is the need to explain the processes for selecting these recipients. I am thankful to the Committee for picking that out that it will help in increasing the community engagement of the President of this county.

The other point I just wanted to make, Mr. Speaker, is there have been questions asked as to where the President is at this time that we are facing this pandemic. The people would love to hear from their President who holds the highest office in the land to address our people to come together. He is a symbol of unity and to address our country and our people, they await His Excellency the President to do so. So, with those few words, Mr. Speaker, I commend the Report before the House.

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

HON. J.V. BAINIMARAMA.- Thank you, Mr Speaker. I rise on the motion by the Honourable Maharaj. Mr. Speaker, as this august House is aware, under Section 127 of the 2013 Constitution, it says and I quote:

“... any department of Government that is not part of any ministry shall be under the administration of the permanent secretary responsible for the Office of the Prime Minister;”

The Office of the President provides direct administrative support to His Excellency the President to enable His Excellency to fulfil all his constitutional and ceremonial responsibilities in addition to carrying out his very active calendar of community engagements. I commend the Office for the exceptional achievement recorded in 2015, during your tenure as President of the Republic of Fiji.

Mr. Speaker, in a nutshell, this included an unprecedented high work rate which included attending almost 350 engagements and delivering 180 speeches in a calendar year, the achievement that you, as Your Excellency, will certainly be familiar with, but I respond to this in the interest of the House and for all Fijians listening in today.

All the four Recommendations by the Committee have been considered and shall be adopted. For instance, the Office continues to operate autonomously with respect to its strategic planning, administration, policy writing and implementation, financing and reporting.

The Office is also guided by the 2013 Constitutions of the Republic of Fiji. Section 127(2), (7) and (8), the link between the Office of the President and the Office of the Prime Minister, is crucial as it maintains important synergies between the Office of the Head of Government and the Head of State.

Furthermore, in its effort to increase work on community engagements, the Office continues to ensure that His Excellency's work or programmes are well planned, attended and reported which includes promoting the empowerment of women and the eradication of domestic violence. The Office incorporated a unification approach and these are reflected in His Excellency's speeches and national messages, complemented by a fully operational and updated website to adopt a global inclusion.

Mr. Speaker, Sir, the Office of the President acknowledges the recommendation by the Committee to include a short summary of the exceptional service or achievement of all recipients of Fiji's Honours and Awards. The Office ensures that this is reflected accordingly in future annual reports.

Mr. Speaker, Sir, moving on to the Annual Report of 2016-2017 which highlights the inauguration and smooth transition of the current Head of State, His Excellency Major-General (Ret'd) Jioji Konousi Konrote under the 2013 Constitution of the Republic of Fiji, I commend the high work rate and commitment of the current Head of State in his first year of Office.

The Office, once again, surpasses its commitment to the promotion of gender equality and women empowerment with the engagement accomplished at 500 percent over the target for the year. Equally important to note, Mr. Speaker, Sir, is that in the 2016-2017 financial year, the Office encountered some challenges in accommodating His Excellency's target for the year but this was due largely to the need to shift focus on the national rehabilitation efforts in the aftermath of *TC Winston*.

After reviewing the Office of the President's Annual Report 2016-2017, the Committee made three further recommendations. Mr. Speaker, Sir, all of the three recommendations by the Committee have been considered and shall be adopted by the Office in future Annual Reports.

On the awareness programmes of Non-Communicable Diseases (NCDs), as a human right, other offices added to His Excellency's advocacy programme: the promotion of backyard gardening as a way to stay fit and healthy, growing your own food and most importantly, to promote food security.

Mr. Speaker, Sir, finally, the Office of the President has continued to significantly improve its facilitative role to His Excellency the President, its overall operational and financial management

practices and it will ensure that it reports on this accurately and holistically.

The Office commits to achieve and maintain unqualified audited reports as an indication of a wider conscious effort to transform and elevate the Office's operational support to His Excellency the President. It is my hope that this support, Mr. Speaker, will further enable Fiji's Head of State to serve our beloved nation with decorum and dignity. That being said, Mr. Speaker, I, therefore, support the motion.

HON. SPEAKER.- I thank the Honourable Prime Minister. I now call on 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. Mr. Speaker, I would like to thank the Honourable Prime Minister for his contribution towards the debate and also the Honourable Opposition Whip for her comments.

HON. SPEAKER.- Honourable Members, the Parliament will now vote to note the content of the Report.

Question put.

Motion agreed to.

HON. SPEAKER.- I call upon the Chairperson of the Standing Committee on Justice, Law and Human Rights to move his motion. You have the floor.

**CONSOLIDATED REVIEW REPORT - FIJI INDEPENDENT COMMISSION  
AGAINST CORRUPTION 1ST JANUARY-31ST JULY 2016  
AND 1ST AUGUST 2016-31ST JULY 2017**

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

That Parliament debates the Consolidated Review Report on the Fiji Independent Commission Against Corruption Annual Reports 1st January – 31st July 2016 and the Fiji Independent Commission Against Corruption Annual Report 1st August 2016 – 31st July 2017, which were tabled on 20th February, 2020.

HON. V. LAL.- Mr. Speaker, Sir, I beg to second the motion.

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

HON. A.A. MAHARAJ.- Thank you, Mr. Speaker. I take this opportunity, as the Member moving the motion, to make a small contribution on the Committee's Report on the Fiji Independent Commission Against Corruption (FICAC).

Mr. Speaker, by way of background, FICAC is an independent agency established by the FICAC Act 2007. The Commission is dedicated to combatting and reducing major crimes such as fraud, bribery and corruption in the public sector. It also has jurisdictions in the private sector when it comes to bribery-related cases.

Mr. Speaker, there were also a few issues identified from the key reviews. As noted from the Committee's Report, there was clarification provided in terms of issues identified and I would

like to brief the Honourable Members of this august House on this.

Firstly, the issue on the vacancy of the Office of Commissioner, it was advised that even though the Office of Commissioner is vacant, this does not mean that the Commission has been defunct. The FICAC Act 2007 provides that the Deputy Commissioner becomes the ex officio Acting Commissioner when the Office of the Commissioner is vacant, and the Deputy Commissioner has been exercising his statutory powers to act as the Commissioner pursuant to section 7 of the FICAC Act 2007.

In regards to the vacancy in the Office of the Commissioner, the Committee noted that the FICAC Act 2007 provides that the Deputy Commissioner becomes the ex officio in circumstances when the Office of the Commissioner is vacant. Secondly, the issue in respect to the human resources aspect of the Commission, it was advised that the Commissioner was content with a small but efficient and effective workforce since the current staff have proven to be able to carry out their functions diligently.

Next is the issue on anonymity of names. In certain cases, the Commission advised that these were cases and complaints brought to it by persons who wanted to remain anonymous and had done so during the time of lodging the complaint. The Commission will take the complaint as it is, with names or without names and put it through an investigation process.

Further, the issue of conclusion and closure of a particular case on the recommendation of insufficient evidence with regards to the issue of closure of a particular case due to insufficient evidence, it was advised that the Commission goes through an investigation and thereafter an assessment is made by the legal department to determine whether there is sufficient evidence to initiate proceedings or not. After going through those processes, it then falls on the Commissioner to decide whether there is no evidence to go ahead and if this is the case, then the case is closed on the basis that there is no sufficient evidence.

Information and comments on the Good Kiddo Programme of the Commission, the Commission advised that the Good Kiddo Programme is a development programme aimed at informing children of the functions of FICAC and teaching young citizens especially the children the concept of good values and how it leads to being a good citizen. It also aims to act as a buffer to the National Anti-Corruption Curriculum (NACC). This programme has been adopted from the Brunei Concept which has similar programmes in developing training. This programme has been successfully implemented for two years in 32 schools and will contribute to NACC's full implementation into the Ministry of Education by 2019.

Other issues were also clarified with certain recommendations, Mr. Speaker. With those words, Mr. Speaker, I would like to urge Honourable Members on this august House to take note of the content and show support towards this motion before the House.

HON. SPEAKER.- I thank the Chairperson. Honourable Members, the floor is now open for debate on this motion and I give the floor to the Honourable Waqanika. You have the floor, Madam.

HON. T. WAQANIKA.- Thank you, Mr. Speaker. I thank you for the opportunity given to me to contribute to the debate. My contribution will be a short one given that the Report itself is quite a short one.

Mr. Speaker, Sir, I note in the Chair's Foreword that FICAC is Fiji's leading anti-corruption agency perhaps when they do some of the review of, it is the only agency. I do not know how it can

be the leading agency. It is the only agency that we have in Fiji and if anything, we do need a FICAC agency in Fiji. No one supports corruption, if anything, we should all fight against corruption.

Just a few key issues, I note that the recognition of the Commissioner in the findings of the Committee during the period of the Report. During the period of the Report, the position was vacant and I believe it is still vacant.

Last year, Mr. Speaker, Sir, the appointment of the Deputy Commissioner was filled and I note that the Committee had made recommendations that the deliberation be made for the Deputy Commissioner, who under the Act, provides that the Office of the Deputy becomes the ex-officio Acting Commissioner.

Mr. Speaker, Sir, if we are serious as a nation to fight against corruption, I cannot see the reason why we cannot move ahead to appoint a Commissioner to this position, Sir.

The next point, Sir, is the issue of anonymity of names and certain cases. Yes, it is never easy to speak up against corruption more so if you are a junior officer raising issues against your superiors. I am not sure how this has been dealt with as my work does not bring me into contact a lot with FICAC but in due time, because I have seen a lot of people have come forth and reported against their superiors or against anyone in a position of power to FICAC, in time, it would be interesting to see that the names are actually disclosed because if anyone makes a complaint against any Member of the House, we would like to know who is the complainant and gather details.

The other issue, Sir, is the issue of conclusion and closure of particular cases. The cases are closed on the recommendation of insufficient evidence and that is similar as well to DPP. Now, the Commission decides when there is insufficient evidence on cases, Mr. Speaker, Sir, the cases are closed. Perhaps, the Committee or even FICAC could look and consider engaging not on a permanent basis but on a time to time basis retired magistrates, retired judges who have had experience in the criminal area to come and assist and give advice.

I note, Mr. Speaker, Sir, the FICAC Act and I have raised this, I believe, in the February Sitting regarding the FICAC Act, section 5 (a discretionary provision) allows the Commissioner to consult or to engage the Attorney-General, regardless of whoever the Attorney-General is. Governments come and governments go, whereas our Constitution, section 115(a), it overrides a discretionary provision provided in the FICAC Act and it says that the Commissioner shall provide regular update and advice to the AG on any matter relating to its functions and responsibilities.

I stand corrected, my good friend, the Honourable Minister for Commerce, Trade, Tourism and Transport did mention, I believe in the February Sitting, with regards to the budget but be that as it may, whether it is budget or anything, let us remove doubt and keep this Office totally independent. Let the Commissioner of FICAC and its team report directly to the President, like I said, governments come and governments go.

The second last issue, Sir, is the Human Resource issue. I am pleased to see that there is no issue on biasness. If anything, given the period of this Report, FICAC must be commended on their 'gender recruitment policy'. At that point in time, Mr. Speaker, Sir, perhaps for managers and I commend them for that.

Just the last one, Mr. Speaker, Sir, it is on the Good Kiddo Programme. This is a programme I believe just started two years ago where they actually go out in the community but given the recent cases that we had in our nation, it stands at 489 because on Saturday, the Ministry of Health said, 406 plus 83, 489.

The last thing we want, Mr. Speaker, is for the FICAC Officers, and I am sure no one wants them to be exposed, because last week the Ministry of Health had announced that a cluster of four from FICAC were infected. Perhaps, more online awareness rather than going out. The fight against corruption must never stop. The message is to go out and online, if anything, is quite powerful.

That is my contribution today this evening, Mr. Speaker, Sir, and I thank the Standing Committee for the Report. *Vinaka vakalevu.*

HON. SPEAKER.- I now give the floor to the Honourable Attorney-General. You have the floor.

HON. A. SAYED-KHAIYUM.- Thank you, Mr. Speaker, Sir. I would be very brief. The independence of the FICAC, of course, is established in the Fijian Constitution under Section 115 and, of course, FICAC does report directly to His Excellency, our President.

In respect of what the Honourable Waqanika has just mentioned, if I could refer her to the provision under Section 115(7), which states and I quote:

“In exercising its powers and performing its functions and duties, the Commission shall be guided by the standards established under the United Nations Convention Against Corruption.”

Section 115(8) and (9) states, and I quote:

“(8) The Commission may regulate its own procedure and may make such rules and regulations as it deems fit for regulating and facilitating the performance of its functions.’

(9) The Commission shall provide regular updates and advice to the Attorney-General (not the other way around) on any matter relating to its functions and responsibilities.”

It is not the other way around, because they advise us in terms of corruption matters. So, they have to tell us, we do not tell them what to do so, please, do not get confused by that.

The Honourable Member raised the issue about protection of those people who will report about corruption. I could not understand exactly what she was saying, but there is obviously the protection of whistle-blowers.

There are quite a few cases, Mr. Speaker, Sir, whether it is to do with the few people who are serving prison sentences, some of them fairly long. In some of the government infrastructure Ministries, where, in fact, the cases came to light because the junior officers actually reported the matter to FICAC directly, or through their superiors about certain middle management people, and their relationship with the members of the private sector. So those protections are obviously always given.

The other matter that I also wanted to highlight, Mr. Speaker, Sir, is the Code of Conduct Act for public office holders, which is in Parliament, we hope to obviously debate that. That will also give more credence to the Accountability and Transparency Commission.

Mr. Speaker, Sir, the provision in the Constitution also says and I quote from Section 115(10):

“The Commissioner and the Deputy Commissioner have the authority to appoint, remove and discipline all staff (including administrative staff) in the Commission.”

Of course, ‘determine all matters pertaining to FICAC’ so there is no lacuna if you like with the Commissioner not being appointed necessarily. I think from a more practical perspective, what the Committee observed was in respect of the offices to be set up around Fiji.

Mr. Speaker, Sir, FICAC, of course, has office operational in Labasa and Lautoka and I think at the time when this Report was done, they were just setting up those offices. It is also critically important, as we find in all agencies, in particular, when you go to far-flung places like Vanua Levu to ensure that the staff are actually rotated because people tend to get very comfortable, whether it is the Police Force, the DPP’s Office and whether it is the Office of the Auditor-General, and I think that is critically important to always ensure that those independence conditions are actually always met.

Mr. Speaker, Sir, the other point that I very quickly wanted to highlight was in respect of the public education. Of course, FICAC is working very closely with the Ministry of Education in respect of developing curriculum pertaining to the education of our young citizens regarding the various virtues and values that they should stand for when it comes to corruption, and helping them to understand because at times, we found in the past that people think that certain actions of theirs are not corrupt, when actually it is corruption, and also things like accepting gifts, et cetera. So, FICAC with the assistance of Ministry of Education, launched the National Anti-Corruption Curriculum. There is also what we call a budding programme, called the Good Kiddo Programme that they have brought from, I understand, Brunei, which is being now tailor-made to suit the Fijian circumstances.

Mr. Speaker, Sir, again just the utilisation of the funds of FICAC, from 2016 to 2017 and from 2017 to 2018, they utilised all the funds they had. In 2018 to 2019, there was a slight underspent of about probably a few hundred thousand dollars and similarly in 2019 to 2020, but we always ensure that FICAC has enough funds to be able to perform its duties.

I think, of course, we cannot direct FICAC on who to hire, Honourable Waqanika, we cannot tell them to go and hire retired Judges, but it is up to their discretion, because otherwise you will be interfering with their independence. It is up to them who they hire. Of course, in the past they have brought in specific counsel from overseas to ensure that their prosecutions are done in the manner it should be done. I would like to commend the work done by FICAC. Thank you, Mr. Speaker, Sir.

HON. SPEAKER.- I thank the Honourable Attorney-General. Honourable Members, I now give the floor to the Chairperson to speak in reply.

HON. A.A. MAHARAJ.- Thank you, Mr. Speaker, Sir. I just would like to thank the Honourable Members who have contributed towards the debate. I have no further comments. *Vinaka*.

HON. SPEAKER.- Honourable Members, Parliament will now vote to note the content of the Report.

Question put.

Motion agreed to.

HON. SPEAKER.- Honourable Members, on that note, we will adjourn for half an hour.

The Parliament adjourned at 7.11 p.m.

The Parliament resumed at 7.43 p.m.

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

**REVIEW REPORT – OFFICE OF THE PRIME MINISTER  
JANUARY-JULY 2016, 2016-2017 AND 2017-2018 ANNUAL REPORTS**

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

That Parliament debates on the following Reports:

- (a) Report on the Review of the Office of the Prime Minister 2016 Annual Report January–July, which was tabled on 25th May, 2020;
- (b) Review Report of the Office of the Prime Minister 2016–2017 Annual Report, which was tabled on 31st August, 2020; and
- (c) Review of the Office of the Prime Minister 2017–2018 Annual Report, which was tabled on 1st September, 2020.

HON. V. LAL.- Mr. Speaker, I beg to second the motion.

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

HON. A.A. MAHARAJ.- Thank you, Mr. Speaker, Sir. The Office of the Prime Minister (OPM) provides sound policy advice and support to the Honourable Prime Minister and his Cabinet. It also engages with international and regional development partners, Civil Society Organisations (CSOs) and the private sector.

Mr. Speaker, the Office of the Prime Minister (OPM) achieved the re-prioritisation of the Small Grants Scheme project and the detachment of project from the organisation that paved the way for an innovative workforce for the OPM.

The OPM received timely submission of Ministries' Annual Reports presented to Cabinet and the total number of complaints that were addressed by the Office in the reported year.

The Office also successfully facilitated and provided support to the Honourable Prime Minister in his role as the COP 23 President, which sees Fiji punch above its weight and lift Fiji's status and recognition in the climate change arena.

It was also encouraging to note the Office's role in facilitating and conducting outreach programmes in local communities, which supports Fiji's efforts in mitigating the effects of climate change.

Mr. Speaker, there were a few issues identified from the Annual Report of 2016 (January-July), 2016-2017 and 2017-2018 which included the:

- OPM's administration of the Prime Minister's Small Grants Scheme in terms of addressing SDG 1;
- Funds allocated towards the Rotuma Subvention Fund for Development;
- Findings by the OPM on the status of the Mahogany Industry Council; and

- Programmes listed under the Private Office of the OPM and the activities conducted during the reported period.

Mr. Speaker, in the period 2016-2017, the:

- timeline of Government Ministries' Annual Reports tabled in Cabinet;
- ability of the OPM in addressing complaints that are being lodged by the public; and
- mechanism used to monitor and evaluate projects funded through the Small Grants Scheme.

Mr. Speaker, the Committee also put forward a few recommendations for consideration by the OPM, which included the:

- Committee recommended that there be more funding provided for the assistance provided through the Small Grants Scheme to ensure the continuation of such schemes.
- Committee recommended that the OPM continue its wellness programme, as this promotes the combat against Non-Communicable Diseases and the welfare of the nation.

Secondly, Mr. Speaker, for the period 2016-2017, the:

- (1) Committee commends the OPM in its work with the Small Grants projects, which ensures communities are focused on climate resilience. The Committee, therefore, recommends that clear guidelines and criteria on what falls into the category of projects that can be funded through the Small Grants Scheme, be provided and disseminated to the public.
- (2) Committee also recommends that the OPM create and set up a database and register, which is also online and accessible by the public for:
  - tracking of progress of Small Grants Scheme applications;
  - number of projects being funded; and
  - monitoring the effectiveness of the projects.

Mr. Speaker, furthermore, the Committee commends the work done by the OPM regarding complaints received and thus, recommends that there be more support provided to the relevant Unit within the OPM in order to maintain the efficiency of services provided regarding complaints. Additionally, that the OPM sets up a database and register, which is also accessible online for tracking the progress of complaints.

Mr. Speaker, finally for the period 2017-2018, the:

- (1) Committee commends the outreach programmes and *talanoa* sessions facilitated by the OPM and thus, recommends that there be more support provided to these programmes, since it is designed to have positive impact on the communities of Fiji.
- (2) Committee commends the great work being carried out by the OPM regarding climate change, thus recommends that the Office continues its work in facilitating and supporting the Honourable Prime Minister's role in championing the efforts in mitigating the impacts of climate change.

With those few words, Mr. Speaker, I would like to urge Honourable Members of this august House to take note of the contents of the Committee's Report and to show support for the motion before the House. Thank you, Mr. Speaker.

HON. SPEAKER.- I thank the Honourable Chairperson. The floor is now open for debate on the motion. I give the floor to the Honourable Tuisawau. You have the floor.

HON. RO F. TUISAWAU.- Thank you, Mr. Speaker, Sir. I rise to contribute to the motion on the Office of the Prime Minister (OPM) and I would look at a few issues for today, in particular from the 2016 Report where the Office of the Auditor-General commented on a few issues.

I believe this would either probably fully implemented now or partly-implemented, such as Standard Operating Procedures (SOPs) on the utilisation of funds in the Sports and Miscellaneous Trust Fund accounts, the follow-up on pending documents from the RFMF on ongoing projects, and there was also mention such as; "To ensure that monthly reconciliations for the Mahogany Industry Council is carried out and unreconciled items are properly investigated and resolved, the need to formulate SOPs for the operations of the Mahogany Industry Council Trust Fund Account, formalised rates by the FHCL to levy licence fees, and also independent monitoring and checks on the operations and building processes." I thought I would highlight that, Mr. Speaker, Sir.

With regards to a few issues from 2017-2018 and that was the report that I, sort of, had access to, I was quite impressed with the formatting of the Annual Report and the details - the projects and their reporting format which was very informative. I believe it is a good model for annual reports when you look at it, and I would like to commend the Permanent Secretary and staff of the OPM.

One of the key activities there at the Cabinet Office is the scrutiny of the Annual Reports which is cleared through the Cabinet Office and I would suggest more stringent follow-ups to ensure timely submission of Annual Reports which we have heard about its delays in the House in the last few days. I believe the Secretariat could have a more active role in the follow up.

The activities of the International Co-operation Unit is interesting, especially the rehabilitation of schools after *TC Winston*, the Chinese aid of 200 vehicles which was worth \$17.5 million. I wonder about those vehicles – I still see some operating, if there could be a report on that – how they are operating and how effective that has been in terms of sustainability?

There was a donation interestingly from the Indian Government – 13 Mahindra tractors for the sugar industry, so I would urge the OPM to have India donate some more for the non-sugar sector to assist our *iTaukei* farmers become more commercial in *dalo*, *tavioka*, *yaqona*, et cetera.

The SME development, there was a donation of \$10 million from the Government of India and we note that that has been handed out and we hope that something similar is also done in terms of the COVID-19 assistance.

There were issues with the Rotuma Subvention Fund – Kioa, Melanesian, *Vasu-i Taukei* and these are important assistance in the OPM which is utilised for those various communities.

Mr. Speaker, Sir, there was serious concern and I was surprised that the Committee did not mention this, with the qualified opinion by the Auditor-General dated 8th July, 2019, and let me just read it out quickly, I quote:

“Basis for qualified opinion, especially in the Department of Immigration; a variance of \$515,175 exists between the Integrated Border Control Management System

which records the Department of Immigration operating revenue and the FMIS General Ledger. As a result, I was unable to substantiate the correctness of the operating revenue balance of \$12.7 million recorded in the consolidated financial statements.”

The other one was the detailed listing of work permit holders, I quote:

“Home security bonds totalling \$28.7 million was held in trust as at 31st July, 2018 and was not substantiated by the Department of Immigration. As a result, I was unable to establish the completeness of the amount of security bond reflected, and there was an unreconciled variance of \$125,000 between the Immigration Bond Trust Fund and the General Ledger.

Those were some of the issues brought up with that qualified statement by the Auditor-General’s Office.

The other issue with the Department of Immigration was the inability to provide appropriate supporting documents, including payment vouchers to substantiate payments totalling \$272,000.

Some of the issues I have raised have probably been dealt with, Mr. Speaker, Sir. I thought I just highlight those as my contribution today. We do acknowledge, as I had mentioned, the work of the staff of the OPM, the various projects undertaken there. I do not know whether it is being handled there – the disaster fund which is being coordinated from the OPM. Perhaps, it is there, that is another important one but I suppose also for auditing purposes.

With those words, Mr. Speaker, Sir, I commend the Annual Reports of the OPM and the important role played in terms of our nation. Thank you.

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

HON. J.V. BAINIMARAMA.- Thank you, Mr. Speaker, Sir. I rise to speak on the motion by the Honourable Chairperson of the Standing Committee on the three Reports of my Office for the years 2016, 2017 and 2018.

Just on a matter of interest, Mr. Speaker, all matters that have been raised by Honourable Tuisawau had been attended to. Sports funds have been transferred to the Ministry of Sports; RFMF accounts have been completed and reconciled; tractors have been given to the Ministry of Agriculture and Fiji Rice; Rotuma Fund issues have been sorted out and we have assisted in the accounting procedures; immigration issues that go back to 1984 and records are missing; bonds issues dates back to the 1980s and records are missing - we are working with the Ministry of Economy to resolve this matter; and disaster funds are all approved by the Prime Minister and reconciled by our office. But I commend the Committee for their deliberations and recommendations.

Mr. Speaker, as you know, the responsibility of the Office of the Prime Minister (OPM) is crucial for any government. In addition to the administrative and policy advisory roles provided to me as head of the government and chairman of the Cabinet, the OPM also supports me in my role as the principal advisor to His Excellency the President of the Republic of Fiji, and I commend my 72 staff, most of whom are on home isolation because of the COVID-19 cases. I also commend my two personal staff officers and security personnel, Mr. Speaker, for their commitment to the vision of my office and to the 16 staff who are currently assisting with contact-tracing efforts.

Mr. Speaker, the years 2016 to 2018 was a significant time and a proud moment for Fiji. We made history by becoming the first Small Island Developing State (SIDS) to preside over COP 23. Our *Talanoa* Dialogue processes has been widely adopted around the world.

Fiji co-chaired the first ever UN Oceans Conference with Sweden and together, and the world found out that we launched the Ocean Pathway Partnership.

Whilst participating in the first ever International Solar Alliance Summit in March 2018, we committed to solar and other clean energy to achieve our own Nationally Determined Contribution of approaching 100 percent renewable energy in our electricity generation by 2030, and I use the platform to urge the nations of the world to commit fully to our *Talanoa* Dialogue to increase ambition at COP 24.

Mr. Speaker, with climate change, a warming ocean with fierce storms, we ensured that every opportunity provided to me at the international arena was used to seek the necessary political will, to address our collective obligation to humanity, in order to effectively confront this crisis.

It was important to note that during this period, Mr. Speaker, Sir, I had also stepped up engagement with fellow Heads of Governments in Suva. I was able to engage with my fellow Pacific Leaders during the Inaugural Climate Action Pacific Partnership (ICAPP). I enforced relations between Canada and Fiji, and other SIDS threatened by climate-related extreme weather events during the meeting with the Canadian Prime Minister, along the margins of the EU-China Climate Meeting.

I also reaffirm Fiji's commitment to our bilateral ties with the margins of the 72nd Session of the UN General Assembly - 25th Meeting of the Heads of the Commonwealth of Nations, the 8th Pacific Islands Leaders Meeting (PALM8) and with the German Chancellor during the Petersburg Climate Dialogue.

My Office, Mr. Speaker, provided all the support at these international and local events. In addition to my Office, I also commend the many people, organisations and international partners that supported me in my COP 23 Presidency role during the period 2016-2018.

The collaborative work of the Office of the Prime Minister and the rest of the Government Ministries, Mr. Speaker, Sir, ensured that we build and maintain trust, relationships and confidence with His Excellency the President, the Cabinet and the Fijian people.

Given the evolving and demanding role of the Ministry, we continued to keep a lean organisation structure and an innovative workforce, complemented by a modern work environment, in line with the vision of my Government of a modern, efficient and effective Civil Service.

The world continues to evolve, Mr. Speaker, and that drives how we conduct our business, ensuring that we uplift the standard and the quality of our service. In saying that, Mr. Speaker, Sir, the recommendations by the Committee have been considered and shall be adopted.

I am always quite keen, Mr. Speaker, to make time to be with ordinary Fijians during *talanoa* sessions around the country, of course, under normal circumstances where I can listen to issues and understand challenges Fijians face on a daily basis.

In addition to the *talanoa* sessions, Mr. Speaker, I take in the “*Noda* Prime Minister Programme” aired on Radio Fiji – one every two weeks, where the programme allows me the opportunity to engage with listeners on the various Government programmes that they would like an

update on. Recently, I also joined the “*Na i Katalau* Programme” on Fiji One TV and other Fiji Broadcasting Corporation programmes.

Mr. Speaker, the Office of the Prime Minister administers the Small Grants Scheme and needless to say, majority of the priorities funded under the Scheme were identified during my official tours to the various Divisions and from face-to-face discussions and *talanoas* with the communities.

My Office keeps a well-maintained database that has been in existence since the inception of the Scheme. All data are easily retrievable and can be provided to the applicants at any given time.

Majority of the requests received under the Scheme were development projects, Mr. Speaker, which support the education sector - ECE rebuild after *TC Winston* and other development projects in line with the 2013 Fijian Constitution Bill of Rights.

The reporting period was a challenging year for my Office and for Fiji as a whole with Category 5 *TC Winston*, the most devastating tropical cyclone on record in the Southern Hemisphere. Despite the challenges of the year, Mr. Speaker, we continued to strengthen our services to the Fijian people, while also fostering organisational resilience.

Mr. Speaker, through the reports from the Client Services Unit, my Office was able to present its findings to other Ministries a total of 13,371 complaints were facilitated by the Unit between July 2017 and July 2018.

As part of my Office Development Cooperation Assistance, we handed over one of our major development projects in 2016, which is the Somosomo Hydro. It was handed over to the people of Vanua Levu on 19th July.

My Office is responsible for empowering minority communities through development initiatives, which improve their livelihood and build community resilience. Minority communities such as Rotuma, Rabi, Kioa and the Melanesian *Vasu-i-Taukei* continue to receive annual grants and budgetary support for their respective operational and development initiatives.

Mr. Speaker, in my role as Chair of the Mahogany Industry Council, my Office provides secretariat support and advisory role for the betterment of the sector. The good collaboration established with the industry stakeholders enabled us to resolve various issues and claims which were left unresolved from past Governments, let alone the huge debts.

Mr. Speaker, Sir, we ensure a better Fiji for all through strong leadership, inclusiveness, honesty and importantly, genuine comradeship. Based on those remarks, Sir, I, therefore, support the motion.

HON. SPEAKER.- I thank the Honourable Prime Minister. I now call on the Chairperson of the Standing Committee on Justice, Law and Human Rights to speak in reply.

HON. A.A. MAHARAJ.- Thank you, Mr. Speaker. I would like to thank the Honourable Prime Minister for responding to the queries that were actually raised by the Committee itself and it was good to note that the Office of the Prime Minister has taken all the recommendations on board.

Mr. Speaker, with regards to the comment raised by Honourable Tuisawau with regards to the financial statement, that is something that is actually dealt by the Standing Committee on Public Accounts and not by individual committees. So the Standing Committee on Justice, Law and Human

Rights does not look at financial statements as it is dealt by the Standing Committee on Public Accounts and it is better left with them to scrutinise those reports. Thank you, Mr. Speaker.

HON. SPEAKER.- Thank you. The Parliament will now vote to note the content of the Report.

Question put.

Motion agreed to.

HON. SPEAKER.- I call upon the Chairperson of the Standing Committee on Justice, Law and Human Rights to move his motion.

**REVIEW REPORT – FIJI HUMAN RIGHTS AND ANTI-DISCRIMINATION  
COMMISSION ANNUAL REPORTS 2016, 2017 AND 2018**

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

That Parliament debates on the following Reports:

- (a) Report on the Review of the Fiji Human Rights and Anti-Discrimination Commission Annual Report 2016 which was tabled on 26th May, 2020;
- (b) Review of the Fiji Human Rights and Anti-Discrimination Commission Annual Report 2017 which was tabled on 2nd September, 2020; and
- (c) Review of the Fiji Human Rights and Anti-Discrimination Commission Annual Report 2018 which was tabled on 3rd September, 2020.

HON. V. LAL.- 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.

HON. A.A. MAHARAJ.- Mr. Speaker, Sir, the Human Rights and Anti-Discrimination Commission has the constitutional mandate of developing a culture of human rights in Fiji by promoting the protection, observance and the respect for human rights in both, public and private institutions. It does so by educating the public about their rights, freedom, receiving and investigating alleged violation of human rights and taking steps to address those violations, including conciliation and making application to the court for redress, making recommendation to Government in relation to existing and propose laws to ensure compliance with the human rights standards, as well as ensure compliance by States in fulfilling its international human rights obligations with respect to international human rights treaties and conventions.

The Commission has independently investigated a total of 498 complaints between 2016 and 2018 - 131 complaints in 2016-2017 and 213 complaints in 2018. There were 154 complaints assessed to be within the jurisdiction of the Commission. It is imperative to note that the Commission also received complaints outside its jurisdiction and assisted the complainant through referral to the relevant agencies.

Allegation of violation includes; right to life, right to personal liberty, right to arrested and detained persons, freedom from cruel and degrading treatment, freedom of religion, et cetera.

Complaints received were also intersectional in nature, such as the provision of shelter for

women of mental illness, human trafficking, domestic violence, denial of access to justice for foreign nationals and detention, sexual assault of children, et cetera.

The nature of complaints to the Commission shows that the Commission does not privilege one set of rights over another, whether they are civil, political or social, economic or cultural rights. The complaints demonstrate the inter-related, inter-dependent and indivisible nature of human rights.

Monitoring places and detention; the Commission monitored places for detention, including correctional facilities, police cell block, Department of Immigration safe house, education centres and hospitals and is working with Fiji Corrections Service in implementing the minimum human rights standard in places of detention.

Human rights walls are established in the police stations outlining the constitutional rights of arrested and detained persons at Totogo Police Station, as well as Criminal Investigations Department and subsequently established in other police stations and community posts around Fiji. The Commission translated the produced posters on the rights of arrested and detained persons in five languages – English, *iTaukei*, Hindi, Chinese and Rotuman.

In partnership with the Fiji Police Force, the Judiciary, the Office of the Director of Public Prosecutions and the Legal Aids Commission, the Commission conducted training on the first-hour procedure to ensure early access to justice and video recording of caution interviews, to address concerns of cruel and degrading treatment and the rights of arrested and detained people.

The Commission made the following submission from 2016-2018 to the respective Parliamentary Standing Committees, to ensure that the laws are consistent with human rights, the:

- Rights of Persons with Disabilities Bill;
- Adoption Bill;
- Information Bill;
- Parliamentary Powers and Privileges Bill;
- Registration of Sex Offenders Bill;
- Online Safety Bill;
- International Convention on Civil Rights and Political Rights; and
- International Convention on Economic, Social and Cultural Rights.

The Commission has taken a proactive approach through its public outreach initiative to educate Fijians on human rights issues and to listen to their concerns and grievances, reaching out to 52,844 Fijians and foreigners living in Fiji between 2016 and 2018 from informal settlements, semi-urban areas, and remote and maritime areas across the country.

Mr. Speaker, in breakdown, in 2016 – 14,000 persons were reached out through public outreach; 2017-18,873 persons were reached out through public outreach; and 2018-19,971 persons were reached through public outreach.

Community outreach were in maritime, rural and remote areas, Northern Division, Western Division and informal settlements were visited in the Central Division.

School visitation in 2016-33 schools; 2017-98 schools and 2018-38 schools.

Mr. Speaker, the Commission is fully committed towards ensuring compliance with the Paris Principle and has been working with Asia-Pacific Forum of National Human Rights Institutions and

Global Alliance of National Human Rights Institutions.

At the end of the year 2020, the Commission underwent a capacity assessment led by APF, together with the United Nations Development Programme and the Office of the High Commissioner of Human Rights.

It is imperative to note that the Commission appeared before the Public Accounts Committee on 28th March, 2017, where the Director assured the Committee that the Commission, due to the absence of the Commissioners, the Directors did not conduct financial audit for the period 2008-2016.

The Director assured the Public Accounts Committee that the Commission will have a backlog of its audit cleared and its financials submitted to the Office of the Auditor-General (OAG) for an independent audit by December 2020. The Commission, under the leadership of the current Director, was able to expedite this process and submitted its financials for an audit to the OAG in 2019.

The Commission confirmed that the audit of the financial for the period 2008-2016 is now complete. A draft management letter was despatched by OAG early this year to the Commission.

With those words, Mr. Speaker, I thank you for this time.

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

HON. L.D. TABUYA.- Thank you, Mr. Speaker. First of all, I commend the Committee on the review of the Reports of the Fiji Human Rights and Anti-Discrimination Commission. The reports are quite brief but I will focus just on one recommendation in the 2018 Report. It states here in Recommendation No. 2, the need for a national dialogue for stakeholders to better understand human rights and other key issues.

Mr. Speaker, I think this is a very important recommendation in a time that we are facing now. What a great idea for us to discuss this in the light of what we are facing, because there is an increasing debate on whether or not to vaccinate - the question was to vaccinate or not to vaccinate. Like I said there are competing theories coming out from all sources about the safety of the vaccine, we have the WHO, the doctors, the viral videos about the origins of COVID and then of course the magnet attracting qualities.

Now, whatever the theories are, Mr. Speaker, one thing is certain our people need leadership that will navigate them through these uncertain times. With these uncertainties and competing theories come the competing human rights of our people. On one hand it is a human right not to be vaccinated - that is in the Bill of Rights, in section 11(3) which states that “every person has the right to freedom from scientific or medical treatment or procedures without his or her informed consent”.

Mr. Speaker, as we speak, you heard earlier today there are employers that are enforcing the vaccination of the employees and have terminated employees if they did not get vaccinated by today. Also, I understand that there are also Ministries that have put out their own directives that their employees, the civil servants, must get vaccinated before they return to work. So, on the one hand you have this right and it is correct, you cannot force people to vaccinate right now but then on the other hand, Section 8 of the Bill of Rights also states that every person has the right to life. So we have two competing rights, one is the right not to be vaccinated and of course, the competing right to life, so if you do not wish to get vaccinated, that is your right but for those that do wish to get vaccinated, they are exercising their right to

life so they want to protect themselves from COVID. Mr. Speaker, this is being experienced right now as I mentioned.

Mr. Speaker, there is the human right of free speech. The freedom of speech which is balanced against the public interest to protect the public during a pandemic. So, in the past week we witnessed the arrest of a lecturer from FNU, Nanise Vucago, whose video went viral when she made certain statements against the vaccine. Now, of course, the Honourable Prime Minister also expressed sentiments about her last night and she is facing sanctions from her employer, FNU, the same academic institution that had a panel discussion today, a Q&A on the vaccine.

Mr. Speaker, I ask the question and it challenges each of us here. Instead of arresting Ms. Vucago for her statements or as the Honourable Prime Minister stated last night that she will soon be made to answer, why not include her in the panel discussion as part of a national effort to educate and enlighten our people about the vaccine? The very fact that her video went viral, Mr. Speaker, shows a good portion of the population feel this way. So, do we suppress free speech and arrest our people for expressing an opinion? Does the public interest outweigh free speech?

Mr. Speaker, just this week in India where they have seen massive deaths, the High Court of Delhi dealt with this issue. The Court refused an injunction sought by the Delhi Medical Association against a guru named Ram Dev, who was speaking against the vaccine to deal with the pandemic. Justice Hari Shankar stated:

“If I feel a particular science is fake and make a statement in the public domain that the science is fake, what is so actionable about it.”

The Court went on to say:

“There is a right to air an opinion or to voice an opinion. Sometimes the opinion is, maybe, voiced in a terminology which may appear to be very offensive. Some people may be more vitriolic than others in the manner in which they express what they want to say. Someone may be more temperate. Someone may be more intemperate.”

But the Court also said that there are protocols and institutions in place to check false medical claims and that the same is to be decided by medical experts. It is said that someone there has a view that it is because of the absolute inefficacy of this conventional method of treatment, that people have died, airing that on a public platform within the parameters of free speech.

Mr. Speaker, in conclusion, I am raising this as I am in absolute agreement with the Standing Committee on Justice, Law and Human Rights in recommending that a national dialogue on the vaccine is the way to go, considering all the human lives involved and something that the Office of the Human Rights Commission should spearhead.

As Nelson Mandela stated, Mr. Speaker, education is the key to change the world. Let us have public forums. Let us have public forums about this, like what FNU has done today but instead of arresting our people for voicing an opinion, let us bring everyone to the table and have an open honest national dialogue on the vaccine and the way forward.

I believe, Mr. Speaker, this will go a long way to educating our people and to dispelling fear and bringing the knowledge that we need, so we can fight this together. We have got the time. Only together we will, Mr. Speaker. Thank you very much.

HON. SPEAKER.- Order! I give the floor to the Honourable Attorney-General.

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, I would like to focus on some of the key aspects of the recommendation. Sir, the Fiji Human Rights and Anti-Discrimination Commission just recently opened an office in Lautoka. Unfortunately, because of COVID-19, it has not been opened up. They were just about to secure office space in Labasa because we expect the Fiji Human Rights and Anti-Discrimination Commission to be in all parts of Fiji, which is something recommendable and there are normally a lot of day-to-day matters that need to be addressed.

Mr. Speaker, Sir, I would like, of course, to commend the Director of the Fiji Human Rights and Anti-Discrimination Commission and the Chairperson for the good work they have done. We have got three years of reports here, Mr. Speaker, Sir, and as highlighted by the Chairperson of the Committee, we also have their accounts that is going to be tabled very soon for us to be able to discuss.

Mr. Speaker, Sir, of course, the Fijian Constitution has array of rights, not just civil and political rights but also socio-economic rights that are all enforceable rights. We now have what we call the ‘vertical and horizontal application of rights’ in Fiji, in other words, unlike the previous Constitutions, the rights now under this Constitution are also enforceable against what we call ‘private actors in the State’. Previously, it was only enforceable in respect of the State only but now, of course, those rights are enforceable against private actors, which is very significant.

Fiji, of course, Mr. Speaker, Sir, now has ratified all the core nine International Conventions pertaining to rights. The Honourable Tabuya talked about vaccination, et cetera, and said there is competing right to life. Actually, if you read Section 8, it says and I quote, “Every person has the right to life, and a person must not be arbitrarily deprived of life.” So, Mr. Speaker, Sir, she has got the wrong section. Right to Life is about not taking anyone’s life arbitrarily. The vaccine is not going to do that perhaps she was confused.

If you read Section 11(3) of the Bill of Rights, it says, and I quote:

“Every person has the right to freedom from scientific or medical treatment or procedures without an order of the court or without his or her informed consent, or if he or she is incapable of giving informed consent, without the informed consent of a lawful guardian.”

Mr. Speaker, Sir, we have court applications under this provision from time to time, for example, as we know the Jehovah’s Witness does not allow blood transfusion. We have, at times, children who are in court and when the doctors want to save the life of a child through blood transfusion and it is not allowed by the guardians, the doctors through the Solicitor-General’s Office can actually make an application to the court. The court then hears the matter and it is done normally quite quickly, even in the middle of the night, and if the court does give the order, then blood is actually transfused into the child. So, this is where you need consent.

What this particular section means is, if there are people who did not want to be vaccinated, we went around and actually put and tied them down and gave them the jab, that is a breach of Section 11(3) because they are actually not consenting to be vaccinated. It is very simple. If a person consents not to be vaccinated or does not want to be vaccinated, we cannot go and force them, tie them down and vaccinate them. So, there is no competing rights *per se vis-a-vis* the right to life.

Mr. Speaker, Sir, I think there is confusion with the Honourable Tabuya and, unfortunately, I think she seems to be mixing all that up with people. Employers are saying that if you do not get vaccinated, you cannot be employed, that is another issue altogether because there may be certain work environment where the employers, in order to be able to comply with protocols, would want

their staff vaccinated, particularly, when there is a lot of people working in one small space. In the same way, we would want people to mask up in those environment and in the same way, we want people to actually have their CareFIJI App switched on. So, there is a whole world of difference between them, Mr. Speaker, Sir, and, of course, I mean these matters can be tried within the court system.

Regarding the lady from FNU, she is obviously not an expert. What Honourable Tabuya read out is about people expressing their views but to take her view as an expert, she is not an expert. In the same way, Honourable Gavoka also wants to quote Honourable Karavaki, who is not an expert. So, if you hold a position in an organisation like FNU where you are lecturing in a particular area, then obviously there are various consequences. The code of conduct pertaining to that organisation, in the same way a civil servant has to adhere to certain codes of conduct and certain regulations. If you do not adhere to it, then your employer can obviously take disciplinary action against you. So, let us not confuse that.

Again, Mr. Speaker, Sir, in respect to having this massive dialogue, the reality is that the vaccine is here. Honourable Gavoka constantly quotes Israel, how people there were vaccinated, there is herd immunity. He is on record for saying, ‘let us get vaccinated’. Of course, other people in his Party are saying, ‘Do not, because if you take herbal medicine, it is all right’. Honourable Tabuya is now saying, “let us have this dialogue about the vaccine, is it good or not”. She herself has actually gone and got vaccinated.

The point is, Mr. Speaker, Sir, it is very simple - the vaccine is available, if you want to go and get vaccinated, you get vaccinated. You are actually protecting your health. If you do not choose to get vaccinated, then obviously there are consequences on you, for example, you may be more vulnerable to catch the virus. There may be consequences for you because if your employer says that that is a workplace requirement, then there could be consequences for you too. Of course, if there are various breaches, people can report that to the Human Rights Commission and they can deal with it accordingly.

Without elaborating any further, I would like to thank the Committee and thank, once again, the Chairperson and the Director of the Fiji Human Rights and Anti-Discrimination Commission, and I think they are doing a sterling job. In particular, one area I would like to focus on is how they had to deal with the hate speech. I think, hate speech is one of those areas that, we have not only seen it in this Parliament, but outside Parliament, but moreso also on social media. I think there has been lot of talks about that, the various recommendations, I think the Committee actually delved into that space also.

In the interest of time, Mr. Speaker, Sir, I do not want to say anymore, but there is a lot of good work that the Human Rights Commission has done regarding the hate speech in our community, working with the various media organisations and how we all need to as a nation address that, because it is a very fundamental issue that will affect all of us.

HON. SPEAKER.- I thank the Honourable Attorney- General. I now call upon the Chairperson of the Standing Committee on Justice, Law and Human Rights to speak in reply.

HON. A.A. MAHARAJ.- Thank you, Mr. Speaker, Sir. I would just like to give a small contribution in my right of reply. If we need a national dialogue at this point it time, we need a national dialogue with regards to hate speech. That is one of the Committee’s recommendations.

We need people to understand what hate speech is. Definitely, Mr. Speaker, Sir, I am not saying this as the Chairperson of the Standing Committee on Justice, Law and Human Rights, but as

a health professional and pharmacist. I could not believe my ears when I heard the Honourable Opposition Whip talking about national dialogue on vaccines.

(Honourable Member interjects)

HON. A.A. MAHARAJ.- Mr. Speaker, Sir, I urge as a pharmacist and as a health professional, please, do not politicise it. As a health professional, we do not force people to get vaccinated, what we do is, we encourage people and that is what we do.

(Honourable Member interjects)

HON. A.A. MAHARAJ.- Please, leave it to the health professionals to educate them.

(Honourable Member interjects)

HON. A.A. MAHARAJ.- Just leave it there, do not politicise it. Leave it to the people, it is their choice, they can have it or not, it is up to them.

HON. SPEAKER.- Honourable Members, Parliament will now vote to note the content of the Report.

Question put.

Motion agreed to.

HON. SPEAKER.- I call upon the Chairperson of the Standing Committee on Justice, Law and Human Rights to move his motion. You have the floor.

### **REVIEW REPORT - FIJIAN ELECTORAL COMMISSION 2016 AND 2017 ANNUAL REPORTS**

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

That Parliament debates the following Reports:

- (a) Review of the Fijian Electoral Commission Annual Report 2016 which was tabled on 27th May 2020; and
- (b) Review of the Fijian Electoral Commission Annual Report 2017 which was tabled on 10th December, 2020.

HON. V. LAL.- Mr. Speaker, Sir, I beg to second the motion.

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

HON. A.A. MAHARAJ.- Thank you, Mr. Speaker, Sir. The Electoral Commission was constituted under Section 75 of the *2013 Constitution of the Republic of Fiji* and mandated to carry out responsibilities as stated in Section 75(2), (3) and (4), mainly related to the registration of voters and conduct of free and fair election in accordance with the written law governing the election.

Mr. Speaker, Sir, the Committee reviewed the Annual Report and it was noted from the review that there were numerous highlights of the Electoral Commission for the reported year,

including, but not limited to the:

- work done by the Electoral Commission and the progress made towards the preparation of 2018 General Elections;
- support provided by the Electoral Commission to the Supervisor of Elections for the preparation of 2018 General Elections;
- establishment of a full-time secretariat service for the Commission; and
- development of the internal operational and procedural guidelines.

The Committee notes the new organisational structure of the Commission and commends the work carried out in the reported year regarding the appointment of the new Commissioners and the Chairpersons.

Mr. Speaker, there were also issues identified during the review which was thoroughly discussed with the Committee, including:

- the push of realisation of independence of the Fijian Electoral Commission by having and controlling its own budget, being able to utilise independent legal services and having clear demarcation on the governance structure of Fiji's electoral management body.
- the realisation of this independence by considering proposed amendments to the electoral laws according to the Constitution and Electoral Act 2014.
- that the Commission had positive engagement with foreign electoral management bodies such as New Zealand Electoral Commission whereby technical assistance was provided and numerous institutional documents were successfully created.
- the Electoral Commission, through the Fijian Elections Office, conducted regular revision and assessment of the National Register of Voters which is a vital part of determining the number of seats in Parliament, as provided under the Constitution.
- the Commission working closely with the Supervisor of Elections in order to effectively manage the electoral system in Fiji.
- the Annual Report providing insufficient information on gender equality and related work by the Commission. However, after further discussions, it was encouraging to note that the Commission's work is directly guided by non-discriminatory policies and legal framework which also encompasses gender equality principles.

Mr. Speaker, for the review of the Electoral Commission Annual Report 2016, the Committee did not suggest any recommendations. However, there was one recommendation put forward by the Committee in regards to the 2017 Annual Report which relates to the establishment of a full-time secretariat service for the Commission. It was recommended that proper resources be provided to the secretariat staff to ensure provision of institutional support to the Electoral Commission.

With those few words, Mr. Speaker, I urge the Honourable Members of this august House to take note of the content of the Report and show support to the motion before the House.

HON. SPEAKER.- Thank you. Honourable Members, the floor is now open for debate on the motion and I give the floor to the Honourable Qionibaravi.

HON. ADI L. QIONIBARAVI.-Thank you, Mr. Speaker, Sir. I rise to contribute to the motion before the House. I will speak on both Review Reports on the Fijian Electoral Commission 2016 as well as 2017.

In 2016, we noted that the Electoral Commission faced difficulties in maintaining its independence in various aspects of the operation.

The anxiety of the Electoral Commission members was put to rest in the Court of Appeal Judgment in 2014 where it said that the Commission cannot discharge its Constitutional duty freely and fairly if any direction given by the Commission to the Supervisor of Elections is not followed by him.

The recent Court of Appeal then in 2014 ruled that it declared that the Supervisor of Elections must follow the directions of the Electoral Commission and the Supervisor of Elections is the administrative officer appointed to carry out the decisions of the Commission in an effort to obtain a free and fair election.

Mr. Speaker, Sir, the Electoral Commission did not have a budget and can call its own, it is imperative that it should. This is what is coming out of the Report. In addition that the independence of the Electoral Commission should be allowed to exercise its right, to decide how it is to use its funds and only be subject to inquiries of the Auditor-General.

Institutional support, it noted that in the three years - 2013 to 2016, the Electoral Commission had to undertake their own report writing because there was not any staff of that office, even though there were two part-time staff seconded from the Supervisor of Elections Office. One had to leave that employment because her contract was not renewed.

On the budget, they mentioned that they were not asked to make their own representation on the annual budget, an allocation of \$74,000 for the period August 2016 to 2017. There was a marked increase in the 2015 Annual Budget to \$17,000.

Payment of legal service, they had a problem with that. The invoices for Patel's totalling NZ\$17,000 was submitted in July 2015 was finally paid on 30th November, 2016 - more than 12 months, Mr. Speaker, Sir. However, another invoice that was received in November 2016 was promptly paid by December 2016.

In the presentation to the Parliamentary Standing Committee on Justice, Law and Human Rights, the Electoral Commission emphasised the importance of an independent Electoral Commission if Fiji's first general election is to be truly free and fair.

It recommended that the Electoral Commission requires an independent budget that could allow it to function and carry out its onerous responsibility by having its own secretariat, legal advisors and other personnel to determine how to utilise its budget, subject to the eventual independence scrutiny of the Auditor-General.

They trusted the recommendations of the Electoral Commission 2014/2015 Annual Report would be also considered before the 2018 General Elections. So, we see the difficulties that they were facing in 2016. They also appreciated the assistance from the foreign governments for the various capacities that they requested assistance on.

In conclusion for the 2016 Report, Mr. Speaker, Sir, the Electoral Commission was, indeed, facing difficulties in maintaining its independence which was essential if the 2018 General Elections

were to be free and fair.

For the 2017 Report, Mr. Speaker, Sir, we noted the launch of the Voter Card Tool in April 2017. That voter card was an improvement with some additional features of the card. It had the date of the issue and the new logo of the Electoral Commission.

We are now being told this morning that we are having to go through another registration of new voter cards, with the increase in the cost of birth certificates, Sir, together with the dire situation most families find themselves in, we really ask as to why that becomes necessary now. Is the Electoral Commission going to continue to change the Voter Registration Card every two years now? In an average family of five, if there were five voters in a family, it would cost a family living in Suva \$75, a person living in Bua to go and get the cards in Labasa \$150, a family in Lau would cost \$300 to \$400, Mr. Speaker, Sir.

The most likely impact of the use of this new Voter Registration Card is, people may just take a very care free attitude and just refuse to register and that will further reduce the number of people that are going to vote in the 2022 Elections.

The Supervisor of Elections also became the Secretary to the Commission in 2017. The budgetary arrangement remained the same. The Electoral Commission did not have a say in the budget but however in the budget for 2017/2018 the Electoral Commission was able to, for the first time, be able to pay their own budget and the budget amount was over \$545,000 in preparation for the general election.

On Page 35 of the Report, the Electoral Commission stated that their position and the Supervisor of Elections will apply the electoral laws as is. They were not prepared to recommend changes to the electoral laws because they will apply the law as is. The current rules relating to candidates eligibility are sufficient and that no changes would be made.

This morning we have carried out various amendments to the electoral legislation, we just wonder what prompted all these changes when the Electoral Commission in 2017 were adamant that they would just implement the law as is.

The Chairperson also expressed his appreciation to the New Zealand, Australian and Korean governments for providing exposure to the members of the Electoral Commission, Sir.

In conclusion, the difficulties experienced in the first Electoral Commission have now been addressed nevertheless concerns of the Opposition parties remain as we have outlined this morning.

I thank you, Sir, for the opportunity to speak on this motion and I commend the Reports to the House, *vinaka*.

HON. SPEAKER.- Thank you. I will give the floor to the Honourable Attorney-General.

HON. A. SAYED-KHAIYUM.- Thank you, Mr. Speaker, Sir. The Honourable Member referred to the Court of Appeal matter but she should know better as a lawyer that there was an appeal that was going to be filed by the Office of the Supervisor of Elections but it was not because the law had already been changed and the whole original issue as she knows (I hope she knows) was all about the timing and the decision being given by the Electoral Commission and whether they were out of time or not, whether *prima facie* it was actually a valid decision or not. That was the real reason and I hope she has read the case.

Now, Mr. Speaker, Sir, a lot of the matters that have been addressed in these Reports and also the 2016/2017 Report have already been implemented. As we highlighted, the Electoral Commission has its own budget now - one line budget, it spends accordingly. Of course, the budget allocation for the Electoral Commission, including the Fijian Elections Office (FEO), increases in the election year because they obviously need to prepare things before the elections and obviously during the elections. So, you will not necessarily see loads of money being given to both those organisations when there is no elections around.

Mr. Speaker, Sir, I had earlier today highlighted the positive effects of the electoral system that we do have in place and in one of them, I talked about the greater participation of women as candidates and, indeed, their inclusion as Members of Parliament about the participation of various other groups of people that would normally get lose out. For example, the youth, et cetera, and also the transparency that it has created, the specific laws, the regulations, the handbooks, et cetera.

Two other points that I actually forgot to mention before I finish off, Mr. Speaker, Sir, and one of them is that the Constitution actually has a built-in mechanism in respect of the increasing number of seats, based on the registration of how many people actually get registered to vote. Previously, it was set in stone within the Constitution, for example, the 1990 Constitution said you must have 71 seats in Parliament. Similarly, you had the previous Constitution, x number of seats in Parliament.

If you look at Section 54(2), Mr. Speaker, Sir, we started off with 50 seats in Parliament and we now have 51 seats in Parliament. Now, it would obviously be apparent that in the next Elections, there will probably be about 640,000 voters, at least. That means you could have an increase in the number of seats in Parliament to about 53 seats or to 55 seats, which is a very positive thing because as your voter population increases, then obviously you must have greater representation using the 2014 figures as your baseline, so it is a very positive thing. So, you have a response in the same way that, for example, in the Australian system, in response to the number of voters that may increase or indeed, it may decrease, that is a very positive thing.

The other point that I also wanted to highlight, Mr. Speaker, is that the system that we have gives greater opportunities for minority parties to be in Parliament. A case in point is the National Federation Party (NFP). I have got the figures here. In 1999, NFP received 104,985 votes. The number of seats they got in Parliament (which was actually about 14.6 percent) - zero.

In 2001, they got 32,961 votes which was about 10.1 percent of the votes cast, the number of seats they got was one and then subsequently Prem Singh lost the case and he lost the seat. In 2006, \$47,615 votes - 6.2 percent of the votes. The number of seats NFP got - zero seats. In 2014, NFP received 27,066 votes, far less than all the previous years, received 5.45 percent of the votes, they got three seats.

In the last Elections, they increased their number of votes in terms of nominal figures by about 6,000 votes, they received 33,515 votes - 7.38 percent and they got three seats.

HON. P.K. BALA.- Lucky!

HON. A. SAYED-KHAIYUM.- So, Mr. Speaker, Sir, the system actually caters for minority parties as long as you meet the five percent threshold, you get a voice in Parliament. Mr. Speaker, Sir, Honourable Member says 'It's too high'. I have just read the figures of how under the old system, even though they received 14.6 percent of the votes, 10.1 percent of the votes, 6.2 percent of the votes, they got zero seats and now you are saying, '5 percent is too high'. I mean, again, I ask the question, 'do they understand what they are saying? Do they understand?' In 1999, they received

104,000 votes - zero seats; 2001 - 32,000 votes, zero seats; 2006 - 47,000 votes zero seats, and yet they say 5 percent is too high.

Mr. Speaker, Sir, the other important point - the beauty about the system is that there is an open list system; proportional representation open list system. In other words, people do not just vote for the Party, they can actually choose who they prefer from your Party. Some systems have proportional representation but it is a closed list. In other words, the Party Leaders will decide that if, for example, your party gets 40 percent of the votes, they will decide the ones that will qualify. It is a closed list.

In this system it is an open list, so if I want to vote for SODELPA and I like Honourable Tabuya, I will go and vote for her so my vote for her will not only go to her but to her Party also. That is the beauty about it. Obviously I am not going to vote for Honourable Tabuya but the point is that, Mr. Speaker, Sir, that is how the system works. It is very responsive and people need to appreciate that this system now gives a lot more democratic and direct democratic say than it has ever done before. Thank you Mr. Speaker, Sir.

HON. SPEAKER.- I thank the Honourable Attorney-General. I 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, I would like to thank the Members who have contributed towards the debate and I have no further comments. Thank you.

HON. SPEAKER.- The Parliament will now vote.

Question put

Motion agreed to.

HON. SPEAKER.- I call upon the Chairperson of the Standing Committee on Justice Law and Human Rights to move his motion.

**REVIEW REPORT - FIJI CORRECTIONS SERVICE  
1ST AUGUST, 2016–31ST JULY, 2017 ANNUAL REPORT**

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

That Parliament debates the Report on the Review of the Fiji Corrections Service (1st August, 2016–31st July, 2017) Annual Report which was tabled on 28th May, 2020.

HON. V. LAL.- Mr. Speaker, Sir, I beg to second the motion.

HON. SPEAKER.- I call upon the Chairperson of the Standing Committee on Justice Law and Human Rights to speak on his motion. You have the floor.

HON. A.A. MAHARAJ.- Thank you Mr. Speaker, Sir. The Fiji Corrections Service is primarily focused on three major aspects which is to provide security measures for all convicts and non-convicts, and safety and care through rehabilitation process for inmates, ensuring to strive towards no re-offences.

In regards to funding of the institution, Mr. Speaker, Sir, the Fiji Corrections Service derives its funding from public funds and is required by law to prepare an Annual Report and submit to the Minister responsible for Economy. The Minister will then table the report this august House for consideration and review.

Mr. Speaker, Sir, as part of the review, the Committee had extensive discussions with the Fiji Corrections Service and identified some key achievements during the process that included:

- (1) Shifting its approach on correction service from in-care to through-care.
- (2) Building relationships with communities with the purpose of improving rehabilitation and integration of inmates. As a result, the Fiji Corrections Service was able to have numerous MOUs signed with provinces and engaged religious bodies to assist with the rehabilitation of offenders.
- (3) In terms of human resources, the Fiji Corrections Service currently has 34 vacant positions with 929 established staff on the ground. The service prioritizes investment in rehabilitation programmes, such as employing counsellors and psychologists. It has also seen fit to direct investment to uniformed officers to undergo psychology and counselling studies at the University of the South Pacific, with four staff scheduled to graduate soon. The investment will contribute to its endeavors in rehabilitation projects by alleviating re-offences by the inmates.

Another issue worth noting, Mr. Speaker, Sir, was that there has been push for the establishment of a Parole Board, but this comes under the purview of the Honourable Minister responsible for Justice. It was noted that there have been certain cases that have been considered by the Mercy Commission where 11 have been released since 2019 and nine pending files are currently with the Commission.

Mr. Speaker, Sir, it is important to note as well the amount of remittance that Fiji Corrections Service has provided to the Government, indicating significant strides in good business practices introduced in six business units under the institution. In 2014, the revenue collected was \$2,462,707 million and the remittance paid to Government was \$103,384.56. From August 2016 to July 2017, the revenue was \$1,676,507 million and the remittance paid was \$555,852.38.

The Committee acknowledged the achievement of the Fiji Corrections Service, specifically with the rehabilitation progress of the inmates and reducing the re-offences rate. However, the Committee has identified some recommendations which it believes will contribute to the improvement of the service of the Fiji Corrections Service.

The Committee notes the:

- (1) Shift by the Fiji Corrections Service from in-care to through-care programme which has allowed the integration of ex-prisoners into the community and thus, the Committee recommends that this be given as much support as possible, as it enables ex-prisoners to live a decent life.
- (2) Increasing mental and physical stress related to the work carried out by the Fiji Corrections Service staff, thus the Committee recommends that there be a health impact assessment for Fiji Corrections Service Officers to create a decent and conducive working environment.

- (3) Work being done by the Fiji Corrections Service on the rehabilitation of inmates, thus recommends that this be given more support from the related stakeholders to reduce the rate of re-offences.

Additionally, the Service was able to reduce the proportionality of the Correction's Officers against the number of inmates in 2016 from 1:8 to 1:4 ratio. Mr. Speaker, Sir, this is to ensure that the practicality of human resources is in line with the international standard of having one Corrections Officer against four inmates and eventually, working towards the full implementation of the Mandela Rules within the institution.

Basically, Mr. Speaker, Sir, the approach undertaken by the Fiji Corrections Service is basically to ensure that the Correction Officers are protected and risks posed by inmates are reduced whereas, at the same time, governing how inmates held in correctional facilities are to be treated.

Mr. Speaker, in terms of the institution's expenditure, the Fiji Corrections Service spent approximately \$52 per inmate per day which accounts for food, hygiene, clothing and bedding.

Mr. Speaker, Sir, the Fiji Corrections Service has a total of 1,934 convicts, 608 persons in remand and three are detainees for the reported year.

Mr. Speaker, Sir, the Committee, therefore, acknowledges the Commissioner and staff of the Fiji Corrections Service for appearing before the Committee to clarify issues relating to the institution's Annual Report for the year 1st August, 2016 to 31st July, 2017.

With those few words, Mr. Speaker, Sir, I would urge Honourable Members of this august House to take note of the content of the Report and support the motion before the House. Thank you, Mr. Speaker, Sir.

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

HON. S.R. RASOVA.- *Bula vinaka* and good evening, Mr. Speaker, Sir. I thank the Honourable Chairperson and his Committee for the Report on the Review of the Fiji Corrections Service Annual Report (1st August, 2016 to 31st July, 2017) being debated this evening. Sir, the review Report is bipartisan and when it is debated, other's views have to be accepted on consensus as another professional view, for best practice and the best way forward.

Mr. Speaker, Sir, a big *vinaka vakalevu* to the Commissioner of Fiji Corrections Service as the work at the Corrections Service is a notable calling and the work of the Fiji Corrections Service personnel is commended. Striving to do good and pursuing excellence is a never-ending challenge, with its highest appreciation to the support from all stakeholders, including Government, rehabilitation service providers, religious organisations, volunteers, family and friends.

The introduction of a new motto, "*Semper Restituens*" provides a new vision to effectively rehabilitate all inmates to become lawful abiding citizens who will contribute positively to the country. Some of the main areas of discussion, Mr. Speaker Sir, include the substantial progress made by the institution in terms of the provision of services that are of international standards, which include new programmes for inmate rehabilitation and the improvement of human resources to carry out the vital service being provided by the Fiji Corrections Service.

Certain key aspects relating to the overall functioning of the Service includes; the outstanding job evaluation exercise for the human resource of the Service; a push for the establishment of a Parole

Board; and the cost of incarcerating a person which in turn leads to the introduction of programs that promotes the reduction of recidivism.

Mr. Speaker Sir, the Committee also noted the increasing mental and physical stress related to the work carried out by the Fiji Corrections Service staff, thus it recommends that there be health impact assessments for Fiji Corrections Officers to create a decent and conducive working environment and acknowledge that there are also female staff who enter the Service as psychologists and counsellors, which will cater for the increasing mental physical stress.

Initial deliberations by the Committee noted that during this reporting period there was an increased rate of recidivism by 7.27 percent compared to the baseline of 4 percent set in the National Development Plan (NDP). Is the increase in recidivism an indication of an ineffective Rehabilitation and Yellow Ribbon Programme, or is it the law reforms that innocent people of Fiji are not aware of?

On record, an average of 1,500 convicted inmates in custody from August 2016 to July 2017 compared to the 1,163 recorded in 2015. The trend is indicative of the increase in offences committed and convicted inmates by 29 percent, while remand inmates recorded an increase of 10 percent in 2016 and 2017. Young inmates from the ages of 16 years to 25 years old are classified as star class and those aged 21 years to 35 years old continue to dominate the prison population in 2016 and 2017.

We have a vulnerable youth group who could easily be enticed back into criminality after being discharged if they are not rendered the right community intervention programmes, general support from family members, key stakeholders and the public at large. This category represents 59 percent of the total population in 2016 and 2017.

In terms of provincial domination of the *iTaukei* - 232 from Tailevu; 188 from Lau; 146 from Ba and 374 were Indo-Fijians. In terms of ethnicity *iTaukei* - 1,517 (about 77 percent) and for Indo Fijians – 376 inmates (a drop from 76 percent to 31 percent). As for religious denominations, Methodists had the highest followed by Catholics, AOG, SDA, Muslims, Hindu, New Methodist, CMF, ANCF, Pentecostal, and others.

As alluded to by the Honourable Chairperson of the Standing Committee, the ratio is 1:18 Corrections Officer per inmate as compared to 1:4 set in the National Development Plan. It is believed that the ratio has improved to 1:14 and reflects the increasing mental and physical stress related to the work carried out by the Fiji Corrections Service staff - worse off, the prison conditions did not meet international standards and were overcrowded with deteriorating infrastructure and complaints about delivery of essential services.

As alluded to by the Chairperson that the costs were approximately \$32 per inmate per day all inclusive, which totals to about \$36.8 million to run the inmates for a year. The budget allocation for 2016-2017 was about \$40 million.

Untoward Incidents reported five deaths in 2016/2017. However, it did not specifically state the cause of deaths, whether through natural death, chronic illness or inmate suicide.

It was noted that there was a revenue reduction in the Trade and Manufacturing Account (TMA) for the year 2016/2017. A sum of \$103,384.56 was remitted back to the Ministry of Finance, in comparison to the \$300,000 the year before.

A total of 23 complaints were recorded, as inmates were given the right to lodge any complaints against officers, provided there is a breach of human rights or any other relevant issues

that violated rights. Anyway, how many of these complaints and grievances were resolved? There were 42 assault incidences, 42 hunger strikes, 5 deaths and 149 contraband.

The Fiji Corrections Service was allocated \$200,000 to be responsible for managing cemeteries and maintaining burial grounds throughout Fiji, including Suva, Nasinu, Vatuwaqa, two in Lautoka, Levuka, Labasa and the Crematorium in Vatuwaqa. However, revenue collected was only about \$111,612.98 in 2015 and a drop of 50 percent, we only collected revenue of \$56,234 in the next year. I trust that extra land for more burial grounds can be acquired as soon as possible. On that note, I wish to recommend that the Fiji Corrections Services budget be raised so that facilities can be constructed in Tailevu, Lau and Kadavu for inmates to curb urban drift.

Mr. Speaker, Sir, I commend the Rehabilitation Programmes, Early Release Schemes, Early Release for Employment, Early Release for Education, Community Work, Short Term Release, Weekend Release, Placement and Poverty Alleviation Programmes.

Mr. Speaker, Sir, I support the Report by the Standing Committee on Justice, Law and Human Rights and trust that the Fiji Corrections Service implement the recommendations in the Committee's Review Report for 2016-2017. *Vinaka Vakalevu*, Mr. Speaker, Sir.

HON. SPEAKER.- Thank you, Honourable Member. I give the floor to the Honourable Attorney-General.

HON. A. SAYED-KHAIYUM.- Thank you, Mr. Speaker, Sir. I will be very brief.

Mr. Speaker, Sir, I think one of the major successes of the Fiji Corrections Service is the significant reduction, over the years, in the rate of recidivism. At one point in time, the rate of recidivism in Fiji was about 50 percent and it was like a revolving door.

When I was in the DPP's Office, people who came out in the morning actually committed a crime in the afternoon or the next day. They were caught and went back in again. So, we now have the rate of recidivism, Mr. Speaker, Sir, at about 7 percent which is obviously something to be applauded. However, we need to continue to reduce that and I think a lot of the success stories have been built on the fact that the Yellow Ribbon Programme is working very successfully.

Mr. Speaker, Sir, about six or seven months prior to COVID, I was at the National Stadium, at the Corporate Boxes where the Fiji Corrections Service had invited members of the public, potential employers, various businesses and in the various rooms, they had different inmates with different skillsets. People who were chefs, people who specialised in different trades - you could go and meet them first hand, talk to them, interview them, know what they could potentially deliver to their companies and a lot of people actually got recruited through that system.

I think that is the most important aspect, because once you go to prison, when you come out, you need to have a support system. The support system is not only about whether your family supports you but it is also about whether you have a source of income. I think that is critically important and the Yellow Ribbon Programme has very much given that kind of buoyancy to that ideology.

I would also like to take this opportunity, apart from thanking the Commissioner and his Team, to thank the various volunteers who support them, like Jane Ricketts, and various other people who set up the Art Gallery opposite Korovou. When we used to have cruise liners coming in, the tourists go there and buy paintings and some of these prisoners are wonderful artists. And I think, giving them that kind of latitude, the ability to express themselves, I think, is a morale booster.

Of course, there has always been this tension that people who do get sentenced by courts, they have to serve their time. Yes, they do have to do that because if you become too relaxed, as people say, then the victims of crimes will actually feel that the system is not in their favour. So, there needs to be a deterrence, but within that, sort of, deterrence structure – that philosophy, we need to be able to rehabilitate people and I think that is critically important.

We have had, for a number of years, only one women's prison in the whole of Fiji, that is, in Korovou. So, women in the Western Division, in Vanua Levu, actually had to come here and sometimes, they did not have the provisioning if some of them actually had babies. Now, we actually have one Lautoka, Mr. Speaker, Sir. At least, they are closer to their home, so the support network is there. People can come and visit them a lot more easily.

The Mandela Rules, of course, need to be complied with, we have given an undertaking to comply with the Mandela Rules and a number of upgrades have taken place in various Corrections Service facilities and we will continue to do that. There has of course, been some delay in some of the infrastructure works but, of course, with the COVID-19 pandemic, we hope that we will get back on track in that respect.

I have to say this that, unfortunately, this is the only report where you actually have an ethnic breakdown, we have moved away from this. We should not have this because people do start stereotyping people and that is why we do not need the ethnic breakdown. People can have faith breakdowns, which is fine but ethnic breakdown, I think adds a lot of stigma.

In the same way, we saw a few years ago, I think it was the Office of the DPP, which used to have, for example, ethnic breakdown of which crimes people commit. So, I think that is not a good way forward. What we need to do is focus on individuals. We need to be able to focus on individual rehabilitation because different people, even though they may be from the same ethnic group, have different ways of responding to rehabilitation and deterrents. So, it is the individual that we need to focus on and not to actually stereotype people.

Mr. Speaker, Sir, I would like to commend all those who are involved in the Corrections Services in Fiji. One other point, given that the cane cutting season is about to come, as I highlighted a couple of days ago, we now have inmates who actually do go and perform cane cutting services. They do get paid for it.

We have set up temporary facilities in Tavua and Rakiraki. We have just given the approval for that, to have those facilities there rather than them having to travel all the way from Ba or Lautoka on a daily basis. It makes things a lot easier for them and I think a lot of the cane farmers actually do appreciate the input. As we know that we cannot have the harvesters go up on the side of the hills, et cetera, and the inmates do provide a very valuable service and contribute to the economy, whilst at the same time getting a particular level of opportunity to get out but also earn a small source of income. Thank you, Sir.

HON. SPEAKER.- I thank the Honourable Attorney-General and I now give the floor to the Chairperson of the Standing Committee on Justice, Law and Human Rights.

HON. A.A. MAHARAJ.- Thank you, Mr. Speaker. Just on that note, I would like to correct one of my statements during my opening speech. The ratio of Corrections Officers against the number of inmates in 2016 reduced from 1:18 to 1:14. I actually mentioned 1:8 to 1:4, so that needs to be corrected.

On that note, Mr. Speaker, I would like to thank all Honourable Members who have actually

contributed towards the debate and I would like to also thank the Commissioner and his staff for the wonderful job that they are doing for the Fiji Corrections Service. Thank you, Mr. Speaker.

HON. SPEAKER.- Honourable Members, Parliament will now vote to note the content of the Report.

Question put.

Motion agreed to.

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

**REVIEW REPORT – 2018 GENERAL ELECTION JOINT REPORT BY THE  
ELECTORAL COMMISSION AND THE SUPERVISOR OF ELECTIONS**

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

That Parliament debates the Committee's Review Report on the 2018 General Election Joint Report by the Electoral Commission and the Supervisor of Elections, which was tabled on 26th May, 2021.

HON. V. LAL.- 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.

HON. A.A. MAHARAJ.- Thank you, Mr. Speaker. As the Member moving the motion, I would like to make a brief contribution on the Committee's Report on the 2018 General Election Joint Report by the Electoral Commission and the Supervisor of Elections.

Mr. Speaker, as stated in the earlier discussion in the esteemed Chambers, the Electoral Commission is mandated by the Constitution of the Republic of Fiji to have responsibility for registration of voters and conduct a free and fair election, in accordance with the written law governing the elections.

Mr. Speaker, the Committee reviewed the conducted deliberations on the Joint Report. The Committee conducted extensive public consultation on the Joint Report by calling for written submissions and visiting key locations around Fiji to hear the views of the public. Some of the main matters highlighted from the public consultations included, that:

- Fiji's electoral management body collaborates with civil society organisation when conducting voter awareness and education initiative for the public. Additionally, it was also suggested that Fiji electoral management bodies allow for inter-agency sharing of information.
- Fiji's electoral management body considers allowing more to be done to assist voters to identify the candidate when he or she is in the polling booth.
- That the Electoral Commission and the Supervisor of Election through the Fijian Elections Office are in the process of revamping their awareness strategy to include closer

collaboration with grassroots, non-government organisations such as communities, women groups, youth groups, et cetera.

The Electoral Commission and the Supervisor of Elections, through the Fijian Elections Office, are said to be the only electoral management body in the region to consider and accept the recommendation by the MOG for elections. Out of 21 recommendations put forward by the MOG after the 2018 General Elections, 14 recommendation have been accepted and have been implemented or will be implemented by the Electoral Commission and the Fijian Elections Office as they were directed towards these two statutory bodies.

Also note that out of the 21 recommendations put forward by MOG after the 2018 General Elections, seven recommendations were not directed either towards Electoral Commission or the Fijian Elections Office, thus both entities did not have the jurisdiction to either accept or reject the seven recommendations. These recommendations, for example, should have been directed to the Judiciary, the Constitution of Fiji and media, et cetera.

Considering the mentioned points, it can be said that the Supervisor of Elections and Electoral Commission adopted and implemented 100 percent of the recommendations that were directed towards them. The key findings from the review were addressed and discussed with the Electoral Commission and the Fijian Elections Office.

The Committee also believed that it is prudent to put a few recommendations for consideration for the Electoral Commission and the Fijian Elections Office, which include:

- (1) The recommendation of the continuous review of the system be conducted, to continue to further streamline the election process.
- (2) That it should be mandatory for all candidates to a General Election to take part in the electoral processes training programs conducted by the Electoral Commission and the Fijian Elections Office.
- (3) Furthermore, that more roundtable discussions be conducted with the Electoral Commission, the Supervisor of Elections and the Fijian Elections Office and all key stakeholders, pertaining to the electoral system and all related issues, so that conflicting messages regarding election processes is not passed onto the general public by all relevant stakeholders, especially political parties and candidates.
- (4) Additionally, that more civic education be conducted in schools and communities, which would ensure awareness for registered voters and potential voters who would be eligible to vote in future general elections.
- (5) That the Multinational Observer Group invited to observe General Elections in Fiji is advised that recommendations should be classified to indicate the appropriate agency responsible to take action.
- (6) That the boxes to be ticked in the ballot paper are slightly increased in size to “best fit” the ballot paper.
- (7) Finally, that the Electoral Commission and the Supervisor of Elections, through the Fijian Elections Office continue its collaboration with the CSO’s and to formulate a terms of reference for awareness and education programs on elections.

It was very pleasing to note, Mr. Speaker, Sir, that almost all these recommendations have been taken on board by the Fijian Elections Office and the Electoral Commission and they are working towards it.

With those few words, Mr. Speaker, Sir, I urge Honourable Members of this august House to take note of the contents of the Committee's Report and to show support for the motion before the House. Thank you Mr. Speaker, Sir.

HON. SPEAKER.- I thank the Honourable Chairperson. Honourable Members, the floor is now open for debate.

HON. A. SAYED-KHAIYUM.- Thank you Mr. Speaker, Sir. I think we have elucidated much in detail earlier on today when we talked about and debated the three Bills. But very quickly going forward, I wanted to highlight in respect of the preparation towards the 2022 General Elections, that the Fijian Elections Office has actually requested around \$34.9 million - \$20 million preparatory costs before the Elections and \$14.9 million on the Election Day itself, to conduct the 2022 General Elections through their 2021-2022 budget submission.

The 2022 General Elections can take place on any date between 9th July, 2022, which is the first day of elections that can be held, to 9th January, 2023. A major request includes funding for nationwide registration, printing of manuals, opening of four Divisional offices, 18 Voter Services Centre, setting up of ICT, marketing, recruitment of the elections staff, political party registration and undertaking the awareness programme communication. These are the figures pertaining to the upcoming elections next year, and I think all the other aspects of the Report and the observations by the Committee are noted.

HON. SPEAKER.- I thank the Honourable Attorney- General. I give the floor to the Chairperson of the Standing Committee on Justice, Law and Human Rights to speak in reply.

HON. A.A. MAHARAJ.- Thank you, Mr. Speaker. Mr. Speaker, Sir, I, on behalf of the Chairperson of the Standing Committee on Justice, Law and Human Rights and the Honourable Committee Members and all other Committees, would like to thank, not just people who participated for this particular debate, but who have participated in the debate for the last three days. It has been a hectic day for all the Honourable Members of Parliament, but thank you very much for participating in the debate. Have a pleasant evening. Thank you, Mr. Speaker, Sir.

HON. SPEAKER.- Thank you. Parliament will now vote to note the content of the Report.

Question put.

Motion agreed to.

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

## ADJOURNMENT

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

That Parliament adjourns until a future date to be determined by the Business Committee.

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

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

Question put.

Motion agreed to.

HON. SPEAKER.- Honourable Members, I thank you all for your participation and contribution during the Parliamentary proceedings that we have had on this occasion. Thank you for your co-operation, your good humour and your forbearance.

Parliament is now adjourned until a future date to be determined by the Business Committee. Have good evening.

The Parliament adjourned at 9.18 p.m.