

PARLIAMENT OF THE REPUBLIC OF FIJI



PARLIAMENTARY DEBATES

DAILY HANSARD

THURSDAY, 19TH AUGUST, 2021

[CORRECTED COPY]

CONTENTS

	<u>Pages</u>
Minutes	2547
Communication from the Chair	2547
Presentation of Papers and Certain Documents	2547-2548
Presentation of Reports of Committees Consolidated Review Report – Investment Fiji 2016-2019 Annual Reports	2548-2549
Ministerial Statements University of the South Pacific	2549-2561
Climate Change Bill 2021	2562-2566
Income Tax (Amendment) (No. 2) Bill 2021	2566-2581
Trademarks Bill 2020	2582-2596
Suspension of Standing Orders	2596-2597
Patents Bill 2020	2597-2602
Designs Bill 2020	2603-2611
Questions	2611-2636

Oral Questions

- (1) One-Off Payment for MBBS Students (Q/No. 173/2021)
- (2) Open Taxi Rank System (Q/No. 174/2021)
- (3) Support for COVID-19 Pregnant & Postpartum Mothers (Q/No. 175/2021)
- (4) Development Programmes for Rural & Maritime Areas (Q/No. 176/2021)
- (5) National Action Plan to Prevent Violence Against Women and Girls (Q/No. 177/2021)
- (6) Informal Settlement Upgrades (Q/No. 178/2021)
- (7) Tourism Fiji Activities (Q/No. 179/2021)
- (8) Credit Guarantee Scheme (Q/No. 180/2021)

Written Question

- (1) Rules of Origin Negotiations - Progress of (Q/No. 181/2021)

THURSDAY, 19TH AUGUST, 2021

The Parliament met at 9.52 a.m. pursuant to adjournment.

HONOURABLE SPEAKER took the Chair and read the Prayer.

PRESENT

All Honourable Members were present.

MINUTES

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

That the Minutes of the sitting of Parliament held on Wednesday, 18th August, 2021 as previously circulated, be taken as read and be confirmed.

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

Question put.

Motion agreed to.

COMMUNICATION FROM THE CHAIR

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

I also welcome all those watching the live broadcast and the live streaming of today's proceedings from the comfort of their home, offices and electronic devices. Thank you for your continued interest in the workings of your Parliament.

PRESENTATION OF PAPERS AND CERTAIN DOCUMENTS

The following Reports were tabled by the Ministers responsible in accordance with Standing Order 38(1), and referred to the relevant Standing Committee for deliberation, in accordance with Standing Order 38(2)

Standing Committee on Economic Affairs

- (1) Energy Fiji Limited – Annual Report 2020 to Parliament.

Standing Committee on Social Affairs

- (1) Nausori Town Council – Annual Reports for the years 2005 to 2014;
- (2) Rakiraki Town Council – Annual Reports for the years 2011 to 2018;
- (3) Nadi Town Council – Annual Reports for the years 2011 to 2015;
- (4) Lautoka City Council – Annual Reports for the years 2006 to 2010;
- (5) Sigatoka Town Council – Annual Reports for the years 2005 to 2018; and
- (6) Savusavu Town Council – Annual Reports 2005 to 2010

HON. SPEAKER.- Honourable Members, please, take note that the Honourable Minister for Agriculture has tabled the following Reports:

The 2020 Fiji Agriculture Census –

- (1) Volume I: General Table and Descriptive Analysis Report;
- (2) Volume II: Detail Analysis and Report of Enumeration Areas;
- (3) Volume III: Gender Analysis Report; and
- (4) Volume IV: Administration Report.

Honourable Members, unlike the Annual Reports that are referred to the Standing Committees, the 2020 Fiji Agriculture Census Reports will be circulated for the information of Honourable Members only. The 2020 Fiji Agriculture Census Report provides general statistics on the structure of the Fiji Agriculture Sector and these may be utilised by the Honourable Members in the cause of Parliamentary business.

I now call on the Chairperson of the Standing Committee on Economic Affairs to table his Report. You have the floor.

PRESENTATION OF REPORTS OF COMMITTEES

Consolidated Review Report on the Investment Fiji 2016-2019 Annual Reports

HON. V. NATH.- Thank you, Mr. Speaker, Sir. The Standing Committee on Economic Affairs is pleased to submit to Parliament, the Consolidated Review Report of the Investment Fiji 2016–2019 Annual Reports.

Investment Fiji plays a pivotal part towards achieving economic growth as it is mandated to promote investment opportunities and facilitate the development of industries, ventures or enterprises that create employment opportunities, increase exports, reduce imports, or otherwise beneficial to the economy of Fiji.

The Committee noted with appreciation the various initiatives and programmes undertaken by Investment Fiji throughout the period under review, which enhanced Fiji's position in the global market as a trading destination.

The Committee was pleased to note that under the Foreign Investment (Amendment) Regulations 2013, a total of 17 activities were reserved for local businesses and recommended for Investment Fiji to collaborate with relevant stakeholders to design incentive packages to encourage more locals to start a business.

During its deliberations, the Committee noted the Prime Minister's International Business Awards initiative, and commended Investment Fiji for providing local companies with a platform for recognition and capacity-building. Such events not only reward businesses and exporters who are positively contributing to the economy on an international level, but also provides networking opportunities.

Furthermore, the Committee noted the importance of inbound and outbound missions in attracting quality inward investment and to promote Fiji as an investment and trade destination. The Committee recommended for data on the same to be included in future reports, to enable the Committee to measure its effectiveness.

I would like to take this opportunity to extend our appreciation to the Chief Executive Officer of Investment Fiji and his team members, for being prompt in answering the various queries and questions

raised by the Committee.

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

HON. SPEAKER.- Honourable Members, for the purpose of tabling, I can confirm that I have received a copy of the report by the Standing Committee on Economic Affairs. I now give the floor to the Chairperson.

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

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

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

HON. SPEAKER.- Parliament will now vote.

Question put.

Motion agreed to.

MINISTERIAL STATEMENT

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

The Honourable Attorney-General may speak for up to 20 minutes. After the Honourable Attorney-General, I will then invite the Honourable Leader of the Opposition or his designate, to speak on the Statement for no more than five minutes. There will also be a response from the Honourable Leader of the National Federation Party or his designate, to also speak for five minutes. There will be no other debate.

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

University of the South Pacific Saga

HON. A. SAYED-KHAIYUM.- Thank you, Mr. Speaker, Sir. I wish to address Parliament on the issue of the University of the South Pacific saga that has been going on for some time, and clear up with facts and figures some of the issues pertaining to the University of the South Pacific (USP).

Mr. Speaker, Sir, despite significant abstentions and opposition in Council, the USP's Council Special Executive Committee has approved and signed a three-year contract for Professor Pal Ahluwalia, who I will refer to as the former Vice-Chancellor (VC). Sir, they have appointed him as the VC and President of USP to be based in Samoa.

Mr. Speaker, Sir, this is an illegal appointment. We see this for what it is - a backward and divisive step that goes against the interests of students, governments and regional goodwill. And it signals a concerning complacency with a record of mismanagement, nepotism, cronyism, poor financial

accountability and, in some instances, Sir, outright fraud by the former VC that risks staining USP's legacy.

(Chorus of interjections)

HON. SPEAKER.- Order, order!

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, I also wish to seek your indulgence, if I can finish my speech because there is a lot of information here and obviously a lot of tripe from the other side.

The former VC's desperate bids to drum up media attention, frame himself as a victim, and curry favour with the public, have deeply divided the region and there is no questioning about that. His one-man crusade for the sake of his ego and career has cost the institution dearly. It has cost staff and students dearly. In only two years, Mr. Speaker, Sir, under his charge, 50 years of achievements have been put into dire jeopardy and Fiji was not alone in opposing his reappointment for good reasons.

The former VC, since his appointment in January 2019 as the VC and President of USP, has demonstrated a singular focus on his own public relations, campaigning at the expense of good governance of the institution and the students he was meant to serve. And he has, unfortunately, been empowered by the abject failure of the Council to adhere to its own statutes, rules and procedures, as well as the established principles of good governance and transparency.

The Council's attention has been drawn several times to the processes set out in the USP's Statutes on the appointment of a VC, which Fiji insists the Council must adhere to. We have specific issues with that process which we will cover shortly. But first, Mr. Speaker, Sir, it is important to review why Fiji has supported and continues to demand full accountability of the former VC's record of mismanagement at USP, as clearly spelt out in reports by the Chairman of the Council and the Chairman of the Audit and Risk Committee.

Those are not opinions, Mr. Speaker, Sir, they represent an objective and impartial review of the former VC's actions. His shameless disregard for the rules and regulations, even pre-dates his appointment. Prior to his appointment as VC on 1st January, 2019, in an appalling preview of what was to come, he intervened in appointments of staff, particularly in the case of his close friend and supporter, Dr. Gurmeet Singh, who was appointed as Professor of Management, despite not meeting the requirements of a professor. The minimum qualifications, experience and research requirements are clearly stated in the Academic Classification document and the internal requirements at that University had set, which was used to assess other candidates. And that is the assessment that Honourable Professor Prasad would have gone through too.

On 6th March, 2019, the former VC presented to the University's Executive Committee an 11-page document, making serious allegations of mismanagement by his predecessor, Professor Rajesh Chandra, several members of his senior management team and some other senior staff. This document, ironically, Mr. Speaker, Sir, was prepared by Professor Arvin Patel, Head of Accounting, which the former VC later admitted in one of the Council meetings.

As stated below, Mr. Speaker, Sir, (I will talk about it later) in return, Professor Arvin Patel, was paid heavy consultancy money by the former VC, breaching financial policies. His omission from the VC's allegations came under special mentioned by the much talked about BDO investigation report that Honourable Kepa talks about but does not know anything about it.

This 11-page document was mysteriously leaked to social media and none of the people accused

in the report ever got a chance to put their side of the story. None of them were even given natural justice, Mr. Speaker, Sir, and that is precisely the reason why the BDO report was not released because it could have actually had civil suits against the USP.

On 17th April, 2019, the Director Assurance and Compliance handed the 11-page document to FICAC, completely acting beyond her level of authority in defiance of the instructions from the Executive Committee. The FICAC, of course, cleared the document after looking at it for two months and did not find any case of fraud.

In considering the 11-page report, the USP Council decided to have the 19 allegations in the report independently investigated and BDO New Zealand (from Auckland) was engaged through a tender process. Subsequently, the BDO report stated that the then VC, Professor Rajesh Chandra, was within his powers to make the decisions. The report also highlighted that outdated and unclear policies left a number of areas which were not well-defined and recommended that these need to be revised and be better aligned.

A Commission was set up by the Council which reported in January 2021. In fact, in the prelude to the Commission, the former Prime Minister of Cook Islands who is now the General Secretary of the Forum Secretariat, the new Prime Minister of Samoa and I, were in the group that actually was involved in the setting up of the Commission – the Commission which reported in January this year, and whose recommendation was to strengthen policies and procedures, are now being implemented by the Council.

Ever since his appointment as the VC in 2019, serious allegations have been made against the former VC on mismanagement and failure to adhere to principles of good governance, established rules and procedures of USP. These include two reports from the Pro Chancellor, Mr. Winston Thompson (former Ambassador of Fiji, who no-one found any fault with until this gentleman came along), and three from the Chairman of USP's Audit and Risk Committee - the contents, if independently investigated, could have led to the dismissal not only of the former VC but some of the senior management team of USP.

Some examples include, the:

- Post retirement appointment of Dr. Morgan Tuimalealiifano, despite breaching requirements and regulations, as stated in an Ernst & Young Audit Report.
- Renewal of contract for the Director Assurance and Compliance was being pushed by the former VC, despite his conflict of interest and due process was completely contravened, as stated again in the Ernst & Young Audit Report. Despite this report, the former VC granted her a 12-month contract.
- While due process was followed by a Dean to appoint a Head of School, that appointment was refused by the former VC, simply because the recommended person was not his supporter. They did not bow to the cult of personality he was looking to build, so they were refused.

The Deputy Vice-Chancellor Regional Campuses was appointed by the former VC when the position was not advertised and without issuing a contract.

- The Former VC usurped the authority of the Council. Only the Council has the authority to appoint the Deputy Vice-Chancellor.

This is one of the seven breaches found in the KPMG investigation. The Council, by sweeping the KPMG Report under the carpet, clearly accepts that the former VC can usurp the powers of the Council and operate unhindered.

Section 8(3) of the Statutes, Mr. Speaker, Sir, regarding the Deputy Vice-Chancellor says, and I quote:

“A Deputy Vice Chancellor shall be appointed by the Council on the recommendation of a Joint Committee of the Council and Senate to be established by the Council. The position shall be advertised internationally.”

In March 2019, the Executive Committee of Council approved the creation of the position of Deputy Vice-Chancellor as per section 8(1), and I quote:

“The Council shall determine from time to time the number of Deputy Vice Chancellors of the University.”

At that time, the University had two Deputy Vice-Chancellors - Deputy Vice-Chancellor Education and Deputy Vice-Chancellor Research. This was the third position that was created by re-designating the position of Vice-President.

Appointment to this position must follow the procedure in Subsection 3, Mr. Speaker, Sir. At that time, the incumbent who was Vice-President Regional Campuses, Estates and Infrastructure was announced by the former VC as Deputy Vice-Chancellor Regional Campuses. No due process was followed and the Fijian Immigration Office has confirmed that his work permit which was issued in May 2019 and ends in May 2022) is for Vice-President Regional Campuses. All USP official documents have the designation of Deputy Vice-Chancellor for this individual. This is fraud, to say the least.

In breach of the processes, the former VC approved pension contribution to an expatriate staff and for funds to be transferred into his personal English bank account because he did not have any superannuation account overseas, nor was he an FNPF member in Fiji at that time. The Manager Payroll at that time refused to do this because it was not right and not part of his contract. In fact, she was later terminated by the Acting VC, one of a number of local Fijians who have been terminated because they were not on the former VC's side.

The former VC also appointed an expatriate to the position of Director Human Resources in 2019 when this person did not meet the minimum requirement of holding a Master's Degree qualification. In breach of the established processes, the former VC appointed this person, who happened to have worked with him in his previous employment. This is a breach in the provision of MQR for appointment of Directors. This individual had a Certificate IV in Workplace Assessor and Trainer and a Certificate IV in Human Resources Management/Personal Administration, not even a Bachelor's Degree. She was on an annual salary of \$280,000 a year and when this became widely known, she fled the country without resigning or telling anyone except, of course, the former VC.

Furthermore, in financial rules and policies, the former VC approved large sums of consultancy payments to Professor Arvin Patel without original documents being submitted. This is tantamount to fraud, however, the Director of Audit and Risk at USP who supports the former VC has taken no action to investigate further.

The former VC approved annual leave payment for staff moving from one contract to another, or within the same contract. Whilst staff were entitled to carry forward 50 percent of their leave entitlement,

there is no provision for leave payment or cash for such staff. He did this selectively for his supporters, and payment to one individual was over \$60,000. The total of these payouts exceeded \$400,000 in 2019.

Late last year, the former VC approved the advertisement of three senior positions externally and one internally, Mr. Speaker, Sir, appointing the spouse of his close friend to the position. Her name is Rajni Chand. This position, Sir, was advertised only internally within USP when there is a requirement to advertise it externally.

HON. PROFESSOR B.C. PRASAD.- Oh, you do not know! You don't know!

HON. A. SAYED-KHAIYUM.- Honourable Prasad is speaking a lot because she is his spouse, Mr. Speaker, Sir, and she did not meet the MQR.

Mr. Speaker, Sir, all senior positions at the University are required to be advertised externally, as per the University's recruitment policy. One basic requirement was not even met for this position, whereas the others were advertised externally.

The former VC, Mr. Speaker, Sir, had the tendency to ignore reporting to his employer, the Council, through the Chair, Mr. Thompson, and this formed the basis of the Pro Chancellor's press statement in 2020. The matters ignored included –

- ignoring input from the Council and its Committees and presenting USP plans to the USP Grants Committee;
- ignoring the Council and its Committees in dealing with the Fiji Higher Education Commission; and
- undertaking the reorganisation of USP without first advising the Council's Committees.

All those matters are of utmost importance to the future strategic operation of USP. Yet, the former VC chose to operate on his own whims and yet he claims, supported by his cronies on the Council, to be the champion of good governance.

Mr. Speaker, Sir, I just want to juxtapose that, and compare it with what happened previously. At the end of 2018, before this former VC came on to the scene, the University had 27 international accreditations. The University also secured the Senior College and University Commission Accreditation, which is the whole institution accreditation. When Professor Rajesh Chandra joined in 2010, the University did not have any international accreditations, none whatsoever. Within that time until 2018, Mr. Speaker, Sir, he got those 27 international accreditations and here we are, the following year after he left, being crucified.

Similarly, the Chairman of the Audit and Risk Committee was an auditor in New Zealand for nearly 30 years. Again, none of the reports were being considered. The reason why the Chairman of the Audit and Risk Committee reports directly to the Council is because it maintains independence.

On numerous occasions, Fiji has consistently demanded that the Council must carry out an independent investigation on all the allegations brought to the Council by the Chairman of the Council and the Chairman of the Audit and Risk Committee, including some of those names I have mentioned.

Indeed, a number of these allegations made against the former VC warrant further investigation for alleged breach of criminal and anticorruption laws. However, the Council has blatantly refused to have those allegations investigated independently, choosing to dismiss the allegations without scrutinising the evidence that has been advanced.

These are not the Fijian Government's opinion, Mr. Speaker, Sir, they are independently documented instances of mismanagement. Sir, we believe that this must be adhered to because we, as a Government, believe in the accountability of public finances. That is a fundamental value we have. There must be good governance, and that is why we set up FICAC. We value this principle and it must be adhered to in a practical sense. We know the Opposition does not value this. They may state it but for them, everything is about political expediency. That is fundamentally the difference between us and the other side.

Talking about values, Mr. Speaker, Sir, after the incident with the Honourable Minister for Agriculture, Waterways and Environment yesterday where Honourable Tabuya asked him to withdraw which he did. We pointed out that she said that, maybe in a moment of angst, he withdrew that. Here, we have Honourable Tabuya putting up a post, "This is what FijiFirst Ministers have to offer. Women are being attacked because of what they wear or who they hug".

Mr. Speaker, Sir, this is the kind of deceptive obfuscation that is taking place. This demonstrates more importantly that the Opposition is simply concerned about votes, simply appealing to people and how quickly they can get popular. Do not worry about the values and principles.

Honourable Professor Prasad, Mr. Speaker, Sir, on the floor of this Parliament has said, "In politics everything goes." He said this, I remember a few years ago. We said that there must be standards, values and principles. There are certain rules.

HON. PROFESSOR B.C. PRASAD.- You are just stretching it too far. I know exactly what I said.

HON. A. SAYED-KHAIYUM.- Mr. Speaker Sir, on 23rd September, 2020 (11 months ago) the Fijian Government raised concerns on the continuous lack of adherence to the principles of good governance and put on notice that all grants would be stopped.

The President of Nauru, who was then the Chancellor of USP proposed that he and some other country members will approach the Fijian Government on this matter in order to resolve it. However, no action was taken. We are still waiting. The Pacific Way has not taken place, despite an announcement that Fiji's decision to withhold grant funding has caused more severe cash flow problems at USP. Of course, then the former VC got in, and as never seen before at USP Campuses in its 50 years history, he went and was holding rallies with the students.

Students can hold rallies - that is their right. In university areas, they can do that and we have all done that. But here is a VC, doing this for his own personal agenda, trying to hide behind this façade, was rallying up all these students, the Opposition was getting swept up with it (those inside this Parliament and those outside this Parliament) all to basically hide this fraud.

Indeed, it appears that mismanagement is now deeply rooted within USP. In this regard, we are extremely concerned to hear recent reports that, despite the termination of the contract of the former VC and the acceptance of the termination by the Council on independent legal advice, USP had continued to pay the former VC's salary, while terminating other Fijian staff on contestable grounds and unjustly holding back on their salaries, adjustments and entitlements. At the time his contract was deemed to be terminated, and from what they have done about his re-appointment, in that period they still paid him.

This is yet another example of gross impropriety at USP, which must be condemned and independently investigated. It is clear that some members of the Council authorised this payment without a formal resolution in a Council meeting. That is beyond unprofessional, it is deeply unethical and constitutes a misuse of public funds.

Fiji has asked USP Management for an explanation on this, but we have heard nothing in response, Mr. Speaker, Sir. While they are mum on the misuse of public funds, we did receive quite a shocking answer to a paper from the Chairman of the Audit and Risk Committee on mistreatment of other Fijian staff, which the Council dismissed as a 'management matter'. Yes, we agree. So, why are they not doing anything about the management behind the matter, Mr. Speaker, Sir? That is the question.

Mr. Speaker, Sir, just very quickly to put into perspective, in 2019, these are the countries that contributed member grant contributions:

- (1) Cook Islands - 0.48 percent or \$182,000;
- (2) Fiji – 70.85 percent or \$26.6 million;
- (3) Marshall Islands – 0.18 percent or \$304,000;
- (4) Kiribati - 2.67 percent or \$1 million;
- (5) Nauru - 0.35 percent or \$130,000;
- (6) Niue - 0.14 percent or \$53,000;
- (7) Samoa - 4 percent or \$1.5 million;
- (8) Solomon Islands - 8.96 percent or \$3.36 million;
- (9) Tokelau - 0.15 percent or \$54,500;
- (10) Tonga - 3.46 percent or \$1.3 million;
- (11) Tuvalu - 1.33 percent or \$499,000; and
- (12) Vanuatu - 6.7 percent or \$2.5 million.

Mr. Speaker, Sir, this is apart from the fees that the Fijian Government pays by way of TELS and National Toppers Scheme (NTS) and as I highlighted yesterday, it has been in excess of about \$130 million in 2014.

Mr. Speaker, Sir, the former VC's contract was terminated on 4th February, 2021, following breaches of his work permit conditions, in accordance with the law and in terms of his contract of employment with USP. The contract was personally reviewed and signed by the former VC when he took the position of Vice Chancellor.

The position of the VC subsequently became vacant as confirmed by the independent legal advice provided to USP by USP's lawyers, which we understand is Munro Leys. The legal advice also confirmed that the former VC was not entitled to prior notice of any breach of his work permit, and without a contract, the former VC no longer held office as a Vice Chancellor.

Mr. Speaker, Sir, section 7(3) of the USP Statutes says, and I quote:

"The Vice Chancellor shall be appointed by the Council on the recommendation of a Joint Committee of Council and the Senate to be established by the Council. The position shall be advertised internationally".

It has been Fiji's position, Mr. Speaker, Sir, that Council respects the Statutes and appoints a VC under those provisions. Anything outside this is clearly illegal.

Mr. Speaker, Sir, in fact, we did say, "If his contract is terminated, you advertise internationally. It's his full right to reapply, but go through the process." He can apply and he may get appointed, but go through the process.

We are all concerned at the lack of fiduciary duty and complete disregard for the Council's Code of Conduct by some members of the Council, who declared no conflict of interest although they had publicly stated through media statements, and I quote: " Ahluwalia is still the VC of USP "and, "ÜSP

is a regional institution and therefore, the VC can operate out of Samoa, Vanuatu or Nauru or any other country", well before the Council's deliberation on the former VC's reappointment. After going on record and pre-empting the Council's decision, they should have recused themselves from process entirely. Instead, they mixed their personal sentiments and credibility into what everyone expected to be an objective process. We also note that no conflict of interest was declared by the Chairperson of a Special Executive Committee looking into the 33 allegations raised by the Chairman of the Audit and Risk Committee, that she had been a colleague of the former VC, until prompted by another member.

Another Special Executive Committee looking into the alleged Code of Conduct breach of the Pro Chancellor and Chairman of the Audit and Risk Committee is chaired by the Deputy Pro Chancellor. Why is that a problem? Because they are a direct beneficiary from decisions made. You have the Deputy Pro Chancellor investigating the Pro Chancellor, so if the Pro Chancellor is removed, the Deputy Pro Chancellor who has been investigating him becomes the Pro Chancellor. Unbelievable!

The Council had also decided that Ahluwalia will be based in Samoa after his purported reappointment. Samoa's decision to host Ahluwalia was taken with utter disregard of the principled position taken by Fiji to demand good governance and transparency.

While the amended USP Charter does not tie the location of the VC to USP, the independent legal advice provided to the Council clearly states that the location of the VC must be consistent with his/her role as the Chief Academic and Administrative Officer, and the VC and President of USP. And the location must be such as would enable him/her to fulfil that role.

The independent legal advice to the Council states that the location of the VC outside Fiji may also have implications on the ordinances, regulations and policies, as well as funding arrangements. This will affect the benefits that USP has been privileged to through Fiji's bilateral funding over the past 53 years.

The VC's Office has a complete set of administrative support. Historically, the VC has always been located in Fiji and as the host country, Fiji provides the facilities for the VC's Office. With the VC located in Samoa, it should now be the responsibility of the Samoan Government to host his Office.

Mr. Speaker, Sir, over the past few months, the Council has taken every opportunity it could to discredit the work done by the Chairman of the Council, Mr. Thompson, and the Chairman of the Audit and Risk Committee.

Based on complaints by whistleblowers at USP, as required by the Terms of Reference of the Audit and Risk Committee, an investigation was requested to be carried out by KPMG which found, at least, seven instances where the former VC had seriously breached the authority of the VC. Despite this, the Council disregarded this report and has referred the Chairman of the Audit and Risk Committee, in turn, to an Ethics Committee for breach of the Code and Conduct, for actually going ahead and doing this investigation. The report has been shelved without any consideration, as it alludes to the shortcomings of the former VC.

The President of Nauru, in the Council meeting in July this year, proposed that regional members of the Council get together, clearly disregarding Fiji, to work with the former VC and his Senior Management Team "to come up with the strategies that would allow the University to operate without Fiji's grant. This Committee would need to look at fees, grants, donors and "the disproportionate Fiji influence on Council that is clearly not sustainable if they do not pay their grant."

Such proposals show sheer disrespect and disregard to a sovereign nation. Nauru's contribution to USP is \$127,000. Fiji's last contribution was \$27 million to \$29 million, and the five members from Fiji on the Council is clearly far less than the contribution that Fiji makes. As I have mentioned, in addition to this, we have paid in excess of \$130 million by way of TELS and Toppers, apart from the private students.

No other member country contributes anywhere near this. No other nation has the incentive that Fiji has, to ensure that the grant funding to USP is disbursed in accordance with the principles of good governance. If you are contributing 75 percent to 80 percent of the grant funding, you obviously need to be mindful of how that money is spent. If you are contributing less than 1 percent, you do not really care.

Fiji has been clear from the start that it will maintain its stance on good governance. Fiji has asked the Council to do the right thing and have all the allegations against the former VC brought to the Council by the Chairman of the Council and the Chairman of the Audit and Risk Committee, and it be independently investigated.

Despite, at least, six instances of breaches cited in the KPMG investigation report, Ahluwalia was given a new contract, in what can only be viewed as a cover-up job - a devious attempt to cover up the breaches by the former VC, who has been complicit in his mismanagement.

In a moment where accountability should have been an answer, this illegal appointment has plunged the USP back into a needless drama and needless turmoil and, of course, political interference by the Opposition. And for whom, Mr. Speaker, Sir? For one individual's career over the potential careers of tens of thousands of students and the viability of a revered regional institution. Not only the students of USP today but those to come, whose education will also be impacted by the wanton disregard for due process, accountability and transparency, and the huge politicisation of this issue. The problem with the Opposition is that, anything that goes against Government, they join the bandwagon, irrespective of the values and principles.

Mr. Speaker, Sir, given the gravity of the allegations of serious mismanagement against the former VC, Fiji, as the largest contributor to USP reiterates that it will not make any contribution of grant funding to USP, until such time when a new VC is appointed in accordance with the mandated transparent recruitment process, and until such time all the alleged breaches are investigated further, independently. Fiji does not accept Ahluwalia as the VC and will not provide any funding or assistance to USP, for as long as he remains the supposed VC. Mr. Speaker, Sir, the Council has a duty to independently investigate him.

HON. RO. T.V. KEPA.- Selfish!

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, Honourable Kepa, obviously, does not believe in good governance. She does not believe in accountability - absolutely no principles and values.

Mr. Speaker, Sir, given the facts that is so highly politicised by the Opposition and given the fact that the Council is not adhering to it, we are currently considering our options to recommend to the Honourable Prime Minister to have a Commission of Inquiry into the University of the South Pacific.

HON. T.V. KEPA.- *Oilei!!*

HON. A. SAYED-KHAIYUM.- *Oilei* is exactly what we said when we saw the lack of governance at USP and Honourable Kepa is obviously not known for her strengths in that specific area.

Mr. Speaker, Sir, with those concluding remarks, I finish my update on USP Council, thank you.

HON. SPEAKER.- I thank the Honourable Attorney-General for his ministerial statement. Honourable Members, as the protocol I now give the floor to the Leader of the Opposition's designated speaker, the Honourable Ro Filipe Tuisawau. You have the floor.

HON. RO F. TUISAWAU.- Thank you, Mr. Speaker, Sir. I rise to respond to the serious allegations made by the Honourable Minister for Economy regarding Professor Pal Ahluwalia. It is really defamatory what he has come up with in terms of accusations of fraudulent behaviour, illegal transactions and dividing the Region.

First of all, let me correct the misconception he is coming up with regarding the contributions. Fiji should pay more because it has more students - that is the formula and to compare Fiji with Small Island States is an insult, given that the Honourable Prime Minister is the Chair of the forum right now. He should be bringing together the Region, not dividing it. Your comments are belittling the Small Island States. Fiji should be paying more because it has more students, but you are arguing and belittling others because they are paying less and you have more authority because you are paying more - that is just illogical and irrational.

On the other issue, he goes on, Sir, about the current allegations. We need to go back to before that. Why go on about Professor Ahluwalia; that is just one side of the coin. The original issues raised by Professor Ahluwalia was during Professor V.C. Chandra and that included lack of consultation of contracts, and various other issues like contracts being renewed for five years, quick succession in titles without proper consultation and authority, salary changes, professional development leave and back pay. All these are clearly listed but they were not investigated properly.

The Payroll Manager, four years backdated thousands of dollars, payment of responsibility allowances – there are people linked to the FijiFirst Party who are known for that. In fact, they have appointed some of the people who have been accused of corruption at USP, into the FijiFirst Government and into the civil service and they all know about it. That was all clearly itemised and outlined in the BDO Report and also by Professor Ahluwalia.

In terms of the investigation, he goes on about Professor Ahluwalia, but what about before that? What about the conduct of the Pro Chancellor and the Chair of the Audit and Risk Committee? It is clearly stated in the complaint against them and that is why now, they are subject to the Ethics Committee investigation of their conduct. The complaints include abuse of authority causing financial loss to USP where the Pro Chancellor approved a fourth cash bonus for Payroll Manager and that is suspected to be fraudulent, without consulting the Staff Appeals Committee. He approved payments of per diems and related expenses for professional development leave to Vice-Chancellor Rajesh Chandra, contrary to policy.

There was an investigation by the Assurance and Compliance Unit but they were denied access to records kept by the Council's secretariat because Pro Chancellor instructed that his approval was required. He dictated how the investigation into Professor Ahluwalia's allegations was to be conducted. He was communicating with the person of many interests during the investigation. Pro VC Chandra and the Audit and Risk Committee Chair demanded updates on specific investigations and while the investigations were updated, he demanded the names of witnesses.

Mr. Speaker, Sir, these are the kinds of things which were going on. The Chair of the Audit and Risk Committee stopped the investigation from completing its investigation and this investigation remains incomplete. The Chair of the Audit and Risk Committee placed unreasonable conditions on the investigation unit liaising with FICAC and FRCS - interference with the disciplinary processes for the former interim director, manager payroll et cetera, were investigated despite the legal opinions which was provided.

The Chair of the Audit and Risk Committee instructed VC to stop the staff disciplinary process. There is a whole lot of things there, Sir, which were not provided by the Honourable Minister. His update is just providing one side of the story. What about the allegations before that and nothing has been done - that needs to be resolved first? Now that those allegations are currently being investigated by the Ethics Committee, what about the breach of the code of ethics of the Council and the conflict of interest? That is the ongoing issue at USP.

Who are the victims here, Sir? The victims are the students and the staff. Who are the majority? The majority of the staff are the Fijian staff and students and now they are holding the grant just because of this conflict of interest linked to the FijiFirst Party and the Government. Some of them who are now working as civil servants were subject of the original investigations. Just get to the bottom of that. Sir, today he just focusing on Professor Ahluwalia but the problem is before he came – let us fix that.

Sir, I had mentioned the independence of USP - that needs to be respected, the member countries of the Region and the members of the Council have made their decisions. In this Parliament, whatever the merits we bring up, it is always outvoted - even if it has 100 percent merit, it is not taken into account. Leave the Council to make its decision, it is moving forward, so please stop the interference because the interference will only fine the Fijian students at USP and the staff.

The other thing they are talking about is the contribution to USP. What about the benefits Fiji is getting from this? A study was done and approximately \$40 million was the return to Fiji in terms of benefits per annum. That is through the staff payments, the staff tax, the services provided et cetera. It will be more with the benefits provided by the commercial operations around USP, such as Damodar City and Sports City. Please, do not mislead the country by saying that we are contributing the most.

Mr. Speaker, Sir, I reiterate that the only people who are losing out in this saga are the Fijian students. Lastly, just last week the Honourable Prime Minister labelled USP as a corrupt institution. He is the Chair of the Pacific Islands Forum. How can a Chair of the Forum call another regional institution corrupt? He is just downgrading and undermining the staff of the institution. The Honourable Prime Minister and the Honourable Minister for Economy should leave USP and let it run as an independent institution. Respect the decision of the Council - it has been made. We do not undermine you when you put your hands up and things are passed. So, in the same manner respect the decisions of the Council and the University of the South Pacific. *Vinaka*.

HON. SPEAKER.- I thank the Honourable Member for his contribution to the debate. Honourable Members we will now move on and I give the floor to the Leader of the National Federation party, the Honourable Professor Prasad. You have the floor.

HON. PROFESSOR B.C. PRASAD.- Thank you, Mr. Speaker, 643 COVID-19 positive patients have died so far, and here is a man, the Honourable Attorney-General, finding time to come to Parliament with lies, half-truths and retributory statements about individuals who cannot defend themselves outside of this Parliament.

Let me say this, Mr. Speaker, Sir, his gutter level attack on my wife, Dr. Rajni Chand, a highly qualified woman in her own right, who has taught thousands of students over more than 20 years at the University of the South Pacific (USP), is highly qualified and got the job but he does not understand the processes that she went through. I am actually very proud of her, Sir. I am very proud of her. She is a role model for thousands of young women and girls in this country. And this gutter level attack is coming from a man who appoints his brother, who appoints his aunty, who appoints his uncle, who appoints his cronies and practices nepotism, and he has the audacity, Mr. Speaker, to say that the woman is not qualified.

The recent report that was commissioned by the Chairman of the Council in the KPGM Report found that all those appointments including hers, was done properly. She is qualified, she moved from one section to another on an internal deployment. Mr. Speaker, he does not know all of that and yet, he says that she is not qualified. Her PHD is in the area of Distance Education and Flexible Learning.

Let me come back to the real issues and I think my fellow honourable colleague, the Honourable Tuisawau, covered all the grounds. Mr. Speaker, the University has a governance structure. There is a Council, whose members are representatives from different Governments and Fiji has five members. When they raise an issue in the University whether it was to do with corruption by the former senior management before Vice-Chancellor Ahluwalia came to the university or any other issue, you have to go through the governance structure of the University - that is why it is a regional institution.

This is the case of one man that is the Honourable Attorney-General, not being able to have his way in the Council. He was in the Council, he was in the Committee and he appointed the commission. From all the statements that I have seen from the Council, including the recent report from KPMG, the Council has been dealing with that. There are many people on that Council - Governments of Australia, New Zealand, Observers, they have the best legal advice and these are people who have run universities in the past, Mr. Speaker. They are all sitting in that Council, making decisions on behalf of the universities. And for the Fiji Government to come out and say - just because you lost out in the Council, just because the Council does not do what you want the Council to do - you say that we are not going to be part of it. What kind of nonsense is this, Mr. Speaker?

By all means we all want good governance in the university. By all means let us have many inquiries, commissions or whatever you want to have, but, Mr. Speaker, there is a governance structure within the university. The independent BDO Report was commissioned by the university, presented to the Council and this government rubbished that report. It did not even put that report to Parliament, contrary to what the Parliamentary Committee recommended. His mathematics is all wrong, he brags about how much Fiji contributes but Fiji is the largest beneficiary of any grant or money that we give to the University of the South Pacific. We have been the largest beneficiary for the last 50 years.

Mr. Speaker, and to brag about the fact that we are putting money - talk to the taxi drivers, talk to the shop keepers, businesses around Suva and the flat owners - everyone will tell you that there is an economy that comes out of the University of the South Pacific. Here is a man who is supposed to be the economy minister, and he is saying that we are giving a lot of money to the university - of course, because we are getting a lot of beneficiaries from the university, Mr. Speaker. You have to look at the 50 years history of the institution...

HON. A. SAYED-KHAIYUM.- Where is your budget?

HON. PROFESSOR B.C. PRASAD.- I say to the Honourable Attorney-General, put aside your ego. You seem to be entertaining a position of intellectual debt because you are surrounded by all those gossipers and a coterie of people who go to you, and go to the Honourable Prime Minister and say this is what is happening in the University, "Biman Prasad is having this" or "Pal Ahluwalia has appointed this". I did not know the man until he came to the University. What kind of nonsense is that?

I left the University in 2014 and I do not decide what my wife does at the University. This is the kind of gossip that has come out of the University from the crooks you are trying to save. You people have brought the University to its knees.

(Chorus of interjections)

HON. SPEAKER.- Order, order!

HON. PROFESSOR B.C. PRASAD.- Mr. Speaker, you do not build a reputation in five years or 10 years, it takes ages. It took 50 years for the University of the South Pacific, and I am happy to say that I have contributed to the University through my dedication, through my research, I have done work for Governments in the Region and I understand the regional structure and the regional architect.

Mr. Speaker, here is a government which, out of its own ego and out of its arrogance, is destroying the University of the South Pacific. By all means, it have a Commission of Inquiry but do not hold the University to ransom. It is not you, Attorney-General, it is the people of this country who pay for the University. The taxpayers of this country pay the University for their children. Cut this crap once and for all. Give the grants to the University of the South Pacific and let the Council respect the members of South Pacific Region, respect the decision makers in that Council.

HON. GOVERNMENT MEMBER.- Have you lost out?

HON. PROFESSOR B.C. PRASAD.- We lose out every day from you in this Parliament because you have the numbers. Do not use that ego of you not getting what you want because you wanted these people to behave in this manner. Come on Attorney-General, you can do better than this. Let us not get personal about it and defame people who cannot defend themselves in this Parliament. And let me say this again - I am very, very proud of the achievements of my wife. She is highly respected in her own right so, please, stop these defamatory statements about her.

Mr. Speaker, in conclusion, let me say this - we need to get back and provide the grant to the University. In fact, it is illegal, Mr. Speaker. Parliament approves the grant, in fact, it was not even in Head 50. When a Budget Bill is passed, it becomes a law; it is a law that the grants should have been distributed to the University of the South Pacific. The Government, the Minister for Economy and Minister for Education, you are breaching the law that Parliament passed.

HON. SPEAKER.- Your time is up.

Honourable Members, I thank the Honourable Member for his contribution to the debate.

Honourable Members, I remind everyone about your speaking time. I can give you licence to go over a bit but only over a certain period of time, not go on as if you have forgotten about the time completely.

That is the end of the Ministerial Statement and before we consider the next item, we will take a break for morning tea, which you all deserve.

The Parliament adjourned at 10.59 a.m.

The Parliament resumed at 11.30 a.m.

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

CLIMATE CHANGE BILL 2021

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

That the -

- (a) Climate Change Bill 2021, Bill No. 31/2021, be considered by Parliament without delay;
- (b) Bill must pass through one stage at a single sitting of Parliament;
- (c) Bill must be immediately referred to the Standing Committee on Justice, Law and Human Rights;
- (d) Standing Committee must report on the Bill at the September sitting of Parliament; and
- (e) Upon presentation of the report on the Bill by the Standing Committee, the Bill must be debated and voted upon by Parliament at the September sitting of Parliament, but that 1 hour be given to debate the Bill, with the right of reply given to me, as the Member moving this motion.

HON. LT. COL. I.B. SERUIRATU.- I beg to second the motion

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, I rise to make a brief statement on the Climate Change Bill 2021, which is now being tabled before Parliament under Standing Order 51, for first reading. It is proposed that the Bill must be referred to the Standing Committee on Justice, Law and Human Rights and returned and tabled here, in Parliament, by September 2021, to allow the Bill to be passed and enacted well before COP 26 Meeting in November 2021. In fact, it will be just one month before that.

Mr. Speaker, Sir, to cut the chase and to talk about the obvious, Fiji, like the rest of the world, is in climate emergency. The recently published Intergovernmental Panel on Climate Change (IPCC) released new science on the state of our climate. The first instalment of the 'Sixth assessment report titled, 'Further Emphasis: The Scale of the Crisis on Humanity and our Environment Faces'.

The failure of the global community, Mr. Speaker, Sir, to address these emergencies is taking its toll and evidence of the cost of global inaction is everywhere, from fires and floods in Europe, super storms in the Caribbean and the Pacific, unprecedented temperature spikes in the US droughts, hunger and crisis in Africa - the challenges and change underway is unprecedented.

The new IPCC Report, Mr. Speaker, Sir, updates the science on a crisis that is dramatically redefining our world. It tells us that the window for keeping global average temperature rise below 1.5 Degree Celsius above pre-industrial levels is closing quickly, and that the impacts of climate change that are already locked into the climate system will continue to test our resilience and capacity for innovation and action. Year in and year out, Fiji continues to battle with increasingly severe tropical cyclones, storm surges and flash flooding.

Our ability to contest the sea-level rise, salt water intrusion, ocean acidification, coastal erosion and changing precipitation patterns is dependent on concerted action to pre-empt climate risks, accelerate adaptation and ensure our decisions and investments are climate-sensitised from the outset. In this way, the climate change Bill which has been in development since 2018 is so important and consequential for our island nation.

While the developed world continues to drag its feet in taking decisive steps to address climate change, Fiji cannot afford to sit on the sidelines waiting for a multilateral miracle to happen. We must take control of our future and create a decisive mandate and legislative framework for tackling the climate risks that threaten all sectors of the Fijian economy.

Mr. Speaker, Sir, the Bill has been designed to protect the overarching interests and rights of all Fijians and future generations of Fijians. It does so by creating legally enforceable requirements designed to increase responsibility and accountability in relation to the management of current and future climate risks. It also provides a highly credible platform for progressing more transformative programming and financing arrangements with development partners.

The risks and scale of potential for disruption to society that Fiji faces due to climate change is significant, and it will continue to pose a threat to national security. The Bill declares a climate emergency, emphasising the vital importance of early action. Mr. Speaker, Sir, as we will see through the consideration of this Bill which is now in its third draft since it was first released to the public in 2019, the intent is to safeguard Fiji's future and uphold the commitments made through the national Constitution.

Mr. Speaker, Sir, a range of consultation methods, platforms and approaches have been used to inform and develop the Bill since 2018. From the outset, the objectives and broad terms of reference of the Bill were defined through consultations and processes that shaped the National Climate Change Policy (NCCP) 2018-2030, and its description of the main rationale for developing specific legislation. These terms and the intent within the NCCP's objectives were then used to create the initial draft of the Bill.

The first draft Bill was made publicly available online on 23rd September, 2018 and feedback was accepted until 31st December, 2019. The public was invited to submit feedback and the call to have your say, was promoted through social media. The public had the option to send feedback by email or through online form. Of course, there were many members of the public that came and physically made or gave in their submissions.

The second draft of the Bill was published in November 2020 on our website and social media. This is preceded by a press conference held by the Ministry of Economy to announce key changes made to the second draft of the Bill.

Plans to conduct in person town hall style consultations in Nadi, Labasa and Suva were disrupted first by *TC Yasa* in December 2020, *TC Ana* in February 2020 and then, of course, by COVID-19 - the first two being rather ironical, given the discussions on climate change.

To compensate for limited in-person consultations, the online consultation period was extended, and the second draft of the Bill has remained online since November 2020. Feedback has been accepted and welcomed through this period.

More than 350 online submissions have been received in total during the consultation period. Overall, submissions have been extremely positive from both, the public and external organisations, and our multilateral partners and development partners. The scope of the Bill, in fact, has been applauded in many cases, and constructive feedback has been used to further refine the intent and the clarity of the Bill.

Mr. Speaker, Sir, throughout the consultation, extensive formal written submissions providing substantive feedback on the Bill in its entirety were received from Ministries, international partners, local NGOs and academic institutions. Legal reviews of the Bill by prominent authorities and law firms were directly commissioned, as well as voluntarily produced and submitted during the consultation period.

Three international law firms have provided opinions and advice on the Bill. An Australian Judge, specialising in environmental law, was requested to review the legal integrity of the Bill and provide feedback. At least, four local law firms have provided feedback and written submissions on the content of the Bill, including the Fiji Environmental Law Association. Development partners have been engaged and provided with copies of the Bill, to review and consider in relation to their partnerships and future support programmes.

Mr. Speaker, Sir, in the lead up to the development of the first and second drafts of the Bill, Climate Change and International Co-operation Division (CCICD) of the Ministry of Economy undertook robust consultations with all relevant Government Ministries and Agencies. These consultations helped to inform the technical clauses of the Bill, create awareness of new obligations on the State entities created through the Bill's provisions, and have helped to better identify necessary consequential amendments to existing legislation.

On 9th September last year, the Permanent Secretary for Economy sent a Memorandum to all Permanent Secretaries, requesting opportunities for CCICD Officials to provide in-person briefings on the Bill. A list of the Ministries responded to this request and were consulted in-person at the Permanent Secretary or Director level.

Close consultation on an ongoing basis have been held with the Ministry of Forests, to support the harmonisation of the revisions to the Forest Act 1992 in Part 10 of the Bill, which the Honourable Prime Minister referred to in his Ministerial Statement. Further issues on specific consultation with the Ministry of Infrastructure on Infrastructure Risk Assessments and Building Code Reform, as well as direct discussion on the implication of the Bill for the Environment Management Act 2005 with the Ministry of Environment, and dialogue with the Ministry of Women and Poverty Alleviation on the gender dimension of the climate adversities have illustrated the positive connectivity and shared interests the Bill targets and reinforces.

Consultations with the Office of the Prime Minister, Ministry of Foreign Affairs, Ministry of Agriculture and technical staff at iTLTB, all served to validate the intent and alignment of the provisions in relation to specific development objectives and policy priorities.

Mr. Speaker, Sir, in respect to youth consultations, CCICD with the Ministry of Economy, joined the organising committee for the National Youth Summit in February 2021, and provided advice to the Ministry of Youth and Sports on the potential to host Fiji's first Youth Climate Action Summit, designed to garner youth feedback on the Bill.

Working with Government stakeholders, United Nations' Agencies, OXFAM and other local Non-Government Organisations (NGOs), CCICD helped to design the content of the three-day event. Mr. Speaker, Sir, CCICD specialists facilitated discussions and sessions on key climate change themes before an official youth consultation on the second draft of the Bill was held on the third day.

Over 400 youth from rural and urban areas received presentations on the intent and content of the Bill, before being split into groups of facilitated consultations. Feedback was collected via written forms, video testimonials and minutes taken during the plenary sessions. Sessions were translated into sign language where possible, and direct consultations were held with disabled youth also. Youth targeted awareness materials in the Bill were produced, printed and distributed to the participants at the workshop.

The draft Bill was the centrepiece of the outcome statement endorsed at the end of the Summit. These activities have continued to build awareness and support for the Bill, and the feedback received has directly influenced their approach to the development of the current draft.

Consultations with relevant committees and groupings, including the newly-established National Ocean Policy Steering Committee and the Fiji Competition and Employers Federation were used to inform some specific parts and clauses of the Bill.

Mr. Speaker, Sir, CCICD has engaged multiple private sector stakeholders by focus group discussions since 2019, and have continued to explain the interconnectivity of the Bill with ongoing initiatives that I have just mentioned.

Ongoing engagement with State-owned enterprises and the private sector will be required to help support a common understanding of the intent and requirements introduced by the Bill.

The Reserve Bank of Fiji (RBF) has conveyed its support for the Bill and identified various synergies with existing strategies, as well as some potential sources of technical assistance. The Bill has been used as a case study example and discussion point during RBF's hosting of a peer-to-peer learning event, with over 80 central banks facilitated by the Alliance for Financial Inclusion.

Mr. Speaker, Sir, CCICD continues to work closely RBF, recognising the need for it to champion the Bill through its engagement with financial institutions. The RBF is willing to carry out further awareness with commercial banks, once regulations and specificity in relation to climate risks disclosure-related elements of the Bill are further defined.

In December 2020, the World Bank launched the Reference Guide to Climate Change Framework Legislation. Upon reviewing this Guide, it was clear that the recommendations are closely aligned with Fiji's existing approach to the development of the Bill, and are reflected in the intent of the Bill's provisions. This has helped to further confirm the validity of the Bill's content among multilateral financial institutions.

Given that numerous consultations regarding the Bill have already been conducted, Mr. Speaker, Sir, for almost two years, the Bill has been tabled in Parliament under Standing Order 51, and the relevant Standing Committee will be requested to provide feedback within a month. It is expected that the Bill will be considered, debated and enacted during the September Sitting of Parliament.

It is imperative that the Bill be enacted by Parliament before COP 26 in November 2021. It will demonstrate, Mr. Speaker, Sir, Fiji's continued climate leadership, and will set the mandate for national negotiations during Global Climate Negotiations.

Mr. Speaker, Sir, I have the content of the Bill but I probably thought that at this stage, it is more important to highlight the amount of consultations that have taken place, rather than going into the specific provisions of the Bill itself, and I am quite happy to answer any questions or queries that may arise in respect of that. Thank you, Mr. Speaker, Sir.

HON. SPEAKER.- Honourable Members, the floor is now open for debate on the motion. At the end of the debate, we will have the right of reply from the mover. Does anyone wish to take the floor at the moment?

Since no one wishes to take the floor, Honourable Attorney-General, you have the floor.

HON. A. SAYED-KHAIYUM.- Thank you, Sir, I have no further comments to make, given the fact that we had wide-scale consultations. We would urge the Committee to, in fact, reach out to many of the groups. We are quite happy to provide them with information, and we look forward to them providing a report once we come back to Parliament, to be able to debate it. Thank you, Sir.

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

Question put.

Motion agreed to.

[Climate Change Bill 2021 (Bill No. 31/2021) referred to the Standing Committee on Justice, Law and Human Rights]

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

INCOME TAX (AMENDMENT) (NO. 2) BILL 2021

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, pursuant to the resolution of Parliament on Tuesday, 17th August, 2021, I move:

That the Income Tax (Amendment) (No. 2) Bill 2021 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, I remind you that pursuant to the resolution of Parliament, debate will be limited to one hour. I now call on the Honourable Attorney-General to take the floor. You have the floor.

HON. A. SAYED-KHAIYUM.- Thank you, Mr. Speaker, Sir. As highlighted in the introduction of this particular Bill on Tuesday, there are essentially two amendments to the Income Tax Act, which were inadvertently left out as part of the Budget submission or Budget statement that was made, and unfortunately two of these provisions were missed out. You will see one of them; the first one actually builds upon the 90 percent tax deduction, Mr. Speaker, Sir, for including forestry because we have said that any exports to do with agro-processing, fisheries and, indeed, forestry, should get a 90 percent export tax deduction to encourage people to export.

We have heard Honourable Members on the other side, when the Honourable Minister spoke about the Ministry of Forestry's outlook, they talked about how we need to increase exports. Exports, of course, have increased but we need to further increase it. Therefore, this will assist and incentivise Fijian businesses to do more exports and that is the first one - just the inclusion of forestry, together with forestry and agro-processing.

The second one, Mr. Speaker, Sir, is to do with Capital Gains Tax (CGT). This has been a long outstanding issue. In fact, we have had discussions with a number of accounting firms and there were discussions that were held even prior to the Budget.

To put it in simple terms, Mr. Speaker, Sir, CGT, of course, is applicable on any capital gains, this is the tax on that. The issue about putting CGT on physical assets is quite clear and there are various methodologies built in to it, but when you have disposal of shares or sale of shares, how we assign the value, Mr. Speaker, Sir, obviously, is a lot more complex.

We have done what we call the 'grandfather clause adoption' from the Australian Taxation Office, that said that any shares that were issued prior to CGT coming into effect will not be subject to CGT - any disposal of the shares will not be subject to CGT.

In respect of any shares that were issued subsequent to that, there obviously, needs to be a further refinement of the manner in which we will value the shares and that is something to be dealt with later on, but this essentially gives a lot more confidence to the market, to individuals, who may dispose of shares, so this essentially just corrects that.

Those are the two provisions, Mr. Speaker, Sir, brought about through this Bill. I am quite happy to answer any questions on that. Thank you, Sir.

HON. SPEAKER.- I thank the Honourable Attorney-General. Honourable Members, the floor is now open for debate on the motion, and I give the floor to the Honourable Aseri Radrodro. You have the floor.

HON. A.M. RADRODRO.- Thank you, Mr. Speaker, Sir. I rise to respond to the motion before the House on the Income Tax (Amendment) (No. 2) Bill 2021, which is evidently a Consequential Bill to the Budget of 2020-2021 of which majority on the Opposition side of the House did not support.

Mr. Speaker, Sir, before I deliberate on the contents of the Bill and also my colleagues on this side of the House, I would like to ask the Honourable Prime Minister, “How can you still continue to not take any action on another blunder by the Honourable Minister for Economy?”

I have stood in this august House and stated, Mr. Speaker, Sir, that if Government and those empowered to make decisions to the nation are not equipped or qualified to do so, then this country will suffer from not only embarrassing oversights like this, as we see before us today, but we will not see any real growth in our economic development.

Mr. Speaker, Sir, the Honourable Minister for Economy has tried to downplay this blunder by introducing this Bill under Standing Orders 51, stating that some necessary supporting economic activities were inadvertently left out when the Budget was passed last month. So is this Bill another act of retrospective approval by this House? As we see in the Explanatory Note, the effective date of this Bill is 1st August, 2021, and it is now 19th August, Mr. Speaker, Sir. This is another retrospective approval act by the Honourable Minister, Sir.

I must say that the FijiFirst Government has been making wrong calculations on our economic viability for many years now and maybe sleeping on the job too and COVID-19 has brought this truth home. Mr. Speaker, Sir. I make this statement not only as a politician but someone with some financial background who knows that the budget books provided year in, year out, are usually misrepresented and often mismatched. That is why I have said on various occasions, that usually the devil is always in the detail.

Mr. Speaker, Sir, these various actions and amendments to the Income Tax Act, as we stand to correct today, show many pictures. One is that, Government has lost the plot and is trying very hard to deny the real state of affairs that we are in. Does this mean that OMRS is not working and they have now taught civil servants the art of manipulating books?

Mr. Speaker, Sir, I am on record to having warned this House in 2014 that cooking books will end up as catastrophic as anything. The Asian financial meltdown, the US financial crash were all because some officials decided to paint rosy pictures when the reality is, there are very little revenue streams and government policies were failing. For example, Sir, the nominal GDP value captured in the 2021-2022 Budget Book (I hope the Honourable Minister will take note of this) shows a figure of \$9.9 billion. This is very different from what is reflected in the economic and fiscal update for the year 2021-2022. For year 2021, the nominal GDP forecast was \$9.5 billion and for the year 2022, it is reflected as \$10.3 billion and this is unacceptable, Mr. Speaker, Sir.

Unacceptable, Mr. Speaker, Sir, in any country such blunders that we are facing today, we will be seeing heads rolling and I wonder whose head will roll this time. For a country that boasts a booming economy for the past years, we have very little to show of our economic viability. We have to shamefully rely on foreign governments to assist, prop up our national budget and I must repeat if you do not know how to run government, step down and stop pretending because your arrogance and ignorance are painful to the citizens of this country because they are the ones whose pantries at home are empty and children's stomachs empty. Leading a nation is not a child's play, if you assumed it was and enjoyed the perks that came with it for many years then it is time for you to go off quietly and enjoy those millions you have amassed and allow the poor citizens of this country to pick up the pieces and rebuild Fiji slowly.

The blunders, Mr. Speaker, Sir, we stand to correct today, is an issue of credibility and lack of independence. It shows creative accounting and such shoddy work reflect deep-rooted intentions to misrepresent. For example, Mr. Speaker, Sir, why is it that these amendments were not reflected in the tax policy measures tabled in the fiscal update, Mr. Speaker, Sir?

Mr. Speaker, there is nowhere in the world that we can accept such blunders. I and my colleagues from this side of the House cannot and will never support this Bill because the red flag is now showing up early and it should be a lesson for everyone. When you try to do something discretely, your mishaps will catch up with you.

On Bill No. 30, I wonder what other Bills will require changes to support the philosophy behind the 2021-2022 Budget. For example, students and social welfare recipients are now being asked to take the jab for they will not access Government support. Is this covered under the law, Mr. Speaker, Sir? If I note correctly, the only law that was amended requiring mandatory vaccination was made through the Health and Safety at Work, General Workplace Conditions (Amendment) Regulations, 2021, where the Honourable Prime Minister stated, 'No Jabs, No Jobs.' So are the social welfare recipients and students considered workers or employees? Which one, Mr. Speaker, Sir?

Mr. Speaker, Sir, with the silence, I rest my case. It is obvious that Government will come back with more amendments using Standing Order 51. Let me just finish by saying, one cannot pretend to be a know it all. As leaders, you have to learn to listen, discuss and dialogue, expand your group of consultants and advisers and do not limit it to your own favourite people. That is the rule of arm, because for leaders, what will happen, is your staff and your people will end up giving you what they know you like to hear, or they will ask you how high I should jump. Thank you, Mr. Speaker, Sir.

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

HON. PROFESSOR B.C. PRASAD.- Thank you, Mr. Speaker, Sir. Before I go into the so-called minor amendments to the Income Tax Act, I will say they are not minor or trivial in keeping with your allowance of the Cabinet Ministers starting to rebut responses from Ministerial Statements, when no debate is allowed.

I will briefly respond to the accusations made by the Honourable Minister for Agriculture yesterday afternoon. The Honourable Minister basically accused me of twisting facts and figures from the 2020 Agriculture Statistics including the Census, and that he was embarrassed that an academic was doing it. Mr. Speaker, Sir, nothing can be further from the truth, the truth is, I am actually embarrassed myself at the lack of intelligence displayed by the Honourable Minister and forgets that what he himself said in a press release in July while launching the Census Report. The Report, Mr. Speaker, Sir, is strikingly clear, 70,991 or 71,000 are farming household, commercial farming is at the lowest because the total of 93 percent are either subsistence or semi- subsistence commercial farmers.

I want to refer him to the recent report that his Ministry published, signed by his Permanent Secretary, Ritesh Dass, and if you look at that 2020 Key Statistics for Agriculture, it has a budget allocation for 2019-2020, 2020-2021, then he says the number of staff in the Ministry of Agriculture and then say a number of farming, households and farmers, there is a number of households, he was talking about farmers, I was talking about households, and the *Hansard* is very clear. The number of farming households by classification, total - 71,163; commercial households - 1,446 that is 2 percent; semi-commercial - 3,669 that is 5 percent; and subsistence households - 65,948, and their calculation says 93 percent.

Mr. Speaker, Sir, he needs to go back and look at his own publications which are recent and deal with that instead of accusing me of citing wrong figures. I know that the Honourable Minister for Agriculture's version of yoga when one goes into deep meditation but to twist statistics upside down and accuse another Member of Parliament of misleading Parliament cannot be condoned.

We all know that he has turned agriculture upside down and it is really a joke that he has the audacity to personalise this issue and attack me as a former Professor. He does not know that I am still a Professor, I still hold many adjunct professorial positions. Yesterday, I said I would have given him a "C" or "C+" but hearing what he said about Honourable Tabuya and her dressing, highly misogynistic and sexist remark, I think he deserves a failed grade or "F" grade.

HON. CDR. S.T. KOROILAVESAU.- Stick to the Bill.

HON. A. SAYED-KHAIYUM.- Sir, a point of order. This is going on too much; personalisation, "F" grade, "D" grade, what is going on?

HON. PROFESSOR B.C. PRASAD.- You do that and you get away with it.

HON. LT. COL. P. TIKODUADUA.- Listen, you might learn something!

(Chorus of interjections)

HON. SPEAKER.- Order, order! Just stick to the agenda item, all of you. You have the floor.

HON. PROFESSOR B.C. PRASAD.- Thank you, Mr. Speaker. This Bill that we are discussing now has really appeared from nowhere. The Bill was given to us on Tuesday, as usual, we have been told it will be debated on Thursday for one hour and then we will vote.

We had no warning of this Bill and what it says, Mr. Speaker, and this is deliberate. This is how the Government operates, we all know that. It is not a secret anymore. It does not want us to know what is in these Bills. It does not want us as lay people to go out and ask the experts what these laws mean. Most of all, Mr. Speaker, the Government wants to cover up this shameful law it has made in this Bill.

The Bill on the floor of Parliament is a good example of lobbying and cutting favours with the FijiFirst Government and this has been the *modus operandi* of this Government. In my view as a lay person, I think the Bill entrenches or legitimises corruption. For example, in the Bill it kind of usurps the Judiciary, FRCS for example, is pursuing delays in unpaid Capital Gains Tax (CGT) through the courts on shares and for all intention and purposes, it is going to cease.

Mr. Speaker, Sir, in my view, this seems to be yet another piece of legislation that is borne out of a cabal advice or the coterie that surrounds the Honourable Minister for Economy and many of them are financiers of the FijiFirst Party and policies. As usual, the Government's silent 25 sit there without understanding and support the Bill, sometimes without even fluttering an eyelid, without even remotely

understanding the ramifications of the Bill and it is not a consequential bill, Mr. Speaker, by any means or by stretch of imagination. Worse, all of it is a Bill that takes retrospective effect, quite contrary to Decrees entrenched under Section 173 of the 2013 Constitution which disallow changes to any Decree to be applied retrospectively. The question that arises, Mr. Speaker, is why go back ten years before the Capital Gains Tax was promulgated into law through a Decree. Why not do the same for all the Decrees, disallowing citizens from challenging the validity for application in a court or tribunal?

The typical example that people still talk to me, and people who have lost out badly like FNPF pensioners, whose legal contract was trashed because of massive reduction or erosion of pension. Like workers or heads of organisations whose employment were terminated and ceased as a result of the December 2006 *coup* or subsequent events annexed by the then military government. Why is Government prepared to lose income when ordinary taxpayers have been subjected to all sorts of actions, including legal challenges, garnishes, stop departure orders and even threatened with seizure of their properties for late payment of tax dues?

Simply, why bring in such a legislation and Government wants us to vote for this law and hope that no one notices because someone has asked for this law change and, Mr. Speaker, we want to know, who are these people? Who were the people who made the submission? Unfortunately, for the Government, Mr. Speaker, someone did notice what was going on. I commend the Honourable Minister in this House - the article by Mr. Richard Naidu in today's *Fiji Times*. It is not a very long article. It is very simply written. I urge all Honourable Members of this House to read it, while we are debating this. Perhaps, then they will better understand what law the Honourable Minister for Economy has brought into this House.

Mr. Speaker, this is described as a very strange tax law. We are in the middle of a pandemic, so far 643 COVID-19 positive patients have died, our health system is overwhelmed, our economy is in tatters, people are struggling to put food on the table, we all know this. But the Government suddenly chooses this time to give away more money to rich people, by exempting them from CGT. My question is, why? Why, Mr. Speaker?

Mr. Speaker, the Government has suddenly decided that people who own shares before 2011 should not pay CGT when they sell them. Why has it is decided now? Does the Government suddenly think that CGT is unfair? If so, Mr. Speaker, what about other capital assets? What about people who invested in homes or bought homes before the CGT came in and they rent it to others? If they are sold, they must pay CGT. Why are they not being exempted? Why is it that only shares are being exempted? These are very fundamental questions that need to be addressed.

Mr. Speaker, we see a special Clause in the Bill - Clause 3B. This Clause actually creates a new special law, a new subsection in the Income Tax Act. Section 67(5), you could almost say, Mr. Speaker, that this law was made to order. For some reason, if you are a person who own shares, for example, before 1st May, 2011, and you have sold those shares or transferred them and you owe tax today. Suddenly, Mr. Speaker, the tax will be forgiven. When this Bill is signed in law, your debts are wiped too.

This is, Mr. Speaker, in my view, a very unusual Clause. You owe tax today, but thanks to the law, your debt to FRCS is taken away. What we all want to know, Mr. Speaker, is, who will benefit from this special Clause? Who are the people? Who are the kind of people who are going to benefit from this – people, businesses?

I am asking the Honourable Minister for Economy this question, Mr Speaker, who lobbied you for this change? Who asked you to bring this Bill to Parliament? Of course, lobbying is not a crime. Of course, people will lobby for law changes from time to time. It happens in every country and this is

normal. Mr. Speaker, when they start lobbying for their own selfish reasons to save tax money for themselves, why is Government agreeing to this? These are very important questions.

Mr. Speaker, we know that the Honourable Minister spoke to the Fiji Institute of Accountants last week about this law. We know he tried to get the support for this law change but he did not tell them about this special Clause. I do not know, Mr. Speaker, that this is a very, very special Clause. The only people who will benefit from it are people who already owe tax because they recently sold shares.

Mr. Speaker, the National Federation Party and I know my colleagues from SODELPA, would want to know; who are these very, very special people who will benefit from this? I urge the Honourable Minister, to tell this Parliament as to who are asking for this law?

Mr. Speaker, this is where we are now. A Government cannot look after peoples' health. It cannot look after their jobs.

HON. RO F. TUISAWAU.- Shame!

HON. PROFESSOR B.C. PRASAD.- Very special people ask the Government for very special laws. This Parliament used to give them very special tax benefits. That is how I read this law, Mr. Speaker.

Mr. Speaker, this is made to water legislation – someone wants it, someone has asked for it, so we want to know, who? And we say to the Government, “You can pass this law if you want to, but we will keep asking these questions”, and hopefully, we will find out, Sir.

Mr. Speaker, with those series of questions, we cannot support this Bill. Before I conclude, I want to say this to the Honourable Attorney-General, we know that there are many people and I have seen many tax law changes in the Budgets as Consequential Bills, which have helped special people, and there are many examples. You could write a book about some of those special provisions coming through tax law changes. Not many people are going to benefit but some in the process benefit more than proportionately what they should.

I have always said, Mr. Speaker, that lawmaking is very important because long after we have gone – me, the Honourable Attorney-General and everyone else in this Parliament, laws will still be made and laws will still be changed. When the new government comes, it will change laws but when we are in Parliament and in Government, you make laws which are sustainable, which are not based on self-interest and on lobbying, to benefit certain groups because if you do, then the next government will come and change it, and that is not good for the country. That is not good for the economy.

I want to say this again - that is why on this side of the House, the Opposition has always said, even if it a minor amendment, Mr. Speaker, we ought to take some time, give a little bit more time for people to digest this and to raise questions because in any government, there are groups, lobbyists and there will be friends. But I want to say to the Honourable Minister that these friends will be out of your sight when you are out of government, when you are not in power. Many of those people I know, who are lobbying and want things from the Government and are only your friends because they want special favours and they benefit. Some of those people have no interest in supporting this country.

So, let us remember that as politicians, as people who are in power, that lawmaking must be consultative because if it is consultative, if the Opposition agrees to a law, then the next time when the Opposition comes into government, they will sustain that law because it has been made through a very consultative process in this country.

As I have said, there have been some very good laws brought by this Government and we have supported them. We are not going to come into Government and change those laws because we believe those laws are good for our people. That is why, Mr. Speaker, in Parliament, when we make laws, we must do that, even if it is a minor amendment.

Therefore, Mr. Speaker, with all those reasons, we cannot support this Bill and I would actually urge the Honourable Minister for Economy to withdraw this Bill, even at this point. Let us talk about it a little bit more and see whether this law is going to be sustainable, whether it is going to be good for the country or whether it is appropriate at this point in time when we are dealing with so many deaths, when the virus is out of control and when our focus really should be to look after our people who cannot put food on the table. These are our priority, Mr. Speaker, and that is why we cannot support this Bill. Thank you, Mr. Speaker.

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

HON. F.S. KOYA.- Thank you, Mr. Speaker. I thank you for the opportunity to contribute to the debate on the Income Tax (Amendment) (No. 2) Bill 2021.

Mr. Speaker, Sir, at the outset, we know that exports continue to play an important role for our economic stability and recovery and exports, as we all know contribute to maintaining favourable foreign reserves position and supporting certain sectors, such as manufacturing and agriculture, creating jobs and favoured trade relations, upskilling Fijians in the ever-revolving technology required to operate and maintain machinery and, of course, supporting livelihoods.

The Amendment to the Income Tax Act 2015 is the extension of the Export Income Deduction incentive for an additional three years, so over the next three years, Mr. Speaker, Sir, exporters in the agriculture or fisheries sector will not have 90 percent of export income tax.

Mr. Speaker, Sir, the Amendment Bill simply includes the forestry sector to benefit from the Export Income Deduction incentive. We have just heard earlier on this week from our Honourable Prime Minister, how reforms in our forestry sector have turned Fiji Pine around, Fiji Hardwood Corporation and its limited earnings and its fortunes have been turned around. Real stories like this, Mr. Speaker, have inspired the nation and our resource owners to come forward and take advantage of such incentives and reap the benefits from their assets.

Mr. Speaker, additionally, I wish to add that the Ministry of Commerce, Trade, Tourism and Transport, through its National Export Strategy, has supported about 114 odd exporters who will actually benefit from such incentives, and since the inception our MSMEs in 2007, we have provided about \$15.3 million worth of support.

I would like to thank the Honourable Attorney-General and Minister for Economy for the continued budgetary support for our nationalised exports strategy programme, to enable the Ministry to encourage more and more Fijians to explore new markets beyond our borders. We will, obviously, be advertising the nine-year grants soon and I urge exporters to apply for this particular assistance. We continue to talk to the private sector daily to listen and understand and through these reforms, Mr. Speaker, Sir, we strive to ease the burden.

With those few words, I fully support the Income Tax Act 2015 (Amendment) Bill, and I wish the Opposition would just stop and think for a change as nothing is sinister the way they actually point it out and put it on the table, Sir. It should stop and just be intellectual for a change, thank you very much, Mr. Speaker.

HON. SPEAKER.- I thank the Honourable Minister for his contribution, and I now give the floor to the Honourable Tanya Waqanika, you have the floor.

HON. T. WAQANIKA.- Thank you, Mr. Speaker, Sir. I would just like to comment on the statement made by the Honourable Minister for Agriculture towards Honourable Tabuya. It saddens me because I have known the Honourable Minister well before we became politicians and I have seen him then and I see him now as a liberal-minded person, and I pray, it is hard as it is for women MPs to stand for Elections and then be criticised by members of the public then to come in to Parliament and then to face the same criticisms. If anything, I see the nine Women MPs on both sides of the House, and I am glad that we come in colour, flare, otherwise, the august House, Mr. Speaker, will be boring with all the male suits. Thank you, to all the Women MPs, and keep brightening up this august House to all women MPs on both sides of the House.

Mr. Speaker, Sir, with the Income Tax Amendment, it is a concern as we already have a government deficit of, I believe, an approximate of over \$1 billion then here we are giving away more in terms of tax revenue. I am aware, as a former tax lawyer with FRCS, they have a target. The audit team, the tax collectors, they also have a target, and I am not sure whether now, with the waiver of CGT on the sale of shares, I am sure that is going to affect their target, for our country that had just announced a Government deficit, it seems that we have more, it just does not make sense. Why we are doing this?

It does not make sense, Mr. Speaker, Sir and I agree with the sentiments raised by the Honourable Radrodro and also the Honourable Professor Prasad. The sale of company shares, as we all know, those that are on the shares on the South Pacific Stock Exchange are exempted from CGT. As it is, a stamp duty is exempt and for those of us that do conveyancing, when there is CGT owing on any sale of any asset, they flag it up and the law firms give an undertaking. So, we give an undertaking that once the money hits our trust account, we pay to FRCS so, in any event, FRCS will get the CGT.

It baffles me to see in the Explanatory Notes, how CGT would be owing to 2011, backdating to 2011 because the CGT, if anything, would have already been paid upfront and I agree with what Honourable Professor Prasad said, this is a provision specifically designed for someone or for some people and let us call a spade, a spade. This is designed for those that are in favour of FijiFirst and this is not a good law. A good law is holistic, a good law looks at everybody and it caters for everybody.

It does not make sense and, Mr. Speaker, for Government to say that waiving of CGT on shares, I honestly and truly believe, it does not exist. Common sense tells me that the tax has already been assessed on a State entity or on a company that is looking at selling shares or the directors. So, they are now going to look at bringing in this provision and then get away with the assessments. Remember, Members of Parliament, we are already in government deficit.

We are going to review again the government budget in six months' time and there is no loyalty, the only loyalty people we have, is to themselves. We must never think that those that placed their allegiance to us will change tomorrow. You know, human nature is such, they will go where they will survive. Elections is just around the corner, alright. We have people that have lost jobs, we have people that are starving and then here we are bringing up an amendment to suit a company and we will know, just like Bill No. 17, you have the numbers, FijiFirst. As soon as you passed it, the very next day or a few days after, we saw what happened in Nadi.

We will know which company is going to benefit from this, which of the State entities are going to benefit from this and I have no doubt, just like the people with Bill No. 17, that my colleagues at FIRCS were not consulted because the taxmen will try and get every flesh and pound on tax that is correctly assessed. So, for you civil servants, if there is another government, Parliament will review again the Government budget in six months, you all get paid. The Government relies on revenue from taxes too, to

fund its activities so when you get a pay cut, remember this, remember this Act, remember this provision. Government is giving away more of the income that is legally entitled to the nation which pays your bills, pays all our Members of Parliament and pays for the operations of our nation.

Mr. Speaker, Sir, I do not support this amendment. This is not right because we can see that it is going to support those that are in favour with this Government. Thank you, Mr. Speaker.

HON. SPEAKER.- I thank the Honourable Member for her contribution to the debate. I now give the floor to the Honourable Bulanauca. You have the floor.

HON. M. BULANAUCA.- Thank you, Mr. Speaker, Sir. I oppose the Bill due to the manner of handling the retrospective effect of the Bill for Capital Gains Tax (CGT). While 60 percent to 90 percent income tax deduction is an incentive, it is half-hearted. It should be accompanied with a \$5 million to \$10 million interest free loan through FDB, of course with the necessary criteria for success and proper business purposes and performance to increase production throughout the line to reach export to receive the full maximum benefit of 60 percent to 90 percent deduction on tax.

With the CGT, Mr. Speaker, Sir, a person is no longer required to pay CGT and in any action or suit for such is pending, it will be ceased. However, I question Clause 6, which states that, 'for the avoidance of doubt if a person paid Capital Gains Tax on disposal of shares before 1st May, 2011, the payment is not refundable,' the question of fairness here. Some who have not paid since are now free, but those who have followed the law and will be penalised, for fairness, they should be refunded.

Why the CGT was introduced, the sales of shares in the first place, anyway, why use it for the sale of property as well? It is really driving prices sky high, out of reach of ordinary citizens, but only Chinese or foreign rich people. Unlike what FijiFirst Government is saying in Bill No. 17, that removing iTLTB as Trustee to the landowners' prior written consent, will improve value of land or properties. To some extent, yes, but to other extent no. If anything, it is only a blot on the title. Secondly, it is an incumbent for the lessee's interest and that it only brings liabilities on the leased land and in case of a mortgagee sale, it is normally under market value, as the mortgagee just wants to get this money back to pay the debt.

Increasing value of land is determined by market value and market share, Mr. Speaker, Sir. In return time for mortgage dealing, it is too long in the Lands Department, by all means to take prior consent away from the State on State leases. The iTLTB had improved its services before for the return time to only the same day. If arrears are up to date, tenant is correct and no other legal interest or obligation is outstanding to apply today. If you apply today, you get the consent today. But the iTLTB as Trustee for the landowners need to consent first as that is part and parcel of the ownership, Mr. Speaker, Sir.

The FijiFirst Government keeps on harping about land sales in Denarau and Momi. They have been done in a proper way and it is legal, consultations were made to the landowners and they agreed to it and they did not lose any inch of the land. Only they gained are the valuable land where they shifted to from the hill to a valuable land, from the mangrove to a valuable spot in Denarau and Momi. So, the truth is there, all for the benefits of the landowners and all the businesses arising from those developments.

Now, I will move on to forestry. I will not touch on the production but I will touch on the export, where the 60 percent or the 90 percent is going to apply. In forestry, the performance annual report 2014 to 2017, drops from 80 million to 33 million and imports increased from \$18 million to \$29 million. It is from your annual report.

Mr. Speaker, Sir, it is important that we increase the value adding here in Fiji. While I support the 60 percent and 90 percent incentive, but you need to plough in assistance of \$5 million to \$10 million through FDB to assist the businesses from the forest, milling, clean and drying, timber yards, workshops

and so on to enable to increase the products for export so that they can have maximum benefits of 60 percent to 90 percent. Without that, Mr. Speaker, Sir, I will not support the motion because it is half heartened, it is only the incentive that is on the paper.

On pine industry, Mr. Speaker, Sir, with the chips I am alright with that, there are opportunities to increase quota, so much the better, but in sawn timber, this is where we need further assistance to increase production while maintaining the export volume, but to meet import substitution to reduce import of sawn timber. Value adding, Mr. Speaker, we also need funding assistance, as I have already mentioned in order to increase the production up to export level.

On the establishment of the pine industry, Mr. Speaker, Sir, the Honourable Minister for Economy questioned my participation as a director - yes, I was part of it from the establishment of the pine industry which included the restructure from Fiji Pine Commission to Fiji Pine Limited to Fiji Pine Group; identifying of economically depressed areas, suitable localities for afforestation; landowners consultations were thoroughly made; prior written consent for reserved lands and 30 years, 50 years and 75 years leases were issued; six stations were identified and established; land preparation for nurseries under contracts; planting and maintenance of up to eight years; setting up of harvesting business structure - Fiji Pine Limited, Tropik Woods, Malau Pine Group. I was there during the establishment of all these things in the late 1970s to the early 1980s.

It is important in the plan but due to the difficult economic nature of the industry, the timber industry would initially run at a loss. In fact, accumulated losses over the years of Viti Levu operations, have improved. It was all part of the plan for the pine industry business which would have become profitable when the Bua forests opened up for harvesting from 2007, but the takeover was done in 2006. They reaped the harvesting benefits from there. It was deemed to be profitable by 2009 from \$11 million. Previous governments established them just for the Fiji Government to freely harvest. *Qai mai cereka ga na lovo, kana loto* - yet they still fail to unravel the proper lease share and benefits of the pine and mahogany industry.

Through the share capital structure approved in 1991 and 1992 to ensure previous or transfer of Fiji Pine Limited to resource owners to redeem ownership of the pine industry in Fiji, shares should be as follows:

- Class A – 0.2 percent;
- Class B – 0.2 for Government (\$100,000); and
- Class C – 99.6 percent (\$69 million).

It is the plan for Fiji Pine Trust to hold voting rights and dividend rights. Class B for Government 0.2 percent to have voting rights only but with chairmanship rights. Class C for the establishment as a cost of \$69 million, no voting rights, no dividend rights but it is redeemable by landowners and the chairmanship to remain with the Government.

Fiji Pine Trust is to redeem 50 percent of Class C shares by 2016 or 2025. In other words it should have paid the \$69 million to the Government and Fiji Pine to redeem and hold 99.8 percent by 2025, but now more than \$60 million has been paid to Government.

HON. SPEAKER.- Honourable Member, you have gone over time.

HON. M. BULANAUCA.- I will conclude, Mr. Speaker, Sir.

Now is the time to revert all this to the landowners. Sir, \$69 million has been paid and \$195 million has already been achieved from the Fiji Pine Industry. So it is time to revert now. All the interest

from Fiji Pine Commission to revert to the landowners so as for the mahogany, to revert to the landowners and earn from there.

HON. CDR. S.T. KOROILAVESAU.- Times up!

HON. M. BULANAUCA.- And they share – landowners, Government and the private sector as well. They will benefit from that 60 percent to 90 percent but with the funding that is needed to improve or increase the production of various products right up to export level.

HON. CDR. S.T. KOROILAVESAU.- Times up!

HON. M. BULANAUCA.- It is very important. They need to revert these to the landowners.

HON. CDR. S.T. KOROILAVESAU.- Times up!

HON. M. BULANAUCA.- From next year we will do that; SODELPA will do that. Our Government next year will do that for the landowners; both for the pine industry and the mahogany industry.

HON. SPEAKER.- I thank the Honourable Bulanauca for his contribution to the debate. We have one more speaker and we are running out of time.

Honourable Members, keep to your speaking times and keep to the agenda item – that is what you need to do. I give the floor to the last speaker on this Agenda Item, Honourable Qereqeretabua.

HON. L.S. QEREQERETABUA.- Thank you, Mr. Speaker. I rise to contribute some brief points in response to the Income Tax Act particularly the amendment to Section 25(8) to now include Forestry.

Mr. Speaker, I find it quite incredible that the Honourable Minister for Economy can be so *blasé* about forgetting interval elements of Budget Consequential Bills. His Government side voted for the Budget and all the attended laws to bring in to effect but now we have been forced to go back in time because he forgot. Erskine May would have a field day on the incompetence of what we are talking about right now.

Through you, Mr. Speaker, I would like to urge the Honourable Prime Minister to perhaps have some pity for his Honourable Minister for Economy because, if moments like this are becoming common especially when it comes to money Bills, perhaps the Honourable Prime Minister should really cut back on some of his portfolios.

While I have the floor, Mr. Speaker, I want to quickly respond to the Honourable Prime Minister's responses to my queries on forests over the last couple of days. I will wait for bated breath to hear from the Office of the Auditor-General and also from the World Bank, and what they will have to say in due course on these matters especially in relation to the sudden drone malfunction and replacement by the manufacture as we all heard. On the other issues I raised, unless there is a comprehension challenge somewhere, everything else I said he more or less confirmed.

Now, on the matter of this Climate Change Bill, I am happy to also report to the Honourable Prime Minister's question that NFP did make comments on both drafts of the Bill and that was long ago – it was put out by our Party General Secretary, Ms Seini Nabou and reproduced in the *Fiji Times*.

Mr. Speaker, on the amendment to Section 25, the Bill's explanatory notes state that this amendment is to ensure a 90 percent export income deduction to apply to primary industries like

agriculture, fisheries and forestry industries, for two years. We understand perfectly well that the Minister for Forests claimed 7.6 million trees planted, 5.1 million are pine trees and 1 million mahogany trees and we already knew that the balance of 1.5 million trees are a combination of native trees, fruit trees and other high value commercial trees.

We also understand that for the export of forestry products the Fiji Hardwood Corporation and Fiji Pine (where I understand the CEO of FBC has enough time to be also a board member for) the Honourable Prime Minister wildly claims that corruption and no profits occurred for Fiji Hardwood from 2007 until his team took over.

Mr. Speaker, the Honourable Minister may like to look at the Auditor-Generals Report of 2017 on Fiji Hardwood which said, and I quote:

“... During the year ended 31st December, 2017 the company incurred operational loss of \$4.32 million. As at 31st December, 2017 the total liabilities of the company exceeded total assets resulting in a net liability of \$2.4 million. The company is not generating adequate cash flows to meet all its commitments and obligations as and when they fall due.”

It goes on to say, and I quote:

“... The above conditions indicate a significant uncertainty as to whether the company will be able to continue as ongoing concern and whether it will be able to pay its debts as they become due and payable and realise its assets and extinguishes liabilities and normal course of business and at the amount stated in the financial statements.”

It goes on further to say, and I quote:

“We noted that the company’s operations were financed through loan facility with the Fiji National Provident Fund and Fiji Development Bank. Both of these financing facilities are under stress with repayment arrears and penalty interest been charged on both of these accounts.”

Mr. Speaker, in the 2017 Auditor-General’s Report there are also many other issues raised such as discrepancies in the inventory of the number and movement of logs. Another unresolved loan taken by Fiji Hardwood from Fiji Investment Corporation. The failure to replant mahogany that was harvested in 2017 and 2018, and inability to replant mahogany due to cash flow issues; the inability to supply mahogany as per licence agreements to licensee holders; the lack of board meetings, expiring land leases and the issues go on and on.

With that unilateral decision of one individual to force the change on the iTaukei Land Trust Act or Bill No. 17 in the last Parliamentary Sitting, Mr. Speaker, I am not hopeful for the Government that expired land leases for mahogany are going to be extended rapidly.

However, Mr. Speaker, my closing remarks to this amendment of Section 25(8) of this Income Tax Bill, as a retrospectively-approved Budget Consequential Bill is that, the Government must make sure that this amendment improves governance, revenue leakages and financial management at the root level of the source of forestry products for export, otherwise, this is all in vain.

That said, I do not support this Bill. Thank you, Mr. Speaker.

HON. SPEAKER.- I thank the Honourable Member for her contribution to the debate. 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. Quite a few things have been said from the other side, some worth responding to, others not.

Mr. Speaker, Sir, firstly, I would like to go to my Budget Address. I think Honourable Radrodro claimed that this is not a Consequential Bill, others have done so too. In my Budget Address, Sir, the paragraph under 'export income deduction' and I will read it out and it says:

“Mr. Speaker, Sir, currently the Export Income Deduction Incentive is 60 percent for all export income, which is currently expiring at the end of 2022. This incentive will be extended for an additional three years, and will now expire at the end of December 2024.

For agriculture and fisheries exporters, the export income tax deduction is now increased from 60 percent to 90 percent, which means that 90 percent of the export income will not be taxed and will also continue to be incentivised through this extension as we seek to bring more cash into the economy and grow our primary industries.”

In the primary industries, Mr. Speaker, you cannot have agriculture and just fisheries but not have forestry, and I did say that it was inadvertently left out.

What I do take exception to and, of course, I am quite used to the Opposition personally attacking me for bringing the Delta variant or whatever it is, all sorts of things. Honourable Radrodro who has left, of course, has a racist agenda and today he decided to attack me. But, Mr. Speaker, Sir, I will take exception to him, having a go at very competent staff at the Ministry of Economy. He has questioned their integrity, their intellect and acumen in respect of that.

Mr. Speaker, Sir, this is the comment I received from the staff because I have them on *Viber*. A senior staff said to me, “On nominal GDP, he’s confused with fiscal year and calendar year data. He needs to learn how to read stats.” That is a Ministry of Economy staff telling me. He continued and said, “All nominal GDP numbers are consistent. He is confused with calendar and fiscal year GDP.” That is true, Mr. Speaker, Sir, \$9 billion is calendar year GDP for 2021, fiscal year GDP for 2021-2022 is \$9.8 million. That is what they think of him. That is the level of competency of contribution that we are finding from this particular Member.

Mr. Speaker, Sir, the other point I want to make is that, they have all opposed this particular Bill. They do not realise its practical implication and I will speak on the primary industries first. They are saying they object to it and what that means is, they are objecting to landowners getting more dividend. That is precisely what they are objecting to. I want all landowners who are listening to know that SODELPA and NFP do not want you to get a higher dividend because what it means now is that, with this 90 percent deduction and the inclusion of forestry into the 90 percent category, it means that companies like Tropik Woods and Fiji Pine, that has landowners as shareholders and who will get dividends, will now have more cash to be able to give as dividends. That is the practical implication and SODELPA is opposing landowners to get more dividends. That is precisely what they are doing.

Mr. Speaker, Sir, the reality of the matter is this: Honourable Bulanauca, in his very pathetic attempt to try and cover up his incompetencies when he was there, tried to rebuttal the Honourable Prime Minister, who said the other day that he was pathetic and not worth responding to. The reality of the matter is that, during his time, no landowner got any dividend, there was no cashflow, and that is precisely the issue. He goes on about the shares.

Mr. Speaker, Sir, the other point that I want to make is with regards to what Honourable Radrodro said, “Oh, social welfare recipients now have to get a job.” We never said that! In my Budget Address, I said that Social Welfare recipients do not need to get the job but if they want to get insurance, they will

have to get the job because that is the requirement of the insurance company. You continue to get your Social Welfare payments. Again, misleading Parliament, Mr. Speaker, Sir.

Mr. Speaker, Sir, Honourable Professor Prasad said, “Oh, Richard Naidu said this”... , he read this. I know that he had a meeting with the Institute of Accountants, it is good to have discussions with them, we have discussions with them, and he and Richard Naidu pointed out that Australia did exactly the same thing. The exempted shares that were actually issued prior to CGT came into effect, they have not mentioned the fact that currently in Fiji for a number of years, if you buy and sell shares on the stock market, there is no tax, no CGT. He did not mention that, is that not at the very best intellectual dishonesty? They did not mention that at all, Mr. Speaker, Sir.

Mr. Speaker, Sir, the other fact of the matter is that, there are other companies currently selling. You have Westpac, you have Digicel, you all know about Digicel, there is a lot of talk about that. The problem with NFP and I think to an extent SODELPA probably have been adulterated by NFP thinking is that, they think that under every nook and corner and every stone, there is some conspiracy. We all sit in this room and we go, “Oh, we are going to do this, somebody is favoured”, that is what they think.’ But, Mr. Speaker, Sir, I think that display of thinking is telling us what they will do if they were ever in Government, what they will do in practice, if they were in Government, that is their thinking, Mr. Speaker, Sir.

Mr. Speaker, Sir, the reality of the matter is, Honourable Professor Prasad went on to say ‘Oh, no, what about those poor people who sold their home, they still have to pay CGT’, he did not read the Act. The Act, at the beginning says, capital gains tax applies to assets you sell or dispose except for assets such as your home and your car ...

HON. PROFESSOR B.C. PRASAD.- I accepted that but

HON. A. SAYED-KHAIYUM.- ... assets you acquired before CGT started on 27 September, 1985. In his lack of sophistication, he forgets to point out that in the ability to measure a capital gain on physical assets is not easier, and I have explained this previously.

You buy a building today for half a million dollars, you may do some renovations to it, say another half a million dollars, one million dollars, you are going to sell it for \$5 million so you have the evidence of purchase price of half a million dollars, you have the evidence of how much upgrades you did. If there is a dispute as to the quantum of the upgrade you did, there is a third party way of resolving that in the law. Once that is established, and you are selling it for \$5 million, that means your capital gain is 5 minus 1 (5-1), which is \$4 million, and you pay 10 percent on that, that is the capital gain, Mr. Speaker, Sir.

So for shares, it is very difficult to do so, and this is why, in particular in Fiji, apart from some of the companies, a lot of the companies in Fiji are individually held, a lot of the companies are not publicly listed, you have family companies, you have individual companies, some persons who may have owned a shop in some cane farm, he then passes on to his son, his son to his son, the initial capital input of the share value could have been \$100, issued capital of \$100, and today, eventually if the person then sells it on for half a million dollars, you will say the capital gain is \$100 less half a million dollars, of course, not. What is the methodology of measuring that? This is the lack of sophistication of the argument, and what we are trying to do as part of this, as announced in the Budget that we are trying to streamline our tax processes, this gives confidence to people. They also do not tell us.

Honourable Waqanika was going on about her days in the FRCS, I am glad she is no longer there anymore. The fact of the matter, Mr. Speaker, Sir, is that, if you have a dispute, then there have to be methodologies regarding that. We are trying to streamline the process, give confidence, it is a time of shifting business processes, shifting of buying extra, we are trying to streamline the process, what they

want to say is about some persons, some individuals. Westpac, as you know, is going to be sold soon, so Westpac is there, Digicel is there, other people are selling shares. It is not some person who has contributed funds to Fiji First, please, do not watch too many conspiratorial movies, et cetera.

Mr. Speaker, Sir, the other point that I also want to make is the Honourable Qereqeretabua went on about Fiji Hardwood Corporation Limited (FHCL). The Chief Executive Officer of FHCL used to be George Speight and we had said on the floor of this House that up until 2007, it did not make any profit, notwithstanding the fact that it had the largest planted mahogany forest in the world. Fijian mahogany timber, again, lack of sophistication nor nuanced thinking, Fijian mahogany was being sold as sawn timber to a company called Mega Maderas. Honourable Bulanauca, you should know this, sold to Mega Maderas in Guatemala and guess what, Mr. Speaker, Sir, Fijian mahogany that came from planted forest, was being mixed with illegally obtained forests from South America and Central America, illegal forestry and our timber was being sucked up in that, no distinction, no branding ...

HON. S.R. RASOVA.- No money!

HON. A. SAYED-KHAIYUM.- Very little money and we had people, business people, one of them is actually sitting in New Zealand, was supposed to be a candidate of NFP, that is why he is so fervently against us. I hope he is listening.

This is the moment, the Mahogany Industry Act came into being, this joker went against the government. Why? It is because he was exactly the same person, he would go to forests up in Tailevu, get hold of a chief or somebody who was well known, pay him money, cash to him on the side, pay may be \$100,000 cash and take out half-a-million worth of timber. That is what was happening in the mahogany industry. No licencing, they knew about it. He was probably a beneficiary of it. Maybe he is already on *Viber* with Feroz Gulam Mohammed. That is the issue. Oh, you said yes. He said yes.

Mr. Speaker, Sir, so these were the shenanigans that were going on and this was the person who was going to be a NFP candidate because of his residency requirement, he was not able to be a candidate but today otherwise he would have been a candidate for NFP. So, Honourable Qereqeretabua has no idea. She has picked up some OAG reports, of course there is a debt issue but she does not tell this Parliament the debt stock of FHCL used to be \$23 million to \$24 million. What is the debt stock today? Those monies were borrowed from FNPF and FDB long ago, before 2007.

So, Mr. Speaker, Sir, they come to this Parliament with half-baked ideas, ill-conceived ideas, bringing Bill No. 17. Honourable Waqanika going on about Bill No. 17. What happened in Nadi? Nothing happened in Nadi. I will tell you who will give you an independent view of what is happening with Bill No. 17. Go to the *Facebook* page of the former President of NFP, Tupou Draunidalo, she will give you a clear view of what is happening. She will tell you exactly because she is a large landowner herself and she will tell you exactly what is happening with Bill No. 17 and she actually endorses it because it actually improves the processes and makes *iTaukei* land a lot more valuable without denying their rights, the inalienable rights of the *iTaukei* landowners.

Honourable Bulanauca, shame on you for justifying Momi and Denarau. Shame on you! Shame on him, Mr. Speaker, Sir ...

HON. S.R. RASOVA.- Irrelevant!

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, I would urge all Members of Parliament to, please, support this Bill. There is nothing untoward about it. One of the things that I want to point out is that, yes, I have a senior moment, Honourable Tabuya. That is what is called wisdom.

Mr. Speaker, Sir, the last point I want to make is that, if we go to the *Daily Hansard* reports, you may have actually remember this, Sir, in the previous Governments, even when they presented the Budget Estimates, the Minister for Finance then would stand up and say, “Activity number two, line number three or Standard Expenditure Group (SEG) seven, there has been an incorrect figure. I want to amend that.” I have seen that in the *Daily Hansard* so many times. So many times they have made mistakes in the Estimates itself, in the figures itself and they had to correct it. No one called for anyone’s resignation!

We have come with our hands clean, saying it was inadvertently missed out. I mentioned on the Budget day announcement, we have a lot of people in the Ministry of Economy who were COVID-19 positives. A lot of those people struggled and worked in the late hours from their homes, gave up family time, and they presented a wonderful budget which we have and they had no response to the budget, and the public has welcomed this Budget. And here they are denigrating these hardworking civil servants and that is what really irks me today. I do not care about personal attacks, it does not bother me. I have got a very thick skin. But these civil servants, these young, high flying civil servants who worked really hard, Mr. Speaker, Sir, to present this Budget and here, because of these two oversights, they are condemning them.

Mr. Speaker, Sir, I would urge Honourable Members of Parliament to vote for this particular amendment. Thank you.

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

Question put.

Motion agreed to.

[Income Tax (Amendment) (No. 2) Bill 2021, (Bill No. 30 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 suspend proceedings for lunch.

The Parliament adjourned 1.02 p.m.

The Parliament resumed at 2.42 p.m.

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

TRADEMARKS BILL 2020

HON. A. SAYED-KHAIYUM.- Mr. Speaker, pursuant to the resolutions of Parliament on Friday, 11th December 2020 and Monday, 16th August, 2021, I move:

That the Trademarks 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, I remind that pursuant to the resolutions of Parliament, the debate will be limited to an hour. I now call upon the Honourable Attorney-General to speak on his motion. You have the floor.

HON. A. SAYED-KHAIYUM.- Mr. Speaker, our existing Intellectual Property (IP) Acts are based on legislations that were enforced in the United Kingdom in the late 19th Century and early 1900s. To this day, they continue to be a relic of the Colonial era, very much part of our laws. They are outdated, they are not consistent with a number of WTO and WIPO Treaties that Fiji is a party to, such as the agreement on Trade Related Aspects of Intellectual Property Rights known as the TRIPS Agreement.

Mr. Speaker, Sir, before I speak specifically on the Trademarks Bill 2020, I would like to clarify that the Bill is benchmarked to best practice standards for trademarks law and international legal requirements. Sir, as such, it does not cover traditional knowledge. Traditional knowledge and traditional cultural expressions are a specific and often esoteric area of intellectual property law. They are not traditionally absorbed into the standard trademark law or practice, but have a separate regime altogether. The Traditional Knowledge and Traditional Cultural Expressions Bill, which the Ministry of iTaukei Affairs is currently working on with the Office of the Solicitor-General, and we hope to introduce that Bill in Parliament in the very near future.

Mr. Speaker, Sir, I am clarifying this at the outset because we have seen that Honourable Members on the other side only tend to focus on that rather than the actual Bill itself and, of course, earn political points. However, I urge all Honourable Members to stick to the Bill and the matters that the Bill actually covers. It is a very comprehensive piece of legislation that comprises 173 Clauses. It is imperative that we take this time to zero in on the Bill itself, and not try to force a different agenda.

At the moment the Trademarks Act 1933 and Merchandise Marks Act 1933, including the subsidiary legislation, govern the registration and use of trademarks in Fiji. The objectives of the Trademarks Bill 2020 are to:

- (1) define the scope or rights protected by registered trademarks;
- (2) specify the procedures for registering trademarks in Fiji;
- (3) deter counterfeit activity in relation to registered trademarks in Fiji;
- (4) ensure that Fiji's Trademark regime takes account of international developments, particularly in relation to the Paris Convention and the Madrid System; and
- (5) repeal the Trademarks Act and Merchandise Marks Act.

Mr. Speaker, Sir, I could go into a lot more detail but I suspect there are a few comments to be made by Honourable Members who are speaking, and I also note that the Committee has taken a much

longer time than was originally anticipated, therefore, these have been thoroughly elucidated in both their Report and their ability to be able to get feedback from members of the public. Of course, I would like to thank them for their work and also acknowledge the fact that they had to do so during some fairly constrained circumstances.

So, with those introductory remarks, Mr. Speaker, Sir, I will end there and I will respond to any queries that may arise. Thank you.

HON. SPEAKER.- Thank you, Honourable Members, the floor is now open for debate on the motion. I give the floor to the Honourable Minister for Agriculture, Waterways and Environment.

HON. DR. M. REDDY.- Mr. Speaker, Sir, I rise in support of the Bill and when I look at the Bill, it will benefit both, the businesses and also the consumers and clients.

The goal of the Trademarks Bill 2020 is to prevent businesses from losing revenue and sales due to trademark confusion, or having to compete with a business whose brand is virtually identical to one's own. This law is in place to protect the consumers from being mixed up, as well as allow businesses to really identify and create an identity for their product. For clients, it is easier to identify a business and the goods and services supplied when the firm has trademark protection.

With Fijians now increasingly in use of online platform, Mr. Speaker, Sir, it is very important that we are able to give them a clear identity in respect to the using of their trademarks. Customers will be able to easily recognise companies and their production services when they see or hear a trademark. So it is quite timely, Mr. Speaker, Sir, given that probably COVID-19 is pushing us a little more towards the utilisation of online platforms.

It is important that we use this Bill once it is enacted, to give that level of boost and confidence to Fiji consumers about what that particular product really is. Because trademarks apply to several components, such as package, design, word, device, names, symbol, slogan or any combination, as long as they distinguish and identify one product from another, one can be granted the trademark protection for their intellectual property.

Mr. Speaker, Sir, the Bill proposes to undertake Fiji's trademark laws and abolishes outdated legislation. As I had alluded to in the last Sitting, legislations are not static, they are dynamic. We always, at a particular point in time, make legislation on what we see as the situation on the ground and at times, we try to see what future market dynamics would be and we enact a particular legislation. But then, Sir, you know very well how things change in the market and, therefore, legislations need to be revisited every now and then, and we need to change legislation, and I said that sometimes back.

Legislations should not be looked at emotionally but to be looked at how it should be at a particular point in time, in contemporary Fiji or contemporary global market. The same applies to this legislation, Mr. Speaker, that we need to revisit this legislation. The last time when the Laws of Fiji were compiled, one of the reasons of adopting the new method where you insert legislation was because legislations are dynamic and will be changed. You do not want to bind it and then you come up with a revised legislation and then you have to bind it again, so in this new format enables you to just insert it.

Mr. Speaker, Sir, the Bill helps Fiji fulfil international as well as national development goals, and it will build confidence amongst investors to do business in Fiji, which is a sustainable part of this sustainable development strategy, as well as preventing harm to the business sector from counterfeiting operations, Mr. Speaker, Sir.

The introduction of the Bill can be seen as an effort to bolster economic growth. It is part of the overall strategy to continue to leverage and develop the operations of Fiji's business sector, Mr. Speaker, Sir, taking into account the important role of the consumers and what they are looking at and how they want to be sure that what they are buying is really authentic and not a counterfeit product.

Mr. Speaker, Sir, I totally support the Bill.

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

HON. N. NAWAIKULA.- Thank you, Mr. Speaker, Sir. This motion is in relation to the Trademarks Bill. My contribution here, Mr. Speaker, Sir, is that, I will cover all the three Bills that will be tabled, that is, the Patents, Design and Trademark. I know Copyright is not included because this scheme of statutes or laws relate to what we call intellectual property, so my contribution will cover all three, especially the need for the protection and regulation of intellectual property.

Trademark, of course, refers to marks that you use for trade, Patents refer to letters patent which you register when you discover something and Design in relation to design. This side of the House agrees that the laws that existed have been ancient and there is a need for this country to update its laws. We agree and confirm, of course, that we are part of the World International Property Organisation (WIPO) Treaty which we are obligated to, as well as the TRIPS Agreement. Our conformity by passing these laws will entitle us to some benefits from the powers that be in relation to protecting our heritage and all those. Having said that, of course, I will, as noted by the Honourable Attorney-General, speak primarily on the need, consistent with this, to also table, at the same time, laws relating to traditional knowledge and cultural expressions.

Mr. Speaker, I attended Geneva in 2015 at the WIPO Head Office and Traditional Knowledge and Cultural Expression was treated with the same importance and format as Patents, Design and Trademark - things that relate to intellectual property, but there is a seriousness in relation to traditional knowledge and cultural expression because of its exploitation by nearly all countries for many, many years. And some of these countries, of course, are using these very laws, laws relating to copyrights, laws relating to patents, laws relating to design, laws relating to trademarks, to exploit traditional knowledge for their own commercial benefit and cultural expressions.

Let me just illustrate that, Mr. Speaker. You will know, Fiji Airways, two or three years back, applied to register the trademark of the *masi* motif that is on the plane, so as we speak now, that no longer is owned by the *iTaukei* or the *vanua* but it is owned by Fiji Airways. Another example, Mr. Speaker, is that, if you go to the headquarters of the Reserve Bank of Fiji, you will see a very good design there of the boat mast of a Fijian canoe and it is being used by it. Indigenous people are proud to share this traditional knowledge and cultural expressions with others but all they need and ask is respect and compensation and, of course, you need to consult them and obtain their consent.

There are many, many stories, Mr. Speaker, of artists taking on traditional songs, traditional *meke*, yes, for their own purpose. They use it and cut out their own music and they sell that for millions and millions, and this has been happening for years and years now. The question that I want to ask the other side, especially the Honourable Prime Minister who is the Minister for iTaukei Affairs is that, why has he been sleeping on the job in relation to the need for a legislation to protect traditional knowledge and cultural expressions because in terms of urgency, in terms of need, in terms of priority, this legislation, this Bill should have come together? I am saying that the Honourable Prime Minister has been sleeping. What has his Permanent Secretary been doing? What has his staff been doing?

I was disappointed, even when I went to Geneva, there was no one from the Ministry of Fijian Affairs there.

HON. A. SAYED-KHAIYUM.- iTaukei Affairs, get it right.

HON. SPEAKER.- Order!

HON. N. NAWAIKULA.- Fijian Affairs.

HON. A. SAYED-KHAIYUM.- iTaukei Affairs.

HON. N. NAWAIKULA.- Mr. Speaker, so if the Honourable Prime Minister can tell this House and I hope he will have an opportunity, why have we still not seen the legislation as yet? Maybe, he does not believe in that.

HON. SPEAKER.- Order!

HON. S.R. RASOVA.- Tell him!

HON. N. NAWAIKULA.- Because that is an urgency for *iTaukei*. Well, if he is *iTaukei*, he should feel the same sense of urgency as I am.

The point that I am saying is that, these legislations should be here at the same time, otherwise people will use this to further exploit it and a good example is the *masi* motif that is now being used by Fiji Airways. Now, in Geneva, we were told of how legislation had been done to address that and it is very simple. All that the Honourable Prime Minister would need to do is that, give this protection so that the *vanua* can be acknowledged and the *vanua* can also be compensated by some form of royalty. All that they will need is their consent and I hope, given that the Honourable Attorney-General has stated that it will come soon, I hope soon will be very soon and I hope they do not do a Bill No. 17 kind of job, where they passed the law first and then do the consultation later.

The Government is obliged, Honourable Prime Minister is obliged to conduct this consultation, obtain their prior and informed consent and bring that legislation here. Priority is equal to this. We should not give preference to this and no preference to the traditional knowledge and cultural expressions. So, I am hoping, Mr. Speaker, that the Honourable Minister will have this opportunity may be to tell us why the delay, whether it will come, if it comes, and what is the cause of all these delays? Why is he sitting on the job in relation to the traditional knowledge and the cultural expression? Thank you.

HON. SPEAKER.- I thank the Honourable Member. I now give the floor to the Honourable Minister for Local Government, Housing and Community Development. You have the floor.

HON. P.D. KUMAR.- Thank you, Mr. Speaker, Sir. I rise to contribute to the Trademarks Bill 2020. It is imperative to have intellectual property laws at the national level to ensure that it protects the exclusive control of intangible assets from theft. The purpose of this law is to give an incentive for developers of creative works that benefit the economy. Thereby, ensuring that the inventors are able to profit from their creativity without any fear of misappropriation by others.

Mr. Speaker, Sir, trade and counterfeit goods is a serious issue worldwide and Fiji is no exception. Counterfeiting and piracy affects huge range of consumer goods, ranging from apparel, footwear to medicines and industrial machines. It involves unscrupulous companies and marketing tactics.

Mr. Speaker, Sir, the Trademarks Act 1933 is long overdue for a review and replacement. The

legislation allows for the registration of trademarks covering goods only. What we need is a modern legislation that can consider the changing needs and demands of the changing global markets. It is important to note the trade marketing products and services protects businesses and consumers from counterfeit products. Counterfeit goods have caused huge losses to brand owners. In addition to direct monetary losses and trademark piracy, counterfeiting leads to harm to reputation and goodwill, and often counterfeit goods can be detrimental, for example, the fake medications that are available in other places or in other parts of the world.

Trademarks make it easier for consumers to quickly identify the sources of a given product. The Trademarks Bill furthers this by regulating the proper use of trademarks. Mr. Speaker, Sir, by enabling consumers to make their choice between the various goods available in the market, trademarks encourage their owners to maintain and improve the quality of products sold under the trademark. In a market that offers a choice, consumers who are disappointed, will not buy the same product again. One who is satisfied will turn to rely on the trademark for his or her future purchase decisions. Thus, trademarks reward the manufacturer who constantly produces high quality goods and as a result, they stimulate economic progress. Trademarks provide confidence, as I have said earlier on. Otherwise, competitors could use identical brand names and signs for same or similar goods to confuse consumers, divert businesses or damage the brand image.

Mr. Speaker, Sir, the Trademarks Bill 2020 comes with fundamental reforms needed to ensure that our legislations serve the interest of traders and consumers. The Bill adopts the Nice Classification system allowing for services to be registered for trademarks. This will allow individual organisations that intend to acquire the right to exclusive use of a trademark for the services they provide. They will be able to file an application for service marked registration with the appropriate regulatory authority. This provision shows the most significant difference between commodity marks and service marks. In practice, insurance, banking, tourism, education, hospitals, advertising, transportation and telecommunications are considered service industries. It is believed that both, commodity marks and service marks, will be subject to the same protection by the virtue of the Bill.

Mr. Speaker, Sir, in conclusion, the Trademarks Bill is a game changer for Fiji. The Bill promotes consumer protection and also protects the rights of the trademark owner. I support the Trademarks Bill 2020. Thank you.

HON. SPEAKER.- I thank the Honourable Minister for her contribution to the debate. I now give the floor to the Honourable Qionibaravi.

HON. ADI L. QIONIBARAVI.- Thank you, Sir, for the opportunity to speak on this Bill. As mentioned by the Whip, Sir, I will be speaking on all the three Bills that have been tabled before the House this week and, in particular, raise issues on matters of importance to the indigenous people, the first people of this nation regarding their rights and aspirations and the protection of their traditional knowledge that is related to intellectual property.

On that matter, Sir, if I may just give some examples of *iTaukei* traditional designs as in the *masi* motif, mat design or *somo*, the use of the design called the “*vakadivilivil*”, or some other names in other places in Fiji who make beautiful *somo* out of design as in Gau.

The matter regarding the ownership of Fijian designs is very important. We note in the Designs Bill, there is a definition of articles and it refers to the fact that the registration of this design will be by the owner or the inventor of the design. In the matters regarding traditional knowledge and intellectual property, Mr. Speaker, Sir, the ownership of these matters are looked at as being owned collectively by the *iTaukei* people or the first people of the nation, given that *iTaukei* migrate from one area to the other or there are cross-marriages from one province to another and from the low cost to the highlands, et

cetera. So when these movements happen, part of their traditional knowledge that is acquired from one area moves to another area, so we cannot really determine who the owner of the design is.

In the discussions at the Bose Levu Vakaturaga (BLV), I can sincerely say that the chiefs were of the consensus view that matters regarding all these should be owned collectively by the *iTaukei* people. When funds are paid for these designs or for the commercial use of these designs, money should be paid into the Central Fijian Treasury before a formula is developed to share part of the money received to people who have legitimate claim to the development of lease designs. That was the general discussion in the BLV that this traditional knowledge and design (intellectual property) should be owned collectively by the *iTaukei* because it is very difficult to say that a particular design emanated from this particular island or from that particular *vanua*, given the regular migration of the *iTaukei* people initially, and of course, the cross marriages.

It is also regrettable, Sir, that the BLV was totally removed from the laws of Fiji in 2012, whereas the chiefs are seen to be the stewards and the custodian of Fijian traditional knowledge and everything Fijian, including the protocols on traditional ceremonies, et cetera. So there is this vacuum, it is sad that there is in existence a vacuum as to who really is the owner of all these important matters to the Fijian people.

We still have the Fijian Affairs Board or the *iTaukei* Affairs Board and under section 4(1), the Board as an entity may make recommendations to the Minister for Fijian Affairs on important matters regarding Fijian interests. This matter may have not been carried out, Sir. If the Fijian administration was advised on these Bills in association with the Traditional Knowledge Bill which has been around for sometimes. I can say that the draft Traditional Knowledge Bill has been with Fijian Affairs since the early 2000 and is unfortunate that it has not been fully reviewed and taken out for consultation, Mr. Speaker, Sir.

Sir, what I am simply saying is that these three Bills should have been considered together with the traditional knowledge of indigenous people so that they are harmonised, because if owners of these motifs, et cetera, claim outright ownership how do other Fijians who have had some input in the development of the design that has been submitted to the intellectual property office, have a say or claim that they have evidence of having provided some knowledge into the final design that will be submitted to the Intellectual Cultural Property Officer.

It is sad that these three Bills are being tabled now and I note at page 17 of the Committees Report, that one of the major objectives is to ensure the development of the business sector – the ease of doing business in Fiji, Mr. Speaker, Sir. I would like to ask why is it that Government is so obsessed in ensuring the development of the business sector, ensuring the ease of doing business. Why is it not possible for them to just consider the rights of indigenous people? The rights of the first people of the nation. They need to be consulted on matters regarding their interest and their aspirations, Mr. Speaker, Sir.

I am looking at my contribution, Mr. Speaker, Sir, from the angle that the Traditional Knowledge Indigenous Rights Intellectual Bill that is currently at the Attorney-General's Office should have been submitted together or they should have been looked at together so that they are harmonised and the rights and aspiration of the Fijian people are not looked at in isolation. So, whilst there is a view that we should support the motion, Mr. Speaker, Sir, I would like to say that when we are on that side of the House in 2022, we are going to review all the legislations regarding indigenous interests and rights, that have been passed without free and prior consent and without consultation, Mr. Speaker, Sir.

It is important that the rights of the first people of the nation are known and that Government should lend their ears - they should consult with the owners, custodians of the rights and aspiration of the indigenous people, Mr. Speaker, Sir. I will end on that note. I support the Bill because I know that we

cannot win any motion before the House. It has to go through but I would like to state the reservation I have stated this afternoon and that is my contribution to this Bill.

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

HON. F.S. KOYA.- Thank you, Mr. Speaker, Sir. I wish to thank the Standing Committee on Justice, Law and Human Right for reviewing the Trademarks Bill, 2020.

Mr. Speaker, Sir, this is not just for this House but every single Fijian citizen. We see many goods and services in the domestic and global markets that are traded daily. We are exposed to hundreds of trademarks in our everyday lives. Most of the buying decisions of consumers are based on the reputation of trademark brands and due to globalisation, Mr. Speaker, Sir, and liberalisation of international trade and advancement of the digital technology, the need of trademarks are actually growing globally, and the need to protect a particular brand is very important.

A trademark, as an intellectual property, is a critical element in today's competitive marketplace and digital market space. Business enterprises are using trademarks as a legally protected valuable and important marketing tool but differentiation of their products. Mr. Speaker, Sir, it is important to note that trademarking products and services can also protect businesses and consumers from counterfeit products as mentioned earlier by Honourable Minister for Local Government, Housing and Community Development.

Now, counterfeit goods cause billions of dollars of losses each year to brand owners. Mr. Speaker, Sir, a recognised trademark can be the most valuable intangible asset of a company that help generate earnings and today, trademarks are not only used by business sector, it is also preferred and considered by nations and institutions to build good image and reputation. Some trademarks such as the Olympic logo and the FIFA World Cup logo are used by nations and organisations as global, cultural icons which are beyond the business branding.

Mr. Speaker, Sir, often, the more successful a brand, product or service becomes, the more it is targeted by counterfeiters. In addition to direct monetary losses, trademark piracy and counterfeiting can lead to harm to reputation and goodwill. In this globalised market economy, branding is a fundamental component and a signification feature of our day to day life. There are large amounts of investments that are made by business enterprises for the advertisement of their products and services and building a brand name in the marketplace. These activities, Mr. Speaker, Sir, influence consumer buying behaviour for choosing a branded product or services which determine the profitability of businesses, eventually branding shapes the competitiveness of the business organisations and have important implications for economic welfare.

Mr. Speaker, Sir, in addition to providing the protection to businesses, the Trademarks Bill is actually in line with the Paris Convention for the Protection of Intellectual Property. The Paris Convention together with the Trademark law will allow for a business to register a trademark in Fiji and it will be registered in the 119 countries that are actually party to the Convention. In the current economic context, the possibility of providing easy, low cost protection for marks provides a welcome advantage for companies and most importantly, Sir, this covers everything that the last speaker has just spoken on - it is for companies and individuals.

This Bill, Mr. Speaker, Sir, will be beneficial for Fijian businesses who are creating a niche for themselves but do not have thousands of dollars to protect their brand in international markets so the Fijian Government has a strong focus on nurturing our growing Micro, Small, Medium Enterprises (MSMEs) and, therefore, this Bill will provide the much-needed protection for our MSMEs. It will allow

them to reach out and establish trademarks and brand recognition without having to worry about exorbitant costs.

Mr. Speaker, Sir, just finally, this FijiFirst Government looks after all citizens not just one portion of the population so anything and everything we do is done because it is actually looking after our citizens; all Fijians - equal citizenry, Sir. I wholeheartedly support Bill No. 45 that establishes the legislative requirements for registration of trademarks in Fiji. I thank you, Mr. Speaker, Sir.

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

HON. LT. COL. P. TIKODUADUA.- Thank you, Mr. Speaker, I would just like to make a very short contribution to the Bill that is before the House. Before I do that, I would like to acknowledge the assistance of the World Intellectual Property Organisation (WIPO) and Intellectual Property Office New Zealand in helping to design or draft the intellectual property legislations or Bills that are before the House. I want to acknowledge that because I believe they have had a very big input into the draft Bill that is before the House today, so I just wanted to start by saying that.

I would also like to say, particularly for the Trademarks Bill, Mr. Speaker, that if this Bill is going to be passed today, it will introduce some rather radical new trademark laws. It also provides for regulations to be made implementing the Madrid System in Fiji to cover a range of procedural matters and I am going to talk about the regulations later on.

But at this point, Mr. Speaker, I just want to cast our minds a few months back when the Standing Committee on Foreign Affairs and Defence that I am a member of, had made certain recommendations to Parliament with regards to the Madrid Agreement, concerning the International Registration of Marks 1981 or always referred to as the Madrid Agreement, and secondly, the protocol relating to the Madrid Agreement or the Madrid Protocol; together, the first document and the Madrid Protocol combined are known as the Madrid System as we all know. The third part of our report was the Paris Convention for the Protection of Industrial Property that has just been alluded to earlier by the Honourable Minister for Commerce, Trade, Tourism and Transport.

Now, Mr. Speaker, I wanted to cast our minds back to that report because there was some controversy in Parliament over the recommendations of the Committee and we had very good reasons to make those recommendations to the House, particularly now that the trademark laws and these other intellectual property aspects and their Bills are now before the House. I will read out to you again, Mr. Speaker, the recommendation of the Committee and why it is important. In light of this word “consultations” which has always been elusive and has been the cause of a lot of debate in the House.

The Committee, and I read this is from the recommendation of the Standing Committee of Foreign Affairs and Defence under Parliamentary Paper No. 66 of 2020. Recommendation number one that Fiji accedes to the Convention and adopt without reservation after passing the following Bills in Parliament, the:

- (1) Trademarks Bill 2020;
- (2) Patents Bill 2020; and
- (3) Designs Bill 2020.

We also then added that WIPO, which certifies the Fiji Intellectual Property Office, is compliant to implement the requirements of the Madrid System and I will talk about that later, Mr. Speaker, why the last recommendation that I made is so important – in the effective implementation of this Trademarks Bill which will now soon become the Trademark Act.

Also, part of our recommendation was that the government strengthens the resources to the Fiji Performing Rights Association (FIPRA) to protect copyright and pass the traditional knowledge and traditional culture laws. Those were the recommendations that we made as part of our recommendations when we recommended to Parliament to adopt, as I have read earlier, the Madrid System.

Mr. Speaker, whilst referring to the recommendation of the Standing Committee on Foreign Affairs and Defence, I want to go also into some aspects of our report, in particular, I wanted to refer to the International Property Office of New Zealand (IPONZ), their contribution and experience in the drafting of this Bill, and also in our preparation to accede to the Convention made earlier because the Office of the Solicitor-General for FIPO, has been the leading agency to deal with the new trademark laws, had referred to the experiences of IPONZ when they were drafting these Bills. So, I want to go into that, Mr. Speaker, Sir. I want to say that the process of consultation was a very important aspect of New Zealand passing its trademark laws, particularly when it acceded to the Convention and depositing it in Geneva, in terms of the Madrid System.

New Zealand had trademark regulations updated in 2003. The IPONZ has 100 percent electronic filing and the *Madrid Protocol* was one part of the New Zealand trademark law reform. I also would like to add that in terms of the process of the *Madrid Protocol* and the consultations, because this did not happen in Fiji, even though the Government is talking about the time that was given for the Trademark Bill to be drafted and the consultations done by the Office of the Solicitor-General and then later by the Standing Committee, New Zealand took six years to accede to the *Madrid Protocol*, the *Nice Agreement* and ratifying the Singapore Treaty, and they had to amend also their Trademark (Amendment) Act in 2011, before depositing the *Madrid Protocol* on 10th December, 2012 to get it enforced in New Zealand.

Why is this important? It is important that I say this because we in Fiji, and I know WIPO, tried to emulate New Zealand. When it adopted, the *Madrid Protocol* and drafted the Trademark Bill, it tried to learn from it as much as possible, but the way in which we really differed a lot, was how we consulted the stakeholders in this regard. I know for sure, Mr. Speaker, Sir, that despite the consultations at the time, there were very important aspects also. All these Trademarks Bills, have not been considered by the Committee that are still hanging out there, and I am going to cover that as the end part of my presentation today.

So, I would like to say, why consultation is important, because this new trademark law inverse on aspects of Intellectual Property is going to affect Fiji from now going into the future. Yes, we need to review our trademark law. It is now being tabled because the old ones are old, that does not mean that the old ones are necessarily not good. No, there are some very good aspects of the old trademark laws, but we have adopted new one and that is where the world is going.

In as much as possible, I say that consultations should have been done extensively more, given more time to talk and speak to the stakeholders here that deal with trademarks in Fiji, particularly the legal entities that deal with it, because not everyone files trademark. I know now we had the opportunity under this law to go and file our trademarks ourselves, but there are others who are experts in these things, who had been doing it for very long, if there was enough time to be consulted, I am sure some other pertinent issues would have been raised and our current Trademark Bill put to Parliament right now would have been much better and more responsive to the needs of our community and to the rest of the world.

Mr. Speaker, Sir, I am not sure how many Members of Parliament understand that when we acceded to the Madrid System and then we now have the Trademark law, most of the rest of the world do not need to come to Fiji to lodge their trademarks application, they go straight to WIPO, they send it to WIPO in Geneva, which means that we have the second tier assessment of the application after it goes to WIPO. So, the Fiji Intellectual Property Office by virtue of this new law and by virtue of acceding to the Madrid System needs to have that capacity and I am going to talk about that later, because I told you

earlier that New Zealand has 100 percent search and filing; we do not. Ours is very much manual, they have to actually go through the cards and the registers to check whether someone has registered a mark. In New Zealand, it is quite different. I am saying this and it goes back to my point that consulting is very important for us.

Mr. Speaker, I want to at this point, deal with perhaps the most important aspect of this Trademark Bill and these other aspects of Intellectual Property. That is the capacity of the Fiji Intellectual Property Office....

HON. SPEAKER.- Honourable Member, you do not have all day, this is a one-hour debate. You have already spoken for over 10 minutes. You have the floor, wind up.

HON. LT. COL. P. TIKODUADUA.- My apologies, Mr. Speaker. I will just cover two aspects before I finish. I just want to say that for this to work properly, the Government needs to invest in the Fiji Intellectual Property Office so that it becomes as close as the capacity of New Zealand so that it safeguards our law.

One of the major areas of concern here, Mr. Speaker, because the systems here are so manual, the Madrid System needs to build on the digital capacity of that office because if someone lodges a trademark application with WIPO and then it is scanned to Fiji, we have 18 months only to respond, if we do not, then those trademarks in relation to Fiji are going to be passed without our knowledge, if we do not have the capacity to have a look at it. That is why we need to build those capacities that are very important now. That is the first aspect.

Lastly, I would just like to refer to section 170 of the Bill and in remark I will say, Mr. Speaker, most of the important provisions regarding the application of the Madrid System and the rules and procedures through the TMO are to be made in regulations. Regulations are often published in Fiji without consultation or prior notice, despite Section 50(2) of the 2013 Constitution saying that, and I quote:

“A person making any regulations or issuing any instrument having the force of law must, so far as practicable, provide reasonable opportunity for public participation in the development and review of the law before it is made”.

We recommend here that section 170 specifically require a reasonable opportunity for public participation before they are made to allow interested parties to be heard on this matter. I am just saying, Mr. Speaker, Sir, I am imploring upon the Government, before they make regulations on what is going to become the Trademarks Act, please also consider talking to the stakeholders in Fiji before drafting the relevant regulations that will make this Trademarks Act work.

With those comments, Sir, I thank you for giving me the time and I apologise if I have gone over my time.

HON. SPEAKER.- I thank the Honourable Tikoduadua. I give the floor to Honourable Tabuya.

HON. L.D. TABUYA.- Thank you, Mr. Speaker. I rise to contribute to the motion before the House. I would like to just say at the outset, that we on this side of the House, support the Bill. I will be speaking only on the Trademarks Bill but before I do that, Mr. Speaker, I just wish to respond to the comment by the Honourable Attorney-General yesterday since he will be having the right of reply, he could have the opportunity to address that. By possible misrepresentation in the House about him saying that he is never directed for what goes in the front page of the *Fiji Sun*. This is in light of the allegation by his former Principal Communications Advisor, who is willing to swear an oath that he had been

directed a few times by the Honourable Attorney-General to tell the publisher on what to put on the front page. So, I give him the opportunity to respond to that in his response because it has just been raised in the House.

Now, moving on to the Trademarks Bill, I have heard the presentations from my colleagues, Mr. Speaker, I do agree with them about the need for ease of business and also the development of business. I do wish to be brief in my response, in that, of a very current issue that we have faced here in this country. The Bill, as well as the current Act which is good because it allows for the owner of the trademark to assign or to transmit the use of their trademark to someone else.

Mr. Speaker, I bring this up in light of a current event where our Olympians who won in Tokyo – the Sevens Team as well as our Fijiana Team, and congratulations to them once again. I just want to comment on Fiji Rugby's response to that when we all have been at home in isolation, we have not had the opportunity to come together to celebrate. The players have gone on to their homes but I think they missed an opportunity and that was to help us to celebrate and this was what some of our small businesses who currently operating now, small to medium businesses, could have fill the need to help in this celebration and there are businesses in printing t-shirts, as well as having fundraisers for our team members, including Fijiana.

Unfortunately, the FRU took a hard stance against these businesses and those very well-meaning people that wanted to raise funds for the Fijiana included and came down hard with them. They had the commercial manager of FRU basically warning these businesses to stop production and stop doing the fundraisers, of course, M-PAiSA was involved and there was a stop to that.

Now, Mr. Speaker, the concern is that, if you are going to own this trademark and when there is an opportunity like this, especially on a national level the whole of Fiji is celebrating and it is really brands or a group of players said that what they have done and their victory belongs to the country and not just to one particular commercial institution or institution like FRU, then they should have come out and at least produce these t-shirts, masks and other paraphernalia so that we can celebrate. But there is still to date now, we do not even have a Fiji Rugby shop. You have to, in order to own one of those jerseys you can only buy that from Tappoos for \$190, which is so expensive. Our people are unable to afford that.

HON. M.R. LEAWERE.- Tell them, Honourable Whip!

HON. L.D. TABUYA.- Listen, Honourable Minister, small businesses that wanted to produce t-shirts, masks were not allowed to. If you were under this, they own these trademarks, use that and assign it, you should have issued it, they could look into assigning this to the small businesses, they could look to working with the small businesses for ease of business, make it a commercial deal. You go ahead and produce it, you fill that need and we will take a commission, it works out very well, win-win situation.

We are talking about ease of business and development of businesses, let us look at our SMEs, let us look at our very well-meaning people who want to raise funds for our Fijiana so that they can at least have something on top of what the Government is giving, which is thank you very much Government for doing that, which is from the people of Fiji, by the way, not from the Prime Minister which mistake me to buy the Fiji Times, but that is from the people of Fiji.

Mr. Speaker, I am speaking on this Bill and the current Act which allows for the assignment or transmission of your trademark, a missed opportunity by Fiji Rugby. It is weeks later now we could have celebrated and our people are willing to pay \$10, \$15, \$5 for a mask, keep wearing it out on the streets, in celebration of the Fiji Team in Rio, and we missed out on this business opportunity.

The point is that, if someone like Fiji Rugby, owns these trademarks, please, do not just squeeze small businesses and only give it to licence retailers like Tappoos to sell at \$200 for the Fiji Rugby brand. Think about our small and medium businesses who can make money, who can also be supported during this time. And I will tell you why, because it is our tourism workers who do not have jobs now that are now opening these businesses to print T-Shirts and make masks - our former tourism workers. They are laughing about it, it does not affect you but it does affect them, Mr. Speaker.

By the way, happy birthday to the CEO of FRU, but if you could take this, it would be a great birthday present, if you could consider this for the future moving forward. When we have rugby tournaments or we have national rugby tournaments, please, look at assigning these trademarks through these small businesses so that they can feel the need that they have not felt during this very important time when we could be celebrating with our boys.

On that note, Mr. Speaker, I support the Bill before the House and thank you very much, Mr. Speaker.

HON. SPEAKER.- I thank the Honourable Member for her contribution to the debate. I now give the floor to the Attorney-General to speak in reply.

HON. A. SAYED-KHAIYUM.- Thank you, Mr. Speaker, Sir. Mr. Speaker, Sir, a few things have been raised and I expected they would be raised. Honourable Nawaikula needs to get the law right, he just appeared before the courts. We think that he would get the laws right - Ministry of iTaukei Affairs.

The reality of the matter, Mr. Speaker, is this: that the Honourable Members on the other side that had spoken about traditional knowledge but essentially Honourable Nawaikula had focused on designs. He talked about Makereta Matamosi's design which is on the livery of Fiji Airways, and Mr. Speaker, Sir, I have given this information to Parliament previously. Ms. Matamosi was actually commissioned to design the logos at an agreed fee pursuant to a commissioning agreement. The designs were original and specifically made for Fiji Airways at an agreed fee and registered with the Fiji Intellectual Property Office. She did the design based on a story around Fiji Airways and she worked with the team. In fact, I have got the details, if they are really interested, I can show that to you.

The current logo that Fiji Airways is using, which is on its livery is registered with Fiji Intellectual Property Office (FIPO) without any objections. There were not any objections. However, there were other applications made by Fiji Airways for registration from other designs which were objected to and therefore they were withdrawn by Fiji Airways. This was the only one that was not objected to and thus it got registered because it was an original design by her for a specific purpose. She was paid a handsome amount of money. She then instituted a court again against Fiji Airways challenging the Agreement for designs claiming that the logo still belong to her and should not be registered to Fiji Airways.

During the course of the matter, Ms. Matamosi passed away and her estate took over the matter. Before the matter could be heard by the High Court, the parties namely; Fiji Airways and the representatives of her estate settled the matter out of court pursuant to a terms of agreement or terms of settlement, I should say. That is the story at Fiji Airways. The design that was used did not belong to any particular landowning unit, did not belong to a particular region, no such design was used.

Honourable Nawaikula referred to the RBF logo. I do not know the details about that but it is interesting how he is now raising that as an issue when that design has been there now for decades. Talking about decades, Mr. Speaker, Sir, they were saying that is it so urgent now that it should be done. Honourable Qionibaravi was the chief executive officer of the then Fijian Affairs Board, which according to Honourable Nawaikula, if you have the word, that term, therefore it means it has got a lot more power, did nothing, if it was so urgent. The previous governments have done nothing. We have done something.

There is also, of course, with traditional knowledge as we all know, for example, including *qoliqoli* rights that when you have adjacent landowning units, there are also disputes regarding boundaries - where it ends, where it starts. Similarly, as one of the Members pointed out from the other side, some of the traditional artefacts and designs cannot be, for example, particularly only assigned to say "Lomaiviti". There could be sharing of that, could not particularly be assigned only to Cakaudrove. There could be sharing with other adjacent provinces, so in the event, there are intellectual property rights assigned to it and whenever you assign intellectual property rights, you are also talking about money, how will that money be shared, who will go to first or should it go to all? These are not simple matters.

The Ministry of iTaukei Affairs is also doing and you would have seen continuously in the years, a cultural mapping exercise. What is peculiar to a particular province? What is something peculiar to them that they can claim as their own? It is an arduous process and the lines are not always very clear. It is sometimes opaque, so they have to understand that, that what they are doing is using this particular Parliament to pontificate and propose or make themselves out to be as the protectors of indigenous traditional culture but, in fact, they are not, they are causing more problems. We are trying to actually get a very seamless path on the way forward.

Mr. Speaker, Sir, it was also interesting (and this is one of the things that we wanted to talk about), is that they seem to be talking about only designs. We are particularly interested, you know, recently, with the COVID going on, my wife is brewing up all these different concoctions from all these traditional medicine, different herbs, different plants, different leaves. This knowledge is unique. No other country in the world, in many of these processes actually share them, so we need to protect that because the last thing we want is some foreign pharmaceutical company coming along, seeing the benefit, taking it, doing some slight process to it and doing a patent on it and then they own it, and then we will end up buying it from them. They did not talk about that because they do not have any real commitment to what we are talking about, if they had done their research.

A case at World Trade Organisation (WTO), the *neem* tree. The *neem* tree has numerous benefits. It is found in the Indian Subcontinent, it is found in Africa where an American pharmaceutical company came along, saw the numerous benefits of it, took the leaves and the seed, patented it and said 'It is ours'. That is what we want to avoid. That is what we are working on and, you see, there is a very nuanced approach to it. They have to understand, it requires a lot of sophisticated analysis and thinking and the laws need to be very clear. So, Mr. Speaker, Sir, I think the Opposition is just coming to this particular forum and sort of making all sorts of comments without really thinking about it.

Mr. Speaker, Sir, I wanted to comment on the other thing, Honourable Tabuya, your first part is not even worth responding to. I talked about the headlines last Saturday, Monday, Tuesday, whatever it was and said we did not tell them to write it, that is the clarification. But, the more substantive issue, you have not addressed, which is about the rights of those women.

The other point, she went on about rugby, All Blacks, Wallabies, all these, even national teams and club teams protect their trademark, it is a source of revenue for them. The Fiji Rugby Union has to get sponsorship from a country with less than a million people and participate on the world stage, which is very costly. The Government has given literally millions of dollars without which they will not be able to participate and prepare for these events. So, any source of revenue, in the same way they have their television rights, next thing she will be saying, 'do not let them have television rights, anyone can go and show the game live.' Fiji Rugby Union will then therefore, lose those rights too and will not gain any revenue too from it. So, please, this Bill has got nothing to do with that. She needs to understand how commercial realities work.

Honourable Tikoduadua, I know that he has a particular proclivity with certain law firms who make lots of money from registering of trademarks, the reality of the matter is, he went on about New

Zealand and how New Zealand took six years. The reality is, that many countries that are pioneers in a particular area, we learn from their mistakes.

In fact, I went to New Zealand at one point in time when we visited and we met with the company's office too and we talked on the side about this, and he is saying that we do not have the capacity. But in short, WIPO and the New Zealand Office has actually assured us that once we get this Bill approved and enacted as an Act of Parliament, they will actually help us to expedite the digital process. He wants us to go down and wait for the next six years. Why? Because in the meantime, his mates in the law firms will continue to make lots of money.

Mr. Speaker, Sir, 90 percent of all the trademarks that are registered in Fiji, are already registered offshore. There are very few Fijian trademarks that are registered. So you know you have some brand *Lacoste* or *Hugo, Boss* or whatever, you will see the advertisements coming out in the paper. Munro Leys or whatever those law firms are, will put out these advertisements in newspaper, charge an arm and a leg to these firms and then gets registered.

Under the Madrid System now, they do not have to go through that process, because they will mutually recognise our trademarks. Fijian companies are going to register trademark in Fiji, it will be automatically registered offshore, once we make the application. Similarly, if a foreign company registers its trademark, it automatically gets registered in Fiji, no more lawyers, we go through a system that is transparent - that is what we want. If we were to register Fijian mahogany as trademark, we have spent literally tens of thousandths of dollars doing that. Under this system, we get international recognition. A Fijian company wanting to do a trademark in Fiji, once registered, will get international recognition. They do not have to go and spend zillions of dollars to register that. This is what we are talking about ease of doing business, internationalising your businesses processes.

Honourable Qionibaravi said, 'Why are we so hung-up on businesses?' The way she talks as if, and I do not get into ethnic categorisation, but I have to do this with her, she thinks that *iTaukei* people are not business people. That is what she is saying, as if the business people are some other group of people. We want *iTaukei* people, we want everyone to get into business if they have the capacity and the willingness to do so. She also talks about, Mr. Speaker, Sir, as if no one participated in the consultations.

HON. ADI L. QIONIBARAVI.- A Point of order. The Honourable Member is misleading the House in what he is saying, Mr. Speaker, Sir. I have already said my bit, Mr. Speaker. I said that he is misleading the House.

(Chorus of interjections)

HON. ADI L. QIONIBARAVI.- Mr. Speaker, Sir, the Honourable Attorney-General is misleading the House.

HON. GOVERNMENT MEMBER.- What is that, that he is misleading?

HON. ADI L. QIONIBARAVI.- The Honourable Attorney-General is misleading the House. In fact, he is saying....

HON. OPPOSITION MEMBER.- Misleading as always.

HON. ADI L. QIONIBARAVI.- Mr. Speaker, are you giving me time to explain?

The Honourable Attorney-General is interpreting my message to say that indigenous people are not good in business; I did not say that. What I said was, they should be lending their ears, consulting the

Fijian people because their priorities seem to be only the ease of doing business in Fiji for the business sector. Equally important is the right for the *iTaukei* to be consulted; that is my message. He is misleading the House.

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, the Honourable Member does not know what she is talking about. I did not say that *iTaukei* people were not good business people. I said that she is saying, the way she is talking as if they do not want to get into business because she is saying, “why do you have all these focussed on business, we should be looking after the *iTaukei* people”. Well, *iTaukei* people also want to get into business and some of them are businessmen and business women.

The other point that she also made was that, there are no consultations. Of course, there are consultations. We had public consultations, anyone can appear. We do not do consultations on the basis of ethnicity. It is open to anyone. We have people make submissions. As I mentioned earlier on in the introduction of the Bill, in the traditional knowledge, we have sent it to the Ministry of *iTaukei* Affairs. They are consulting the Roko Tui, et cetera, so people do get consulted. I cannot understand why she is jumping to that conclusion.

Mr. Speaker, Sir, I want to go to another point about consultations. The Standing Committee even had submissions from the US Embassy that came and made submissions to them and the reality of the matter is that, the Bills that have been enacted, we are expediting our ability to comply with international standards. We have got very goodwill from WIPO as I mentioned, we have got very goodwill from the New Zealand Intellectual Property Office. They are going to expedite the utilisation of FIPO and in that way, we will be able to participate in this space in a lot more meaningful manner.

Sir, I would like to thank all the Members even they may be agreeing to this in a convoluted manner, but nonetheless, it would appear that they all support the Bill and I urge Parliament to vote on this.

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

Question put.

Motion agreed to.

[Trademarks Bill 2020 (Bill No. 45/2020) passed and enacted by the Parliament of the Republic of Fiji. (Act No. ... of 2021)]

SUSPENSION OF STANDING ORDERS

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

That under Standing Order 6 that so much of Standing Order 23(1) is suspended so as to allow the House to sit beyond 4.30 p.m. today to complete the remaining items as listed in today's Order Paper.

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

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

HON. LEADER OF THE GOVERNMENT IN PARLIAMENT.- Mr. Speaker, Sir, as agreed to by the Business Committee, we have an item on Schedule 7 which is the Consideration of Bills and Oral Questions under Schedule 2 and one Written Question, thus the request to sit beyond 4.30 p.m.

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

There being none, I call on the Leader of the Government in Parliament whether he has anything else to add?

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

HON. SPEAKER.- If there is none, Parliament will now vote.

Question put.

Motion agreed to.

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

PATENTS BILL 2020

HON. A. SAYED-KHAIYUM.- Mr. Speaker, pursuant to the resolutions of Parliament on Friday, 11th December 2020 and Monday, 16th August, 2021, I move:

That the Patents 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, I remind you that pursuant to the resolutions of Parliament, the debate will be limited to an hour. I now call upon the Honourable Attorney-General to speak on his motion. You have the floor.

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, I will be very brief as the Committee has done a fairly comprehensive report on it.

At the moment, Mr. Speaker, Sir, the Patents Act of 1879, including subsidiary legislation, provides for the use of letters patent for inventions in Fiji. From the citation of the Act alone, it is quite obvious that the Act is an archaic and outdated piece of legislation.

The Patents Bill 2020 is intended to update and modify our Patents Legislative Framework. The Bill sets out the following objectives:

- (1) To provide an efficient and an effective patent system that promotes innovation and economic growth, while providing an appropriate balance between the interest of inventors and patent owners and the interest of society as a whole and that complies with Fiji international obligations.
- (2) To ensure that our patent is granted for an invention only in appropriate circumstances by establishing appropriate criteria the granting of a patent and providing for procedures that allow the validity of a patent to be tested.

- (3) To provide greater certainty for patent owners and the uses of patented inventions that patents would be valid after they are granted.
- (4) To repeal the existing Act and its subsidiary legislation.

Those are my introductory comments. Thank you, Sir.

HON. SPEAKER.- Thank you, Honourable Members, the floor is now open for debate. I give the floor to the Honourable Minister for Agriculture, Waterways and Environment.

HON. DR. M. REDDY.- Mr. Speaker, the advancement of any country depends, to a large extent, on creating new knowledge. For growth and development of any country after certain level of growth and development, any push to expand their frontier, we need to create new stock of knowledge to creativity. But people get discouraged when that creativity gets lost and stolen, it is not recognised or they are not able to get any benefit.

Mr. Speaker, Sir, I rise in support of this Bill because precisely, this Bill will motivate our young people, establish people, entrepreneurs, researchers and budding artists, to invest time, energy, resources, to create new inventions, innovations, development as part of the greater, broader strategy to expand and push the frontier, to take the country into the market and get the country to grow, otherwise the country's growth and development would be stagnant.

Mr. Speaker, Sir, this Bill aims to offer competitive and effective patent system that will serve the interest of those creators, innovators, scientists. Mr. Speaker, Sir, I come out of a university system where I know a lot of young researchers in universities have created a lot of gadgets but they were not able to be patented. If you list down amongst the universities in the world, who have contributed in terms of patents, Carltech University, California University of Technology comes No. 1 in the world in terms of the number of patents that they have.

Universities use this as one indicator of ranking because university is the place where knowledge is created, where inventions are made, that is the place where you have teachers, academics and intellectuals and one of the critical difference between an academic and a teacher is, academic is supposed to create new knowledge, inventions and then if they do not get that opportunity to patent it and own it and then later get a return out of it, it discourages them. When we were at the University, we would look forward to looking at what Universities, the ranking, so that we can collaborate, do research with them because there will be an opportunity to patent your innovation, Mr. Speaker, Sir.

So this system of Universities utilising patents to rank the Universities, Carltech comes as No. 1 in the world in terms of how many patents they have developed, then all universities will look at Cartech and say, 'Look at the number of patents registered, which department, which college, which school have developed the most number of patents and let us go and do research with them, joint research or let us go and do masters or PHD under them, Mr. Speaker, Sir, better late than never. Unfortunately, some on the other side do not recognise the intellectual input that has gone, the leadership that has gone through developing these laws and legislations by our Government, to ensure that we create room for this kind of development so that people can grow, Mr. Speaker, Sir.

Mr. Speaker, Sir, look at what is happening now, you must have read in the print media about some of the young scientists at the universities where they have come up with new gadgets. I saw a write-up about someone saying that we have developed this ventilator system that can be utilised with COVID-19. This is amazing how opportunities are being seized to create new products, new technologies, but we need to ensure that if it is their total idea then they must be protected, ring-fenced so that they can get

appropriate return and no one just copy it and then starts using their own connections and network and start making money without due recognition and without acknowledging and without paying them.

Mr. Speaker, Sir, that is where you will never get them to think positively. I just said, Mr. Speaker, Sir, that so much of intellectual contribution goes towards developing this Bill.

HON. SPEAKER.- Order, order!

HON. DR. M. REDDY.- I just said Mr. Speaker, Sir, that so much of intellectual contribution goes towards developing this Bill. They should actually thank the Honourable Attorney-General's office because it is about looking ahead, looking at the future, looking at what the contemporary situation is on the ground, how we can then go spread out and include people.

The other Bill about designs, Mr. Speaker, Sir, I will talk about that in a second, it talks about ordinary people who have got their own ideas and how that bill goes brings them and also gives them a helping hand, so Mr. Speaker, Sir, this Bill delivers real value and substantial return on investment to people who have come out and spent years and years, sometimes they spend years, Mr. Speaker, Sir, developing their innovation, numerous amounts of trials, numerous amounts of resources are being put there.

Some time back, Mr. Speaker, Sir, when I was at the university, the college of engineering worked with the private sector

(Honourable Member interjects)

HON. DR. M. REDDY.- Come on, Honourable Kepa.

One of the Masters students at the engineering college collaborated with the private sector to develop an electronic billboard, Mr. Speaker, Sir. That is the kind of collaboration that this Bill once enacted into a legislation, will encourage more collaboration with young budding researchers, academics, masters and PhD students to collaborate with the private sector and develop new gadgets and new technology, Mr. Speaker, Sir.

So, amazing how this Bill will get people to say that look, this amount of time and resources that I am going to put in, I will be able to get returns. It is not only about returns but also about putting your name to some innovation that will be there forever. Thank you, Mr. Speaker, Sir and I thank the architects of the Bill, the AG's Office, I commend the Bill. Thank you. *Vinaka*.

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

HON. F.S. KOYA.- Thank you, Mr. Speaker, Sir. I thank you for giving me the opportunity to contribute to the debate on Bill No. 46, a Bill which establishes procedures for patent registration and protection. And I want to thank the Standing Committee on Justice, Law and Human Rights for reviewing the Patents Bill.

At the onset, Mr. Speaker, Sir, I strongly support the Patents Bill. I wish to thank the Standing Committee on Justice, Law and Human Rights for reviewing the Patents Bill and at the onset, Sir, let me say I strongly support the Patents Bill. As we all know patent is an intellectual property which is held by an investor who is actually the brains behind the creation. A patent is important simply because it ensures the protection of the invention regardless of whether it is a product or a design or a process, therefore it

actually promotes innovation through research and development by protecting the rights of the innovators like the last speaker just said, Honourable Dr. Reddy, Sir.

Mr. Speaker, Sir, since the investor will have exclusive rights to their invention, they can exercise this right by preventing others from commercially using the patented invention, thereby establishing a place in the commercial market, Sir. Innovation, as we all know, Mr. Speaker, Sir, benefits communities by creating new and improved goods and services and innovations in medical research may produce new diagnostic tests or treatments which improve community health. Having invested a considerable amount of time and money in developing these inventions, the inventor could bring in the invention to the commercial market and getting higher returns.

In addition, Mr. Speaker, Sir, the Bill will stimulate the growth of national industries because local companies that hold patents can actually attract overseas investment and develop products for export. Mr. Speaker, Sir, through our initiatives like we have got our Young Entrepreneurship Scheme, the Government has encouraged young innovative minds to go business and one key concern of these young individuals have been how to protect their new and innovative idea from being stolen or copied. So this Bill sets the foundation for that particular protection and it will give more confidence to the young Fijians with an invention to pursue a business. With the new financial packages rolled out by the RBF through commercial banks in providing much life line businesses, it can also be seed funds for a new and innovative business. Again, Mr. Speaker, Sir, it is important that any invention by our micro, small and medium enterprises, must be protected, and the Patents Bill provided the basis through which the MSMEs can actually protect these inventions.

Another key focus for our economic recovery is on the ICT and the technology sectors and plus the invention in the new green technology. So, with the safety of a legal framework that registers and protects these patents, Fiji will further strengthen its position in terms of being the ICT hub of the Region and put Fiji at an advantageous position on the international market. The legal protection in the Bill will give confidence also to foreign investors who will also be able to benefit from the incentives that have been in our budget. What we all must realise is that Fiji is part of the bigger globe and competition is tough, and having in place a legal framework that actually protects intellectual property, gives countries an edge above their competitors. Mr. Speaker, Sir, the Bill provides Fiji the edge as we position ourselves for economic recovery. Again, I strongly support the Bill No. 46. Thank you.

HON. SPEAKER.- I thank the Honourable Minister for his contribution. I give the floor to the Honourable Tikoduadua.

HON. LT.COL. P. TIKODUADUA.- Thank you, Mr. Speaker, Sir. I shall be very brief this time. I thank the introduction of the Patent Bill, I think it is very welcomed. I just want to stress three issues. Firstly, when we have a good patent legislation, we need to encourage the people to understand how they can benefit from it. Yes, we took consultations to draft the legislation, but we need to tell the people that this is available for them. I am saying this, Mr. Speaker, Sir, because I once lodged an application for a patent of a recipe some while back, but I did not know it got tucked away somewhere, maybe someone did not agree that it was my invention. But people need to know that this is out there for them to use.

Secondly, Mr. Speaker, Sir, on the previous point, I would just like to share there are many good ideas. I have seen many good ideas come up, for instance, recipes for *bu* (green coconut), and we compete with other countries in the region and Asia on this. So it is very difficult for us to patent them, because people do not know what to do, so maybe I would hope that the Fiji Intellectual Property Office or may be the relevant Ministry, Trade and Commerce would like to carry that on. I am sure the Honourable Minister would already be looking at that business opportunity for our people on this. If they come up with these creative ideas, some very good recipes on coconut dessert that I am sure only locals can come up with, these ideas need to be protected. Mr. Speaker, Sir, the capacity for FIPO, I cannot overstress

that. We need FIPO to be capacitated so that they can handle both, the trademark and the patents and any other intellectual property aspect for the Fijian people.

Lastly, Mr. Speaker, Sir, patent is about innovation. Our people cannot think freely if they cannot be given the free space to think freely. If they keep getting told what to do, they cannot be innovative and they cannot think straight. That political environment needs to be granted by Government. I agree with the Honourable Dr. Reddy, there are so many good students in the universities who come up with these great and bright ideas, but we need to allow them that space, we need to encourage them to speak freely. If we cannot get them to speak freely then it is useless for them to think up new ideas to share with everyone because then they are afraid to share it. That is my contribution, Mr. Speaker, and I support the Patents Bill.

HON. SPEAKER.- I thank the Honourable Tikoduadua for his contribution. I give the floor to the Honourable Alvick Maharaj. You have the floor.

HON. A.A. MAHARAJ.- Mr. Speaker, thank you for giving me this opportunity to also contribute to the debate. The Patents Bill has been introduced due to the reform work carried out by the Fijian Government. These reform works were aimed at improving all sectors of the nation which in turn has socio-economic and political benefits for all people in Fiji. Sir, it has been very well said by the Honourable Attorney-General that we need to protect new innovation by Fijians.

Mr. Speaker, some of these old Acts that we are going to repeal age back to almost 80 to 150 years. Just a few comments from the last debate, at least FijiFirst has brought these new Bills, how many governments have come and gone and forgot about bringing such Bills to Parliament, they did not even start the consultations on these Bills.

HON. LT. COL. P. TIKODUADUA.- *Areh yaar!*

HON. A. SAYED-KHAIYUM.- It is the truth.

HON. A.A. MAHARAJ.- Mr. Speaker, on that same note, I would again like to ask where were these Members when we called for submissions? Why bring these issues here after we have presented the report? Why can these Member not come before the Committee?

HON. S. RASOVA.- Ask yourself?

HON. LT. COL. P. TIKODUADUA - This is Parliament.

HON. A.A. MAHARAJ.- Why can they not come with their issues before the Committee and do a submission so that we can scrutinise and bring it as part of the report. What are they trying to achieve by bringing their issues here when we were actually collecting submissions for the past eight months?

HON. S. RASOVA.- Ask yourself - why?

HON. A.A. MAHARAJ.- The issue, Mr. Speaker, is that Members who do not appear before the Committee think that no one is appearing before the Committee to do their submissions, which is incorrect. Mr. Speaker, I can name the places where we went for public consultations but I will leave that for a later stage and time.

Mr. Speaker, the Patents Bill aims to ensure that the patent is granted for inventions only in appropriate circumstances by establishing an appropriate criteria for granting of patent and providing for procedures that allow validity of a patent to be tested. My Committee which was tasked to review this

Bill had conducted public consultations on the Bill and it was encouraging to see the amount of participation from the public and various sectors. There was also a lot of support on the introduction of the Bill and there were comments on changes to certain provisions of the Bill as well.

Mr. Speaker, Sir, as it usually does, the Committee considered all the submissions it received and deliberated on them extensively. Assistance was also sought from experts and at the end, the Committee deliberated further and tried to come up with a conclusion that took into consideration all the comments by the public but also preserved the main objectives of the Bill.

Mr. Speaker, the Bill was also reviewed through the SDG lens and it was encouraging to note that the Bill aims to improve the socio-economic benefits to all Fijians. Mr. Speaker, Sir, I again reiterate the Committee's view that all the issues raised had been adequately addressed. The Committee made no substantive changes to the Bill, only key cross-referencing and grammatical changes was done to the Bill

With those few remarks, Mr. Speaker, I support and I thank all Members who have showed their support for the Bill and the amendments proposed by the Committee.

HON. SPEAKER.- I now call on the Honourable Attorney-General to speak in reply. You have the floor.

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, I would like to thank the Members who have contributed. I just wanted to very quickly clarify for Honourable Lynda Tabuya about the immediate usage of the Olympic logo. In fact, it is not just the logo. There is Olympic Rule 40 of the IOC that does not give anyone permission including the Fiji Rugby Union to publish or use it, for any athlete or team involved in the Olympic for a period of time.

One can *Google* this and find Rule 40. No one can promote or use the IOC logo or even the word "Olympic" for promotion, particularly for monetary gain. There is a certain period before and after the Games which prohibits the use of players, teams and Olympic logos. So even players cannot be used. The main sponsor at the Olympics which we understand in this case is Toyota. That is why even Fiji Airways that sponsored the Seven's Team could not use that, they have not been able to do so and they will not do so because they do not want to breach Rule 40.

Mr. Speaker, Sir, I would like to thank all Members for their contributions and I think everyone is in agreement in supporting the Patents Bill as it will give those proprietary rights and indeed encourage innovation and the protection of that innovation. With those remarks, Mr. Speaker, Sir, I support the Bill.

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

Question put.

Motion agreed to.

[Patents Bill 2020 (Bill No. 46/2020) passed and enacted by Parliament of the Republic of Fiji. (Act No. ... of 2021)]

HON. SPEAKER.- Honourable Members, on that note, we will take a break from proceedings and we will resume in half an hour.

The Parliament adjourned at 4.27 p.m.

The Parliament resumed at 4.58 p.m.

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

DESIGNS BILL 2020

HON. A. SAYED-KHAIYUM.- Mr. Speaker, pursuant to the resolutions of Parliament on Friday, 11th December, 2020 and Monday, 16th August, 2021, I move:

That the Designs 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, I remind that pursuant to the resolutions of Parliament, the debate will be limited to an hour. I now call upon the Honourable Attorney-General to speak on his motion. You have the floor.

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, the United Kingdom Designs Protection Act 1936 is currently the only law in Fiji that governs registration and used of designs with respected designs registered in the United Kingdom under the Patents and Designs Acts 1907 to 1932 (UK Laws) as Imperial laws to Fiji, United Kingdom Designs (Protection) Act 1936 provides amongst other things that are registered for design under the respective UK Law enjoys the same rights and privileges as though the certificate of registration of the United Kingdom had been issued with the extension to Fiji.

The United Kingdom Designs (Protection) Act 1936, however, does not provide for the registration of designs in Fiji nor does it provide an avenue for the Protection of Designs made by Fijians. Accordingly, the Designs Bill 2020 seeks to provide for the Registration of protection of designs in Fiji, as well as provides for international agreement and/or arrangements that Fiji may be a party to for the protection of registered designs in Fiji that may be used in other countries and vice versa.

With those introductory remarks and given the Committee's Report, Mr. Speaker, Sir, I commend the Bill for approval, thank you.

HON. SPEAKER.- Honourable Members, the floor is now open for debate on the motion, and I give the floor to the Honourable Minister for Local Government, Housing and Community Development. You have the floor.

HON. P.D. KUMAR.- Thank you, Mr. Speaker, Sir. I rise to contribute to the debate on the Designs Bill 2020. The Fijian Government recognises the importance of protecting intellectual property rights and designs of our entrepreneurs and aspiring Fijians in a competitive business environment. Intellectual property is everywhere but we do not know how to protect them but the Designs Bill aims to protect the visual appearance of new and distinctive products.

Mr. Speaker, Sir, through the introduction of this new Bill, this Government will now make it possible for the Fijian people to protect their designs and encourage creativity in the development of designs. The Bill provides a modern business regulatory environment framework for the registration and protection of designs. He also makes provision for any international arrangement that Fiji may be party to under Clauses 22 to 26 of the Bill. This will create linkage and traceability between the national and international treaty on designs.

Mr. Speaker, Sir, it is pleasing to note that the Bill will give the registered owner the exclusive right to use the design in the respective line of business without worrying that someone can steal the creation. To promote exclusivity of the rights for new and original designs, a protection period of five years will be granted initially with provisions available for further extensions. This incentive not only provides a sense of security to registered owners but also protects the ingenuity and innovative business models.

Mr. Speaker, Sir, the designs Bill will assist in the protection of a traditional designs that belong to Fiji and our people. Apart from protecting traditional designs, the protection will also be given to new creative contemporary designs. From the Ministry of Local Government perspective, there have been cases of architectural engineering and building design duplications submitted by firms. These cases have been flagged for duplication by municipal councils and the Ministry over the years, promoting the need to be vigilant.

Mr. Speaker, Sir, by having a legal framework that protect designs, we will be able to see more modern environment friendly buildings being designed, no more copying and paste, with such protection, we will be able to see growth of new pools of talents and skills. The Bill aims to address the issue of stealing the design by way of having enforcement provision that empowers the Commissioner to issue fines and institute court proceedings against the offenders.

Mr. Speaker, Sir, additionally, the Bill offers provisions that are suited to the local context and aligns very well with the best international practice for design registration. Some of the provisions that depict best practices include the issuance of registration certificate, compulsory license requirement for interested party to use a registered design, transfer of registration designed to an authorised person, third party rights for the State to use registered designs for public benefit and register kept by the Commissioner on all registered designs in Fiji.

Mr. Speaker, Sir, the Bill will safeguard the investment ideas of our upcoming young entrepreneurs who will contribute to the economic development of this country in the future. This Bill will certainly set a benchmark for other Pacific Island countries and will positively contribute towards Fiji's ease of doing business.

Mr. Speaker, Sir, I support the Designs Bill 2020. Thank you, Mr. Speaker, Sir.

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

HON. F.S. KOYA.- Thank you, Mr. Speaker, Sir. I want to thank, right at the outset, Sir, the Standing Committee on Justice, Law and Human Rights for reviewing the Designs Bill 2020. The primary objective of this particular Bill is to govern issues that are relating to design, registration and piracy in Fiji.

Mr. Speaker, Sir, the Bill, obviously, provides protection to a registered design, it contains the provisions that will protect the visual appearance of a product and gives exclusive rights for that appearance to the extent that there is a legal right to stop an unauthorised party from producing or using your design.

As we all know, Sir, these designs are important and play a key role in the success of a business and they help distinguish your goods from those of competitors and form an essential part of your actual business branding. Now, the objective behind protection is to prohibit third parties from misappropriating the design or using similar confusing designs for their own benefit. The lack of such protection slows

sales and because consumers are more cautious about purchases when they lack confidence in traders and have no assurance over remedy if good are not as promised.

Sir, lack of such protection also makes it more difficult to establish new businesses because distrustful consumers are reluctant to take a chance on an unknown vendor, so what this Design Bill would mean for Fijian businesses is that, it would protect their product, their packaging designs and prevent legitimate brands promise of efficacy, safety and market visuals from being destroyed by counterfeit products, so it is a very, very important aspect of business.

Sir, the Bill also makes provision for international arrangements that Fiji may be a party to for the protection of registered designs in Fiji that may be used in other countries and vice-versa. It will allow Fijian brand owners to maintain protection of their design abroad and designs registered internationally to maintain protection in Fiji which is a simple and a cost effective process. A strong intellectual property system promotes economic development by encouraging domestic innovation, also on NFPI, Sir, the Bill will also work well with our Fijian Made Buy Fijian Campaign which contains specific branding for Fijian made, Fijian grown, Fijian product and Fijian design, amongst others.

The Ministry when registering Fijian design will also encourage businesses to register and protect their unique designs under the Design Bill when they are enacted, Sir. As I said, the Bill actually also provides a cost effective manner in which these designs can be protected.

In short, Sir, I support the Designs Bill 2020. I thank you, Mr. Speaker.

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

HON. ADIL. QIONIBARAVI.- Thank you, Mr. Speaker, Sir, for giving me another opportunity to speak on the motion before the House. I had already contributed to the Trademarks Bill earlier this afternoon.

Sir, I would just like to repeat the need to ensure that the Traditional Knowledge Bill that is still in the Attorney-General's Office receives protection and is safeguarded in the Fiji Intellectual Property Office (FIPO), Mr. Speaker, Sir.

I have said in my earlier contribution that the Traditional Knowledge Bill was in the Fijian Affairs Board in 2003 and 2004. So, the Honourable Attorney-General probably did not hear me say that. For him to say that I did nothing, I think that is a grave error on his part. The draft Traditional Bill was actually around in 2003 and 2004.

The other matter that I would like to mention, Mr. Speaker, Sir, the policy on traditional medicine was also supported by the Ministry of Fijian Affairs then, through the a draft Cabinet Paper from the Ministry of Health and it was actually approved by Cabinet. The protection of traditional medicine is also included in that draft Traditional Bill.

The matter regarding consultation will remain a matter of concern. I note that in the Standing Committee Report they visited eight communities. There was only one provincial council visitation, that was at Namosi. The consultation for indigenous Fijians is a structured arrangement, it is not just a phone call and then you expect people to be there. If the *Roko Tui* were informed to advice the *mata ni tikina* and they come with one or two chiefs in their *tikina* to the provincial office for the consultation, that would be consultation. I also know that the Committee was changing their visitation time as well, before they went out, Mr. Speaker, Sir.

The other manner of consultation is in the Fijian Affairs Act, section 11. That could have been used. In my days, we had an independent legal advisor to the Board. I assume that Honourable Attorney-General is the Chief Advisor to the Honourable Prime Minister, as Minister for Fijian Affairs. If I may just read section 11(1), slightly amended by the Interim Government, it states:

“When any Bill is to be introduced into Parliament, a Permanent Secretary to the Minister (this is the Minister for Fijian Affairs) to affect in any important matter in the rights and interest of Fijians and especially any Bill imposing taxes to be paid by them or relating to their chiefs, local authorities or land shall be first referred to the Board (this the iTaukei Affairs Board) for consideration unless the Minister certifies that it is so urgent or so secret a nature that the public interest is not so permit.”

So that section could have been used by the Honourable Attorney-General to advise Honourable Minister the importance of consultation to begin from the Board of iTaukei Affairs, rather than just assuming that the consultation that Standing Committee on Justice, Law and Human Rights carried out around Fiji would have attracted the members of the indigenous community, the first peoples of the nation representative to come to these consultations and tell them what they think.

I am also not certain whether the matter regarding the traditional knowledge and indigenous intellectual rights were mentioned in these meetings. All I am saying is, the Government has got to really take a great interest when it concerns the matters of interest and aspirations of indigenous Fijians that proper consultation is carried out. We are entitled to free, prior and informed consent and there is a phrase that is commonly used, “Nothing about Us without Us”.

These things (our culture, tradition and knowledge) are part of our identity. This is why it is important that we be consulted. If we continue to differ in how we see these things, then we will continue to repeatedly the same thing over and over again. I would urge the Government to please have some understanding on why it is important that the first peoples of the nation, the indigenous Fijians, the *iTaukei* are consulted properly on any matter that concerns them.

The other matter, Mr. Speaker, Sir, that I would like to say is in regards the harmonisation. I had already spoken on that issue when I first spoke this afternoon that it is important to harmonise the three Bills before the House together with the traditional knowledge; it is important. They cannot be brought in separately. It is important that we the Members of Parliament are comfortable that the concerns of indigenous Fijians in the Traditional Bill are well protected in the other Bills as well as in the Intellectual Property Office.

I think that that is all that I would like to say and I plead with Government to have more understanding on the need to properly consult with the first peoples of the nation. We do not want to come to the House repeatedly saying what we are saying all the time. We do not want to be seen to be dragging these Bills, they are important but equally important are the rights of the first peoples of the nation to be consulted. I thank you, Mr. Speaker, Sir, for the time given to me this afternoon.

HON. SPEAKER.- I thank the Honourable Member for her contribution. I now give the floor to the Honourable Minister for Agriculture, Waterways and Environment.

HON. DR. M. REDDY.- Mr. Speaker, Sir, I rise in support of the Bill before the House. Before that, Mr. Speaker, Sir, I have been repeatedly hearing this argument from Honourable Members from the other side, particularly Honourable Qionibaravi about consulting the *iTaukei* community with regard to issues affecting them.

We want to increase the use of organic fertiliser that will affect them, the environment. Do we go back again and consult them? We want to provide high yielding beef cattle breeds to beef farmers around the country which includes them and others. Do we again go back and consult them? Sir, FCCC, where I was involved some time back are involved in price control of essential food items that affects them and others. Do we again go back and consult them?

Mr. Speaker, Sir, there is an overall legislative framework of the country, the constitution that ensures us to conduct in an appropriate manner and in the interest of all Fijians in this country. There are other legislations that guide us in terms of the decisions that we make. There are several rounds of consultations that we do and *talanoa* sessions where we go out in public. There is a major consultation that we do before the election by presenting our views through manifestos, pamphlets on what are we going to stand for if we do get elected. There are consultations done on an annual basis with regard to Government expenditure to map the path for the next 12 months by the Ministry of Economy.

Mr. Speaker, Sir, where is the demarcation? What are they talking about when they say, "Affecting the *iTaukei* community?" It will make our work untenable if what they said that we have to do, then the whole process has no value in terms of how we get elected to this House.

Mr. Speaker, Sir, I am quite passionate about this Bill because it empowers, gives ownership to ordinary Fijians; the ladies, youth, those in the settlements, villages and interior who also have ideas or skillsets and till now they could not take ownership of it. If they did, produce it, design it, pay through painting, art and craft, et cetera, someone could buy it, someone could take it and then make an enormous windfall gain without any benefit accruing to the original person who created that knowledge or idea.

Mr. Speaker, Sir, as alluded to in the opening statement by the Honourable Attorney-General, up till now we are basically working within the framework of the Designs (Protection) Act 1936 which did not allow for designs to be registered in Fiji. So, it kept our youths, ladies, mothers and our own people who had ideas and skillsets particularly people who do not have any Diplomas, Degrees, Masters, et cetera but they too have wisdom and idea. Mr. Speaker, Sir, they were deprived because they could not take ownership of it.

Mr. Speaker, Sir, we have also created modern designs be it in stylish footwear, creative in art and craft and in using timber. Garments, all aspects of art and craft and work, et cetera, that we now will be able, and some of these are cutting edge, and you see how people will come to the museum and other places where they will look at these designs, et cetera and pay numerous amounts of money to buy, take it and then use for creating other designs or using the design as a foundation.

Mr. Speaker, if one spends considerable amount of time and money developing these designs which comes out of curiosity, creativity then they must and deserve to be given an opportunity and framework to register and take ownership and that is what this Bill is about and I support this Bill.

HON. SPEAKER.- I thank the Honourable Minister for his contribution to the debate. I now give the floor to the Honourable Attorney-General to speak in reply.

HON. A. SAYED-KHAIYUM.- Thank you, Mr. Speaker, Sir. I would like to make a few responses but I think it is very important, in particular, for the Members from the other side to understand that they have all sworn to the Fijian Constitution.

The Fijian Constitution, Mr. Speaker, Sir, and its Preamble states, and I quote:

“WE, THE PEOPLE OF FIJI,

RECOGNISING the indigenous people or the *iTaukei*, their ownership of *iTaukei* lands, their unique culture, customs, traditions and language;
 RECOGNISING the indigenous people or the Rotuman from the island of Rotuma, their ownership of Rotuman lands, their unique culture, customs and traditions and language;”

And then, Mr. Speaker, Sir, it goes on to say in Section 5 of the Constitution and I quote: “All citizens of Fiji shall be known as Fijians”. The continuous reference by Honourable Nawaikula and Honourable Adi Litia Qionibaravi to Ministry of Fijian Affairs and Fijian Affairs Board is legally incorrect. It is not in compliance with the Constitution and Mr. Speaker, Sir, you would expect them to know that both of them are lawyers. Mr. Speaker, Sir, I cannot understand why suddenly for the past nearly three years, they have been happy to say *iTaukei* Affairs and suddenly now it is Fijian Affairs. Is it because elections is around the corner?

HON. GOVERNMENT MEMBER.- Yes.

HON. A. SAYED-KHAIYUM.- Is it because elections is around the corner and they want to play the ethnic card? Is it because they have thrown their weight behind Rabuka who is going to form his own Party? We know half of them are going to join him?

HON. S.R. RASOVA.- Oh, come on!

HON. A. SAYED-KHAIYUM.- Yes, you will go there, I know too.

HON. OPPOSITION MEMBER.- Stick to the issue.

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, it is very unfitting for Members of this Parliament to actually make these kind of comments when they are illegally incorrect.

(Honourable Members interject)

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, they also do not understand by having a unique name for as we say the “first peoples of the nation” is something many other countries have. For example in Malaysia, every citizen is called a “Malaysian” but the indigenous people are called “Bumiputeras”. Bumiputera literally means sons of the soil.

HON. J. SAUKURU.- This is Fiji.

HON. A. SAYED-KHAIYUM.- You see this is the stupidity of their response. I am trying to point out that when you have modern day societies of common and equal citizenry, many other countries, even in USA. They have particular names for indigenous tribes. Even Aboriginal groups have particular names for their groups. Same thing in New Zealand with the Maoris and here, we are giving the unique name and yet, for political reason now, they are making the difference.

Mr. Speaker, Sir, I want to just very quickly highlight because they really need to understand the Constitution. Mr. Speaker, Sir, under Section 26 of the Constitution, I will read it, and it says:

“Right to equality and freedom from discrimination

26. (1) Every person is equal before the law and has the right to equal protection, treatment and benefit of the law.
- (2) Equality includes the full and equal enjoyment of all rights and freedoms, recognised in this Chapter or any other written law.

- (3) A person must not be unfairly discriminated against, directly or indirectly on the grounds of his or her:
- (a) actual supposed personal characteristics or circumstances, including race, culture, ethnic or social origin, colour, place of origin, sex, gender, sexual orientation, gender identity and expression, birth, primary language, economic or social or health status, disability, age, religion, conscience, marital status or pregnancy; or
 - (b) opinions or beliefs except to the extent that those opinions or beliefs involve harm to others or the diminution of the rights or freedoms of others, or on any other ground prohibited by this Constitution.”

However, Mr. Speaker, Sir, under Section 26, there are various provisos to this discriminatory provisions, and one of them says, I quote:

“8) A law, or administrative action taken under a law, is not inconsistent with the rights mentioned in this section on the ground that it:

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

Mr. Speaker, Sir, Honourable Members need to understand this and the implications of it and the far-reaching embedding of the cultural practices of the iTaukei people and the Rotuman people in Fiji and within the legal framework. This is the primary law in Fiji.

Mr. Speaker, Sir, I would like to also again bring back, because we are talking about designs, Mr. Speaker, Sir, highlight that this is the design on the livery of Fiji Airways and this is the work that was undertaken. It says:

“Our *Teteva*, our values. The four crosses, the open circle: the four crosses of the outer circle represents the inter-connection of people and place. The open circle represents the spirituality of the people of Fiji to be good to one another, to work as one. The inner circle reflects how the people of Fiji work together to create a better Fiji in the future to embrace change and through passion, to be the best.

The small circle reflects the caring and consideration that welcomes everyone to Fiji, our respect for all. The diamond or the inner most part of the *Teteva* represents the love that we have as Fijian-flagged bearers. This is the unique design developed by Makereta.”

Mr. Speaker, Sir, Honourable Qionibaravi said in her time that they had done a Bill in 2004, I think, she said, why did it not become an Act of Parliament. Perhaps, the answer lies in what I am going to read out to her.

The answer lies as I have said that we have been working on the Bill which is now between the SG’s Office and the Ministry of iTaukei Affairs, for example, things like ‘definition’. What is ‘traditional knowledge’ or ‘communal knowledge’? It may include knowledge originating from indigenous or traditional community, that as a result of intellectual activity and insight in a traditional context, including know-how, skills, innovations, practices and learning where the knowledge is embodied in the traditional lifestyle of a community or contained in the codified knowledge systems passed on from one generation to another.

The terms shall not be limited to a specific technical field and may include agricultural, environmental or medical and medicinal knowledge and knowledge associated with genetic resources, tradition-based literary, artistic or scientific works, performances, inventions, scientific discoveries, designs, marks, names and symbols, undisclosed information and all other tradition-based innovations and creations, resulting from intellectual activity in the industrial, scientific, literary or artistic fields, developed and transmitted through traditional intergenerational means.

What is the definition of traditional cultural expressions? It means any way in which traditional knowledge appears or is manifested irrespective of content, quality or purpose, whether tangible or intangible, and without limiting the preceding words, it includes:

- (a) names, stories, chants, riddles, histories and songs in oral narratives, words, signs, names and symbols;
- (b) productions of art in particular drawings, designs, paintings including body painting and tattooing, carvings, sculpture, pottery, terracotta, mosaics sculpture, woodwork, metalware, jewellery, basketry, weaving, needle work, shell work, rugs, costumes and textiles, glassware, carpets, costumes, handicrafts, musical instruments and architectural forms; and
- (c) others, including but not limited to cuisines, medicines, environment, et cetera.

Under the current draft of the Bill, the Bill provides for the establishment of –

- (a) traditional knowledge and traditional cultural expression authority;
- (b) traditional knowledge and traditional expression of culture council;
- (c) institute of *iTaukei* traditional knowledge, cultural expressions and heritage;
- (d) the establishment of a traditional knowledge and cultural expression trust fund; and
- (e) the Bill provides for the registration of traditional knowledge and traditional cultural expression.

Now, Mr. Speaker, this is very important. Apart from the institutional arrangements above which I have just highlighted, the main gist of the Bill is to provide for registration, ownership and protection of traditional knowledge and traditional cultural expression. Therefore, the Bill hinges on the ascertainment of ownership and the creation of a registry within the Ministry of *iTaukei* Affairs to ascertain exactly which designs, artwork and traditional knowledge belong to which faction of the *iTaukei* community.

The salient feature of the Bill is that, it allows a legal recourse for traditional communities to claim against a person, company or institution they feel is misusing their designs, traditional totems or traditional knowledge. The issue is further complicated by the fact that *iTaukei* culture and history is oral and there is a lack of written record and certainty as to who owns what, and where a particular design actually derive from. Indigenous society has a large potential for overlaps, depending on how different sub-communities have historically interacted.

The Ministry of *iTaukei* Affairs has, over the years, taken out a nationwide exercise on cultural mapping to be able to transcribe, record, file and compile an accurate record of *iTaukei* traditional knowledge and traditional cultural expression. At the completion of the cultural mapping exercise, a registry will be set up under the Ministry of *iTaukei* Affairs to cater for the protection of traditional knowledge and traditional cultural expression. Until the cultural mapping exercise is complete and the registry is set up, the Bill, even if implemented now, will not be effective, given that owners and designers of traditional knowledge and traditional cultural expression will first need to be established before action can be taken against lawfully using the traditional cultural knowledge or traditional cultural expressions.

To put it simply, for example, if a company comes along and goes to people in Rewa and says, “I want to use this” and they said, “Fine, you pay us x number of dollars and you can use it” and they go

off and they use it. Then comes along the people of Tailevu and say, “No, no, actually this is ours, not theirs” or “we should be sharing this” because it is an interaction between the two groups. So, this is why it is critically important to establish the boundaries. Where would compensation be, if people do want to use their traditional or indigenous artefacts, designs, et cetera, who should be the right people to be compensated because we need that to ensure certainty in a market?

Similarly, for medicinal purposes, someone may come along and say, “It is ours, it is something unique to Cakaudrove” but someone else may come along and say, “No, it actually belongs to Southern Lau”, that is why cultural mapping is critically important, which we have been funding and the Ministry of iTaukei Affairs has been working on it. So, Honourable Qionibaravi and others, who jumped on this bandwagon, need to understand. Please, do not come and politically pontificate when you do not have the fundamentals right. You have to get the fundamentals right, otherwise you could actually create more problems, because money is involved and people could actually fight over it, and we do not want that. We want laws that can be easily implemented.

Mr. Speaker, Sir, that is the contribution in respect to the matters that have been raised. The reality of the matter is that, the Bill creates the definition of what is the design, it sets up the commissioner of designs, there is the effect of the registration, there is use of the registered designs, restoration of lapse, restoration of design, restoration of abandoned design application, the Bill allows for that, international arrangements, what we can do with other convention countries, and the various offences under the Bill, Mr. Speaker, Sir.

Mr. Speaker, Sir, the reality of the matter is that, these Bills are critically important, it does provide protection to all Fijians, including the *iTaukei* people, and I am saying this because the Members of the other side have now given it an ethnic tinge to it. We have said traditional knowledge, we are the first ones who said that, and we are going to present the Bill to Parliament, but we want to get it right, so that everyone can benefit from it; we have protection of traditional knowledge and culture and the designs, but at the same time, ensuring that we provide a stimulus way in which it can be protected and the people who are actually the traditional owners of it can benefit from it in a very systematic and a transparent manner for the benefit of the country as a whole. Thank you, Mr. Speaker, Sir.

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

Question put.

Motion agreed to.

[Designs Bill 2020, Bill No. 47 of 2020, passed and enacted by the Parliament of the Republic of Fiji. (Act No. of 2021)]

HON. SPEAKER.- We move on. For the first Oral Question for today, I call on the Honourable Qereqeretabua to ask her question. You have the floor.

QUESTIONS

Oral Questions

One-Off Payment for MBBS Students
(Question No. 173/2021)

HON. L.S. QEREQERETABUA asked the Government, upon notice:

Can the Honourable Attorney-General and Minister for Economy, Civil Service and Communications inform Parliament how the one-off payment of \$10,000 for MBBS students enrolled privately due to non-availability of Toppers Scholarship is appropriate?

HON. A. SAYED-KHAIYUM (Attorney-General and Minister for Economy, Civil Service and Communications).- Thank you, Mr. Speaker, Sir. In this question, there was a word, 'if', which has been replaced in the Business Committee to 'how', but on reflection, it actually tantamount to the same effect. Essentially, it is a very subjective question. The Honourable Member, I think, is asking; is this appropriate amount of sum of money or not? Under the circumstances, we believe it is. Thank you.

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

HON. L.S. QEREQERETABUA.- Thank you, Mr. Speaker, Sir. The reason for that question is that, so many students have worked very, very hard over several years, intending to acquire a Toppers Scholarship. So, the cancellation of this year's MBBS scholarships was basically pulling the rug from under their feet and under the feet of their parents and guardians, who have been left to look around for funding. I thank God that one, at least, I have read about has qualified since, for a Ratu Mara Scholarship. There are also people in Lautoka who have been supporting those who have now gone to look for their \$85,000 that it will now cost them.

So, the reason for my question and, again, a follow-up question, why \$10,000? Why not \$40,000 or something else? Why \$10,000? How is that even appropriate, seeing the way that the Toppers Scholarship was being advertised and so many people worked so hard for it?

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, if the Honourable Member looked at how the Toppers Scholarships are actually awarded in the first place, it is actually based on industry requirements. It is based on the ability of those individuals to actually get jobs, and the national requirements.

Mr. Speaker, Sir, when the announcement was made last year in the Budget that for this year MBBS students will not be able to get Toppers, in the same way, we have never given Toppers for people to become lawyers. We only have been giving TELS. The reason being there is an over-supply of lawyers in Fiji and obviously, there is no requirement, so there is no funding that needs to be given for Toppers. Yes, we have given Toppers for people to become engineers, nurses, quantity surveyors and various other areas where there is a lack of skillsets in those specific areas of the economy.

Mr. Speaker, Sir, as part of the 2020-2021 Budget announcement, it was decided that Government would suspend the MBBS programme. The decision was made on the basis that the Ministry of Health would have 1,005 doctors to meet the WHO benchmark of one doctor per a thousand population by the end of 2020.

Mr. Speaker, Sir, this policy decision was to be reviewed in the following years, if the economic situation improved. And we all know that because of the pandemic, we had constrained economic and financial limitations. So, in this financial year, Government has allocated an additional funding of \$12 million to the Ministry of Health to cater for 140 new Medical Interns who have recently graduated, because you do not just simply to university. At the end of it, they need to go into internship, which we fund.

The Interns, as the Honourable Minister will tell you, are one of the highest paid professionals in Fiji, soon after coming out of university. Of course, after they finish their internship, they get on a higher salary also. So we have catered for 140 new Medical Interns, who have recently graduated and expect to be recruited soon and 140 vacant posts to be filled. This will bring an expected total number of doctors to a net increase of 1,172 by the end of this financial year.

In the Budget announcement, the Honourable Member may recall, that last year when we announced and said that there would not be any more Toppers for MBBS, we did say that in the event Government was able to provide some financial support, we would actually do so. The Honourable Member does know that Government revenue is still very constrained because of the fact that the border is still closed. Notwithstanding the fact, we still provide a safety net for all those people who require social assistance - unemployment benefit (\$200 million), Micro, Small and Medium Enterprises loans - no interest rate payment for two years, no principal payments; and the continuation of the Poverty Alleviation Scheme; all of that has been put in place. Sir, TELS is still continuing with some modifications to it.

So given the constraints, for those people who actually got into MBBS, we will still assist by paying them \$10,000 if they meet the criteria. For a student to qualify for the one-off financial assistance of \$10,000, they need to be enrolled for the MBBS Programme in 2021 and the grant will assist them for their second year of studies. The assistance will be subject to the students meeting the established criteria of having a Year 13 aggregate score of 340 or more out of 400 during the time of admission. The first year cumulative GPA for the MBBS Programme must be 3.0 or more, and pass the means test of a combined parent/guardian income of no more than \$100,000 per annum. So, essentially, we are targeting to help those in the low income brackets.

Mr. Speaker, Sir, unfortunately, I did not have enough time, but when we announced this in this year's Budget, one of the mothers actually sent me an email or *Viber* saying, "Thank you for this assistance, we understand the circumstances but \$10,000 will be a great help to us." Of course, we congratulate all those who have enrolled into MBSS and I would like to thank the perseverance of those students, including their families, who have actually persevered and given priority to that. We wish them all the best.

HON. SPEAKER.- Thank you. Honourable Dr. Lalabalavu, you have the floor.

HON. DR. RATU A.R. LALABALAVU.- Thank you, Mr. Speaker, Sir. Just a point of clarification, Honourable Minister, is the \$10,000 grant on a yearly basis until the sixth year, or is that just for this year alone?

HON. A. SAYED-KHAIYUM.- It is for this financial year, Mr. Speaker, Sir. Thank you.

HON. SPEAKER.- Thank you. I give the floor to the Honourable Tuisawau for his supplementary question.

HON. RO F. TUISAWAU.- Thank you, Mr. Speaker, Sir. The question I had was regarding the Human Resources Plan in terms of moving forward, in terms of the needs of our nation on medical personnel. Is there one in place and how has that been affected by the current situation in terms of doctors, nurses, et cetera?

HON. A. SAYED-KHAIYUM.- I think that question is probably best directed to the Honourable Minister for Health in respect of the internal workings of the human resources capacity within the Ministry of Health. Thank you, Sir.

HON. SPEAKER.- Thank you, we will move on. When the Honourable Minister for Health has to answer the question, you can ask that question as a supplementary at a future time.

On the second Oral Question for today, I give the floor to the Honourable Sharma to ask his question.

Open Taxi Rank System
(Question No. 174/2021)

HON. R.R. SHARMA asked the Government, upon notice:

Can the Honourable Minister for Commerce, Trade, Tourism and Transport inform Parliament on how the Open Taxi Rank System will benefit members of the public and taxi operators and drivers?

HON. F.S. KOYA (Minister for Commerce, Trade, Tourism and Transport).- Thank you, Mr. Speaker, Sir. We all know we have got a new way of doing things and COVID-19 has actually created this. We have some new challenges for all Fijians, particularly constraints on our finance, our food supply and our job security. So, amongst many of the positive incentives that were announced in the National Budget, Sir, the Open Taxi Rank will actually lead to improved services and it eases some financial burden on operators on the transport sector.

Although the governing law is yet to commence, we will be giving out a commencement date at a later stage. When it does come into force, it will put in place a new system for taxi operators - a system that will actually provide uniformity across the board for all taxis, Sir. Essentially, it will get rid of the different terminologies that we currently have, such as base taxis, stand taxis and zone taxis. The Open Taxi Rank will allow for taxis in Fiji to operate within their designated zones on a 'first in first out basis', similar to most countries around the world, and the removal of base and stand that will remove the base, stand and station fees that public service vehicle permit holders pay and replace it with an annual PSV levy.

Now, Mr. Speaker, Sir, this particular framework guarantees opportunities for taxi drivers and operators to work and operate in unity, whilst actually reducing illegal operators. The Ministry has reassured PSV operators that all fees that have been paid in advance to the respective municipal councils for the base and stand will be credited and offset against the vehicle renewal levies, which means when a PSV operator takes his/her vehicle for annual renewal of registration, the cost will be credited and will be utilised to offset the total cost for renewal of registration, and the balance will only have to be paid.

The annual PSV levy for taxis will depend on rural or urban taxis, and the crux of the whole matter, Sir, is that, this particular assistance provides taxi operators a level playing field and the current system of taxi bases and stands limited the taxi operators to operate from one place only. They will have more options and opportunities to pick up passengers within their zones and now, operators have greater options and opportunities to create business for themselves. It will also remove somewhat of a stronghold that a very few number of operators have on certain basis, despite not being able to meet the demand for taxis in that area. It does not affect private-base owners, Sir, and the customers will also be able to have more reliable and efficient service.

Mr. Speaker, Sir, one of the most important part also is that, the Fiji Roads Authority (FRA) has been working with the Ministry, and we have agreed to create more open taxi ranks in different various zones. This will provide more space and reduced crowding of taxis and in particular busy areas, taxis will now have access to even more open bases. In absolute terms, there will be more organised bases than what existed before. So, it will improve our traffic, congestion and planning, especially in busy metropolitan areas and more open rank bases in particular zones will reduce accidents and congestion, usually caused by taxis suddenly stopping for passengers in an *ad hoc* manner and operations will become more and more orderly, Sir, as we see in countries, like Singapore.

On figures, Sir, upon completion of the work relating to marking and rearranging open ranks, the commencement date will be announced thereafter. We will have to go right around the country, so a little

bit more consultation as to where it happens, consultations with respect to taxi operators, also with respect to the councils and the FRA.

Work is underway, Government will continue to pay for the base and the stand fees, as announced in the Budget and the transport sector, in its entirety, has been amongst the most impacted. But a carefully-crafted budget will go a long way in easing some of the burden they face.

Lastly, Sir, this is absolutely and totally in line with our development plans. I want to reiterate what the Honourable Minister for Agriculture, Waterways and Environment said, I know that there will be people asking about whether there is consultation or not, but consultation is an ongoing exercise and, yes, we have done so and that continues to happen. I thank you, Sir, and I hope that answers the question.

HON. SPEAKER.- I thank the Honourable Minister. A supplementary question, Honourable Waqanika.

HON. T. WAQANIKA.- Thank you, Mr. Speaker, Sir, and thank you, Honourable Minister for that Statement. In light of the COVID-19 pandemic and everyone trying to survive, can the Honourable Minister, please, inform the House, since he has mentioned unity and the ease of congestion, how will they counter the congestion of taxi bases at lucrative sites under this open rank system because when a site is lucrative, you will have a lot of taxis going there? I understand that the Honourable Minister has mentioned about Singapore, yes, it works when there is no need for survival, but everyone is on survival mode now. Thank you, Mr. Speaker, Sir.

HON. F.S. KOYA.- Thank you, Mr. Speaker, Sir. I think I have actually answered that in the first part, it is actually quite simple. It is 'first in first serve', so everyone has a fair bite of the cherry and it is a level playing field. So no particular person is entitled to park in one base all the time. These bases will be taxi base rather than bases and every taxi has an equal access to that particular base.

In terms of congestion, of course, we have our normal LTA and the police that will address all of those issues, but we are working in conjunction with the FRA to ensure that we do not get congestion by producing more bases around the city and different areas.

I understand what you are saying about certain areas maybe lucrative around supermarkets, but once you pick up, you are gone, someone else comes in, so it has to be an ongoing thing. For example, five taxis parked outside RB Patel, pick up passengers and the base will remain empty until those taxis actually turn up. So everyone has a fair bite at the apple, Sir.

HON. T. WAQANIKA.- Thank you.

HON. SPEAKER.- Honourable Saukuru, a supplementary question.

HON. J. SAUKURU.- Thank you, Mr. Speaker. With the introduction of zone taxis here in the West, especially for Lautoka City, a lot of taxi operators have been complaining about the reduction in daily income for them because of the number of taxis that are available now in the city area. My question to the Honourable Minister is, have you worked out, sort of, an ideal number of taxis to operate within Lautoka City or for any modern town for that matter, otherwise it will be flooded with taxis and they will have problems with getting the business? Thank you.

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

HON. F.S. KOYA.- Thank you, Mr. Speaker, Sir. What must be borne in mind is that, we have not issued any new taxi permits to anyone in a substantially long period of time and this is the reason

why. We have the zone system that operates in the West and at that time, a lot of research went on as to how many taxis should be available for the West - how many for Nadi and how many for Lautoka? It was in line with the number of people, the population, et cetera. All of those number punching exercises were done prior to COVID-19.

Yes, of course, there are a lot of taxis that are free and available at the moment, that would rightfully be used but because there is less to go around, it seems like there are more taxis. There are no more taxis, they are the same number of taxis. The frequency of taxis in a particular base would probably be more because there is lesser activity, Sir, but most definitely, no new permits have been issued. It will not be, not at the moment, Sir, we are still going through this particular exercise. Especially in the West, the number punching exercise was done way, way prior to COVID-19 and that was the number that was actually dedicated for the West in terms of the number of taxis that are there at the moment.

We do understand that there is less to go around and it is simply a matter of the LTA and the Police, making sure there is fluid movement around the city. As I have said, these open taxi bases will mean that the fluidity of movement around the city areas will be much, much better, Sir and there will be more bases being made available. This is why the collaborative exercise with FRA.

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

HON. S.R. RASOVA.- Thank you, Mr. Speaker, Sir. Thank you, Honourable Minister. My question is; I heard that you had consulted with the Fiji Taxi Association, have you done that? *Vinaka*.

HON. F.S. KOYA.- Thank you, Honourable Rasova. At the outset, it is more consultation exercise, it is not a singular moment and it is not a singular time. It has happened over many instances and it is right throughout the year - during budget time, prior to budget time but most importantly, what must be remembered by all Honourable Members of this House is that, we operate on a 20-year Development Plan. That Development Plan dictates what we actually do, so when we go through these processes, that is how that Plan comes across.

There is a consultation exercise that happens. I have had conversations with not just the Fiji Taxi Association, it is not the only association that exists, there are other players in the market. We have regular consultations with all the stakeholders in the transport industry and the Board is also in regular conversation with all the different stakeholders in the transport industry, Sir, and they continue to do so.

HON. SPEAKER.- Honourable Tabuya.

HON. L.D. TABUYA.- Thank you, Mr. Speaker. The question has been asked and answered.

HON. SPEAKER.- For the third Oral Question for today, I give the floor to the Honourable Tabuya to ask her question. You have the floor.

Support for COVID-19 Pregnant Mothers and Postpartum Mothers
(Question No. 175/2021)

HON. L.D. TABUYA asked the Government, upon notice:

Can the Honourable Minister for Health and Medical Services inform Parliament on support available for expectant mothers and mothers with newborn infants, who have tested positive for COVID and placed in isolation?

HON. DR. I. WAQAINABETE (Minister for Health and Medical Services).- Thank you, Mr. Speaker, Sir and I thank the Honourable Member for that question. When mothers come in, there are several forms of support, whether they are due to deliver their babies at the hospital. We have utilised not only the CWM Hospital, but also our Makoi Birthing Unit and for isolation, also the Patel Isolation Centre.

Mr. Speaker, one of the ways in which they are supported is the clinical support. I have alluded to yesterday and in my Ministerial Statement on Monday on how the Obstetricians have been working hand in hand with Obstetricians and also the Federation of Gynaecologists and Obstetricians around the world to be able to look at the best practice in how to look after our mothers who are expectant and when they deliver, and how to look after them well and their babies.

Also, the Paediatricians have been working and gaining best practice from their colleagues overseas. This included, as we all know, testing when they come in to CWM or Makoi Birthing Unit, once they have been identified as positive and also before that, during the time of their anti-natal clinics, whether that by telehealth or by physical meet, they are advised of the expectations that could happen, if they are being found to be COVID-19 positive.

There is also a public health support. If they are actually positive, that means that their families where they come from, have to be isolated and they have to be looked after, including the many forms of support that Government does offer, including rations, if they need rations at home. There is psychosocial support either provided through our professionals and also the counselling services which we utilise, for example, Empower Pacific. There are donors, and I have heard Honourable Tabuya that you have been one of them, foreign missions, companies, families and many who have been anonymous.

The other important support is vaccination. As you have heard recently, over the last three weeks, we have had Moderna, which has come to the country through generous support of the Government of the United States of America through the COVAX Facility, and 150,080 doses which are predominantly for our pregnant mothers to be able to protect them, which has a shorter 28 day cycle.

Mr. Speaker, Sir, on vaccination, I just want to bring to the fore something that Honourable Tikoduadua said yesterday which concerns me, and I was wondering whether this was an official NFP policy or NFP statement. He said, "they too (this is talking about municipal markets and the market vendors), under the illusion like Government that herd immunity will get rid of the virus and result in re-opening of the borders."

Mr. Speaker, Sir, we aim to achieve herd immunity through vaccination. Even those who have been positive have been asked to come back for their vaccination. We also know, for example, in the United Kingdom, once they surpassed 60 percent of the population fully vaccinated, we see a significant drop in their hospitalisations and death, and they were able to lift restrictions that are in place. That is the aim of the Fijian Government. Thank you, Mr. Speaker, Sir.

HON. SPEAKER.- Thank you. Honourable Tabuya, your supplementary question.

HON. L.D. TABUYA.- Thank you, Mr. Speaker, Sir. I wish to thank the Honourable Minister for outlining the support that is being provided by the Ministry, especially in acknowledging the kind of help that our mums are getting. It is really no credit to me, there are group of young women, passionate young mums who are doing this, raising funds to assist our women and infants.

As we have found that greatest needs for these mums and infants are items that are not usually provided by the hospitals and centres, like newborn diapers, newborn clothing, formula if needed and bottles. So I want to ask the Honourable Minister, if there was actually a budgetary allocation specifically

for these newborn infants and mums to provide this in the financial year because there are more and more mums coming in for isolation and also on home isolation, so the specific items of diapers and wipes, bottles and formulas cost a lot. Is there a budgetary allocation in the Ministry of Health for that?

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

HON. DR. I. WAQAINABETE.- Mr. Speaker, the things that are given to patients, they are stipulated under the policy, for example, what is provided by the Ministry of Health, that is provided by the Ministry of Health. If we have lacked in anyway, then we are supposed to provide it but as I have alluded to, the support is not only limited to the mothers who are pregnant or who have delivered with COVID-positive children, we also have to remember that we also support their families in terms of ration support when they are in COVID-19 isolation.

Even before COVID-19, we have always had support in many forms, including, some of those organisations that the Honourable Member had alluded to. They are being part and parcel in giving and supporting in areas in which the Ministry of Health traditionally does, for example, diapers. They have provided before, they have provided during COVID-19 and they will probably provide again after COVID-19. What we have stated, we will give and support our patients with, including our mothers and our newly born children, and we will continue to do so.

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

HON. RO F. TUISAWAU.- Thank you, Mr. Speaker, Sir. Honourable Minister, given the increase in the number of deaths for not only our elderly but also the mothers and recently, I think a baby, do you have any plans to assist in terms of the mortuary cost and funeral cost, as that is one of the main items being raised by those who are affected?

HON. DR. I. WAQAINABETE.- Thank you, Sir. The mortuary cost, the Schedule of Fees, they are locked in as per legislation under the Schedule of Fees. For those who are in isolation, on a case by case basis, depending on the challenges that may be in place. As you are aware, some of our Fijians who may actually have passed on, their families are in isolation and on a case by case basis, we do then discuss with their families. But as I have said, we cannot as a blanket rule, just change the policy all of a sudden because it is locked in under the Schedule of Fees legislatively or legally.

HON. SPEAKER.- Honourable Kuridrani, you have the floor?

HON. I. KURIDRANI.- Mr. Speaker, Sir, a supplementary question; can the Honourable Minister confirm, when will the Maternity Ward at the Navosa Hospital be opened for pregnant women and mothers of Navosa Province?

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

HON. DR. I. WAQAINABETE.- Mr. Speaker, this question is a substantive one and not a supplementary question. As a matter of safety, we have made the decision that we have done in Navosa specifically during this time of COVID-19 where there is a challenge of COVID-19 in Navosa.

HON. SPEAKER.- Honourable Tikoduadua, a supplementary question.

HON. LT. COL. P. TIKODUADUA.- Mr. Speaker, Sir, I would like to ask the Honourable Minister, what form of support is Government or his Ministry providing to children of mothers who died through COVID-19 and I believe there are a few of them?

HON. SPEAKER.- I think he had already answered that. You can still take the floor, Minister.

HON. DR. I. WAQAINABETE.- Sir, that in particular is a substantive question that needs to come later.

HON. SPEAKER.- Thank you. We will move on to the fourth Oral Question for today.

Development Programmes for Rural & Maritime Areas
(Question No. 176/2021)

HON. A.T. NAGATA asked the Government, upon notice:

Can the Honourable Minister for Defence, National Security and Policing, Rural and Maritime Development and Disaster Management update Parliament on how the Ministry is using the Self-Help Programme and Community Access Roads, Footpaths and Footbridges, for the development in rural and maritime areas?

HON. LT. COL. I.B. SERUIRATU (Minister for Defence, National Security and Policing, Rural and Maritime Development and Disaster Management).- Mr. Speaker, Sir, I thank the Honourable Member for the question.

First, Mr. Speaker, Sir, allow me to thank and acknowledge all our humanitarian heroes because today is World Humanitarian Day. World Humanitarian Day focuses on bringing together partners from across the humanitarian system to advocate for the survival, the wellbeing and dignity of people affected by the crisis and, of course, for the safety and security of aid workers.

I wish to especially acknowledge those from the medical and the non-medical field, not only in Government but, of course, the civil society and the Non-Government-Organisations (NGOs) who have made the ultimate sacrifice. Each day, Fiji is humbled by their commitment and courage and, again, a Happy World Humanitarian Day to all our humanitarian workers and, please, keep up the good work.

Mr. Speaker, Sir, I need to acknowledge the Honourable Prime Minister for his commitment to rural development in Fiji. That has been consistent from day one under the Bainimarama-led Government and, of course, the FijiFirst Government as well in ensuring that no one was left behind. We all agree that rural development over the years, particularly during his term of leadership is unprecedented. I wish to acknowledge the Honourable Prime Minister for that commitment.

At the outset the Ministry of Rural and Maritime Development and Disaster Management is, again, grateful for the allocation that we are given for the next financial , which is equivalent to what we also had in the last financial year - \$2 million allocation for Community Access Roads, Footpaths and Footbridges (CARFF) and, of course, \$1 million allocation for Self-Help Programme.

I wish to highlight the implementation of these two particular allocations that are given to the Ministry, Mr. Speaker, Sir. Again, Government is committed to rural development as a key national priority and may I quote the words of the former Prime Minister, Ratu Sir Kamisese Mara, that the development of our rural areas is a solid measure of the progress of the nation.

As our economy got battered, there has been a lot of developments in rural Fiji and, Mr. Speaker, Sir, the Ministry of Rural and Maritime Development and Disaster Management is fully aware that investment in rural infrastructure is crucially important to foster Fiji's economic development and prosperity.

Very briefly, Mr. Speaker, Sir, for the last financial year, there was 85 CARFF projects and a total of 90 Self-Help Projects. In fact, the target that was set was lower - 60 and 75 respectively and I wish to acknowledge the team - the Permanent Secretary, Mr. David Kolitagane; the four Divisional Commissioners; the District Officers; and Provincial Administrators for their hard work. Of course, I would like to thank the Ministry of Economy as well for providing the funds that enabled us to have more of what was initially scheduled. So instead of the 60, there were 85 (CARFF Projects, and instead of the 75 Self-Help Projects, there were 90 in total, despite the challenging circumstances that we are well aware of.

Those projects by Division, Mr. Speaker, were as follows:

CARFF Projects

- Central Division - 26 projects worth \$4 million;
- Eastern Division - 11 projects worth \$0.3 million;
- Northern Division - 23 projects worth \$0.5 million; and
- Western Division - 25 projects worth \$0.8 million.

Self-Help Projects

- Central Division - 30 projects worth \$0.2 million;
- Eastern Division – 22 worth \$0.3 million;
- Northern Division - 18 projects worth \$0.2 million; and
- Western Division - 20 projects worth \$0.3 million.

I have a long list, Mr. Speaker, but I would not bore the House going through most of it but maybe, just highlight a few. For CARFF Projects, particularly, and this is on new access roads:

Northern Division

- Droka Settlement Access Road in Lekutu, Bua - \$45,533.
- Nadua Village Access Road in Wainunu, Bua - \$16,126.

Western Division

- Nukuilau Settlement Access Road in Noikoro, Navosa - \$32,260.
- Veiwa Access Road, this is in Nativi Village, Saivou, Ra - \$26,087.

Central Division

- Nasoqo Community Access Road, Veinuqa, Namosi - \$24,645.
- Volivoli Access Road, Vunibau Village, Deuba - \$27,510.

Eastern Division

- Muaninuku Community Access Road, Nabukelevu, Kadavu - \$48,700.
- Naikorokoro Community Access Road, Sanima, Kadavu - \$45,940.

We have just decided to highlight the new access roads, Mr. Speaker, Sir.

That does not include the maintenance for some of the rural access roads and there were a lot of footbridges and footpaths. But let me say at this stage, Mr. Speaker, Sir, because of the priorities and the needs, we are asking stakeholders, particularly our communities, to bear with us because we are allocating more of the funds to those communities that need road as opposed to footpaths. We can come to footpaths later, but let us get the access first to those that need road access. Footbridges is very important, Sir, particularly for the movement of women and children to the hospitals and market access.

I remember opening the footbridge at Tovu Village, where the famous song - *Wavu Lekaleka* was sung by the *Voqa ni Ua Kei Davetatabu, Na i gadigadi nei Seni Teteva*.

HON. MEMBER.- *Qori!*

HON. LT. COL. I.B. SERUIRATU.- *Vakadua*.

So that was one of the key projects under on the footbridge, Mr. Speaker.

Self-help, about \$1 million allocation, I will just quote a few, Mr. Speaker, Sir. With self-help, it is for socio-economic projects as well, and we are pleading with the stakeholders. We understand that there are a lot of social projects but, of course, given the times that we are in, if we can also focus on economic projects in what we call, the “income generating projects”.

We liaise very closely with the Ministry of Agriculture and other stakeholders, whether it is a fish pond or beekeeping, or even those who want to do simple backyard gardening or livestock farming. These are the income generating projects and right now, majority of those projects, particularly those in the maritime areas are for boats and engines because it serves quite a few purposes.

One thing that we noted, we know that we have the Ministry of Communications and the others but I think in some communities, the need for communication particularly so that we can get access in terms of services by Government and the marketing of the products as well. There were two VT Set projects funded under this allocation; one in Nautovatu and Vatulele in Cikobia, Mr. Speaker, Sir, and the other at Narocivo, Nayau in Lau.

A few evacuation centres but retrofitting, Mr. Speaker, Sir, not new evacuation centres because of the allocation, as follows:

- Nailou Evacuation Centre, Tukavesi, Cakaudrove - \$18,800;
- Saolo Evacuation Centre in Wainunu, Bua - \$15,406;
- Ligau Evacuation Centre, Kia, Macuata - \$3,500;
- Vunivutu Evacuation Centre, Macuata - \$6,200; and
- Wainaloka Evacuation Centre (Completion Project), Ovalau - \$10,840.

So, Mr. Speaker, Sir, if I may just quickly summarise overall, at least, 21,000 Fijians benefitted from the CARFF and the Self-Help Projects in our rural communities for the last financial year. There are multiplier effects of such developments to the community.

Mr. Speaker, Sir, again, these achievements were made, despite the multiple consequences faced from two tropical cyclones (*TC Yasa* and *TC Ana*) and, of course, from the COVID-19 pandemic, especially on restrictions in business operations. In some instances, supplies affected us very much, particularly for the hardware and those who provide necessary services to our rural communities.

Let me also add here, Mr. Speaker, Sir, that we are in the dry season in Fiji and as Minister also responsible for disaster management, the allocation for emergency water is also given to the Ministry every financial year. We have started carting water now in the Western Division, Sir. We have completed water carts to a few of the communities in the Western Division, particularly in Yasawa, Vatulele and Malolo, to summarise it very quickly.

Mr. Speaker, Sir, I also wish to mention and as I have stated already in this House, let us not only focus on the COVID-19 pandemic, we are moving closer to November, our cyclone season. We hope that we would be easing off the burden on COVID-19 as we approach November, but the key message

is preparation. Let us prepare. I have talked about the Crisis Management Framework, Mr. Speaker, Sir, preparation, prevention, response and then recovery. So we need to prepare well and we need to look at preventative strategies, and we will come to the response and the recovery later.

HON. SPEAKER.- Thank you. I have got two supplementary questions here. One is the Honourable Tuisawau. I have to do it in the order that I have got. You have the floor.

HON. RO F. TUISAWAU.- Thank you, Honourable Minister. Thank you for the brief on the upgrade of access roads, et cetera, but one of the concerns we had raised in the past was the assistance to those affected by cyclones - housing assistance. Can you update us on that because I see in your disaster management, you have \$800,000 for disaster and relief rehabilitation? What assistance have you provided on housing – those damaged houses destroyed since the cyclones upto now, do you have any funding or plans for that? Thank you.

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

HON. LT. COL. I.B. SERUIRATU.- Mr. Speaker, Sir, it is not only the Ministry responsible for disaster management but, of course, the Ministry for Housing and Ministry of Forestry and a lot of other stakeholders. But very briefly, machines are still deployed there. Of course, with portable sawmills, Government has been able to get an additional four. Out of the four new ones provided to us by the Australian Government, two are deployed to Vanua Levu and two to Kadavu.

Again, the communities are able to do their own rehabilitation work with the materials that are provided through the allocation of these portable sawmills. The other needed materials can come in either through the communities themselves. They are doing that quite well in Totoya and they can look at what is available in the Ministry of Housing and other key stakeholders that also provide the necessary services. Thank you, Mr. Speaker, Sir.

HON. SPEAKER.- Honourable Kepa, your supplementary question.

HON. RO T.V. KEPA.- Thank you, Mr. Speaker, Sir. I thank the Honourable Minister for his response to the question and through him, the Honourable Prime Minister for looking at rural development.

Honourable Minister, I notice that we have here footpaths and footbridges, do you also do safety railing and ramp, for example, at Nasali Landing, which services 12 villages and this is socio-economic also because people were using that for supplying the Suva and Nausori markets. On rainy days, it is very dangerous. Some women have ended up in the river, no men yet, but it is the women who are ending up in the river. Do you also do safety railings and wheelchair ramp under those two allocations? Thank you, Mr. Speaker, Sir.

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

HON. LT. COL. I.B. SERUIRATU.- Thank you, Mr. Speaker, Sir. We will be happy to perhaps, consult and then perhaps, the Commissioner Central can facilitate because I am not sure about the classification or the categorisation, because wharves and bridges come under FRA. So we will have to consult with the stakeholders, maybe we will do a visit. I will ask the Commissioner Central to organise and then we will see. I know that it is a matter of safety and it is critical, but it can be done. We will just have to decide who is responsible for it, whether it is FRA or it can come under the CARFF fund. Thank you, Mr. Speaker, Sir.

HON. SPEAKER.- Do not just carry out a visit because ...

HON. RO T.V. KEPA.- And I look forward to his visit and I will show him where the women exactly fell into the river. Thank you.

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

HON. M.R. LEAWERE.- Thank you, Mr. Speaker, Sir. I thank the Honourable Minister for a lot of self-help programmes and community involvement and community access roads, footpaths and foot bridges that the Ministry has carried out in the last financial year. I was wondering these footbridges, do they also include Serua Island because we have to go to the New Zealand Embassy, the Australian Embassy and the Japanese Embassy for assistance, but to no avail? I was wondering if Serua Island is also included in this programme? Thank you, Mr. Speaker, Sir.

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

HON. LT. COL. I.B. SERUIRATU.- Thank you, Mr. Speaker, Sir. We will do Bau first and then we will do Serua.

HON. M.R. LEAWERE.- Amen!

HON. SPEAKER.- There you are, he agrees with that.

(Laughter)

HON. LT.COL. I.B. SERUIRATU.- Definitely, we do not want to leave anyone behind. I have a huge list of those who want the project as well, particularly for new access roads in the various *tikina* of Noimalu, Veinuqa, and in all the four Divisions. The same goes for footbridges and footpaths, so we will check on that.

HON. SPEAKER.- Thank you. I have not forgotten you, Honourable Saukuru. You have the floor.

HON. J. SAUKURU.- Thank you, Mr. Speaker. How is the Ministry prioritising work projects through the Divisional Commissioners? My question is related to a few *tikina* meetings I have sat in and have noticed that a lot of complaints have been coming from the *turaga ni koro* for resolution of meetings never been carried out on projects. That is why I am asking how these things have been prioritized at Commissioner level?

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

HON. LT. COL. I.B. SERUIRATU.- Mr. Speaker, that issue is something that we have raised with the Divisional Commissioners and the *Roko Tui*. One of the contributing factors to the delay is because requests from communities are just captured in the Minutes of the meeting. I am referring now to *tikina* meetings and provincial council meetings. To kick-start the process for project implementation, we have to do a proper project paper and this is an area, Mr. Speaker, Sir, that we are addressing now with the *Roko Tui*.

In terms of prioritisation, of course, the Divisional Commissioners come with their list and then they fight for their communities. We always give them guidance, particularly on the identification of the number of people who will benefit from it, the geographical position, layout, particularly for those communities that are in the hinterland and those on the coast. We have a list of project criteria that needs to be ticked off and then after that there is the allocation. But in terms of prioritisation, let me just also

conclude here, Mr. Speaker, Sir, that funds are not distributed evenly amongst the four Divisions. That used to be the practice years and years back.

Mr. Speaker, Sir, I did not mention that we are working with the UNDP and one of the good things that we are working on, we have a team that does research and data collection. Communities in Fiji now, under the GIS project, are all captured in terms of their development needs and, of course, how it can be factored into the plans that we have. So, that also is a big contributing factor to the prioritisation when it comes to the allocation of funds between the four Divisional Commissioners.

The Permanent Secretary also keeps a reserve, particularly to cater for the urgent needs by the Commissioners if communities do justify through the Divisional Commissioners of the urgency of those projects. So, prioritisation is not that simple but, of course, there are criteria in place to guide the allocation of the funds to the respective Divisions.

HON. SPEAKER.- The fifth Oral Question for today.

National Action Plan to Prevent Violence Against Women and Girls
(Question No. 177/2021)

HON. S.V. RADRODRO asked the Government, upon notice:

Can the Honourable Minister for Women, Children and Poverty Alleviation update Parliament on the progress of the National Action Plan to Prevent Violence Against Women and Girls?

HON. R.S. AKBAR.- (Minister for Education, Heritage and Arts).- Thank you, Mr. Speaker, Sir. Fiji has embarked on a historic mission to develop a National Action Plan to Prevent Violence against Women and Girls 2021-2025, making us the first Pacific Island country and one of the only two countries globally along with Australia.

The development of the National Action Plan to Prevent Violence against Women and Girls was announced by the Ministry of Women, Children and Poverty Alleviation, together with collaboration from the Ministry of Education, Heritage and Arts, Ministry of Health and Medical Services; and the Ministry of Employment, Productivity and Industrial Relations in January 2022, and the Cabinet was informed accordingly.

In November 2020, Mr. Speaker, Sir, Cabinet approved that the Ministry of Women, Children and Poverty Alleviation carry out national consultations to achieve this. Some of the features of the National Action Plan to Prevent Violence against Women and Girls is the whole of Government approach evidence-based, measureable, inclusive and funded five-year plan with the emphasis on stopping violence before it starts.

Mr. Speaker, Sir, the National Action Plan will set out short, medium and long term strategies to reduce levels of violence against women and girls by challenging its underlying root causes in order to effect changes in people's attitude and behaviour. It will also promote community leadership and a much stronger culture of equal and respectful relationship between men and women.

The National Action Plan to Prevent Violence against Women and Girls will focus on domestic violence, intimate partner violence and sexual violence against women and girls, as data and evidence from Fiji demonstrate that these are the most prevalent forms of violence against women and girls which urgently needs to be addressed.

The key components of the National Action Plan would be:

- (1) An explanation of why violence happens in Fiji;
- (2) Key strategies to prevent violence in Fiji;
- (3) Key settings for prevention;
- (4) Stakeholder roles and responsibilities;
- (5) Implementations plan;
- (6) Performance, monitoring, reporting and evidence; and
- (7) Fostered Implementation Plan

The Ministry of Women will lead the development of the National Action Plan to prevent violence against women and girls, along with a series of national consultations in order to -

- build a shared understanding as to why national violence against women and girls happen in Fiji, its root causes and contributing factors; and
- ensure that the National Action Plan is informed by experience, knowledge and expertise that exist amongst diverse settings, sectors and communities.

Progress so far, Mr. Speaker, Sir, on national consultations, the key objective of the national consultations are:

- (1) To generate high level findings that will inform the development of the National Action Plan. Of course, it is also to ensure diverse stakeholders to offer advice, expertise and information to shape the approach of the National Action Plan.
- (2) To strengthen relationships with key stakeholders and promote a wider sense of engagement and ownership of the National Action Plan across all settings or sectors.
- (3) Altogether, 13 sectors have been identified for this consultation process and to-date, the Ministry of Women has actually completed consultations with six of those sectors.

Mr. Speaker, Sir, the consultations aim to reach over 2,500 women, men and youth, representing women in all their diversities, men, boys and stakeholders across 13 settings or sectors in Fiji, including education, health, social services, legal, justice and corrections, faith settings, informal sector, special settings with youths, sports and recreation clubs and places, military, transport and infrastructure, public spaces to be combined with universities, Technical and Vocational Centre, employment, arts, media, advertising and entertainment will be reached through these consultations.

Mr. Speaker, Sir, the consultations are being conducted in two phases - Phase 1 and Phase 2 and includes a mix method approach. Consultations were to be carried out between November 2020 and April 2021, and while the physical consultations were not possible due to the second wave of COVID-19, work did continue.

Mr. Speaker, Sir, a high level event on November 2020 saw the launch of the national consultation process to emphasise the leadership of the Fijian Government in key sectors and the role they play with a whole of Government and inclusive approach in championing gender equality, and addressing and preventing violence against our women and girls.

Since the launch of the Fiji National Action Plan consultation process, a total of 804 participants have been part of the in-person consultations, before the second wave of the COVID 19 brought in-person activities to a halt. In adapting to the new normal, the Fiji National Action Plan Team has successfully

facilitated a total of three virtual consultations in the faith, education and informal sectors, engaging a total of 111 participants.

Mr. Speaker, Sir, the National Action Plan Online Survey is available at www.FijiPreventaviolencework.com and has registered a total of 266 entries, and is still open if people are interested in sharing their views on preventing violence against all women and girls in Fiji.

Mr. Speaker, Sir, the Technical Working Group that is working with the Secretariat, the Secretariat is the Ministry of Women, UN Women and Fiji Women's Crisis Centre who are the CSO Representatives. The Technical Working Group consists of the Health Sector, Education, Youth, Ministry of Women, Poverty Alleviation, Police, Employment, Fiji Women Crisis Centre, Fiji Women's Rights Movement, DIVA, Empower Pacific, Red Cross, Medical Services Pacific, the Fiji Disabled People's Federation, UN Women, the House of Camellion, House of Sarah and the iTaukei Affairs Board.

Mr. Speaker, Sir, this month, around 90 faith leaders, teachers and education professionals from across the country came together virtually to contribute to this Plan. There were two consultations for the different sectors and this was part of the series of consultations that were planned by the Ministry of Women, Children and Poverty Alleviation (MWCPA).

A total of 69 participants were engaged in the day long virtual consultation on Wednesday, 4th August, 2021, which included primary, secondary and special school teachers, Divisional Education Officers, School Counsellors, Head Teachers, Principals, Vice-Principals and Ministry of Education Officials from the four Divisions. A previous consultation involved 25 various faith-based leaders, contributing to that consultation.

Mr. Speaker, Sir, those virtual consultations were supported by the Fiji Women's Crisis Centre, DIVA for Equality, the House of Sarah and the Fiji Women's Rights Movement, with technical support from UN Women.

Mr. Speaker, Sir, UN Women is providing technical and financial support through the Pacific Partnership to end Violence Against Women and Girls (Pacific Partnership), funded primarily by the European Union (EU) and the Governments of Australia and New Zealand, and the UN Women. Mr. Speaker, Sir, thank you.

HON. SPEAKER.- I thank the Honourable Minister. Honourable Salote Radrodro, your supplementary question.

HON. S.V. RADRODRO.- Mr. Speaker, we will recall that the former Minister for Women introduced this National Action Plan in this House in February last year and the target date that was given was December 2020 and the Plan was for the Years 2020 to 2025. We have heard from the Honourable Minister of Education that there is a shift, now it is 2021 to 2026, because it is a five-year plan.

Mr. Speaker, there has been an unprecedented level of violence against women, girls and children on the whole. The Fiji Women's Crisis Centre have provided figures on that. We read in mainstream media the continuous rise in violence against women and children. Also, we witnessed in this House yesterday the misogynistic comment by the Honourable Minister for Agriculture, Waterways and Environment. Also, we have just witnessed a few days ago, the deplorable comments by the *Fiji Sun* on the former Minister for Women. Mr. Speaker, that is why it is important that this Plan has to eventuate.

It must be finalised. Therefore, the question, Mr. Speaker, what is the new date now for the finalisation of this Plan? Secondly, what have been the challenges that the Ministry is facing that it is

unable to honour the date that was given when that Plan was introduced in this House, and the date given by the former Minister for Women was December 2020. Thank you, Mr. Speaker.

HON. SPEAKER.- Honourable Member, I think the Honourable Minister has already answered that, but I will give the floor to the Minister. You have the floor.

HON. R.S. AKBAR.- Thank you, Mr. Speaker, Sir. I will not dispute with Honourable Radrodro that we have increasing rates of domestic violence. As a former Minister for Women, I have also addressed this issue on numerous occasions and that is the reason why this is a whole of Government approach, to ensure that we actually find out the reasons for that.

The consultation process began in April and we are well aware that because of COVID-19, certain in-person consultations have been restricted. The Ministry is progressing with that via virtual consultations. The Ministry has 13 sectors to be part of this consultation process and Honourable Radrodro, if you had listened carefully, I did say 'media' as being one of that. I believe that reporting must be very sensitive and it has to be a whole of Government approach, if we are to progress towards understanding the reasons behind the rising rates of violence and a whole of Government approach, including all sectors to find a solution to that.

When you mentioned the previous deadline date, I still see the Plan is for 2020 to 2022 and the Plan includes; consultations, gathering data, analysing the data, drafting the plan and, of course, creating awareness and then implementing it. So, the Ministry is on track and I am sure the Technical Working Group with the Secretariat will progress with this as per planned.

HON. SPEAKER.- Honourable Maharaj, a supplementary question.

HON. A.A. MAHARAJ.- Thank you, Mr. Speaker. I wanted to ask as to the membership of the Technical Group for the National Action Plan but I think it has already been answered by the Honourable Minister. Thank you, Sir.

HON. SPEAKER.- Thank you. We will move on to the sixth Oral Question for today. I call on the Honourable Vegnathan to ask his question. You have the floor.

Informal Settlement Upgrades
(Question No. 178/2021)

HON. G. VEGNATHAN asked the Government, upon notice:

Can the Honourable Minister for Local Government, Housing and Community Development inform Parliament on the informal settlement upgrades that will be covered using the \$2 million allocation for the programme in the new financial year?

HON. P.D. KUMAR (Minister for Local Government, Housing and Community Development).- Thank you, Mr. Speaker, Sir. I also thank the Honourable Member for the question. But before I respond to this question, I need to correct certain irresponsible comments made by some Honourable Members of the Opposition in this august House on informal settlement upgrade.

Mr. Speaker, Sir, yesterday, Honourable Tabuya said that the explosion of the informal squatter settlements in our cities and towns around the country, it has exploded under this Government and yet this is not being a priority for Government to provide affordable housing for our people and in so many times before 15 years and 16 years.

Mr. Speaker, Sir, let me inform the Honourable Member and, indeed, the Opposition that the explosion of informal settlements in our cities and towns did not happen under this Government. History will tell us that the expiry of leases was a significant contributor to the growth of informal settlements in Fiji. I still remember thousands of our people were made homeless with the non-renewal of sugarcane leases. Thousands of families from Vanua Levu and from the Western Division moved out when their leases expired. Majority settled in the Suva-Nausori corridor, mainly in the Nasinu area.

Mr. Speaker, Sir, informal settlements increased by 73 percent by 2003 when farmers were made homeless. That was under the leadership of several Honourable Members sitting on the other side of the House. Now, they are adorning sheep's clothing, playing the part of saviour, and painting the picture as if this Government has done nothing in the housing sector. But they know, it was the past Government's poor policy decisions that resulted in the influx of people moving into informal settlements in the urban and peri-urban area.

Mr. Speaker, Sir, just one bad decision led to a massive housing demand we see today, a demand this Government is now addressing. We are just not cleaning up the mess but, at the same time, introducing new programmes, new initiatives and new grant schemes in the housing sector for our people. It is highly irresponsible behaviour on the part of the Opposition to ignore these facts.

Mr. Speaker, Sir, how can any government upgrade informal settlements on freehold and iTLTB land? Currently, there are 26 informal settlements on private land and 123 settlements on *iTaukei* land. Government can only upgrade any settlement after obtaining a development lease. If the private owners - freehold land owners, do not wish to give or sell their land, there is no way that the Government can step in and start upgrading that facility. But we do recognise there is land scarcity and to address housing issue based on land scarcity, the Ministry is working with International Finance Corporation (IFC) to develop strata units.

Also, Mr. Speaker, Sir, it must be recognised that people come from different socio-economic groups, their needs are different, they have different financial background, some prefer to rent, some prefer subsidy to rent, some have collected some money but they do not have enough as a deposit to buy their first home. So all these programmes are there to assist people own a home.

Honourable Tabuya also said that it takes 15 years to 16 years, and she had previously asked, what is the point, when the upgrade of informal settlement takes so long? There are reasons why it takes time, Mr. Speaker, Sir. The upgrade of informal settlements are not taking place on a green field, where there is no human settlement, where such development can be faster. Our informal settlement upgrade programme as the name suggests, is an in situ programme where people are already living, planning and documentation takes time, and there are lot of disagreement within the community. The upgrade includes all aspects of subdivision, such as roads, drains, sewerage, electricity and water supply. We have to consult with the settlers at every stage.

Mr. Speaker, Sir, in such situations, contractors have to carry out work with minimum disturbance to the settlers. There are heavy machinery moving into the settlement that can cause serious injuries or fatalities, if not handled with extreme care. Residents also pick up arguments and dispute arises with the contractor on their arbitrary land boundaries and sometimes, we have landowner disputes as well. There are number of developments that we are doing at the moment and we are facing some of these problems, Mr. Speaker, Sir. These issues cause delays to the upgrade programme, which is time consuming, as well as costly.

My Ministry had to cancel a contract for an upgrade programme in Caubati, and the reason was, the contractor went in and he was working on the land for three years, but there is a scheme plan that the contractor has to follow. While the work was continuing, dispute arose in the community and some

individuals living in that community in the informal settlement started extending their houses, some built new houses just for their sons and daughters, for their aunties and uncles, and all these houses were actually on the path where the road will be constructed. So it came to a deadlock. I mean, the contractor cannot proceed, so the contractor was facing so much problems, he was chased out of the settlement. We had to intervene but ultimately, we could not solve that problem so the contractor decided that he will not continue. So we had to cancel that particular contract, Mr. Speaker, Sir. So planning and execution is extremely difficult in any *in situ* development site, particularly when residents do not cooperate.

Mr. Speaker, Sir, despite these problem, it is this Government under the able leadership of our Prime Minister that started upgrading settlements on *iTaukei* land. In reality, when the Government acquires a development lease, the land premium and yearly ground rent is paid to iTLTB by the Ministry in full. We have paid over \$3 million in lease premiums for these leases and we continue to pay yearly rentals to iTLTB. Both the landowners and settlers living in these settlements directly benefit from the lease arrangements.

Mr. Speaker, Sir, Honourable Lenora Qereqeretabua had raised her concern about the oldest Tomuka Settlement and she questioned why it is still not developed. I hope she remembers that. Sir, if it is the oldest settlement then it should have been developed by the past governments. She would have got her response from long serving Parliamentarians sitting on the other side. The past governments carried out basic upgrade of informal settlements only on State land and not on the land owned by the *iTaukei* landowners. Tomuka is owned by the landowners. My Ministry paid the development lease for Tomuka, our interest is to develop that area, but development could not proceed because of a dispute.

Mr. Speaker, Sir, the FijiFirst Government is the first one in Fiji that made huge capital commitments and investments to improve the livelihood of informal settlements.

HON. J. USAMATE.- Hear, hear!

HON. P.D. KUMAR.- Mr. Speaker, Sir, a number of informal settlements now have roads for their vehicles. One just needs to go to Siberia, Vuniika, they have footpaths, water, electricity and even street lights to make the quality of life better while waiting for the settlements to be upgraded. This is a bold step taken by the FijiFirst Government.

Mr. Speaker, Sir, Honourable Tabuya is blaming the Government for certain families living in Tuirara Farm Road, Padam Lala Road and Salato Road, for not having access to water and electricity. It is important for the Opposition to understand and note that it is the owners of *iTaukei* and freehold land who can give consent for informal settlers occupying their land for these utilities, not the Government. We do not own that land. We do not have a development lease over those areas mentioned by Honourable Tabuya. Tuirara Farm Road comes under iTLTB, and informal settlement in Padam Lala Road and Salato Road have *vakavanua* arrangement with landowners. So landowners have to give consent.

Mr. Speaker, Sir, the Opposition Members should not assume that the Government can upgrade or give consent for utilities in all informal settlements in Fiji. I want the Opposition to understand that they have to get rid of this perception that when you go out, you see an informal settlement, you immediately think, "Oh, the Government is not developing that land". You need to understand who owns the land. If it is a private land, there is no way Government can develop that. Let me clarify once more that for *iTaukei* land, Government can acquire development leases only when 60 percent of landowners give their consent.

Mr. Speaker, Sir, in the last financial year, we have completed capital works for three projects – Cuvu Project and Ledrusasa Project. These two projects were on hold since 2017. This was not because we did not have the funds, the problem was, landowner disputes and there were disagreements with

developers. So we managed to iron it out and the project is now completed. Sir, 451 households eligible for land lots in these settlements will receive their leases this year after the final survey.

The Ministry has been working simultaneously on the preparatory work for 10 other settlements. By the end of the last financial year, six settlements have reached the tender document stage. After completing initial topographic survey, scheme plans, Environment Impact Assessments, consultations, geo-tech surveys and engineering plans, these settlements are Sakoca, Wakanisila, Tore, Tavela, Caubati and Field 4.

Mr. Speaker, Sir, Sakoca and Wakanisila are earmarked for commencement of civil works in this financial year. The other four settlements, that is, Lovu Seaside, Nabare, Tauvegavega and Vunika are in the preparatory phase. We have completed Scheme Plans and in this financial year, we intend to complete the Engineering Plans.

Mr. Speaker, Sir, to keep proper records, my Ministry now has a database of all informal settlements in Fiji. The next step is to collect household data. This year, the Ministry will carry out socio-economic survey for 20 settlements under Ministry's development leases. This will be followed by similar data collection for all other settlements in Fiji so that we have a complete database on all informal settlements around Fiji.

Mr. Speaker, Sir, all in all, work is progressing well in 13 informal settlements and yet, Honourable Tabuya, was commenting yesterday that this Government has not done enough for informal settlers, just for political gain. Thank you, Mr. Speaker, Sir.

HON. SPEAKER.- Thank you. We will move on. The seventh Oral Question for today, I give the floor to the Honourable Gavoka to ask his question.

Tourism Fiji Activities
(Question No. 179/2021)

HON. V.R. GAVOKA asked the Government, upon notice:

Can the Honourable Minister for Commerce, Trade, Tourism and Transport update Parliament on the activities of Tourism Fiji during this lull period?

HON. F.S. KOYA (Minister for Commerce, Trade, Tourism and Transport).- Thank you, Mr. Speaker, Sir. I want to the Honourable Member for the right question in the right forum.

As I mentioned yesterday, Mr. Speaker, Sir, Fiji's ultimate goal, as with every other destination, Sir, is to safely restore quarantine free travel. So, in order to get there, we need to, first and foremost, restore the trust as a tourism destination and Tourism Fiji will play a critical role in building this particular trust.

Mr. Speaker, Sir, as we all know and as science dictates that COVID-19 is extremely volatile. We have had to adjust, we have had to adapt and act almost on a daily basis because the global situation keeps evolving. Last year when Fiji was COVID-contained, some of our markets were not, Sir. So, now that we are now in our second wave, our markets have either managed to contain the virus or have taken a similar turn as we have and now, even as of yesterday and the day before, if you all watched the news, even our contained neighbours are now facing difficulties - Australia and New Zealand.

With the reopening framework now in place, Sir, this is where the work of Tourism Fiji will come into play. The newly appointed CEO will lead a key direction to ensure readiness for a target of December

opening, and this builds on the work with the focus on some key strategic priorities. Those priorities, Mr. Speaker, Sir, are to:

- (1) communicate to our markets by sharing the positive stories of the vaccination rate in Fiji and the work being done on the ground to prepare. We have already seen the impact of these positive stories by staying in hearts and minds of the world. I am very proud to say that there has been a phenomenal uptake of vaccination for all the resorts that we have.
- (2) market by launching a global campaign by October or November 2021, to show the world that Fiji is actually welcoming tourists, again. A global agency has been briefed after consultation with our regional markets and plans are actually well underway for a large scale campaign to be shot in Fiji.
- (3) be ready by heavily engaging with the industry and Government to enable reopening. We have been working on a daily basis and we need to ensure that on-the-ground experience is as seamless, safe and as smooth as possible, and still done in our traditional happy Fijian way. Discussions are continuing at pace to work on the protocols and the procedures to ensure safe passage of tourists managing any cases and ensuring the safe accredited travel around Fiji.

Mr. Speaker, Sir, I want to make the point that whilst this is a lull period as it has been for the past 17 months, this does not mean that there have been no activities. Tourism may have stopped but our preparatory work, including industry readiness and marketing has not ceased, Sir. All the different stakeholders, the private sector, the Ministry, everyone is being involved together with Fiji Airways, it has been a massive collaborative effort.

As with other organisations and businesses, Mr. Speaker, Sir, the Tourism budget has been reduced quite significantly and we have taken a 32 percent reduction to about \$26.2 million in this financial year. So with the Marketing Grant of around \$20 million down by \$9.8 million, compared to the pre-COVID levels, that Mr. Speaker, Sir, is a reduction of approximately 33 percent in Tourism Fiji's marketing budget.

Tourism Fiji will realign and lead marketing activities across Fiji's international markets, the global budget share based on current market intelligence, shows some stronger potential as I mentioned. This may change over the next few months based on the agility of these markets and with a gradual increase in travel demand, competition will be stronger as destinations grapple to secure market share, and Fiji needs to ensure that we reach and engage with potential travellers so that we do not completely lose out on those markets.

We will also increase our marketing spend in the North American market, given strong sentiments and no return quarantine requirement. We will do this, whilst maintaining our presence in the Australian and New Zealand markets because of our heavy reliance and stronger brand presence, Mr. Speaker, Sir. Markets with the lower travel demand which is India, has more conservative marketing and promotion efforts.

Mr. Speaker, Sir, Fiji has also streamlined its own operations and reduced its operating costs by about 30 percent when compared to the pre-COVID numbers. This is due to Tourism Fiji's right sizing and having a small and more strategic workforce that will see to better utilise our regional market resources, just like any other firm or company has done, Sir. Measures such as continued freeze on non-essential travel building internal capacity adjustment to staff complement across the regions and realigning administrative costs will ensure operational efficiency.

Mr. Speaker, Sir, Fiji's regional teams have been pursuing a number of key activities to ensure our presence in the market. These include webinars with trade partners, in-person and virtual tradeshows and new trade sales tools to keep them inspired about Fiji, a lot of virtual workers are going on.

In summary, Mr. Speaker, Sir, Tourism Fiji has consistently pivoted to support the industry through the pandemic and they will continue on this path, while focusing their efforts on the reopening of our borders to the world and looking ahead. So, Tourism Fiji will use a more targeted approach and leverage our partnership with other agencies, such as Fiji Airways, Film Fiji, and our Trade Commissions throughout the world.

I thank you and I hope that answers the Honourable Gavoka's questions.

HON. SPEAKER.- I thank the Honourable Minister. I give the floor to the Honourable Tuisawau on a supplementary question. You have the floor.

HON. RO F. TUISAWAU.- Thank you, Mr. Speaker. I note from the Budget documents the forecast figures: 2021 - \$16,892, 2022 - \$268,317 and 2023 - \$715,511. My supplementary question is, how realistic are these figures, particularly the 2021-2022 going into \$268,000, given the current situation in our major markets, Australia and New Zealand?

There are some reports that there will not be any travel until mid-2022. Thank you.

HON. SPEAKER.- Honourable Member, that is a totally different question altogether. You can ask that on another occasion.

I give the floor to the Honourable Saukuru for a supplementary question.

HON. J. SAUKURU.- Thank you, Mr. Speaker, Sir, and I thank you, Honourable Minister. My supplementary question is with regards to local operators. Does the Ministry offer assistance for local operators who are committed to do preparatory work towards reviving our tourism industry? Do we have some sort of assistance from the Ministry to support our local operators? Thank you.

HON. F.S. KOYA.- Thank you, Honourable Member. I think that is easily answered if you look at the \$200 million package that has been put up by the RBF, it is across the board for all our small and medium enterprises, et cetera. It is not specific to one particular part of the economy and I know that a lot of operators would actually use that particular facility. So, that has been made available through the Budget, and I know the banks have been facilitative.

All in all, Mr. Speaker, Sir, with respect to the tourism industry, we have had some very positive feedbacks with respect to the banks and the assistance that has been rendered to our tourism industry because as we all know, it provides a massive amount of support to the country in terms of almost 40 percent of our GDP. But that measure has been put into play which is the \$200 million that has made available, and that is a big lot going towards people who want to apply. So, there is a lot of assistance there.

HON. SPEAKER.- Honourable Gavoka on a supplementary question.

HON. V.R. GAVOKA.- Mr. Speaker, if the Honourable Minister can consider mobilising the tourism industry to help promote vaccination in the country so that we get to the 100 percent that we want to give us the comfort to promote Fiji overseas. The Honourable Minister talks about a good story that would resonate with the primary market and I can tell you, Mr. Speaker, if our partners overseas realise that the tourism industry is at the forefront of vaccination, it will help in the marketing of Fiji and also

help with our people take on the vaccine because these are people who work in the industry and who can relate to the community ...

HON. SPEAKER.- Ask your supplementary question.

HON. V.R. GAVOKA.- ... to convince them to get the vaccine. We did it in the past, Mr. Speaker, and I would urge the Honourable Minister to mobilise the tourism industry to help promote vaccination within Fiji. Thank you.

HON. SPEAKER.- Honourable Minister.

HON. F.S. KOYA.- Thank you, Mr. Speaker, Sir. I think Honourable Gavoka does not realise that vaccination for the whole of Fiji is a collaborative effort. It is not just Government pushing the vaccination programme, our tourism industry knows what is required and what needs to be done with respect to actually getting tourists back into the hotels. So, the hotels, the hoteliers and the staff that were involved are out there doing the necessary work that they have to, to ensure that all the staff are vaccinated.

Some of the proprietors are actually out there telling everyone around the world that they are fully vaccinated and on the ground, Sir, a lot of them are actually encouraging everyone to get vaccinated. So, it is not something that is not being done, it has already been done. This is why I said I take my hat off to our tourism industry because they are actively and positively involved, and most of them are getting vaccinated as quickly as possible as soon as they can and publicising that fact that they are, Sir. So, they are very actively involved, and Honourable Gavoka be rest assured - they do know what they are doing and they do know that we need to get these tourists back and they are all actively involved. I thank you, Sir, and I hope that answers the question.

HON. SPEAKER.- Thank you. We will move on the eighth Oral Question for today. I now call on the Honourable Adimaitoga to ask her question. You have the floor.

Credit Guarantee Scheme
(Question No. 180/2021)

HON. S. ADIMAITOGA asked the Government, upon notice:

Can the Honourable Attorney-General and the Minister for Economy, Civil Service and Communications update Parliament on the \$200 million Credit Guarantee Scheme announced in the 2021-2022 Budget?

HON. A. SAYED-KHAIYUM (Attorney-General and Minister for Economy, Civil Service and Communications).- Thank you, Mr. Speaker, Sir. I thank the Honourable Member for her question. As alluded to by the Honourable Minister for Tourism earlier on, in the 2021-2022 National Budget, the Government has made available \$200 million to the COVID-19 Recovery Credit Guarantee Scheme to support businesses affected by the pandemic.

The COVID-19 Recovery Credit Guarantee Scheme provides valuable financial support to businesses to help them meet their day to day cash flow needs, for example, including on paying wages and salaries, rental costs, utility bills, purchasing stock and other working capital expenses. Under this Scheme, Mr. Speaker, Sir, commercial banks which include; ANZ, Westpac, BSP, Bred Bank, Bank of Baroda, HFC and the Fiji Development Bank (FDB) and other licensed credit institutions such as; BSP Finance, Credit Corporation, Merchant Finance and Kontiki Finance, can participate or access the \$200

million. From what we have been informed, so far, only BSP, Bred Bank, HFC and FDB have actually participated, or have lent money under the Scheme.

Mr. Speaker, Sir, the \$200 million is accessed from the Reserve Bank of Fiji (RBF) by these Banks at a very low interest rate of 0.25 percent, on the condition that when they lend that money to the borrowers, they do not lend it at any more than 3.99 percent. We have had a number of discussions, consultations and negotiations with financial institutions, and we have had an agreement now with those institutions that should they borrow money from the RBF and on-lend it, for the first two years, they will not demand any principal payments, only interest payments, and there will not be any fees and charges by these Banks.

Mr. Speaker, Sir, then to top it up, Government has decided, as announced in the Budget, that we will bear the interest rate payments for those businesses because we know they have been struggling, whether it is in the tourism sector, whether they are small businesses, in particular, micro businesses, medium-sized businesses and small businesses, we will pick up the tab for the interest rates for the two years. Essentially, if a business is able to access \$100,000 under this particular Scheme, they do not pay anything for it for two years - no bank fees and charges, only interest rate picked up by the Government of Fiji and the principal payment should be in the third year. As a result of that, we have allocated \$8 million in the 2021-2022 Budget for this purpose to meet the interest cost and, of course, we will do it for the second year.

Mr. Speaker, Sir, there may also be the case where some businesses may default on their loan repayments. So what we have said is, in the event that they do default, any business that earns less than \$50,000 a year, in other words, their gross turnover is \$50,000 or less, can borrow up to \$10,000. If they default after two years, we will pick up 90 percent of their outstanding loan. If they default and the business size is between \$50,000 to \$300,000, we will pick up 85 percent; \$300,000 to \$1.25 million, we will pick up 80 percent; and more than \$1.2 million, we will pick up 75 percent of the default money. So, it is guaranteed, Mr. Speaker, Sir. We have a similar scheme that existed previously, not with the interest rate payments but the default rate has been very low. Businesses actually value that, they do not want to default because they want to continue to get loans. So, Mr. Speaker, Sir, we have seen that happen in the first two weeks of introducing the scheme.

The RBF has already received and approved 328 loan applications with a total value of \$14.2 million. Interestingly enough, Mr. Speaker, Sir, the FDB has received 1,684 applications. Only three of them came in manually, all the others came in digitally. They are about to also launch their app and we understand in about two weeks' time or so, so they are working with MPAiSA where farmers whose loans can get approved within a matter of days will be able to get their funds disbursed through MPAiSA, without actually having to come into towns and cities. So that is the level of efficiency that we are raising and that, Honourable Qereqeretabua, is the benefit of having MPAiSA.

Mr. Speaker, Sir, around 40 percent of the approved loan applications to-date is from micro enterprises - 24 percent for small businesses, 21 percent for medium-sized businesses and 15 percent for large businesses. Mr. Speaker, Sir, the loans today have also been provided to the following sectors - wholesale and retail trade, manufacturing, hotels and tourism, transportation including car rental and the bus industry, building and construction, restaurants and real estates.

If one looks at the existing market rate on commercial bank loans, the average is about 5.9 percent. This means businesses will save \$11.8 million annually or \$23.6 million over two years in interest payments, if the full amount of \$200 million is disbursed. Mr. Speaker, Sir, in addition as I have highlighted, businesses will save on loan fees and charges.

Mr. Speaker, Sir, the immense interest this Scheme has received in such a short period of time is unprecedented. The business community sought immediate financial relief from Government and we, in collaboration with the private sector, have delivered this particular Scheme. I would like to thank the RBF for their participation and, indeed, assistance and facilitation. Last year, we did a total payout of \$30 million in the Micro, Small and Medium Enterprises loans.

On another front, Mr. Speaker, Sir, I just want to very quickly highlight the COVID-19 Recovery Credit Guarantee Scheme. The RBF has also, apart from that, been assisting businesses through what we call 'Disaster Rehabilitation and Containment Facility' and the 'Import Substitution and Export Finance Facility'. Both Facilities have undergone several changes over the years to improve accessibility, affordability including expansion of valuable funds, and available funds and reductions in interest rates.

In 2020, the RBF expanded the coverage of Natural Disaster and Rehabilitation Facility to include businesses affected by health epidemic or pandemic such as COVID-19. The expanded Facility was also renamed as Disaster Rehabilitation and Containment Facility. Again, the Facilities are available through commercial banks, including FDB and others that I have named. Businesses may apply for funds to cover financial and economic losses, including for working capital needs arising from the impact of COVID-19. Recently, the RBF has increased available financing under the Disaster Rehabilitation and Containment Facility from \$100 million to \$150 million. Loans are limited to a maximum of \$500,000 per business.

Mr. Speaker, Sir, the Import Substitution and Export Finance Facility is aimed at improving Fiji's balance of payments position by assisting exporters, commercial agricultural farmers and renewable energy businesses to obtain credit concessional rates. This morning, we passed a particular amendment to the Bill in terms of the primary industry. These all fits in. In the same way, Honourable Tuisawau asked about how we are assisting the tourism sector. I wish he had read the Bills that we had proposed as part of the Consequential Bills to the Budget and these include, the extension of the Short Life Investment Package (SLIP), the various tax incentives that were given and the tax holidays to the tourism sector.

Sir, under the Disaster Rehabilitation and Containment Facility, RBF has provided funding to already 46 affected businesses to a tune of over \$113 million, while 44 businesses had been assisted through the Import Substitution and Export Finance Facility with a total value of \$111 million. In total, Mr. Speaker, Sir, RBF has provided close to \$250 million under those three Facilities – the COVID-19 Recovery Credit Guarantee Scheme, Disaster Rehabilitation Containment Facility and the Import Substitution and Export Finance Facility to support businesses. Thank you, Mr. Speaker, Sir.

HON. SPEAKER.- I thank the Honourable Minister for his reply. Honourable Members, that brings to an end the Oral Questions for today.

We now move to the Written Question, there is only one for today, and I call on the Honourable Tuisawau to ask his question. You have the floor.

Written Question

Rules of Origin Negotiations - Progress of
(Question No. 181/2021)

HON. RO F. TUISAWAU asked the Government, upon notice:

Can the Honourable Minister for Commerce, Trade, Tourism and Transport update Parliament on the progress of negotiations with Rules of Origin for the following trade agreements currently being

negotiated, the -

- (a) EU-Pacific States Economic Partnership Agreement (EPA);
- (b) Pacific Agreement on Closer Economic Relations (PACER) Plus;
- (c) Melanesian Spearhead Group Trade Agreement (MSG TA); and
- (d) Pacific Island Countries Trade Agreement (PICTA).

HON. F.S. KOYA (Minister for Commerce, Trade, Tourism and Transport).- Mr. Speaker, Sir, I have taken the liberty of answering the question already. If I could have your leave, Sir, for the Honourable Whip to hand across my answers.

(Reply to Question No. 181/2021 was tabled in Parliament)

HON. SPEAKER.- Thank you. Honourable Members, the Secretariat has received the response to Written Question No. 181/2021 in today's Order Paper. This response will be provided to the Honourable Tuisawau, and a copy will be uploaded on the website.

Thank you, Honourable Members, question time is now over. That brings us to the end of today's sitting. I thank you for your co-operation and your forbearance. We now adjourn until tomorrow at 9.30 a.m.

The Parliament adjourned at 7.28 p.m.