

# **PARLIAMENT OF THE REPUBLIC OF FIJI**



## **PARLIAMENTARY DEBATES**

### **DAILY HANSARD**

**TUESDAY, 21ST SEPTEMBER, 2021**

**[CORRECTED COPY]**

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**TUESDAY, 21ST SEPTEMBER, 2021**

The Parliament resumed at 9.39 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, Sir, I move:

That the Minutes of the sitting of Parliament held on Monday, 20th September, 2021, as previously circulated, be taken as read and be confirmed.

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

Question put.

Motion agreed to.

**COMMUNICATION FROM THE CHAIR**

Welcome

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

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

**PRESENTATION OF REPORTS OF COMMITTEES**

Review Report - Ministry of Infrastructure and Transport's 2015, January-July 2016  
and 2016-2017 Annual Reports - Standing Committee on Social Affairs

HON. V. PILLAY.- Thank you, Mr. Speaker, Sir. I am pleased to present the Report of the Standing Committee on Social Affairs on the Annual Review of the Ministry of Infrastructure and Transport for 2015, January-July 2016 and 2016-2017. This review was undertaken in accordance with Standing Order 109(2)(b), which mandates the Committee to look into issues related to health, education, social services, labour, culture and media.

The Committee first met to deliberate on, and formulate questions pertaining to the 2015–2017 Annual Reports for the Ministry of Infrastructure and Transport. In order to comply with health directives and protocols on public gathering and social distancing, the Committee accepted written responses from the Ministry of Infrastructure and Meteorological Services and the Department of Transport within the Ministry of Commerce, Trade, Tourism and Transport in lieu of a face-to-face hearing. Following our deliberations on the written responses, we wrote to the Ministries requesting for further clarification on

other related matters. Upon receipt of all relevant information on the Committee's queries, the Committee compiled its findings and subsequently endorsed its report in the latter part of April.

At this juncture, I wish to thank the Permanent Secretary for the Ministry of Infrastructure and Transport, Mr. Taitusi Vakadravuyaca; the Permanent Secretary for the Ministry of Commerce, Trade, Tourism and Transport, Mr Shaheen Ali; and their staff, for the timely assistance in this review process.

I also extend my gratitude to my Committee colleagues, namely: Hon. George Vegnathan (Deputy Chairperson), Hon. Alipate Nagata, Hon. Salote Radrodoro and Hon. Dr. Ratu Atonio Lalabalavu, for their contributions during the Committee's deliberations.

On behalf of the Standing Committee on Social Affairs, I commend this Report to Parliament and request all Members of this august House to take note of the Report.

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

(Report handed to the Secretary-General)

HON. V. PILLAY.- Mr. Speaker, Sir, pursuant to Standing Order 121(5), I hereby move:

A motion without notice that a debate on the content of the report is initiated at a future sitting.

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

HON. SPEAKER.- Parliament will now vote.

Question put.

Motion agreed to.

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

Consolidated Review Report - Fiji Financial Intelligence Unit  
2019 and 2020 Annual Reports – Standing Committee on Economic Affairs

HON. V. NATH.- The Standing Committee on Economic Affairs is pleased to submit to Parliament, the Consolidated Review Report of the Fiji Financial Intelligence Unit (FIU) 2019 and 2020 Annual Reports. The FIU is one of the leading agencies in Fiji that is responsible for preventing and detecting money laundering and terrorist financing activities. The Committee commends the team of FIU for continuing its work despite the challenges presented by the COVID-19 pandemic since 2020.

The Committee noted the substantial increase in Financial Transaction Reports from 1,741,473 in 2016 to 2,487,186 in 2020. Furthermore, it was also noted that the Electronic Funds Reports of 1,866,000 was the highest ever recorded and a 23 percent increase from 2019 attributed mainly to the mobile phone sector remittances. Due to the impact of COVID-19 on travel, Border Control Reports reduced by 77 percent in 2020 from 2019. During its deliberation, it was noted that FIU launched its first Case Management System, an online central database for all suspicious transaction reports and analysis in 2019.

The Committee was pleased to note that FIU continued to strengthen its engagement with the designated non-financial businesses and professions, as well as other industry stakeholders and

enforcement authorities. Further to this, the Committee was made aware that FIU was currently in the process of designing tailor-made guidelines for the various stakeholders they work with.

The Committee believes that FIU must explore further options to forge a stronger commitment with law enforcement agencies in terms of receiving regular feedbacks on cases referred by FIU, as regular feedbacks would enable FIU to continuously enhance its service delivery. Furthermore, the Committee commended the FIU for finalising its 2020-2024 Strategic Plan, which focuses on Financial Intelligence, Preventative Measures, Technology Driven Processes, Partnership and People, as this strengthens its commitment towards SDGs 16 and 17.

Given the challenges presented by COVID-19, the Committee in its Report, recommended the FIU to engage in vigorous awareness through online platforms such as hosting webinars and virtual talk shows to educate and inform the general public on the various threats, possible fraudulent activities and scams. I would like to take this opportunity to extend our appreciation to the Director of FIU 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 Vegnathan, Hon. Inosi Kuridrani and Hon. Ro Filipe Tuisawau.

On behalf of the Standing Committee on Economic Affairs, I commend the Review Report of the Fiji Intelligence Unit 2019 and 2020 Annual Report to Parliament.

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

(Report handed to the Secretary-General)

HON. V. NATH.- Mr. Speaker, Sir, pursuant to Standing Order 121(5), I hereby move:

A motion without notice that the debate on the content of the Report is initiated at a future sitting.

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

HON. SPEAKER.- Parliament will now vote.

Question put.

Motion agreed to.

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

Review Report - Ministry of Women, Children and Poverty Alleviation  
2017/2018 Annual Report – Standing Committee on Social Affairs

HON. V. PILLAY.- Thank you, Mr. Speaker, Sir. I am pleased to present the Report of the Standing Committee on Social Affairs on the annual review of the Ministry of Women, Children and Poverty Alleviation for 2017/2018.

This review was undertaken in accordance with Standing Order 109(2)(b), which mandates the Committee to look into issues related to health, education, social services, labour, culture and media. The Committee first met to deliberate in April and formulated questions pertaining to the Annual Report.

In order to comply with health directives and protocols on public gathering and social distancing, the Committee accepted a written response from the Ministry of Women, Children and Poverty Alleviation in lieu of a face-to-face hearing. Following our deliberations on its written response, we wrote to the Ministry requesting for further clarification on other related matters. Upon receipt of all relevant information on the Committee's queries, the Committee compiled its findings and subsequently endorsed its report in August.

At this juncture, I wish to thank the Permanent Secretary of the Ministry of Women, Children and Poverty Alleviation, Ms. Jennifer Poole, and her staff, for their timely assistance in this review process.

I also extend my gratitude to my Committee colleagues, namely: Hon. George Vegnathan (Deputy Chairperson), Hon. Alipate Nagata, Hon. Salote Radrodro and Hon. Dr. Ratu Atonio Lalabalavu, for their contributions during the Committee's deliberations.

On behalf of the Standing Committee on Social Affairs, I commend this Report to Parliament and request all Honourable Members of this august House to take note of the Report. Thank you, Mr. Speaker, Sir.

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

(Report handed to the Secretary-General)

HON. V. PILLAY.- Mr. Speaker, Sir, pursuant to Standing Order 121(5), I hereby move:

A motion without notice that a debate on the content of the Report is initiated at a future sitting.

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

HON. SPEAKER.- Parliament will now vote.

Question put.

Motion agreed to.

HON. SPEAKER.- I now call on the Chairperson of the Standing Committee on Foreign Affairs and Defence to table his Report. You have the floor.

Consolidated Review Report - Ministry of Foreign Affairs 2017-2018 and  
2018-2019 Annual Reports - Standing Committee on Foreign Affairs and Defence

HON. A.D. O'CONNOR.- Thank you, Mr. Speaker, Sir. I am pleased to present the consolidated review report on the Ministry of Foreign Affairs 2017-2018 and 2018-2019 Annual Reports.

In summary, the two reporting periods covered the following, the:

- Ministry of Foreign Affairs' Organisational Structure;
- Seven Divisional Key Performance Indicators;
- Ministry of Foreign Affairs' Achievements and Results aligned to the Corporate Plan for 2017 to 2018 and the Operational Plan for 2018 to 2019; and
- Ministry's audited financial statements for those reporting periods.

The Annual Reports capture Fiji's global leadership at various multilateral platforms, including Fiji's successful leadership on oceans and climate change. This was reflected through its co-presidency with Sweden on the 1st United Nations Oceans Conference in New York and also at the United Nations Framework Convention on Climate Change (UNFCCC) Conference of Parties (COP) 23. Fiji created history in becoming the first Small Islands Developing State to preside over those two important forums.

During Fiji's Presidency, effective initiatives such as the Talanoa Dialogue, facilitated an inclusive dialogue process that encouraged countries to collectively raise ambition of 1.5 degrees Celsius. In addition, Fiji's successful leadership of the UN Climate Change, COP 23 paved the way for Fiji to strategically position its foreign policy towards regional and global leadership and re-asserted her regional hub status.

Also the Ministry undertook restructure and achieved the following outcomes:

- (1) Implementation of Government Reforms – Job Evaluation Review (JER), Open Merit Recruitment Selection (OMRS), Performance Management Framework (PMF); and
- (2) Establishment of Oceania Bureau to oversee regional relations.

While applauding the achievements of the Ministry, the Committee had identified some opportunities for improvements. The reporting periods beginning 2014 were significant since after a lapse of eight years, Fiji's return to Parliamentary democracy under the new Constitution enabled Fiji to sign and ratify several important treaties and conventions that were long overdue.

The Committee notes the extensive rehabilitation works after *TC Winston* in 2016 was enabled through several Memorandum of Agreements (MOAs) and Memorandum of Understandings (MOUs) with bilateral partners and international NGOs.

The Committee recommends that the:

- (1) Ministry include reports and communiques of meetings attended abroad;
- (2) Ministry in future, to report on outcomes and highlights achieved during the reporting period aligned to the operational and the annual operational plan; and
- (3) Ministry is to provide timely updates to Parliament on the re-alignment of its ministerial assignments.

The Committee, therefore, recommends that Parliament considers the merits of this Report without delay.

The Committee commends the contributions by stakeholders that assisted in the preparation of this Report. I take this opportunity to thank members of my Committee and the Secretariat for compiling this bipartisan report. On behalf of the Standing Committee on Foreign Affairs and Defence, I submit this Report to Parliament.

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

(Report handed to the Secretary-General)

HON. A.D. O'CONNOR.- Mr. Speaker, Sir, pursuant to Standing Order 121(5), I hereby move:

A motion without notice that a debate on the content of the Report is initiated at a future sitting.

HON. DR. S.R. GOVIND.- Mr. Speaker, Sir, I second the motion.

Question put.

Motion agreed to.

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

Review Report – Ministry of Youth and Sports 2018-2019 Annual Report

HON. V. PILLAY.- Thank you, Mr. Speaker, Sir. I am pleased to present the Report of the Standing Committee on Social Affairs on the annual review of the Ministry of Youth and Sports for 2018-2019 Annual Report.

Mr. Speaker, this review was undertaken in accordance with Standing Order 109(2)(b) which mandates the Committee to look into issues related to health, education, social services, labour, culture and media. The Committee first met to deliberate in April and formulated questions pertaining to the Annual Report.

In order to comply with health directives and protocols on public gathering and social distancing, the Committee accepted a written response from the Ministry. Following our deliberations on its written response, we wrote to the Ministry requesting for further clarification on other related matters, and upon receipt of all relevant information on the Committee's queries, the Committee compiled its findings and subsequently endorsed its Report in August.

At this juncture, I wish to thank the Permanent Secretary for the Ministry of Youth and Sports, Mr. Rovereto Nayacalevu, and his staff, for their timely assistance in this review process. I also extend my gratitude to my Committee colleagues, namely: Hon. George Vegnathan (Deputy Chairperson), Hon. Alipate Nagata, Hon. Salote Radrodoro and Hon. Dr Ratu Atonio Lalabalavu, for their contributions during the Committee's deliberations.

On behalf of the Standing Committee on Social Affairs, I commend this Report to Parliament and request all Honourable Members of this august House to take note of this Report. Thank you, Mr. Speaker, Sir.

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

(Report handed to the Secretary-General)

HON. V. PILLAY.- Mr. Speaker, Sir, pursuant to Standing Order 121(5), I hereby move:

A motion without notice that a debate on the content of the Report is initiated at a future sitting.

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

Question put.

Motion agreed to.

HON. SPEAKER.- I now call on the Chairperson of the Standing Committee on Public Accounts



to table his Report. You have the floor, Sir.

Review Report – Performance Audit on the Management of the  
Environment Impact Assessment - Standing Committee on Public Accounts

HON. A.A. MAHARAJ.- Thank you, Mr. Speaker. I am pleased to present the Committee's Report on the review of the Performance Audit on the Management of the Environment Impact Assessment.

Economic development is essential to meet the changing needs of the growing population in Fiji. However, such developments have the potential to impact the environment, communities and the economy. Section 40 of the 2013 Constitution of the Republic of Fiji states, and I quote:

“Every person has a right to a clean and healthy environment, which includes the right to have the natural world protected for the benefit of present and future generations through legislative and other measures.”

The development of the Environmental Impact Assessment (EIA) is governed by the 16 year old Environment Management Act 2005, as the principal legislation that supports EIA in Fiji. The purpose of the Act is to apply the principles of sustainable use and development of natural resources, and identify matters of national importance for Fiji, as set out in section 3(3) of this Act.

The Environment Management (EIA Process) Regulations 2007 was specifically developed and contain provisions with respect to EIA procedures. The Department of Environment within the Ministry of Waterways and Environment manages the EIA process.

Mr. Speaker, Sir, EIA is a tool used to predict the environmental, social and economic impacts of a proposed development in the early stages of project planning and design. In Fiji, EIA of proposed development projects are conducted through processes set out in Part 4 of the Act. The Minister for Environment administers the EIA process under the Act, while the Department of Environment manages this process.

Mr. Speaker, Sir, the audit examines whether the Department of Environment is managing the EIA process efficiently and effectively for development proposals. This is due to the growing concerns on the usage of natural resources in Fiji, and the need for development to be carried out with due consideration of the environment.

The Committee had carefully examined how the EIA processes were assessed and determined, whether -

- (1) the legal framework and planning policies governing the management of the EIA were efficiently and effectively administered by the Ministry;
- (2) screening, scoping, preparation of the Terms of Reference (TOR) and review stages of EIA processes are managed effectively; and
- (3) there are adequate post-EIA approvals and monitoring to ensure that project developers comply with all the conditions.

Mr. Speaker, Sir, the Committee commends the current work done by the Ministry of Waterways and Environment in trying to ensure that the management of the EIA process is efficient and effective. To highlight some of the work that was carried out by the Ministry of Waterways and

Environment in improving its systems and processes, which addresses some of the audit issues that were raised in relation to the management of the EIA. Some of the work carried out include the following.

The Department of Environment has finalised its Risk Management Policy (RMP) for administration of risks. Some of the components of the Policy includes; the introduction of SOPs, charts, legislation, levels of risk, risk management matrix and management's action plan.

The risk associated with EIA processing and the Management Action Plan has been finalised to guide the administration of risks and other policies. In the interim, it was also noted that EIA Officers are continuously reminded of their responsibilities as civil servants, and the code of conduct.

The Department's Management also held Unit-wide and one-to-one meetings where officers were also reminded to work honestly and immediately report any matters relating to corruption and bribery to the Permanent Secretary, Director and their respective supervisors. Awareness to the officers and the general public and permit applicants were raised during and through the Ministry's EIA business roundtables and EIA clinics.

- (1) All EIA Officers have an Individual Work Plan (IWP) in place that aligned to the annual work plan of the Department and individual units are derived from the annual budget of the Ministry.

The Ministry also reports on the progress made to the Ministry of Economy on a quarterly basis and the EIA Unit's work is dependent on the number of EIA applications received, EIA processing and compliance and monitoring works.

- (2) The Department of Environment has an SOP in place to guide the EIA Officers and the Unit in the EIA screening, processing and reporting timelines. In terms of the issue of resubmitting incomplete applications by Project Developers, the EIA Officers always strictly use counter vetting checklists for accepting applications and reports for processing. The timeline for processing starts when completed applications/EIA reports are accepted by the Department.

Further, in terms of timelines for processing complete applications, all applications processed by the Department are registered in the EIA Register, when required information is retrieved from the environment register. The Department also uses the internal tracking system to track applications and timelines.

Also for re-submission of incomplete applications, staff were also strictly instructed not to accept incomplete submission in the first instance. However, if the Department, through the review process, finds gaps in the EIA report, the EIA is not approved and additional information is sought.

- (3) In terms of customer or stakeholder management relationship, the EIA Unit has an internal tracking system to track the progress of files, complaints, requests, queries and applications made to the Department of Environment. A specific officer is also assigned to manage this tracking system, and provide reports to the Executive Support Officer, Director of Environment and the Permanent Secretary. Officers are also required to provide progressive updates to clients on files they are assigned with. Additionally, the Ministry will be running an annual survey at the end of the current fiscal year.

- (4) The Committee commends the Ministry's Gold Card Membership Initiative as the membership is exclusive to companies that are compliant to the Ministry of Environment's permitting requirements, which include compliance to the relevant legislations, such as the:
- (a) Environment Management Act 2005;
  - (b) Environment Management (EIA Process) Regulations 2007 and Environment Management (Waste Disposal and Recycling) Regulations 2007;
  - (c) Ozone Depleting Substances Act 1998;
  - (d) Litter Act 2008;
  - (e) Endangered and Protected Species Act 2002;
  - (f) Have no outstanding fee payment/debts with the Department; and
  - (g) Businesses must also demonstrate that they have contributed efficiently to promoting energy efficiency and green building renewable energy, addressing the Ministry's supply impacts and contribution to environmentally conscious solutions, including promoting recycling initiatives at the workplace.

The Membership is valid for a period of two years. It was pleasing to note that currently, there are four clients, namely: Ministry of Defence, National Security & Policing, Fiji Airways, Suva City Council and Sinohydro-HDEC Joint Venture, that have qualified and are members of this initiative and also confirmed by the Department that there are plans too.

- (5) The Ministry has also finalised its Communication Strategy.
- (6) In terms of management of information in the Environment Register, the Department of Environment has been working manually until electronic copy registers were updated from 2019.

The Department has in place electronic tracking done at officer level. Further, the Department has been liaising with a number of companies regarding e-tracking system. The system, once up and running, will be managed by the Department. Hardware (servers) will be located at the Government ITC Data Centre.

- (7) In terms of the EIA reports prepared by accredited EIA Consultants, the Department, has in place, a designed template for use by the EIA officers when EA reports are submitted. Item 3 in the checklist requires confirmation if the EIA report was prepared by an accredited consultant and if the consultant has specific area of expertise relative to the proposed development. Should this be checked "No" by the EIA Officer, the EIA report is not accepted. The use of these in-house controls has detected unregistered consultants providing EIA services. The Department has been in touch with the clients and have made available on the Ministry's website names and contacts of all Department of Environment registered consultants.
- (8) In terms of the Compliance Monitoring Framework, the Department is constantly carrying out monitoring works and through those monitoring works, it was revealed that a number of companies were non-compliant. The Ministry is currently working with other relevant Ministries and the Fiji Police Force to strengthen the Ministry's compliance and monitoring work. It was confirmed that this matter will also be included in the Risk Management Policy.

Given the progress made by the Ministry of Waterways and Environment with its key stakeholders, the Committee recommends few areas of improvement which will further strengthen the

management of the EIA to be more effective and efficient.

Mr. Speaker, Sir, at this juncture, I wish to acknowledge the contribution of the Honourable Members of the Committee who were part of the successful compilation of this bipartisan Report, namely: Hon. Joseph Nand (Deputy Chairperson), Hon. Ro Teimumu Kepa, Hon. Virendra Lal and Honourable Aseri Radrodoro. I would also like to thank the stakeholders and the Secretariat for the compilation of this Report.

With those few words, I now commend this Report to Parliament. Thank you, Mr. Speaker, Sir.

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

(Report handed to the Secretary-General)

HON. A.A. MAHARAJ.- Mr. Speaker, Sir, pursuant to Standing Order 121(5), I hereby move:

A motion without notice that a debate on the content of the Report is initiated at a future sitting.

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

HON. SPEAKER.- Parliament will now vote.

Question put.

Motion agreed to.

HON. SPEAKER.- Honourable Members, I have been advised that there are no Ministerial Statements for today. So, on that note, we will now suspend proceedings for a break and Parliament will resume in half-an-hour.

The Parliament adjourned at 10.16 a.m.

The Parliament resumed at 10.50 a.m.

HON. SPEAKER.- Honourable Members, we will go into Committee of the whole Parliament on a Bill for an Act to provide for the establishment of a register of sex offenders, the registration and reporting obligations of sex offenders and for related matters, Bill No. 34 of 2018.

Honourable Members, I will now take my seat on the lower floor.

### **DEBATE ON THE REGISTRATION OF SEX OFFENDERS BILL 2018**

In Committee:

Part I:

MR. CHAIRMAN.- Honourable Members, the floor is now open for comments on Part I.

HON. L.D. TABUYA.- Thank you, Mr. Chairman. First of all, at the outset, I wish to state that I support the Bill. There are certain reservations that I wish to express regarding this Bill but regarding Part I. I wanted to bring the issue about the definition of child related employment, which is in Clause 2. It means, employment involving contact with the child and then it outlines the different sub-categories.

Mr. Chairman, I wanted to ask for consideration to include 'paid' or 'unpaid employment' because often, as you can see, some of the categories that are in there, including overnight camps for children, includes counselling and other issues. There could be employment that is unpaid that sex offenders would participate in.

I wish to move:

That particular section of "child-related employment" which is Clause 2, that it includes paid or unpaid employment.

MR. CHAIRMAN.- Thank you. Honourable Jale?

HON. A. JALE.- Thank you, Mr. Chairman. I am referring to Clause 5 in Part 1. I am wondering whether the offences should be classified or graded. There are some minor offences and some very serious ones and it does appear that we are grouping all offences together, and those people who are convicted sexual offences are given the same treatment and they are registered under a register that will register their names for life.

There need to be some, sort of, classification because I understand that a sexual offence means touching someone at the back or at the buttock or whatever, but can that be the same offence as the others? I suggest that there should be consideration to grade or classify offences - the minor ones and the more serious ones. Thank you, Mr. Chairman.

MR. CHAIRMAN.- Honourable Jale, I was thinking that you were going to second that motion. That is why I gave you the floor. Is there a seconder to Honourable Tabuya's motion?

HON. RO F. TUISAWAU.- Mr. Chairman, I second the motion.

MR. CHAIRMAN.- Honourable Attorney-General, you have the floor.

HON. A. SAYED-KHAIYUM.- I apologise, Sir, in respect of the response to Honourable Tabuya, we believe the actual definition adequately covers all the different areas. If you look at child-related employment, this involves contacting the child in connection with all those areas.

Mr. Chairman, if we are getting into unemployed space, then you are getting into the family space because, for example, if you leave your child with your uncle, aunty or grandfather, you are not going to start monitoring that, and that is more of a private sphere from that perspective. The purpose of this is that, the registry will be available when people are employed in these areas. That is when it is made available. Also, if she is related to Honourable Jale's issue, that it is only for the formal engagement. That is the only area that we can specifically cover.

That part about sexual offence, a sexual offence is a sexual offence. If a person is going to sit there and fondle the genitals of a young child, then obviously they can do other things later on - there is no demarcation. If you look at the Crimes Act, to be specific about it, rape was only when you had the penetration of the penis in the vagina. Now, a rape is also when you put any object in the vagina or for the male up their anus. You do not have those kinds of demarcations anymore because one slight act or the psychological make of a person who starts fondling a child in the cinema or goes and starts with their genitals, can lead to other things too. That is why we want to create safe environments. It does not necessarily mean that, like we have got religious organisations - a religious organisation may actually still want to continue to employ that person, that is their choice.

Of course, when you get the register, it will also tell you the purpose or the offence that the person is actually charged for specifically. That is why you cannot start having degrees of what kind of sexual offence should be in the register or should be outside the register because we want to create a safe environment.

As we have seen, generally speaking, if you look at a lot of children who get abused, it starts off with those kinds of breaches of the intimate space of the child, which eventually leads to many other things. That is why it is classified from that perspective and that is why, Honourable Tabuya, we do not have 'unemployed', because you leave your kid with your uncle or aunty, that is unpaid. But are you going to have a register? You know what I mean, this is to do with the employment environment.

MR. CHAIRMAN.- We are still debating the amendments. Honourable Bulanauca, do you want to speak on those amendments?

HON. M. BULANAUCA.- No.

MR. CHAIRMAN.- There being no further debate on this, I give the floor to the mover of the amendment for her right of reply.

HON. L.D. TABUYA.- Mr. Chairman, I note the comments that have been made, especially from the Honourable Attorney-General. Again, it still concerns me because the definition does not cover volunteer work that can be undertaken by individuals.

Perhaps, there should be an extra clause that states that employment as in the definition of "employment" in the Employment Act would probably capture that because then, if you look at volunteers in religious organisations and volunteers in camps, they are not necessarily family. They would not be captured here if they are trying to apply for work. Formally, yes, but if they are doing volunteer work, they will not be captured by this. That is child-related employment, although they should be because we have a lot of volunteers who work in religious organisations, sporting clubs, as well as youth groups. We have got to find a way to capture that here when it comes to child-related employment when a person is working with a child.

I also note that in Clause 12(2)(c), it does require a sex offender to register or to report their place of work, and their place of work is where they have worked for, at least, 14 days. So there is a period required for someone to report where they are working for, at least, 14 days.

How do we capture someone who is doing voluntary work somewhere for a day at a time, even if it does not amount to 14 days in a calendar year? How do you capture that and get someone to register if it is less than 14 days? It comes back again to the definition of employment and I would like to propose that it should still be included, at least, the definition of “employment” in the Employment Act be included in this Bill so that it captures unpaid work and volunteer work by those who may not necessarily be family members. That is my contribution to this motion, Mr. Chairman.

HON. A. SAYED-KHAIYUM.- I think it is an important matter if I could just say something on that, Sir.

MR. CHAIRMAN.- You have the floor.

HON. A. SAYED-KHAIYUM.- Sir, we have to look at the definition of a “sex offender” which is under Clause 5 where it states, and I quote: “A sex offender is a person who has been convicted of a sexual offence.” The matter has had to be reported to the Police, investigated, gone through a trial and if the court then finds the person guilty of a sexual offence, only then does the person get registered in the register.

Mr. Chairman, that is the point, so it is just not anyone. You have to actually be convicted as a corresponding sex offender who resides in Fiji or enters Fiji with the intention to reside in Fiji, so this is where collaboration across the borders, like with Australia, for example. If you commit a sexual offence in the Philippines where you go and rape a boy, when you come back, you can actually be charged on Australian soil because they recognise cross-jurisdictional commissioning of offences.

This would also capture people who may have committed offences, as we had found out a few years ago, the first paedophile case where the gentleman, Mark (Lawrence) Mutch, resided at the Padam Lala squatter area. He had also been committing various other offences in Australia. He came to Fiji as an accountant and the only way he got found was when his personal computer went for repair work and they found all of those pictures there where, for him, a 13 or 14-year-old girl was actually an old b-i-t-c-h and all those children were actually exploited. So if he had committed that in Australia now, someone like that from Australia or any other country (I am not picking only on Australians), they would also have to register in this.

The whole purpose of this is to actually protect our children and should these people be engaged. Normally, Honourable Tabuya, a volunteer person would be engaged by any organisation and if it is a responsible organisation, it would be their responsibility to access that register. For example, under those types of areas, such as child protection service, educational institutions - schools, primary schools, community centre, remand centre, refugee, paediatric, maternity, clubs, movements, associations, et cetera, if you are working anywhere there, it would be the responsibility of that organisation, or they should be able to access that register. That is what we are saying and it is 14 days continuously.

Normally, a volunteer would not volunteer for 14 days, but it is the responsibility also of the employer to know that if they are engaging with people, even though they may be volunteers, they should do some kind of background check on them. It is your responsibility, it should not only be the responsibility of the law but employers also have to become more concerned about these things. You could run a day care centre and there are a lot of day care centres that are run privately. Even though we may have this law, a day care centre owner may not do a background check but it would be highly negligible of them not to do a background check. This provides the opportunity for those people in this

space to be able to access the register that will give them the information. So the PS Education and the Minister for Education, can actually do background checks.

We have seen recently where some teachers actually had proclivity towards harassing or sexually offending children. If there was a register available, they could have been checked out and if you see in the Act itself, Sir, there are various protective mechanisms because we do not want to breach privacy also. Only certain people can access it, and the primary repository of this information, is the Fiji Police Force.

MR. CHAIRMAN.- Thank you. Honourable Nawaikula?

HON. N. NAWAIKULA.- I seek clarification before we vote on this first part. The basic question that I seek clarification on is the question of degree. In overseas, you know paedophilia by definition means those who repeatedly commit the offence - repeated sex offenders. What is the implication of this Act? First-time offenders, will they be registered or is it limited only to serious and those who repeatedly commit the offence?

Mr. Chairman, Sir, there is a big difference. I know we need to protect people because it is also an obligation for us to advise the public to be cautious, be warned. First time offenders go straight into the register or is it limited only to serious offences who are serial offenders? That is a very fair question, in my view, which the public want to know.

MR. CHAIRMAN.- Honourable Member, you have heard what has been pointed out. We are talking about the amendment here and there has been a right of reply. There was further explanation by the Honourable Attorney-General and what I would like to do is deal with that amendment first.

The Mover of the amendment has heard that explanation after her right of reply - does she wish to take any actions or should we go into the vote?

HON. L.D. TABUYA.- Thank you, Mr. Chairman. Yes, please, thank you. I would like to just make a few comments since the Honourable Attorney-General has given some explanation.

Mr. Speaker, just very quickly, the Honourable Attorney-General has brought up a good point about places of employment needing to do their own background checks about this again. The concern is, again, the day to day practicality of this Bill and the kinds of responsibilities it places on organisations.

I am specifically talking about volunteer organisations who do not necessarily operate like an employer and that includes our religious organisations, youth groups and sporting clubs as such. Perhaps, as a suggestion to the Government, as this is something that is very close to my heart and I have been advocating for some time, is to look at the possibility of having a blue card.

The blue card is similar to New South Wales and the jurisdictions in Australia where any person who wants to work with a child in a role whatsoever needs to obtain this blue card. When they go to seek employment, they will have this blue card with them to show that they are cleared by the police, they are not in the register, and they can work with children.

Sir, that would be an extra step to take so that your volunteer organisation, your daycare and play gym where children are deposited, you can show them this card and say, "I can work with children." So just a step, perhaps something too for the Honourable Minister for Education to consider where teachers come to apply for work, that they also have this card with them to show that they have been cleared. As I have said, very similar to jurisdictions in Australia where they have to have that blue card in order to work with children.



The other issue, Mr. Speaker, brought up by the Honourable Attorney-General was the need to protect our children. While I have the microphone, I will go back to what I have been advocating and what I have been explaining from last year and that is, the need for the Government or the need for Parliament to look at the accessibility to pornography that we have in this country. The need for us to see the correlation and the need for Government to take those steps to protect our children and people from pornography and their access to pornography that is readily available.

If we are going to take the step in this Bill, yes, it could be seen as very heavy handed. We have come down on offenders but what we are doing as a Government and as a community is to also prevent their access to pornography and the like, that have shown the correlation and the total evidence between pornography and sex crimes.

So on that note, Mr. Chairman, I wish to state that I support this motion.

MR. CHAIRMAN.- I could not hear the end of it.

HON. L.D. TABUYA.- Sorry, I am putting the motion forward for vote, Mr. Chairman.

MR. CHAIRMAN.- Honourable Members, we will now vote on the amendment.

Question on amendment put.

Motion lost.

MR. CHAIRMAN.- We move on. Still on Part 1, I will go first to Honourable Jale, you have the floor.

HON. A. JALE.- Mr. Chairman, I think the explanation that the Honourable Attorney-General has given on the classification of offences is good enough for me, and I rest my case, Sir.

MR. CHAIRMAN.- Thank you. Honourable Leader of the Opposition, you have the floor.

HON. RATU N.T. LALABALAVU.- Mr. Chairman, Sir, I wish to move a motion regarding Clause 2(c), especially on 'specified agencies', Sir:

That the Ministry of iTaukei Affairs be also included as one of the specified agencies.

MR. CHAIRMAN.- Whilst this is being carried out, think about what you wish to take. When we have clarified this, we will have a seconder, we will discuss it and then we will move on.

HON. L.D. TABUYA.- Mr. Chairman, I second the motion.

MR. CHAIRMAN.- I have not read the motion yet. I want to see what the motion is exactly about.

HON. L.D. TABUYA.- Mr. Chairman, I second the motion.

MR. CHAIRMAN.- Thank you.

HON. RATU N.T. LALABALAVU.- Thank you, Mr. Chairman, Sir. I would like to speak on the motion as put forward, that the Ministry of iTaukei Affairs be specifically included in these agencies that we have here. This is because once those offenders are registered, most of them live in villages.

Villages are under Native Reserve and a good example is in my case, Sir, in wearing the traditional hat. I have been visited by Social Welfare Officers, as well as Prison Officers, regarding certain individuals who have continued to exercise their rights if they are registered in the Vola ni Kawa Bula (VKB), to live and reside in the village.

However, in view of the offences that have been registered against them, I personally would like to see that when I call a village meeting, that the respective heads of the *mataqali* be fully accountable to the village and then to the Government as a whole, on the role that they play to ensure that the sexual offender living amongst us is taken care of by the very *mataqali* that he belongs to. At one point, Mr. Speaker, Sir, I was asked if he could be booted out from the village – this offender. But, again, I was caught in between because of his rights as well, as a member of the village, raised in the VKB, they are domiciled in the same village as I. So, that is simply the explanation I am putting forward.

It is quite important that this agency – the Ministry of iTaukei Affairs, be held responsible here because that is part of their role as well, to ensure that all the villagers abide by whatever law is in place because most of the time when Government officials come, they observe protocol. Instead of going straight to the individuals, they go straight to the heads of the village and the *mataqali* and down but we are a bit handicapped here, given the status as this Clause 2 of the proposed Bill, Sir.

MR. CHAIRMAN.- Thank you. Any further comments on this amendment? Yes, Honourable Gavoka.

HON. V.R. GAVOKA.- Thank you, Mr. Chairman. I agree with the Honourable Leader of the Opposition on the proposal to include the Ministry of iTaukei Affairs in the list of the authorised specified agencies, as outlined in Clause 2 of the Bill.

This Bill needs to be passed but to me personally, I am conflicted about this because it is something that is new, a new phenomenon that will be new in the village setting, but also recognising that the time for it has come, given the sorry record in the country of the extent of offences like this in our community. It will take quite a bit of work for our people to understand the seriousness of this and that we need to register offenders in the manner that has been prescribed in the Bill.

As one of our colleagues has been alluding that there are now many contributing factors. We have moved a motion, that is, to try and put some control on pornographic websites and the like in this country, but it was defeated. All these are contributing factors and our people are migrating to towns and cities these days, the traditional setting. The rules no longer apply to them, in the way it used to be in the past. We were sharing today in our caucus and I remember there was a time back in the village when it was known within the village that such and such a person has said something and then we need to be careful of that person. It was just a traditional way of monitoring offenders but times have changed. Social media is now here, the phones, and anyone can access some pretty explicit stuff through the phone. We need to do this.

We, on this side of the House, decided this morning that we will vote on this on our conscience. There is no Party opposition but the Honourable Leader of the Opposition has agreed with that. So, with me personally, I am conflicted but I do understand that the time has come that we do something like this, given the way Fiji and the world is moving.

I believe at the *vanua* level, we need this to be handled through in a traditional way. We have the traditional structure, the Provincial Office, the Tikina Council and the village. So, I totally agree with the motion here that we include the Ministry of iTaukei Affairs as one of the agencies to be added in the list that we have here today, Mr. Chairman.

MR. CHAIRMAN.- Thank you. Honourable Waqanika, do you wish to participate in this?

HON. T. WAQANIKA.- Mr. Chairman, just with regards to the definition of “sexual offender” in Part 1 – Clause 1, which also...

MR. CHAIRMAN.- No, we are on this amendment

HON. T. WAQANIKA.- I apologise, Sir.

MR. CHAIRMAN.- Honourable Kepa?

HON. RO T.V. KEPA.- Thank you, Mr. Chairman, I support this motion. We have such people living in the village who are known to the villagers and I would think that it should also be included in the list in Part 1. These people belong to different *mataqali*, as pointed out by the Honourable Leader of the Opposition. I also think that some authority should be given to the Turaga ni Koro (village headman) and perhaps, the Nasi ni Koro (village nurse) as well.

Sir, because of the high unemployment in the villages, people are moving around at will and with the extended holidays, children are everywhere. With very little supervision and such people just find the opportunity. They know the habits of these children, so they are on the look out and find an opportunity to take them aside and it could just for one minute or two minutes.

So, I would suggest, Mr. Chairman, that the Turaga ni Koro and Nasi ni Koro be also given some authority and not heavy handed, Honourable Minister, to be made aware to these perpetrators that the people are keeping an eye on them because they are very smart in the way they operate. There are high incidences of these sex offences, especially on children.

I support that motion, Mr. Chairman. With pornography, many children also use smart phones. They could be using it for their classes but it is so easy for them to go from there to the porn sites and if they are not supervised, that is leading to what we are looking at in this particular Bill that is before us. Thank you, Mr. Chairman.

MR. CHAIRMAN.- Honourable Attorney-General, you have the floor.

HON. A. SAYED-KHAIYUM.- Thank you, Sir. Sir, if we can just look at the definition of specified agency, it says, and I quote from Part 1 - Clause 2 on Interpretations:

“specified agency” means -

- (a) the Fiji Police Force;
- (b) the Fiji Corrections Service;
- (c) the Office of the Director of Public Prosecutions;
- (d) the Fiji Revenue and Customs Service;
- (e) the ministry responsible for justice;
- (f) the ministry responsible for education;
- (g) the ministry responsible for children;
- (h) the ministry responsible for defence and national security;
- (i) the ministry responsible for health and medical services;
- (j) the department responsible for immigration;
- (k) the department responsible for social welfare; or
- (l) any public agency that the Minister declares as a specified agency by notice in the Gazette.”

If you look at the rationale of all of those agencies, they are essentially law enforcement agencies or related to specified areas of employment where there will be high exposure to children - welfare, education, health, of course, defence for national security purposes. You have also justice, FRCS and the border because, as you know, the definition of sex offenders coming in and out of the country because now, we want to work with our counterparts like Australia, New Zealand, USA or whatever it may be. So, we share that type of information so, please, understand that.

In all of these, we have also tried to navigate our way through balancing the rights of these offenders. We have to balance their right and I think Honourable Nawaikula, in fact, kind of alluded to that. What if it is only a repeat person? Of course, you can have one incident, we have seen incidents where a person violently rapes a young boy. It may be a one-off but that one-off incident completely psychologically damages that boy.

I can tell you one story of a person who is currently in prison. A young boy who was actually raped a number of times when he was very young. He then, at the age of 13 or 14 years, violently and anally raped a girl and killed her. He is still today in prison and it has been over 20 years because of the psychological impact of what had happened to him. You can have one impact that can be very detrimental but on the other hand, you can have a person who may have committed an offence and could have reformed.

The name would be on the register, generally the individual may now have found employment somewhere else, but he may not come and work in these areas of employment. By making this information available to an agency, it in fact does not specialise in the area of law or welfare education, you are leaving this person's name vulnerable. The Ministry of iTaukei Affairs have performed an administrative role fundamentally.

If you are going to give it to all and sundry, can you imagine the impact on this person? He may have reformed himself, he may go back to his landowning unit and want to build his house and want to start off his new life. But if you are going to give his name to all and sundry in the village, imagine the ramifications on him. He may have already paid for his crimes, it is not an easy thing, it is a balancing act. We have to give people the ability to reform but we also have to be able to look after the rights and welfare of our children.

As data has shown over a period of time, there are number of people who have a propensity of once they do it, they do it again and some people may not do it again. Whenever you look at the individual rights versus the group rights, so to speak, we need to ensure that we err on the side of protecting the individual balancing his or her rights. I would urge the Honourable Members of the Opposition to, please, try and understand this, it is not an easy thing. You may actually be ostracising someone completely and by giving it to all and sundry, the village nurse and everyone in the village, you are actually not allowing perhaps the person to reform. You are also in a way eroding the individual's rights. The agencies that actually have this have particular SOPs in place.

I refer you in that respect to Clause 27, although it is related in Part 3: The Commissioner will actually issue guidelines in relation to access to information in the register to ensure persons authorised by the Commissioner can access information register for the following purposes:

- (i) to prevent, detect, investigate and prosecute sexual offences;
- (ii) to monitor sex offenders in the community; and
- (iii) the purposes specified in section 28.

We have various safeguards built around it and that is critically important. I would, please, urge the Honourable Leader of the Opposition to look at it from the other perspective too. We need to be able to bring people along with us.

MR. CHAIRMAN.- Thank you. Is there any further Member wishing to take the floor on this amendment? I give the floor to the Honourable Leader of the Opposition for your Right of Reply.

HON. RATU N.T. LALABALAVU.- Thank you, Mr. Chairman. I fully take note of the contribution made by the Honourable Attorney-General on the issue in trying to balance the rights and no one is ostracised as he has said.

The point that I am trying to raise here is, we have a very important Ministry here that looks after the interest of the people, because most of the time, data and statistics coming out of this Ministry challenge the traditional leadership in to the number of their sons and daughters who are in jail all over Fiji and most of it to do with this kind of Bill that we have here. We, the leaders, take it as a challenge to either visit and we play our role effectively in trying to make the offenders understand they are part of the village and that they will never be ostracized as indicated.

Again the missing of the Ministry of iTaukei Affairs from this particular list, that is the very reason for the motion. All I am trying to say, it helps the traditional leaders in carrying out their duties because the Turaga ni Koro is there, the Roko is there and from experience, I have encountered it leads to nowhere because if we go further than where we are now, we will be taking the laws into our own hands and that is not good, Sir. All we are trying to say is, once the Ministry of iTaukei is listed here, the downstream effect of that is the Roko and the traditional leaders would play their role here.

I am mindful of the fact, Mr. Chairman Sir, because at times traditional leaders have been challenged. What have you been doing? You are sitting there as a chief and you are doing nothing in helping to alleviate this problem that we have. These are one of the things that we are asking. If that person resides in the village by exercising his right, being registered in the VKB, the traditional leaders need to understand that they have a role to play in ensuring that that person is a citizen that abides with the law of the land.

Here, when we want to do that, we are limited, we are handicapped, but the *mataqali* that the offender belongs to needs to take charge of this and they need to be accountable to the *vanua*. Okay, we are looking after one of our own members here. He has been caught up in this and all I ask is, what have you done? The Social Welfare people, the Prison visit us again and we asked whether we have continued to look after the person or he is another offender who might reoffend every now and again, and that just make things worse.

We have 200 houses in my village and the number of families and extended families that live in the 200 houses is more. The population is well over 1,000, so you can understand, Mr. Chairman, the picture that I am trying to paint here is all that the *vanua* asks is, the relevant ministry be there as an important agency, so when they play their roles, we know we are abiding and we will be ensuring that we are within the law and whatever we will try and do to ensure that the offenders are taken note of and there will be not a repeat of the offence that has been done. Because he will bring disrepute and shame to the village community as well.

MR. CHAIRMAN.- I thank the Honourable Leader of the Opposition.

Honourable Members, we have had the Right of Reply, so we will have to vote on this amendment.

Question on amendment put.

Motion lost.

MR. CHAIRMAN.- We are still on Part 1. Any other comments on Part 1?

Honourable Bulanauca, you have the floor.

HON. M. BULANAUCA.- In Clause 5, just a point of clarification, Sir, and I quote:

“Offenders to whom this Act applies

5. (1) A sex offender is a person who –

- (a) has been convicted of a sexual offence; or
- (b) is a corresponding sex offender who resides in Fiji or enters Fiji with the intention to reside in Fiji.”

What about tourists when they commit an offence here?

MR. CHAIRMAN.- You are just asking a question?

HON. M. BULANAUCA.- For clarification, Sir, about a tourist who comes to Fiji and commits a sexual offence. Does it cover him or not? It does not seem to.

HON. A. SAYED-KHAIYUM.- Sir, if a tourist or Fijian commits a sex offence in Fiji, will get charged by the Police. The matter gets reported, if they are tourists they come here for five days, they commit a sexual offence, the matter gets reported, he or she gets charged and they go before the Courts.

MR. CHAIRMAN.- The question is, his asking for clarification whether under clause 5 a sex offender also includes tourists who come to Fiji.

HON. A. SAYED-KHAIYUM.- Mr. Chairman, by us having this register, this law is essentially predicated on the Australian and New Zealand systems. It will give us an opportunity to be able to share our information with them and them with us. That is the only way we will know. For example, if a tourist comes in, it could be on the Immigration list and that could be red flagged. That is how we actually get the data because we do not know at the moment, there is probably someone in Sydney who has just been convicted of a sexual offence, we do not know the name of the person. But if we have our own register and we are able to have some collaboration under the Mutual Assistance of Crime Assistance law that we have, then will be able to get their data too. That is the only way we will know.

HON. M. BULANAUCA.- It says that the person is a corresponding a sex offender who resides in Fiji, that is, a citizen or Fijian or one who enters Fiji with the intention to reside in Fiji. That does not include tourists who come here for two or three days and return.

HON. A. SAYED-KHAIYUM.- Because the tourist does no reside in Fiji, that is the point. A tourist does not reside in Fiji.

HON. M. BULANAUCA.- And if he commits ....

HON. A. SAYED-KHAIYUM.- A person who resides in Fiji, if they are going to live here.

HON. M. BULANAUCA.- If he commits?

HON. A. SAYED-KHAIYUM.- Can I, please, complete what I am saying?

MR. CHAIRMAN.- Honourable Member, when you have asked your question, and the Honourable Attorney-General is answering, just let him answer that, then you can have the floor again if you wish.

HON. A. SAYED-KHAIYUM.- Sir, so if a tourist does not reside in Fiji, you may say someone who works at a High Commission, works for an international agency or gets a work permit in Fiji. So they are now residing in Fiji and therefore they will also go in the register in Fiji. If a tourist comes in, we will not know unless the jurisdiction from where the tourist is coming from gives us that information.

This is what I am saying, you have mutual sharing of information and then we will know. If the tourist comes to Fiji, commits an offence, then again he or she will get charged in Fiji for that offence and he or she will then serve a prison sentence in Fiji if prosecuted successfully and then he or she, after they served their sentence or after they are convicted will go on our register, they may leave for their home country after that but they shall be on our register. I hope that explains it.

MR. CHAIRMAN.- Honourable Waqanika, you have the floor.

HON. T. WAQANIKA.- Mr. Chairman, under Clause 5(1)(a) – definition of a sex offender. We have had a situation in court where two teenagers, both 15, are consenting the sexual offence and in most cases, the parents report the boys and it is only when they go to court that they do realise that the teens had consented.

When that happens, the court discharges that without conviction and there is a bound over. My understanding of this Bill, if anything is to protect the child, in essence, from paedophiles. So, in this kind of situation where it is one-off, the reputation of the teenage young man, he will fall into this definition but also, a teenage girl as well can also fall into the definition. So, just a question, Mr. Chairman, to the Honourable Attorney-General, how is he treating this because we have had situations in court where two consenting teenagers are trapped under this definition. Thank you, Mr. Chairman.

MR. CHAIRMAN.- Is there anyone else wishing to take the floor? Honourable Attorney-General.

HON. A. SAYED-KHAIYUM.- Mr. Chairman, Sir, if you look at the definition of sexual offence (and I have got the laws here) and I refer the Honourable Members, it says – means “... except for Section 213, an offence under Part 12B of the Crimes Act 2009.” Now, what are the offences under Part 12B; offence of rape, attempt to commit rape, assault with intent to commit rape, sexual assaults, abduction of children or persons under 18 years of age with intent to have carnal knowledge, indecent assault. The only one under this Section that does not fall under the definition of sexual offence is indecently insulting or annoying a person. There is the offence - you swear at somebody. For example, it says a person commits a summary offence.

A summary offence, if he or she, intending to insult the modesty of a person, utters any word, makes any sound or gesture, exhibits any object, intending that such word or sound shall be heard or such gesture or object shall be seen by the other person. So, that does not fall under the definition of sexual offence.

Defilement of children under 13 years of age in this particular part - yes that is a sexual offence. Defilement of a young person between 13 and 16 years of age - yes that is an offence. Defilement of an

intellectually impaired person - yes that is an offence.

Procuration for unlawful purposes – procuring defilement by threats or fraud, administering drugs, householder permitting defilement of a child on premises, householder permitting defilement of a person under 16 years of age on premises, conspiracy to defile, unnatural offences with animals, incest by any relative - knowledge of age is immaterial it says so that is Part 12B. All of those offences fall under the definition of sexual offence except, as it says, section 213 which is indecently insulting or annoying modesty of a person. So that is the definition.

MR. CHAIRMAN.- Thank you. Honourable Nawaikula?

HON. N. NAWAIKULA.- Mr. Chairman, I go back to my question. You know I have seen the definition. It is very wide but there is only one exception - indecently insulting. So even what we can categorically call minor sexual offences and the question is on seven – it appears to me, to say that whenever you commit any of those offences, you are registered, as opposed to repeat offenders and serial offenders. So, could you just clarify under this, it means that any sexual offence and even if you are committing it for the first time, you will be registered.

Yes, I can confirm, Sir, that that is the case - the public does not know. The public may know, already when you go to court, already people go for crimes and the media will report it but after that, once you get convicted, the register is there for certain agencies to access, not all in sundry. You and I cannot go and access it, it is only those agencies where these people could be employed, where they may have a proclivity to make use of those people or they could be their potential victims. That is the only area and that is why it is specified clearly.

That is why the Commissioner of Police will also issue further guidelines about protecting, so it is not like for example in the Ministry of Education, they will give it to one person with their PIN number to be able to access, probably the Permanent Secretary for Education. There will be one person from one agency to access that and we will know if that information is leaked from that agency we will know exactly who leaked it. I know what Honourable Nawaikula is on about and I agree with him in that respect that we have to also protect the privacy of that individual.

Assuming that if I am convicted under one of these offences and I never go and work for any of these agencies - assuming I go and start driving a truck in the middle of the bush and that is what I do; no-one will need to search my name, I may be reformed so let it be. And I am not coming in contact with children or other vulnerable people, maybe I may have gone somewhere or I just set up a fish farm and I am doing my own thing, no-one needs to know. Someone may want to do a search on you if they want to through a PC but certainly not through this register. Only authorised people would be able to access this register.

We are saying that wherever there is a vulnerability the Ministry of Education for now should do a check, day care centres should do a check and the Commissioner of Police will say those who want access to this information he may actually say you simply give me the name and I can tell you, yes or no. It does not have to give them access to the entire register. That is how we balance, we protect our children but we also protect the privacy of the individual who's committed a crime.

MR. CHAIRMAN.- Thank you. Honourable Tabuya, you have the floor.

HON. L.D. TABUYA.- Thank you, Mr. Chairman. Just on the same Clause 5, again, also probably a point of clarification. As far as the example that was given about defilement being included - defilement of a person between the ages of 13 and 16 being included in the definition of sexual offence.



The example given were of two children of 13 year olds, who engaged in experimental sex. It is usually when they get caught, their parents report them and, of course, this is where two are involved.

The practice has been and we have seen where the boy is charged and the girl becomes the victim. In this case, Mr. Chairman, if you have children involved, if you are trying to protect children and we are looking at balancing the rights of these children, then perhaps the rule to apply that the definition of the sex offender be someone for us to consider the protection of these children as they are still in their growing years and that they will have to face being charged, they will have to face the crime and come in to Juvenile Court.

However, if it is to go on the register and we are wishing to protect children, can we consider the definition of the sex offender to be a person of 17 years and over? To go on the register because if they have committed a crime at that age and they are convicted does not mean they are also go on the register and how long does it last for that child? Again, balancing the rights if that could be for 17 years and over because that is the age a juvenile can be treated as an adult and tried as an adult. Just a point of clarification if that could be clarified, please. Thank you.

HON. A. SAYED-KHAIYUM.- Sir, the register will obviously also have the offence. It will not just say sexual offender of what the person was convicted under. So, of course many parents would know that if you have teenage children and if they go off, as Honourable Tabuya says, to have experimental sex and if they are engaged in a sexual activity or carnal knowledge of each other as it called, they may go off and do that, but no one reports it. A lot of kids are doing that at the moment.

Now, in some instances, you may have a parent that may find out about it and then report the matter. It is an offence and the person will get charged and it will go on that person's record. Now, we have to then go back and think, what are we trying to do? Why are these laws there in the first place? What is the philosophy behind it?

On one hand we complained about teenage pregnancies. I got a phone call last night from someone who is a teenager, who became pregnant wanting assistance. Now, what were the parents doing about it? What kind of values are we teaching them? That also goes back to that. Philosophically, if you want to remove this, then you could have very hormonal teenagers going around and having sex. There has to be a deterrence about it too and as we know it is not very healthy in particular for young girls to fall pregnant, they get left behind in schools, so a lot of them stop going to school.

There is, in fact, a programme to try and get single girls who have actually fallen pregnant, to actually go back to school, so it is a wide philosophical issue. There are also those that we consider children under the UN definition of a child - a person is a child until they reach the age of 18. There are 17 year olds, who have actually raped older men and women, younger children than them. So, are you saying that no one below the age of 18 should be charged or should not show in the records?

We have to understand why we have these laws in place. We do not want these teenagers to go and have sex. A lot of parents of course now allow them to have sex and they say as long as they do not fall pregnant. You may recall a few years ago when USP - these are kids over the age of 18 - put a condom machine at the university and a lot of people objected to its saying you are encouraging them to have sex. Some people argued and said well they are having sex so why not put the condom there? You know it is a horse and a cart situation. Honourable Professor Prasad would know about this. He was at USP then as a lecturer I am saying not as a student. I have to admit, Mr. Chairman, when I said yesterday, Honourable Lynda Prasad he kind of blushed.

But getting back to the serious point, Sir, that is what we have to understand. We have to be able to understand the philosophy behind it. Like I said so for example if a person assuming two consenting

teenagers have sex and one of the parents reports it and the person subsequently gets convicted, as you know you need conviction, if the supposed victim also gives evidence. And as we have found in number of cases where two consenting teenagers have had sex and generally, it is the female's parents that gets aggrieved and takes this boy to court, but then the girl may refuse to go to court to give evidence.

A lot of these cases fall by the wayside as a result of that because they have consented to it. So, it does not proceed any further but assuming it does and the person does get convicted it will say for what offence. So, later on in life we know that this person been convicted for that because of the two consenting teenagers having sex, and not because they went in, had sex with someone without consent which is rape.

As you know, under this provision also, we have a lot of cases of defilement by older men. Some 24 year old who entices some young girl who is 16 year old or 15 year old with the nice mobile phone and you know in this nice flash car and that is what happens. That is also an offence because these people are vulnerable so that is why we have this provision.

MR. CHAIRMAN.- Thank you. Honourable Qionibaravi, you have the floor.

HON. ADI L. QIONIBARAVI.- Thank you, Mr. Chairman. I seek clarification on Clause 5(2) which currently reads, and I quote:

“A person ceases to be a sex offender, if the conviction in respect of the sexual offence or corresponding offences that qualifies the person as a sex offender is quashed or set aside by the court of law.”

My issue, Mr. Chairman, Sir, is what consideration, if any, would be given to those that have been convicted for sexual offences but have been rehabilitated and living a normal life, say 10 years, 15 years? How can their names be removed from the register of sex offenders?

MR. CHAIRMAN.- Thank you. Honourable Attorney-General, you have the floor.

HON. A. SAYED-KHAIYUM.- Sir, the reality of the matter is that, we have these provisions in place to give protection to the people and of course as time goes on, we can always come back to the law and look at this. This is the first such a law has been put in place. There are various regulations that have been put in place. This is like all of you have acknowledged a new area of law for us, we have to address this.

Honourable Radrodro has spoken on numerous occasions about the rise in sexual offences in Fiji. We have to take proactive steps, it is also about having a registry process, giving people access to that information to make sure they do not re-offend or put them in an environment where they may get tempted to offend.

It is also about addressing it through community awareness, family values, all of those combined. It is a holistic approach to try and address this issue of the rise in sexual offences. So this is part of one of the mechanisms through which we can address this issue. We can always come back and look at how this pens out, whether we want to make it a lot more stringent, make it more lenient as we have seen in other countries. The law has evolved with the times and depending on how communities stand and view it.

We have certain countries where three strikes and you are out. There are various mechanism that you can look at. So, at this point in time, this is how the law stands and obviously, we can always come back and look at it in a few years' time.

MR. CHAIRMAN.- Thank you. Honourable Waqanika, you have the floor.

HON. T. WAQANIKA.- My apologies, Mr. Chairman, Sir, there is no question from me, there was an error in my pressing the microphone. My apologies.

MR. CHAIRMAN.- Thank you. Honourable Tabuya, you have the floor.

HON. L.D. TABUYA.- Thank you, just another quick question from what the Honourable Attorney-General has explained in terms of the expunging of records when offenders after 10 years have their records expunged. Will the same apply for the sexual offense register, that it will be expunged after ten years?

MR. CHAIRMAN.- Thank you. Honourable Attorney-General?

HON. A. SAYED-KHAIYUM.- At this point in time, Sir, the register specifically is separate to the Previous Convictions (PC) list. It is a separate register, it is not part of the quashing all of them. So, it continues in the register because we have seen people who have a proclivity of doing this. So, you know you could, for example, a lot of people when they apply for certain things and after 10 years, 15 years, when you do a search it is not there. So, for example if I did say larceny and then also rape someone in the process of the larceny or robbed. We have seen many cases, where robberies have gone wrong and a person or group of people end up raping the householder. Now, after 10 years your robbery violence may go away but your sexual offender provision is still there. Because if we really want to be serious about sexual offenses, we have to address it seriously.

HON. L.D. TABUYA.- So, if there is the issue of proclivity as you mentioned, Honourable Attorney-General, would it then made sense for what has been submitted from Opposition that there be a consideration of perhaps a repeat offence like they have in overseas jurisdiction, after two offences then you go on the register so that first offenders though they are convicted and they may go away, they might have their conviction discharged without conviction like juveniles are given or sentences that are bound over or whatever it is, that this be considered for a repeat offender to go on the register after two offences and more. Now that you are considering that this would be pretty much in the register for life, balancing the rights of the sex offender and individual.

HON. A. SAYED-KHAIYUM.- Mr. Chairman, again I am a bit concerned about what the Honourable Tabuya is saying. On one hand, they have been talking about the impact of pornography, about the increase in sexual offences and now they are saying that you can only put a person on the register if they have committed sexual offences more than once. So, the first time they have done it, even though they may have violently raped someone or a young child or a young boy, we do not put them on, that is what you are saying essentially. You are saying that if I do it again, or three times, then only you said third strike out, only after the third time I have done it to someone then my name goes on the register. What is the severity? Let us get into the space. That is not a sexual offence. Read the section, it does not say that if you touch someone you committed a sexual offence, read the section.

HON. L.D. TABUYA.- You have mentioned that if someone touches someone's back or behind, it is a woman, she may take offence to it and see it as a sexual assault, that is touching, that to her is sexual.

HON. A. SAYED-KHAIYUM.- No, no, please.

HON. L.D. TABUYA.- Yes, sexual harassment policy, and that is a sexual assault.

HON. A. SAYED-KHAIYUM.- Sexual harassment does not fall here.

HON. L.D. TABUYA.- That is the sexual assault. When you touch someone, it is an assault, just to clarify.

MR. CHAIRMAN.- Alright, if you ask for clarification, Honourable Attorney-General, you clarify.

HON. A. SAYED-KHAIYUM.- Honourable Tabuya is digging herself into a hole. Let me just read this again. “Offence of a rape; attempt to commit rape; assault with intent to commit rape; sexual assault”, Mr. Chairman and it says, “A person commits an indictable offence”, not summary offence, “indictable offence which is triable if he or she unlawfully and indecently assaults another person or procures another person without the person’s consent to commit and act to gross indecency or to witness an act of gross indecency by the person or any other person.”

Honourable Tabuya, you would know in your days as a prosecutor, that the courts have developed the jurisprudence around this. One of the problems we have at the moment is that, a lot of females are complaining, sexual harassment is not specifically captured here. If I go and touch someone on the back, it is not gross indecency. You know that as a lawyer. If I touch a female on the back, it is not gross indecency. Even we have had complaints about people who have tapped a female’s bottom. Under this definition, it does not fall as gross indecency, and that is one of the lacunas in the law at the moment.

We recently had a case about some executives inviting people to come and have their employees for dinners, sending them nude photographs of themselves. You know who I am talking about. You did not come to the protection of that lady, but the fact of the matter is that, there is a lacuna in the law. We need to be able to address that. There needs to be a specific jurisprudence regarding sexual harassment per say, but under the definition of Clause 12(b), that does not fit in here.

Under definition of Clause 12(b), these are the ones that I have just read out, except, ‘indecently insulting or annoying a person and a person commits the summary offence if they utter any word, makes any sound or gesture, exhibits any object intending that such a word or sound shall be heard or that such gesture or object shall be seen by the other person, or intrudes upon the privacy of another person by doing an act of a nature likely to offend his or her modesty.’ If I go and pee in front of someone, for example, the person seeing me peeing may get offended. I may affect their modesty, but it does not fall under the definition of a sexual offender.

That is the point. All the others; defilement, abduction, sexual assault, rape, defilement of intellectually handicapped persons, procuring defilement by threats of fraud administering, household permitting defilement of a child on premises, conspiracy to defile, unnatural offence with animal, incest by relative; these are very serious offences. They are not touching someone’s back.

MR. CHAIRMAN.- Thank you. Honourable Qereqeretabua, you have the floor.

HON. L.S. QEREQERETABUA.- Sir, my question is in regards to Clause 5(2), where a person ceases to be a sex offender if the conviction in respect of the sexual offence or corresponding offence that qualifies a person as a sex offender quashed or set aside by a court of law. I would just like clarification on how you go about having that set aside by a court of law.

HON. A. SAYED-KHAIYUM.- Sir, if for example, a person gets convicted by the High Court for rape and then the person is convicted, sentenced and goes to prison. Then the person’s name goes on the register. In the meantime, once I am in prison, I may appeal the decision so I go to the Court of Appeal. If the Court of Appeal finds that I did not commit the rape, then that quashes the conviction that my name is removed from the register. You have to go through the Appeal process in the court system.

HON. PROFESSOR B.C. PRASAD.- Thank you, Sir, I just want to make a general comment and that can help us to move on. I think the Committee on Justice, Law and Human Rights did a very good job. They produced a very good report, they have looked and researched in other jurisdictions and I think they do acknowledge and everyone acknowledges that this is a new law.

I think it is a good law, good beginning and we support this law. Normally, when you have a new law, it takes time for the law itself to take its course, create new data set and better understanding of the actual impact it might have on different issues that I think has been raised by Honourable Members this side.

I think the Committee also makes a good recommendations 1 and 2, 1 of course, is about the advocacy programme in getting people to understand this law. The implications of this law, we might have done that through the Committee, but I think the Committee's recommendation that more of that is done make sense.

The second recommendation is also a good recommendation, in the sense that it says that at some point in time, three or four years, and this law can be reviewed. We might have more data then, we might have understood better, the implications of this law. I think we need to take that into account and I therefore, think that this is a good law and we support it, Sir.

HON. A. SAYED-KHAIYUM.- Can I just make one last comment, Sir?

MR. CHAIRMAN.- Honourable Attorney-General, you have the floor.

HON. A. SAYED-KHAIYUM.- This law also highlights the point I was making yesterday. How it is critically important to get the person's registered name right. Because we have found for example, there are people who have been convicted under their alias name through the criminal justice system. They have gone under alias name and then when the Supervisor of Elections wants to check the roll against people who are in prison, they cannot vote, names do not match.

This is why, if we are developing such a register, and you can imagine the impact. If you get the wrong name in the register, your name is there. That is why the authentication of your identification is critically important, resting on a one source of identity which is the birth certificate. So it is critically important, Sir, I just want to highlight that because I can understand that their names will be there for the rest of their lives or it will affect your employment opportunities. That has happened in overseas, we have seen in USA, identity theft is a big thing, whether for the issue of social welfare payments, ration distribution, convictions and some people have unfortunately fought for decades to get their names off lists because they had the wrong name. So, I please urge the Members to take that into account too.

One last one I wanted to make, Sir, is about the issue of pornography. I wish that the Honourable Members would also be equally as zealous about the hate through communal divisions that is actually spread through websites and *Facebook*. We have seen, Mr. Chairman, that there is also what we call the "dark web". You shut down sites, they will put up another one. There is a whole cabal of people who do not access what we call "mainstream internet", they have dark web. They set up their VPN, they can close it overnight, tomorrow, they will open another one. You shut that one down, they will open another one. It is not just about shutting sites down, it is also about ensuring that through these mechanisms in developing community values through your families that we tell our children it is not a good thing to access.

MR. CHAIRMAN.- Thank you, Honourable Members, for your contributions. We will move on. Parliament will now vote on Part 1.

Question put.

Motion agreed to.

Part 1 stands part of the Bill.

Part 2 - Division 1

MR. CHAIRMAN.- Honourable Members, the floor is now open for comments on Part 2 - Division 1. Honourable Bulanauca, you have the floor.

HON. M. BULANAUCA.- I move, Sir, to delete the establishment of this Register because it allows registration of sex offenders for life; that is what I oppose. We need to give them time to change for a better person.

MR. CHAIRMAN.- Honourable Bulanauca, if there is no seconder, we cannot ....

HON. S.R. RASOVA.- I second the motion, Mr. Chairman.

(Honourable Members interject)

MR. CHAIRMAN.- You are honourable off-siders.

Honourable Bulanauca, you have the floor now to speak to your motion.

HON. M. BULANAUCA.- The approach here in this Bill, Mr. Chairman, that I do not support. It is founded on hate, you are hating the person. You should hate the evil that is in that person. The Bill is founded to condemn a person when he is a sex offender. So it is important, Mr. Chairman, to ensure that our laws are based on Biblical values to ensure that our laws are based on Biblical values and principles.

It is very important to give opportunity to any offender for change. When you change, you should take the name off that register, it is important, Chairman, Sir. You do not put the name of the repented offender on the register for life. Even when the person dies, the name will still be there and the stigma goes with the family. If you just give them five years or 10 years or 15 years or up to that and he changes in between that, fine. Take the name of the individual off the register. So it is important, Mr. Chairman, Sir, to set our laws on Biblical values and principles.

When the spirit of that individual changes, we should allow him to change too, it is important. The law is too stringent, Mr. Chairman, Sir. The register in the police, court system is enough. Why have another national register for that? It is already being monitored there in the police and the judiciary, Mr. Chairman, Sir. All you can do is increase penalties or until time the person changes, fine, clear him of offence committed, the person has changed, Mr. Chairman, Sir.

Law is good but it must have a good spirit, a spirit of love, a spirit to build people up, not to condemn, not to kill. That is why the 10 Commandments are there in the Holy Scriptures. That is the Holy Spirit, the spirit that should go with the law, not human or manly law that condemns a person.

HON. S. ADIMAITOGA.- Stop misinterpreting!

HON. M. BULANAUCA.- You know that kills a person, Mr. Chairman, Sir. So, it is important and the Lord Christ came to confirm that law but with the Holy Spirit.

HON. S.R. RASOVA.- Amen!

HON. M. BULANAUCA.- You know the law that we create or establish must have the spirit with it. It must be the Holy Spirit, otherwise, it will only be the evil spirit, Mr. Chairman, Sir. And I am afraid we are having that here. It is here, Mr. Chairman, and it is very important, Sir.

MR. CHAIRMAN.- Honourable Member, you are starting to repeat yourself.

HON. M. BULANAUCA.- The spirit of the law must be there. Jesus Christ has taught us that. You must have love, teach and monitor and guide the people in their lives, Mr. Chairman. We are all sinners, yes, but we need to confess. We must be given time to change.

HON. R.S. AKBAR.- No!

HON. M. BULANAUCA.- Even the Lord Jesus Christ gave through his blood ...

HON. S. ADIMAITOGA.- That should come from within.

HON. M. BULANAUCA.- ... forgives our sins. He is the Creator, and we were made to be in His image and His like likeness. He should also forgive when somebody changes, from bad to worse or bad to become better or being a good person. So, it is important, Chairman, Sir, that we must follow what Jesus has said because we are made in His image and in His likeness.

When an offender has changed, you must clear the person of committed offence, it is important, Chairman, Sir. We have individual rights. Individual right is more important because your individual right will take you to eternity, not community right even though we respect community right.

HON. R.S. AKBAR.- What about the victims?

HON. M. BULANAUCA.- It is important, Chairman, Sir. But we also must watch on what leads people to commit a sexual offence as has already been mentioned. Pornography, dance bars, et cetera, and the technology that we have here, these are all symptoms, Mr. Chairman, Sir. We should address what causes all the problems? It is important, we must go back to the family. We must build up a good family here in Fiji to build up a good people and in future not to offend in sex harassment.

MR. CHAIRMAN.- You are starting to repeat yourself.

HON. M. BULANAUCA.- That is important, Mr. Chairman, Sir, that the intent of the Bill should be correct because the yellow ribbon initiative are already there, also the religious organisations who can build those people up, the *vanua* as has already been mentioned who can build those people up. There are the various groups who can build an individual to be a better person rather than condemn the individual for life under the register.

We must not condemn a person, we must penalise the sin it is all of that but do not condemn the person, Mr. Chairman, Sir. So, it is important. You do not follow what the Americans do, we do what we do according to our Bible and according to our values. It is important, Mr. Chairman, Sir, that the mechanism is there to create opportunities for people to become better.

MR. CHAIRMAN.- Get on with it!

Honourable Rasova, you have the floor before I give it to Honourable Qereqeretabua. How come

you are playing the knight in shining armour all of a sudden? I give the floor to Honourable Qereqeretabua.

HON. L.S. QEREQERETABUA.- Thank you, Mr. Chairman. I just want to take this opportunity, well Honourable Bulanauca may have his point of view, and some of us are laughing at him, some of us are laughing with him, I just want all Honourable Members to remember that the people of Fiji are watching us and to hear people laughing while we are discussing this very serious matter is very un-parliamentary. Thank you.

MR. CHAIRMAN.- Honourable Attorney-General, you have the floor.

HON. A. SAYED-KHAIYUM.- Mr. Chairman, Sir, it is very interesting how NFP always obfuscates matters, they do not have the courage to say anything against what SODELPA says. Even though they may disagree with it, it is very interesting how Honourable Qereqeretabua just twisted the whole thing and saying “we are laughing at it and the people of Fiji are watching” what would have been more useful from her is to tell us whether she agrees with Honourable Bulanauca or not. She did not have the courage to say that and people are watching her.

The other female Honourable Members from the other side too. I saw when Honourable Bulanauca made that intervention, Honourable Tabuya was signalling to someone there to second it. When just a few minutes ago, the Honourable Leader of the Opposition did not object to this but he, in fact, wanted the Ministry of iTaukei Affairs to be involved in the list of the agencies.

The Leader of SODELPA also agreed and he also wanted them to be in the list then we have, Mr. Chairman ...

HON. L.D. TABUYA.- A Point of Order.

MR. CHAIRMAN.- Order, order!

HON. A. SAYED-KHAIYUM.- There is no Point of Order.

Mr. Chairman, Sir, again, we have Honourable Bulanauca saying that he does not want this register. That is the whole purpose of this Act, that is the entire purpose of this Act. He does not want this Act. It is not functional, the Opposition needs to tell us their position. If they have made individual submission well and fine, Mr. Chairman, Sir. Please, Mr. Chairman, Sir, this is a serious matter.

Mr. Chairman, Sir, we have said, both sides of Parliament have agreed that the rise in sexual offences need to be curtailed dramatically. We need to have community awareness about it, we need to ensure that the patriarchal notions and most people who are victims of sexual offences are females, that is a fact. We have to ensure that this patriarchal notions of how we view women as sexual objects and how we see them as a second class citizens, all of that is part and parcel of this building up of a colossal of laws and practices to ensure that this stops. If we are really serious about it.

Honourable Bulanauca has said this essentially and saying that he is not for this. Mr. Chairman, Sir, my challenge is that to the NGOs and the women’s groups that are listening to this, I hope they also have the courage to come out and condemn what Honourable Bulanauca has said. I can bet you now that I am saying they may do it they will not have the courage to do so.

Mr. Chairman, Sir, these things have been done and adopted by many jurisdictions including Australia and New Zealand as a mechanism to deter people from engaging this offences. It is a deterrent mechanism that you think twice. You think five times that if you commit this offence you get convicted,



your name will go in a register. That is one of the purposes for this. We amended we in fact repealed the old penal code more than a 100 years old and brought in the Crimes Act where, Mr. Chairman, we enlarged the scope of sexual offenses. We increased the terms available for conviction, again as a mechanism to stop people from engaging in this Act.

Mr. Chairman, the reality of the matter is and I think what really is quite offensive and I find from Honourable Bulanauca that he wants to, when it suits him, speak about love, humanity, loving the spirit. He in 2000, and I have said this in Parliament before, stood up outside Civic Centre in the documentary available at USP, and said the executive is run by *kaidia, hindu, tevoru*; judiciary *kaidia, hindu, tevoru*. Is that love? Is that about humanity? Is that spreading the love of Jesus Christ? That is heartily hypocritical.

Time and time again on the floor of this Parliament, Honourable Bulanauca is one of the main people behind the racial and ethnic categorization of our people. Is that the love of Jesus Christ? Jews and gentiles alike, didn't you say that? You are bound by the love of Jesus Christ irrespective of ethnicity. Exactly, but you are not practicing it. He only says it when it suits him and this is the level of hypocrisy that exists, Mr. Chairman.

So, Mr. Chairman, I get back again to the point and the point is that this Act is to ensure that we have a shield of deterrent mechanisms in our laws that these people do not commit the offence. If someone is thinking of committing an offence then they think twice, three times, four times. They do not see some vulnerable kid who is walking down the street, in a cinema or going to the farm, that they can do whatever they like with them. They need to know that. And the way that they know that is that when you review the laws, you have registers. Other countries have adopted this. Again because of the objectification of children and the objectification of women, we need to make a concerted effort.

MR. CHAIRMAN.- Honourable Tikoduadua, you have the floor.

HON. LT. COL. P. TIKODUADUA.- Thank you, Mr. Chairman. I just want to make this contribution in light of what the Honourable Attorney-General has pointed out with regards to Honourable Qereqeretabua and the NFP. Our position is defined and it is clear. It has just been uttered by the Honourable Professor Prasad and we support this Bill.

Now, what the Honourable Qereqeretabua said is that this is a serious Bill that we are considering. Different people look at this Bill from different perspectives. It does not augur well that we are laughing over this issue when it is not a laughable matter and that is all she said.

I am just saying, Mr. Chairman, that, that comment made by the Honourable Attorney-General in terms of NFP's position on this matter is not true and it does not reflect our position. We have a position on the Bill and that has already been uttered. People had their own comments. There is no need to bring in persecution of religion or comments on different teachings and all that. This is the point I am trying to make.

It is not a laughing matter at all and that is the position. Our position is already defined because the Honourable Attorney-General is questioning Honourable Qereqeretabua's position on what Honourable Bulanauca is saying. We have a position as a party and that has already been conveyed and that is where it is. So, seriously, Mr. Chairman, we should not be laughing.

MR. CHAIRMAN.- One more speaker before the right of reply. Honourable Professor Prasad, you have the floor.

HON. PROFESSOR B.C. PRASAD.- Thank you. Mr. Chairman, it is very usual of the

Honourable Attorney-General - he actually has a habit of bringing NFP, he knows very well that we have disagreed with Honourable Bulanauca on many occasions, publically in this Parliament and for him, I know why he is saying that. I know why he is saying that.

(Honourable Member interjects)

HON. PROFESSOR B.C. PRASAD.- He heard what I said about our position on the Bill. We support the Bill and he had to pick on NFP to say we are sitting here and do not say anything about what SODELPA says. We do not agree with everything that every member from the Opposition says about things. Sometimes we do not have the opportunity straight away, but for him to go on and on, he is actually playing to the gallery.

HON. DR. I. WAQAINABETE.- What is your point?

HON. PROFESSOR B.C. PRASAD.- No, it is a point because he is trying to insinuate that we do not take a position. Let us be honest, I think you need to be a bit honest Honourable Attorney-General about how you say that and accept that we do have a position on many things. So, I just want to remind him that, Mr. Chairman.

MR. CHAIRMAN.- Before I give the right of reply, Honourable Gavoka, I will let you take the floor.

HON. V.R. GAVOKA.- Thank you. Mr. Chairman, Sir, let me just correct what has been said about SODELPA. What I outlined from the beginning was that, for us this is a vote of conscience. We had this kind of dialogue before we came because we are aware of the difficulty with which people have expressed their opinion or thoughts, the way things are in Fiji in relation to this, and I am sure the members of the Committee can testify to the fact that there were people who expressed opinions similar to what Honourable Bulanauca is saying today.

If you look at the recommendations of the Committee they are very cautious in the way they are recommending this. The first one says that the projected impact it will have on people is too great and should be something that all Fijians are given appropriate awareness on. So, he expresses that. SODELPA is aware of this, that is why we came here today saying we will vote on conscience. We cannot have a Party position on this.

The party goes on to say that the Bill is new and this review will have to be carried out after an adequate period has passed preferably a period of no less than five years. There is a lot of caution in the way the Committee has made the recommendation so please, do not just say that SODELPA has no position on this and SODELPA is not aware of the challenges that we face.

We are aware of it but we know that this is a new Bill, a new phenomenon with us and we allowed our people to speak their mind here today. I just wish that other parties in this country can also do similarly, encourage the people to speak outside of what is being dictated to them. This is SODELPA, we allow people to have their say on matters that we know they are not comfortable with.

Like I said, I am sure the Chairman of the Committee or the Committee members will say that these are the kinds of opinions we would like to express during the hearing across the country. So, please do not dismiss SODELPA as not being responsible in the way we handle these things. We are very responsible but we respect the opinion of people on this very delicate matter.

MR. CHAIRMAN.- Thank you. Honourable Bulanauca, your view?

HON. M. BULANAUCA.- Thank you. Mr. Chairman, Sir, just to clarify that we vote on conscience for SODELPA on this matter and I have stated my position, particularly with the life registration on the register. That is my point. You give up to 10 years or 15 years for that person to change, why keep his name in the register? Take his name out from there. It is important because that will teach and lead people to change. If people change, why should we keep their names in the register? That is my point. Even Jesus Christ had cleansed our sins. We should be following that, Mr. Chairman. It is important. You can increase it up to 10 years to 15 years, if the person changes, take his name out of register.

MR. CHAIRMAN.- Honourable Members, we will now vote on that motion that we delete Clause 6.

Question on amendment put.

Motion lost.

MR. CHAIRMAN.- Honourable Members, are there any more Honourable Members wishing to take the floor?

Honourable Kuridrani, you have the floor.

HON. I. KURIDRANI.- Thank you, Mr. Chairman. Just a matter of clarification. Does this register also include the current offenders who are currently serving their sentences when this Bill will come into effect?

MR. CHAIRMAN.- Honourable Attorney-General.

HON. A. SAYED-KHAIYUM.- My apologies, Mr. Chairman.

MR. CHAIRMAN.- Does this register will also include those who are currently serving sentences as sexual offenders?

HON. A. SAYED-KHAIYUM.- Yes, Mr. Chairman, it will include those people who are sexual offenders, yes.

MR. CHAIRMAN.- Those who are current now?

HON. A. SAYED-KHAIYUM.- Yes, Sir.

MR. CHAIRMAN.- Honourable Radrodro, you have the floor.

HON. A.M. RADRODRO.- Thank you, Mr. Chairman. Just a matter of clarification, in Clause 6(2), I think the importance of the register is to be properly maintained and updated. There is an issue on photograph. A person who has been entered in the register, how often does that get updated in terms of specifics, like photographs and other items that are listed there?

MR. CHAIRMAN.- Thank you. Honourable Attorney-General, you have the floor.

HON. A. SAYED-KHAIYUM.- Mr. Chairman, the Commissioner of Police, as you know is in charge of this register. If you see clause 27 he develops guidelines in respect of who will access the information and obviously in maintaining the register, he has to ensure that the register is up to date. So essentially, the Commissioner of Police has carriage of this register, and he will then authorise people to

access it and obviously he has to make sure that the register is most up to date. For example, the question asked by Honourable Qereqeretabua, when does a person's name gets off the list? That is his job to ensure that a person's conviction is quashed, it gets off the list. So things like photographs etcetera needs to be there, of course.

HON. A.M. RADRODRO.- Another clarification, Mr. Chairman, in Clause 6(3) which states that: "... the register must not contain information in relation to a person who ceases to be a sex offender under Clause 5(2)." The question is, how does a person get his name removed from this register? Does he apply for his name to be removed from the register, or how does it get removed?

HON. A. SAYED-KHAIYUM.- Under Clause 5(2), it says that if you are being convicted, then obviously your name will go on the register. If the conviction then is quashed or set aside by a court of law, that is when it goes off.

HON. A.M. RADRODRO.- So it is automatically removed by the person?

HON. A. SAYED-KHAIYUM.- Who is going to do it? It is the responsibility of the Commissioner of Police because he maintains the register. Then they will make sure that that person's name gets off the list because a notification of the conviction or quashing of it will go to the police in relation to sexual offences.

HON. A.M. RADRODRO.- Thank you, Mr. Chairman.

MR. CHAIRMAN.- Thank you. There being no further points raised, Honourable Members, Parliament will now vote on Part 2 - Division 1.

Question put.

Motion agreed to.

Part 2 - Division 1 stands part of the Bill.

MR. CHAIRMAN.- You are all looking anxiously at me. Honourable Members, at this point, we will suspend proceedings for lunch. We will resume at 2.30 p.m.

The Parliament adjourned at 12.47 p.m.

The Parliament resumed at 2.43 p.m.

MR. CHAIRMAN.- Honourable Members, this session is called to order.

Part 2 - Division 2

MR. CHAIRMAN.- Honourable Members, the floor is now open for comments on Part 2 - Division 2. Honourable Jale, you have the floor.

HON. A. JALE.- Thank you. Just a clarification on Clause 8, Mr. Chairman. Before we broke for lunch, the Honourable Attorney-General had clarified the position of people who are sexual offenders in prison at the moment, whether their names will be included in the register. But Clause 8 provides a process and procedures that need to be followed by magistrates and judges when passing sentence on sexual offenders. I just want the Honourable Attorney-General to clarify the point because that process should have been followed before someone's name appears on the register, as I read it. I am a lay person, and it is important that the Honourable Attorney-General clarifies that.

MR. CHAIRMAN.- Thank you. Honourable Attorney-General?

HON. A. SAYED-KHAIYUM.- Thank you, Sir. This is about the written notice to the sex offender about the reporting obligations. If you read Subclause (3), it says, and I quote:

“A registrar of the sentencing court of law must, as soon as practicable after a sex offender is sentenced –

- (a) give written notice to the sex offender of the -
  - (i) reporting obligations of the sex offender; and
  - (j) penalties for failing to comply with those reporting obligations...

Obviously, it does not mean that people who have committed sexual offences cannot be on the list but this is about going forward on what would be your reporting obligations, for those people who appear in court after this Act comes into being. It is about the reporting obligations, I hope that makes a difference.

MR. CHAIRMAN.- Thank you.

HON. A. SAYED-KHAIYUM.- It even goes to say, and I quote from Subclause (4):

“Failure to give the explanation required under subsection (2) does not affect the validity of the sentence or the sex offender's reporting obligations.”

MR. CHAIRMAN.- Thank you. Honourable Rasova, you have the floor.

HON. S.R. RASOVA.- Thank you, Mr. Chairman. Just follow through the Honourable Jale to the Honourable Attorney-General, what he was trying to say was that, those people who have offended as sex offenders, right now they are not in the system. Now that the law will be passed, you said their names will automatically go through the system, but they have not gone through the procedures that is in the law. I just need clarification on that. Thank you, Honourable Attorney-General.

HON. A. SAYED-KHAIYUM.- Sir, again, just a clarification, actually this section refers to the reporting obligations. So, obviously, if someone who, prior to this, whose name appears on the list would not have to do the reporting. Going forward, of course, they need to do the reporting.

HON. S.R. RASOVA.- Those who are in prison now who are sex offenders but their names are not in the list, once this law is enacted, you said earlier that their names will automatically go through but there are procedures here in this law.

HON. A. SAYED-KHAIYUM.- Yes, but I am saying that in Clause 8, it is about the reporting obligations. Those reporting obligations will not necessarily apply to them. But going forward, it would apply to the new offenders, I mean, hopefully, they will not be that many after all these laws are passed but then under this law, they will be required to report.

HON. S.R. RASOVA.- Thank you, Mr. Chairman, that is clarified.

MR. CHAIRMAN.- Are there anyone else wishing to take the floor?

There being no one wishing to take the floor, Parliament will now vote on Part 2 - Division 2.

Question put.

Motion agreed to.

Part 2 - Division 2, stands part of the Bill.

#### Part 2 - Division 3

MR. CHAIRMAN.- Honourable Members, the floor is now open for comments on Part 2 - Division 3. Is there anyone wishing to take the floor?

Honourable Members, Parliament will now vote.

Question put.

Motion agreed to.

Part 2 - Division 3, stands part of the Bill.

#### Part 2 - Division 4

MR. CHAIRMAN.- Honourable Members, the floor is now open for comments on Part 2 - Division 4. Is there anyone wishing to take the floor?

Honourable Members, Parliament will now vote.

Question put.

Motion agreed to.

Part 2 - Division 4, stands part of the Bill.

#### Part 2 - Division 5

MR. CHAIRMAN.- Honourable Members, the floor is now open for comments on Part 2 - Division 5. Is there anyone wishing to take the floor?

As no one wishes to take the floor, Parliament will now vote on Part 2 - Division 5.

Question put.

Motion agreed to.

Part 2 - Division 5, stands part of the Bill.

### Part 3

MR. CHAIRMAN.- Honourable Members, the floor is now open for comments on Part 3.

As no one wishes to take the floor, Parliament will now vote on Part 3.

Question put.

Motion agreed to.

Part 3, stands part of the Bill.

### Part 4

MR. CHAIRMAN.- Honourable Members, the floor is now open for comments on Part 4. Does any Member wishes to take the floor?

As no Member wishes to take the floor, Parliament will now vote on Part 4.

Question put.

Motion agreed to.

Part 4, stands part of the Bill.

MR. CHAIRMAN.- Honourable Members, that brings to the end of the Committee of the whole of Parliament. Parliament will now resume its sitting and I shall now resume the Chair. Thank you for your cooperation.

(Honourable Speaker resumed his seat in the Chambers)

### The Parliament resumed:

HON. SPEAKER.- I now call upon the Honourable Attorney-General and Minister for Economy, Civil Service, Communications, Housing and Community Development to move the third reading of the Bill. You have the floor.

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, pursuant to Standing Order 88, I move:

That the Registration of Sex Offenders Bill 2018, Bill No. 34 of 2018, be read a third time and do pass.

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

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

HON. A. SAYED-KHAIYUM.- Thank you, Sir. As per convention, I will be very brief, given that we have looked at this particular Bill in the whole of Committee. We have all elucidated the various aspects of the particular Bill itself.

Needless to say, Sir, just to put it succinctly that this law is essential in respect of our battle - our armoury to deal with sexual offences in Fiji, which we have obviously seen over the past number of years increased and we need to ensure that our laws are strengthened. This is one of those ways in which we can do so to ensure that there is a very real deterrence mechanism put in place to ensure that those who intend to offend or carry out these kinds of offences, in fact, have to think about it more than once. It is also not just the responsibility of the law itself, it is incumbent upon everyone in this Parliament and outside of this Parliament, to ensure that we instil those values in our society.

Essentially, as has been called out by the Honourable Prime Minister, we have many patriarchal notions in society, the power dynamics between males and females, the power relations between males and females view of sex, view of how we view the other gender, and our view of how we actually view and value our children. I think it is critically important in all of these and it is a whole of society, whole of country effort to ensure that we rid ourselves of any systemic sexual offence culture that we actually have in place and this is part of this armoury.

As has been discussed, we need to also ensure that we, as Parliament, are able to ensure that these laws are enforced and implemented. We actually talk about it to the people in our community and as has been highlighted, because it is a new law, we can, of course, in a few years' time come back to Parliament if there is a need to tighten, strengthen and improve it. We can carry out any amendments that are required to this particular law. But I believe that this law will be welcomed by many who want to ensure that we have a safe society for our children and our women in particular. Thank you, Sir.

HON. SPEAKER.- I thank the Attorney-General. Honourable Leader of the Opposition, you have the floor.

HON. RATU N.T. LALABALAVU.- I just want to make another short contribution on the Bill that is now before us and I only wish to reiterate, Sir, that the Honourable Attorney-General has been, kind of, asking and pointing fingers at us as to where do we stand in as far as this particular Bill is concerned.

Again, on behalf of the SODELPA Party, I would like to inform this august House that it was not easy trying to get a consensus on this particular Bill, Sir, given the various issues that we have raised already when we were elucidating on the different parts and sections of the Bill. But all that, I would like to indicate, Sir, that that not being an easy task to come together, we have unanimously agreed that we will vote on our own conscience on this particular Bill. That is all, Sir. Thank you.

HON. SPEAKER.- I thank the Honourable Leader of the Opposition. Honourable Salote Radrodro, you have the floor.

HON. S.V. RADRODRO.- Thank you, Mr. Speaker, Sir. I acknowledge the contributions that have been presented during the Committee of the Whole on this Bill and I support what the Leader of the Opposition has alluded to.



Mr. Speaker, Sir, I would just like to highlight to the House that as it is, we have about five pieces of legislations that directly relate to the elimination of violence against women and children, and that is the:

- (1) Family Law Act 2003;
- (2) Domestic Violence Act 2009;
- (3) Crimes Act 2009;
- (4) Family Law (Amendment) Act 2012;
- (5) Criminal Procedures Act 2009; and
- (6) Employment Promulgation Bill 2007.

As we have heard from the Honourable Minister for Women, Children and Poverty Alleviation yesterday, Fiji's case is still rated high in the world and the rate of violence against women in Fiji continues to increase. As I had mentioned before in this House, our biggest performance indicator is that all those legislations, programmes and policies that we have in place towards the elimination of violence against women, are not working. Having to have another piece of legislation brought into this House, the question is, will this really address our problem?

Yesterday, I had asked the question to the Honourable Minister for Women on the monitoring and evaluation mechanism in place that would continue to monitor...

HON. SPEAKER.- Honourable Member, I just want to remind you that at this stage of the Bill's procession. The comments at this time are only whether the Bill should pass, like what the Honourable Leader of the Opposition has done. It should not be on the content or other matters related to the Bill. You have the floor.

HON. S.V. RADRODRO.- Mr. Speaker, Sir, as we have said that we are against the sex offenders, but I highlighted those to express our reservations in may be certain parts of the Bill and particularly, on the importance of the monitoring and evaluation mechanism, again, with this new piece of legislation coming into the House. Thank you, Mr. Speaker, Sir.

HON. SPEAKER.- Thank you. There being no one else wishing to take the floor, 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. I will be very brief. We should support this Bill, this is the third reading. It is, like I said, one of the tools in our armoury that we need to be able to combat the rise of sexual offences in Fiji. Of course, we have various laws that have been put in place, for example, the Domestic Violence Act 2009 that the Honourable Member had referred to.

The reason why we actually have a high reporting of domestic violence now is because people feel confident to be able to come forward to be able to report domestic violence because previously, Mr. Speaker, Sir, it was treated under common assault. And the Honourable Member would know that common assaults were reconcilable offences which many magistrates actually set for the husband and wife to go and reconcile, no one actually wanted to report it.

This is again, Mr. Chairman, another one of those tools that we can use to ensure that we address this particular matter, and I urge all Members to support this Bill unreservedly.

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

Question put.

Motion agreed to.

[Registration of Sex Offenders Bill 2018 (Bill No. 34/2018) was passed and enacted by the Parliament of the Republic of Fiji. (Act No. ... of 2021)]

## QUESTIONS

### Oral Questions

#### Renewed Leases in Seaqaqa - iTLTB (Question No. 200/2021)

HON. PROFESSOR B.C. PRASAD asked the Government, upon notice:

Can the Honourable Prime Minister and Minister for iTaukei Affairs, Sugar Industry, Foreign Affairs and Forestry inform Parliament how many leases has iTLTB renewed in Seaqaqa areas in the past two years?

HON. J.V. BAINIMARAMA (Prime Minister and Minister for iTaukei Affairs, Sugar Industry, Foreign Affairs and Forestry).- Mr. Speaker, Sir, in answer to Honourable Professor Prasad's question, for the last two years, a total of 77 agricultural leases were renewed in the Seaqaqa area, 55 of those leases were cane leases and 22 were non-cane leases. So in total, 77 leases were assisted under the Committee on the Better Utilisation of Land (CBUL) subsidy grant.

Apart from the above, Mr. Speaker, Sir, iTLTB is currently processing 96 cane leases that will be issued in 2021 and will also qualify to be assisted under the CBUL subsidy.

For the 22 non-cane leases, Mr. Speaker, Sir, 18 were agricultural leases for rootcrops and vegetable farming and four cattle and grazing leases. So 22 were non-cane leases and 55 were cane leases. A total of 77 agricultural leases were renewed in the Seaqaqa area.

HON. SPEAKER.- Thank you, Honourable Prime Minister.

We will move on to the second Oral Question and I give the floor to the Honourable Kirpal to ask his question. You have the floor.

#### Fiji Police Force - Mental Health and Stress (Question No. 201/2021)

HON. S.S. KIRPAL asked the Government, upon notice:

Can the Honourable Minister inform Parliament on what the Fiji Police Force is doing to ensure that issues of mental health and stress within the Force are addressed effectively?

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

In responding to yesterday's question, I have touched very briefly on this issue as well, mentioning that the Fiji Police Force, in trying to address complaints against the Police and complaints against its services, have also recruited a psychologist and they are forming a team to look at stress-related issues.

As this august House clearly understands, Mr. Speaker, Sir, the roles and responsibilities of police officers place them in challenging and stressful situations that can significantly impact their mental wellbeing and performance. For me personally, it was a big learning experience to know more of the work that the Fiji Police Force undertakes and, of course, what they go through not only in terms of the workload as we all know that stress is cumulative but most importantly as well, on the exposure to traumatic events and those have implications on the Fiji Police Force. Evidence suggests that the ways in which mental health challenges are dealt with for police officers may differ from other groups in other jurisdictions, hence the need for proper support for our frontline workers, particularly our men and women serving in the Fiji Police Force.

The Fiji Police Force, Mr. Speaker, Sir, now provides psychological and counselling support to its employees on a regular basis and there are also in-house programmes in reaching out to officers in the Divisions and provides one-to-one and group awareness sessions on mental health and wellbeing.

We understand, Mr. Speaker, Sir, that this is quite new to the Force, apart from just the daily leadership and management challenges but this is a very special area, particularly when dealing with Post-Traumatic Stress Disorder (PTSD). It is something that does not die a natural death but needs to go through therapy and this is something that the Fiji Police Force is going through, and the Force has seen positive results as a result of the engagement of this specialist unit, Sir.

HON. SPEAKER.- I thank the Honourable Minister. Honourable Salote Radrodro, you have the floor.

HON. S.V. RADRODRO.- Mr. Speaker, I thank the Honourable Minister for that explanation. My question is, if he could elaborate further on the kind of services that is offered in the Ministry in regards to whether there are established positions for counsellors in the Ministry and what is the distribution of those posts in the Divisions? If there are no positions provided for now, whether there is any plan to include positions of counsellors in your staff establishment in the Fiji Police Force?

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

HON. LT. COL. I.B. SERUIRATU.- Mr. Speaker, Sir, apart from the psychology unit that they have, we must not forget that they have counsellors and, of course, they have the Force Padre as well, who does most of the counselling. But, definitely, I have, on many occasions, stated in this august House that there is the Police Restructure and Reform that is currently taking place and that will see the increase in Police strength from what it used to be around 3,000-plus to almost 8,000-plus within these five years, Mr. Speaker, Sir. So this is where the new units and the specialities that come with it will be added to the workforce.

As I have stated, this is still new and I think it is about the training of the key leadership to provide the initial counselling and then the opportunity to grow this Unit as well within the Force. So it is already part of the plan because it is so essential to ensure that the Fiji Police Force can respond more effectively and, of course, provide better services to our communities.

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

HON. RO T.V. KEPa.- Mr. Speaker, I thank the Honourable Minister for his response. My question is on the psychologists and counsellors that are working with the Fiji Police Force. What sort of proactive interventions do you have in terms of those whom you have identified with high risk behaviour before it gets to mental health and stress? What proactive interventions do you they have in place to deal with those officers?

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

HON. LT. COL. I.B. SERUIRATU.- Mr. Speaker, Sir, the Force is trying its best to take those proactive measures but as we all understand, and I say this again, stress is accumulating and that is a challenge on its own. People need rest, they need counselling, a change in their work environment and there are so many things that need to be put in place but, of course, every activity, as we are all aware of, comes with a cost as well, Mr. Speaker, Sir, and that is the management aspect of the new changes that the Commissioner and his team need to deal with.

I have stated about cases that are PTSD-related that are exposed to traumatic events. The unfortunate thing about PTSD cases, Mr. Speaker, Sir, is that some can be unknown, but there will be special situations that will trigger these people to react. You very well understand, Sir, about war veterans because most of them, unfortunately, came out of Vietnam, the First World War and Second World War, back into the society but there was no proper counselling. There were events that triggered them to react and react violently, and that is something that will be expected. It is in the Military, I know that the Prison Services have also recruited psychologists because of the nature of the work. This is a step in the positive direction for the Security Forces, Mr. Speaker, Sir, and the Disciplined Services.

That, I admit, Mr. Speaker, Sir, will be the challenge. While we want to be more proactive but there are people who carry these traumas with them and once identified, they will need to go through therapy and that is specialist treatment. It cannot be undertaken by just anyone who is not experienced. Perhaps, that is the challenge that the Force has now.

HON. SPEAKER.- I thank the Honourable Minister. The last supplementary question, Honourable Saukuru, you have the floor.

HON. J. SAUKURU.- Mr. Speaker, I thank the Honourable Minister for his response to that question. My supplementary question is on the general public; do we offer the same support for our people on the ground that may have gone through similar situations that we have with the frontline workers and public at large?

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

HON. LT. COL. I.B. SERUIRATU.- Mr. Speaker, Sir, perhaps the Honourable Minister for Health can answer that question specifically on the general public but I know for a fact as well that for those that go through traumatic events, post disasters - we have a list of qualified people at NDMO. This is something that I appreciate very much, particularly the Catholic Church. Most of them are qualified in this area and we use the priests a lot in post disaster counselling and dealing with traumatic cases because most of them have qualifications in this field. We have our list but a lot of drug cases now are mental-related and most of them are referred to the Ministry of Health.

Government Finance – Unemployment Assistance  
(Question No. 202/2021)

HON. RATU N.T. LALABALAVU asked the Government, upon notice:

Can the Honourable Attorney-General and Minister for Economy, Civil Service, Communications, Housing and Community Development update Parliament on the \$360 unemployment assistance on Government finance?

HON. A. SAYED-KHAIYUM (Attorney-General and Minister for Economy, Civil Service, Communications, Housing and Community Development).- Mr. Speaker, Sir, as discussed in the

Business Committee meeting this question is somewhat similar to another question later on in question time which not only talks about the first round of disbursement of the \$360 but also the second round which I can come back to later on.

But for the Honourable Leader of Opposition's benefit, Mr. Speaker, Sir, this rollout is part of a series of roll-outs we have had - the \$90 assistance and two rounds of \$50 assistance. Just a point of difference, Sir; when we had the \$90 rollout, it was per family and the \$50 rollout was per individual. Of course, this time around, \$360 is for three months which is \$120 a month, but we paid it as a lump sum of \$360.

Mr. Speaker, Sir, as a result of that rollout, we have a significant amount of money which I will come to, however, in respect specifically of the \$360, it has now been commonly known as \$360 payout and \$200 million was allocated in this year's Budget for that rollout. The first payment, like I said, covers the months of August to October and I have got the statistics here. Part of the \$360, Sir, was also that it applied to all Fijians living in Viti Levu, who have become unemployed in the formal and informal sectors.

It also applied, Mr. Speaker, Sir, to those Fijians outside Viti Levu who were in the formal sector. For example, people who work in Taveuni, Savusavu in the hotel sector, et cetera, and they used to get the benefit under the FNPF Scheme which Government subsidised quite significantly. They were also eligible for this \$360 payout.

Mr. Speaker, Sir, I have got the statistics here. The total number of applications that were received were about 350,143; total approved was 294,745 applicants of which, 290,647 were from Viti Levu and 4,098 were from Vanua Levu, and 55,398 applications were actually declined. We gave people time, for example, to get their first dose. Despite that, 1,524 did not receive even their first dose which was the requirement; 730 were below the age of 18 years because you have to be 18 years and above to qualify; 17,353 were enjoying FNPF pensions or were currently employed.

There were about 4,348 civil servants who applied. Obviously, they were working and 2,443 who were receiving the TELS or Toppers allowance were not eligible, and there were 3,109 who were already receiving social welfare benefits.

Notwithstanding our ability to try and drag it out and get everyone's TIN and BRN corrected, we helped a lot of people. Still, 1,798 did not give their right numbers; 6,846 did not give their TIN numbers; 16,832 were actually those who were what we call 'duplicate applications'. They had applied under two different numbers but we paid them out in the first one. It is a bit like having the same kind of name for one person, applying under different names and then 21 were people were actually deceased. So, families used their names or their TIN numbers and tried to apply. Then there were about 3,700 who were actually from the informal sector that were declined from outside Viti Levu.

Mr. Speaker, Sir, as we said, we tried to help everyone to get across the line. Mr. Speaker, Sir, with the \$90, the two lots of \$50 and the \$360, we have now paid out \$343.1 million in direct cash assistance to affected Fijians which of course included the government top-up of the FNPF funds too. A significant amount of money has been paid out, Mr. Speaker, Sir, in that respect.

What is really interesting we are going to also breakdown the statistics by way of age, so out of all the recipients, those between the ages of 18 years to 30 years, the number paid out was about \$89,428. They constituted about 30.3 percent of the total number of people who received the benefit of \$360; 31 years to 50 years were \$125,501 which is about 42.6 percent of recipients; 51 years to 70 years old were 73,514 Fijians of which, there were 24.9 percent of total recipients. Those over the age of 70 years were 6,302 which constituted 2.1 percent of the total recipients.

By way of breakdown and we get the general, sort, of geo-fencing by the mobile phone companies, 16.6 percent of the total recipients came from Nasinu which is about \$48,829; Nadi - 15.5 percent which is about 45,632; Lautoka - 14.3 percent which is about 42,144; Suva - 11.1 percent which is about 32,843; Nausori - 11.1 percent also, 32,843; Ba was 24,414 – 8.3 percent; Sigatoka – 5.7 percent about 16,858; Rakiraki - 11,917 which is about 4 percent; Navua – 3.1 percent which is about 9,010 people; Tavua – 3.1 percent, again, 9,010 people; others from different areas was 17,149 – 5.8 percent and outside Viti Levu is 1.4 percent, which is 4,098 Fijians.

HON. SPEAKER.- I thank the Honourable Attorney-General. Honourable Leader of the Opposition, you have the floor.

HON. RATU N.T. LALABALAVU.- I thank the Honourable Attorney-General for his reply on the questions raised but given the reply, he has mentioned that about \$200 million was budgeted for, for this specific handout or helping members of the public who were suffering from what we are going through now. Can the Honourable Minister elucidate further as to the impact of this whole package, now we are hearing that there is another payment due in October, that has gone beyond the \$200 million budgeted on the total debt level that we are in right now? Thank you.

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

HON. A. SAYED-KHAIYUM.- Thank you, Mr. Speaker, Sir. Debt levels and how much money we borrow, is actually approved by Parliament. If we want to go and borrow more money, we will have to come back to Parliament. Mr. Speaker, Sir, \$200 million was allocated and out of that, we have spent about \$105 million but as you know that as the economy opens up, more and more people get employed.

A lot more people are going back to work. We now have workplaces and restaurants that are opening on 4th October, gyms and various garment factories, et cetera, can operate at higher levels in terms of their staff, bus drivers are going back to work, minibus drivers are going back to work, people who are selling stuff by the roadside are beginning to do that, so obviously the number of applications will drop as more and more of the economy opens up.

As we have seen, Mr. Speaker, Sir, we do a very thorough analysis and check as to whether the person is eligible for it, and in particular from the formal sector, because we check with FNPF. Have their FNPF contributions started to come or not? We know there are few people whose employers have not paid their FNPF, therefore, when we check with the FNPF it was not there, so they would have received \$360. A lot of the employers are now catching up, so we expect the numbers to actually go down.

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

Regional Economic Recovery – COVID-19 Pandemic  
(Question No. 203/2021)

HON. G. VEGNATHAN asked the Government, upon notice:

Can the Honourable Minister for Commerce, Trade, Tourism and Transport inform Parliament of the recently held Pacific, African, Caribbean and Pacific (PACP) and the Forum Trade Ministers Meeting (FTMM) and how the region is working together to drive regional economic recovery from the COVID-19 pandemic?

HON. F.S. KOYA (Minister for Commerce, Trade, Tourism and Transport).- Thank you, Mr. Speaker, Sir. I would like to thank the Honourable Member for his very relevant and pertinent question.

Fiji and the region still reels from the shock of COVID-19, however, we are not actually sitting palm-in-the-face and the Fijian Government's efforts to economic recovery are far-reaching and cross cutting. We have ensured that every Fijian is provided some form of support, whether they are an individual or a business.

Mr. Speaker, Sir, from the very first COVID-19 Budget to the 2021-2022 National Budget, the Fijian Government had actually laid down the foundation of our economic recovery within days of the second wave of COVID-19. We ensured that appropriate mechanisms and guidelines were in place for businesses to re-open safely. Although we were criticised for allowing our manufacturers to continue operations and exports, despite the fact that it meant re-employing Fijians, we were also chastised for having faith in ICT and BPO operators to pivot Fiji as a preferred BPO destination.

Today, Mr. Speaker, Sir, just some five months from the beginning of the second wave, we are pretty much all set to re-open our international borders. There is confidence in the Government and in this Government's leadership in re-opening. We have taken this same particular leadership to the Pacific Islands Forum with the Honourable Prime Minister chairing the Forum Leaders and with Fiji as the Chair for the Pacific ACP and Forum Trade Ministers' Meetings.

Mr. Speaker, Sir, the recently held Pacific, African, Caribbean and Pacific and Pacific Forum Trade Ministers Meeting, it was agreed that regionalism and regional solidarity is more critical now than it has ever been before. As a region, we have similar concerns and issues, so moving forward as a regional group, is really the only way to strengthen trade and economic integration in order to set the foundation into the global trade arena.

Mr. Speaker, Sir, in this regard, Regional Trade Ministers have endorsed the fast-tracking of the review and the modernisation of the Pacific Island Countries Trade Agreement, which is commonly known as PICTA and the rules of origin.

Mr. Speaker, Sir, PICTA is the only trade agreement that we have between the 14 Pacific Island Countries which went fully operational, so it will allow increased trade and investment between the Pacific Island Countries (PICs). The modernisation of the rules of origin will also allow for an enhanced flow of goods across the region.

Currently, the PICs combined are amongst the largest export destinations for Fiji. Approximately, 40 percent of total exports of \$894.6 million in 2019 was destined for PICs. And better rules of entry into the PIC markets essentially means more Fijian exports in the region and strengthens Fiji's position as a trade up. We will be able to attract investment in manufacturing warehouse in facilities as a market. We will actually increase to over 10 million odd people.

Mr. Speaker, Sir, labour mobility also is a very important contributor to the Pacific economy and according to the World Bank Group, workers on the Pacific Labour Mobility Schemes send approximately AU\$9,000 back to their families. This is equivalent to three years' wages in many countries, so remittances such as these are vital to support livelihoods.

In Fiji, remittances over the last 10 years averaged about \$433.2 million, equivalent to 4.7 percent of GDP with more than about 60 percent of the funds coming from Australia, New Zealand and the US. Fiji's remittances received last year was the highest ever and that was standing at \$652.75 million, which is an annual increase of 11 percent.

The Trade Ministers, Mr. Speaker, Sir, have collectively agreed to enhance this labour mobility arrangements and last week, the labour mobility reference group consisting of officials from the region met to discuss the comprehensive review of the labour mobility schemes in the region. In addition to

these, the region is working on strengthening our regional trade data through the establishment of a Regional Trade Observatory (RTO) and the Regional Infrastructure Strategy (RIS) has also been developed to guide the region's collective efforts in building and strengthening the development of our factors of production in the Pacific.

These are some of the collective efforts that the region is taking to mount recovery and to create a stronger foundation that will enable us to withstand future extended shocks and builds on resilience, Sir. As a region, Mr. Speaker, Sir, we are actually future-proofing ourselves not just looking at short term gains, but long term stability and sustainability. In Fiji, through our Honourable Prime Minister's leadership, as the Pacific Islands Forum Chair, we will ensure that the region is focused on trade and economic consolidation that we move together as a group, Sir. I thank the Honourable Member for his question, Sir.

HON. SPEAKER.- I thank the Honourable Minister. We will move on to the fifth Oral Question for today and I now call on the Honourable Rasova to ask his question. You have the floor.

Year 13 Students - \$20 Data Allocation  
(Question No. 204/2021)

HON. S.R. RASOVA asked the Government, upon notice:

Can the Honourable Attorney-General and Minister for Economy, Civil Service, Communications, Housing and Community Development update Parliament on the distribution of the \$20 data allocation to Year 13 students Fiji-wide?

HON. A. SAYED-KHAIYUM (Attorney-General and Minister for Economy, Civil Service, Communications, Housing and Community Development).- Thank you, Mr. Speaker, Sir, I would like to thank the Honourable Member for the question.

Mr. Speaker, Sir, we had announced in the budget that Year 13 students will get access to data and also university students. We have been talking to various mobile phone companies because that is how people in Fiji generally get their access to data, apart from voice accessibility. We have Honourable Rasova, I do not know if he is aware but there was a press release yesterday. We finally managed to get an agreement and we have been working with the Ministry of Education.

There are at the moment 7,000 Year 13 students from about 169 schools across Fiji and so, the issue was about the implementation of it and of course, there are some students, Sir, who do not actually have mobile phones, so that was another issue about how do we get people access to that. The way that people get access to, data of course, is through mobile phones, internet modems or pocket wi-fi. What we have said, Mr. Speaker, Sir, working with the Ministry of Education, the Ministry of Education has got the current list of students enrolled in all these 169 schools. They have now obtained the phone numbers for the various Wi-Fi modem numbers. Either they have themselves or their parents or guardians have, so those monies will be transferred to those accounts for the data, Mr. Speaker, Sir, which will provide a \$20 data top-up to these students, onto those numbers, and that will be done from the 1st of October throughout Fiji, wherever there is Year 13 students, it will be done.

HON. SPEAKER.- I thank the Honourable Minister. We will move on.

Current Status of Electricity Supply  
Question No. 206/2021

HON. M.R. LEAWERE asked the Government, upon notice:



Can the Honourable Minister for Infrastructure, Meteorological Services, Lands and Mineral Resources update Parliament on the current status of electricity supply to rural areas that are not connected to the main grid?

HON. J. USAMATE.- (Minister for Infrastructure, Meteorological Services, Lands and Mineral Resources).- Thank you, Mr. Speaker and I thank the Honourable Member for his question.

Sir, providing electricity to areas outside of the grid and in our rural areas remains a priority of government. From 2019 to date, we have had a total of over 188 grid extension projects which were done by EFL. This was for a total of around 3,600 households in total, spread across all the divisions in Fiji. Out of these 3,679 households, some of them have been connected, others the connection will be completed in this financial year. That means the work has been done, they just need to be connected up. In addition to this, there have been a total of 42 projects that are still under construction where work is ongoing, costing a total of around \$26.3 million, that will benefit another 3,693 households.

Sir, EFL has now put in place its implementation plan to complete these projects over the next 12 to 14 months. So, those 42 projects for around 3,693 households in total and these projects are across all the divisions. For instance in Lagalaga Settlement in Labasa, supply to areas like in Lalakoro, Vunimako, Rokosalase and Dagau Settlement in Seaqqa. In Taveuni, from Wailagi to Naselesele and in the Central Division, in areas like Waisere, Nateruma, Waitogolo, Savarua, Nasama, Waisa and Navulokani in Serea, Naitasiri. In the Western Division, areas like Waiyala, Sawene, Wema, Keyasi in Sigatoka, Nalawa district in Rakiraki and Navatusila.

For the current financial year, Mr. Speaker, Sir, there is a total of another 48 projects that are designed to be used for 2,417 customers across all other divisions. Also in addition, there is a total of \$4.3 million that has been allocated to complete the house wiring for another 8,708 households. These includes customers for major grid extension and individual customers who applied to be assisted for house wiring and connection. And from this amount, there is around 3,412 in the Central Division, 3,818 in the Western Division and 1,478 in the Northern Division.

The Ministry has been having monthly meetings with EFL and the Ministry of Economy to monitor the progress of grid extension and house wiring. Sir, we look at the whole of Fiji, not just Serua and Namosi all of them. Thank you, Mr. Speaker, Sir.

HON. SPEAKER.- I thank the Honourable Minister, I take note of your last sentence. Honourable Tabuya, your supplementary question.

HON. L.D. TABUYA.- Thank you, Mr. Speaker. Before I ask my supplementary question, I just want to say I was disappointed that Question No. 205 was not asked because I was looking forward to hearing about the horses being provided for transportation. As my village needs horses in Kadavu for a farming communities, Mr. Speaker and I welcome if horses provided, especially from Nadroga, to provide horses for transportation.

Mr. Speaker, a supplementary question. The Honourable Minister had alluded to the electricity supply for rural areas. If he could please just update on the progress for those areas in the urban, peri-urban communities that used to fall under Rural Authority but now are under Housing Authority. What are the plans for settlements especially, we have in the Suva and Nausori corridor that do not have electricity. Honourable Minister, what are the plans for them also to be connected to the electricity grid, thank you?

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

HON. J. USAMATE.- Thank you, Mr. Speaker, Sir, we have a target to make sure that we have 100 percent access to electricity. In the last census, we have found that there was only about 4 percent of households that did not have electricity. So where you are close to the grid, Government policy is to extend the grid. Where you are far from the grid, we can then move to solar home systems or in some areas we have the rural government stations. For instance, in areas like Nabouwalu, Vunisea, Lakeba and Rotuma.

These places, the network will be extended, other places like for instance in Tukavesi, where we have the mini solar grid that will be used. Hopefully, that can be joined up with the hydro that we have in Buca. So all of these different combinations are providing electricity will be pursued by Government, always with the intent and with the aim that we have. That is the challenge that is in our Constitution and also in our obligation to make sure that we are trying to provide a 100 percent access to electricity to everyone in Fiji, where ever you are rural, peri-urban everywhere, you keep on focusing on that. Thank you, Mr. Speaker, Sir.

HON. SPEAKER.- I thank the Honourable Minister. Honourable Members, we will now move on to the sixth oral question for today. I give the floor to Honourable Selai Adimaitoga to ask her question. She is supposed to appear virtually, so that was what I have been waiting for.

Horse Transportation and Farm Power-Remote Communities  
(Question No. 205/2021)

HON. S. ADIMAITOGA asked the Government, upon notice:

Can the Honourable Minister for Agriculture, Waterways and Environment update Parliament on the progress with regards to providing horses for transportation and farm power for remote communities?

HON. DR. M. REDDY (Minister for Agriculture, Waterways and Environment).- Mr. Speaker, Sir, I want to thank Honourable Adimaitoga for asking that question. She has asked that question because she listens carefully to the statement that I gave in this House, in terms of how we are supporting our farmers.

Mr. Speaker, Sir, in the Ministry we note that while we are expanding mechanisation, we also note that there are certain areas where they also need additional farm power other than machinery power as she alluded to for transportation purposes. For small holdings where the farmer see that it is much cheaper to utilise animal power is an addition to man or woman power.

Mr. Speaker, Sir, in the 2018 and 2019 period, we started this programme to provide trained horses for transportation as well as for draft purposes farm power to interior and maritime zone. We started with the first supply of 32 horses, 16 males and 16 mares (females) to Gau Island.

Mr. Speaker, Sir, since then we have been looking at other horses that we acquire from our stray animal unit where these horses which are not branded and are not claimed after the certain period when they are held in the pounce.

Mr. Speaker, Sir, we are now ready with 32 horses, eight out of the 32 horses are trained for transportation purpose as well as for draft farm power to work to plough the land, et cetera, designated for interior maritime division but because we had this border closer we were not able to transport those horses. So, as soon as the border for the maritime transportation services start, we are looking at sending the first eight. We are again as I alluded to earlier on, Mr. Speaker, we are looking at giving pairs to the interior so that there is multiplication.

I recall sometime back some horses were sent to Kadavu and later on there was none there and they realised later on that it was all male. So, we are not going to make that mistake this time around, Mr. Speaker, Sir. We are looking at sending the first eight out very soon.

HON. SPEAKER.- I thank the Honourable Minister. Honourable Anare Jale, you have the floor.

HON. A. JALE.- Thank you, Honourable Minister, for your answer to that question. I am just trying to get an update of the horses that you are providing to the Vatoa people in Lau to help them transport copra from plantation to the village.

HON. DR. M. REDDY.- Mr. Speaker, Sir, I did have a chat with the Honourable Member that the Vatoa Village request is on the list. We are waiting for the transportation to open up.

HON. SPEAKER.- Honourable Tikoduadua, you have the floor. This is for Verata too?

HON. LT. COL. P. TIKODUADUA.- Not quite, Mr. Speaker, but I just want to move from Verata up to the country. I was just trying to ask the Honourable Minister whether he would also consider sending horses up to Wainimala where Government could not deliver in 2016? So, is that part of his plan too? Just like in Lau, carry goods from their plantation to where vehicles should be ready to take their crops down to the market. I am not sure whether he would also consider that too.

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

HON. DR. M. REDDY.- Mr. Speaker, Sir, as alluded to earlier on, interior, deep interior and maritime division, that place is not on the list, I cannot recall but we will look into that. I would appreciate if he could send us a formal request.

Basically our priority is interior and maritime. Wainimakutu, Wainimala, Nadarivatu and Nubutautau: these are the areas which we want to prioritise.

HON. SPEAKER.- Thank you. Honourable Nawaikula.

HON. N. NAWAIKULA.- Can the Honourable Minister, please, explain to the House why is he only looking at horses and not bullocks?

HON. SPEAKER.- Honourable Minister.

HON. DR. M. REDDY.- Mr. Speaker, Sir, I said animal power in addition to machinery and I said that in this question the question was about horses. Yes, but when you talk about transporting goods from the farm to the village to the house, et cetera, is horses are utilised mostly.

HON. SPEAKER.- We will move on. The Honourable Tikoduadua.

HON. LT. COL. P. TIKODUADUA.- Thank you, Mr. Speaker, Sir, for allowing me to ask a second supplementary question. I wanted to ask the Minister, the horses that they are sending out to the islands, are they both male and female horses? Or if they can mate, they do not have to resend horses there in the future. I mean it is a serious question.

HON. DR. M. REDDY.- Mr. Speaker, Sir, I did answered that question. They are relooking at sending them in pairs. The other thing I mentioned, probably I missed out is that we are training these horses at the Yaqara Pastoral Company, thanks to Yaqara Pastoral Company. We have signed our partnership understanding with them.

At the moment we have got 32 horses there which they are the ones who assisted us in training them for transportation purposes. So, yes, as I had said we are going to send them in pairs so that they can multiply. I recall in 2019 we sent 32 horses to Gau (16 males and 16 females) and they have reproduced three times Mr. Speaker, Sir.

HON. SPEAKER.- I thank the Honourable Minister. We will now move on to the eighth Oral Question for today and I give the floor to the Honourable Maharaj to ask his question. You have the floor.

Update on Unemployment Benefit Assistance - \$360  
(Question No. 207/2021)

HON. A.A. MAHARAJ asked the Government, upon notice:

Can the Attorney-General and Honourable Minister for Economy, Civil Service, Communications, Housing and Community Development update Parliament on the first and second rounds of the \$360 unemployment benefit assistance?

HON. A. SAYED-KHAIYUM (Attorney-General and Minister for Economy, Civil Service, Communications, Housing and Community Development).- Thank you, Mr. Speaker, Sir, as highlighted earlier on in responding to the Question by the Leader of the Opposition, that through this \$360 cash assistance approximately \$106 million was pumped into the economy within two weeks and in fact the bulk of about \$102 million to \$103 million was pumped into the economy within nine days.

Unlike some people who misread it and made early obtuse comments outside this Parliament, a lot of people do not utilise this funds just to buy food. A lot of people paid their rent, a lot of people bought other goods and services that they would not have been able to afford and a lot of people actually reached out to us and thanked us and said that - look, I am able to buy school shoes for my children when they are ready to go to school, I am able to buy clothes, pay my rent, pay for phones, et cetera and electricity.

Mr. Speaker, Sir, this is in conjunction with already there is about \$50 million worth of loans has already been approved under the \$200 million scheme that was announced in the Budget also. So, any micro, small medium enterprise can go out and borrow from the commercial banks with an interest rate of no more than 3.99 percent and they do not have any interest payments, no principle payments for the first two years, they have to go through the approval process, already \$50 million has been disbursed and there is another \$50 million that is currently being assessed by these financial institutions.

From my understanding of it so far, the banks that have participated under the scheme have been HFC, FDB, BSP and Bred Bank, and not Westpac and ANZ. Mr. Speaker, Sir, just very very quickly the \$360 first round scheme has come to an end, we have various helpline numbers. There are a number of lessons to be learnt before I go into the second round, Mr. Speaker, Sir, talking about the second round.

We found that there were some social welfare recipients who have actually received, there were some problems with the record and that the Ministry of Social Welfare's Poverty Alleviation are working with the Ministry to make sure that those cracks are actually sealed up. There were some confusion around people who were working on reduced hours, we had said that it was only applicable for those people who actually are not in employment.

There were some people of course who received it even though they were in employment, very few of them because their employers actually had not paid their FNPF so it did not show for the previous three months but FNPF is now working along those lines, so that again will be addressed.

We have helped literally thousands of people to get their right TIN, helped them with their BRN and that has been ironed out. What we are saying going into the future is that, there will not be any assistance, they need to get that right. Again, applications need to be made on your own SIM card, not other people's SIM cards, and that is critically important.

The \$360 is only applicable on pre-pay phones and not post pay because obviously if you can afford a post pay then obviously you can have an account. The idea is that it is only applicable for pre-pay, which M-Paisa, and myCash are on. We found also some businesses that had actually applied. Some people rent shops et cetera who had applied too, and we have identified those people and again the onus is on them not to do so.

Mr. Speaker, Sir, the second round of \$360 will open next month. It will open from 11th to 15th October, so there are five days. People have around three weeks from now to gather all the information required to submit. We urge them to make sure you get the right numbers, your right BRN, your right TIN, your voter card, whichever information is required, please, fill it out correctly. We are not going to help you to fix it up. You need to get it right, you have already done the first round, this is the second round. The application period, like I said, will be for five days. This gives people the ample opportunity to apply over a period of time.

The requirement, of course, is that you need to have your second dose. For the \$360, you need to have your first dose and for this round, you must have your second dose. If, however, for example, your second dose is due at the end of October and the application period is from 11th to 15th you can still apply and just prove to us by 31st October that you have received your second dose. We had a lot of people do that in the first round, we allowed for that, because there are some people who cannot get it, for example, before 15th October, so they have got time until 31st October but make sure you apply within the period of 11th to 15th October.

Mr. Speaker, Sir, we would like to start disbursing the funds, obviously Christmas is coming around and Diwali is sooner than Christmas too, and a lot of people have requested for that. A lot of people, for example, pre-buy things for Christmas, they can plan around that and, of course, people buy goods for Diwali too. We hope to then, therefore, once the application is closed, we go through a very rigorous vetting process and we hope to start the payments itself from 2nd November. So the application, like I said, is from 11th to 15th October, please, fill it out, send in your applications.

If you receive your second dose after 15th, send us the details and make sure you apply between 11th and 15th, and just because you have applied does not mean you will get your money next day or next hour. A lot of people have this, they think as soon as they apply, they will get it. What we are saying is, you will start getting the money from 2nd November and, of course, we can disburse it as long as we get all the right information. But we are looking at disbursing from 2nd November.

Mr. Speaker, Sir, again, like I highlighted that these are some of the matters that people who apply need to consider. We urge those people who are looking at scheming the system, please, do not do that because you are denying other people who do deserve it to get that assistance. We are also saying that if we have the capacity, there may be still some people later on who may not be able to get jobs, we want to be able to help them even after the period of November. So if we have more genuine applicants, we have more capacity to be able to help those after the November period. We could even look at January or February depending on how the economy opens up and more jobs get created.

This is actually the last point I would like to make: A lot of people who got \$360, a lot of them in fact have bought raw materials for whatever business they were getting. Someone went and bought lot of pineapples, they are selling pineapples by the roadside, it helped them to just give that seed funding for their small business.

So, with the economy now opening up, Mr. Speaker, Sir, borders are opening up, and God willing with us achieving the 80 percent very soon, that when we have international travel opening, a lot of people who opened up their stalls by the roadside or go and sell goods outside the hotels to the workers or outside Fiji Airways, or garment factories or whatever it is, they will have that seed funding to start earning more money. That is what a lot of people have put this \$360 to use for.

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

HON. N. NAWAIKULA.- What will the Government do to those who abused this fund on alcohol and unnecessary spending?

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, I am glad the Honourable Member raised this question, because some people have made some public comments about that. We have to be able to ensure that people have a particular level of responsibility. The money is being given in good faith to these people who are unemployed. We checked with FNPF if they have not been receiving any monies, we therefore know that they are not employed in the formal sector. There are people in the informal sector who have applied and I think this is the first time it has happened with the \$50 also.

In the last survey done by Reserve Bank of Fiji a number of years ago, it said that there was about a 135,000 people who are gainfully employed in the informal sector. For example, if you go to Nadi before COVID-19, just outside McDonald's, that stretch that goes from McDonald's up to the Martintar area where the Japanese restaurant is, you will find a lot of people selling coconuts. Some of these people used to make on a daily basis about \$100. Some of them in some days they may make \$50 but in a week, some would make \$200. Suddenly that income has gone away, so these people needed to be assisted too because they were from the informal sector, they do not have any FNPF contributions, so we have made these payments in good faith.

Mr. Speaker, Sir, therefore we cannot go and tell them how to spend the money, we urge them how to spend the money and the bulk of the people who have received the funds have utilised it properly. The example that I gave, if I for example received the \$360 and spent part of that money to buy groceries, I spent part of that money paying some rent, I spent part of the money buying a pair of shoes for my child and if I go and buy six bottles of long neck or six bottles of beer, what is wrong with that? I have not spent my entire money on alcohol, so people have come along and said, "Oh, you know that guy was buying alcohol". Okay, what percentage of \$360 did he buy alcohol with? Alcohol is quite cheap at the moment, so people may buy six bottles of beer or they might buy gin and tonic, those cans or whatever it is.

We do not think that there is anything specifically wrong with it, of course, we would like them to spend their entire sum of money on non-alcoholic things, non-cigarette things, but if people have given it priority to buy one or few bottles, then that is okay. As long as they put the bulk of the money to good use and that is what it is all about. What this has done is also given a lot of people confidence in terms of giving access to spending, but also a lot of the smaller businesses have in fact benefitted from it too.

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

HON. L.D. TABUYA.- Mr. Speaker, Sir, firstly, thank you for having that question asked about the horses and I hope that Minister Reddy personally ensures that male and female horses make it to Kadavu.

Mr. Speaker, Sir, my supplementary question is, also one of the complaints that came from recipients was that agents were overcharging in terms of their fees when recipients received their money either M-PAiSA or MyCash; the agents were charging them more than what the \$3 that was sent with

the \$360, so they have had to pay more fees. Some were charging with even up to \$10 at some outlets, some were asking people to withdraw twice so they could not give the full amount, so they could only withdraw twice or three times, so they were paying fees every single time. What is the lesson therefore in rolling out the second lot to ensure that they do receive that \$360 and not way less than what they were supposed to receive?

HON. A. SAYED-KHAIYUM.- Sir, all recipients received the full amount of \$360 but from Government we paid \$363. The \$3 is the fee that we pay to Vodafone and also Digicel for the use of those facilities. This is why we have repeatedly said to the people who received these funds, "Please go and use those funds using the QR codes". I can go now to Extra Supermarket, I have my M-PAiSA money on my phone and I can go and buy \$100 worth of groceries. All I have to do is simply tap my phone, my M-PAiSA and it will deduct a \$100. You do not need to take out cash.

Unfortunately, a lot of people want the cash in their hand. They are not used to the idea of paying things by Quick Response (QR) and some of the people, of course, we do not necessarily blame them, they do not have shops near where they live that has got a QR code. This is why if you see in the budget, we have actually made an allocation where we are now for the next two years, any shop that wants to get onto M-PAiSA, we will pay their fees for them.

There is a budgetary allocation for that because there is a small fee that they have to pay. We will pay the fees for them so there are more and more and more shops with QR codes. So, if I just wake up in the morning, I want to go to the local shop around the corner to buy three loaves of bread and butter, I can just use my phone, I have to tap it, I do not have to give them money. So, we have said, for the next two years we will pay for that, to get more people on to it.

Similarly, like we said we made the allocation for VitiKart. That is one way of dealing with it. There were and Honourable Tabuya, I do not know if you recall or not, but Vodafone actually issued a press statement that there were some shopkeepers who were taking advantage of people who were very impatient, who wanted the cash in their hand, they did not want to go and queue outside the licenced agents of Vodafone and Digicel, so they went to other shops who said, "alright you do not want to stand in the queue, you want the cash, give me 10 bucks".

In fact, we found one person in Ba of all places, charging 20 bucks. So, that is the choice of the recipient. They are being very silly. They can get the full \$360 if they had patience and wanted the cash and lined up. If you want to go and do something dodgy, you want to go to a dodgy dealer, that is what they do. That has got nothing to do with Government, it has got nothing to do with Vodafone and Digicel but there were these people who did not want to use the QR system, there were these people who wanted cash immediately. In fact, we heard one person who paid \$50 because he just wanted the money then, so unfortunately they wasted that \$50 and that is their choice.

HON. SPEAKER.- Thank you. Honourable Members, that brings an end to the Oral Questions for today. Just a reminder to the Honourable Minister Reddy regarding your horses for Kadavu. Make sure that they get to like each other here before you take them over there because they can play hard to get and you do not get the result. We will now move on to Written Question.

#### Written Questions

##### Police Investigations into Alleged Criminal Acts (Question No. 208/2021)

HON. LT. COL. P. TIKODUADUA asked the Government, upon notice:

Can the Honourable Minister for Defence, National Security and Policing, Rural and Maritime Development and Disaster Management update Parliament on the number of cases for police investigations into alleged criminal acts by type and nature of crime from 2018 to date?

HON. LT. COL. I.B. SERUIRATU (Minister for Defence, National Security and Policing, Rural and Maritime Development).- Mr. Speaker, Sir, I will table my response at a later sitting day as permitted under Standing Order 45(3).

Central Sewerage System  
(Question No. 209/2021)

HON. A. JALE asked the Government, upon notice:

Can the Honourable Minister for Infrastructure, Meteorological Services, Lands and Mineral Resources update Parliament on -

- (a) How many citizens have been connected to the central sewerage system by division annually from 2018-2019, 2019-2020 and 2020-2021?
- (b) How many citizens will be connected to the central sewerage system by the end of the 2021-2022 financial year?

HON. J. USAMATE (Minister for Infrastructure, Meteorological Services, Lands and Mineral Resources).- Mr. Speaker, Sir, I will table my response at a later sitting date as permitted under Standing Order 45(3).

HON. SPEAKER. - Thank you. Honourable Members, that brings to an end the order of business for today. Parliament is now adjourned until tomorrow morning at 9.30.

The Parliament adjourned at 4.15 p.m.