

[VERBATIM REPORT]

STANDING COMMITTEE ON JUSTICE, LAW AND HUMAN RIGHTS PUBLIC HEARING

BILLS


Investment Fiji Bill 2022 (Bill No. 05/2022)

SUBMITTEE: Residents of Siberia, Labasa.
VENUE: Mr. Ashish Kumar's Residence,
Siberia, Labasa.
DATE: Sunday, 13th February, 2022.

VERBATIM REPORT OF THE PUBLIC HEARING OF THE STANDING COMMITTEE ON JUSTICE, LAW AND HUMAN RIGHTS HELD AT MR. ASHISH KUMAR'S RESIDENCE AT SIBERIA SETTLEMENT ON 13TH FEBRUARY, 2022 AT 7.24 P.M.

Present

- | | | | |
|----|--------------------------|---|--------------------|
| 1. | Hon. A.A. Maharaj | - | Chairman |
| 2. | Hon. R.R. Sharma | - | Deputy Chairperson |
| 3. | Hon. Dr. S.R. Govind | - | Government Member |
| 4. | Hon. Ratu S. Matanitobua | - | Opposition Member |
| 5. | Hon. M.D. Bulitavu | - | Opposition Member |

Interviewee/Submittee: Residents of Siberia Settlement, Labasa.

In Attendance:

1. Mr. Vijay Sami
2. Mr. Mohammed Shanil
3. Mr. Ashok Kumar
4. Mr Abhiyet Kumar
5. Mr. Ramehswar Chetty
6. Mr. Ranjeel Anand
7. Mr. Rajiv Sharma
8. Mr. Vinith Sami
9. Mr. Puran
10. Mr. Ashish Kumar
11. Mr. Navishek Kumar
12. Mr. Amlesh Prasad
13. Mr. Sajeet Sharma
14. Mr. Avitesh Deo
15. Mr. Nasiru Uden
16. Mr. Mahesh Kumar
17. Mr. Awish Sharma
18. Mr. Shaveenl Reddy
19. Mr. Nikhl Kumar
20. Mr. Vishal Sami

MR. CHAIRMAN.- Before we start, I will request if honourable Sharma can lead us with a word of prayer.

(Prayer – Hon. R.R. Sharma)

MR. CHAIRMAN.- With us, we have the Head Teacher of Nabekavu Primary School in Labasa. I shall invite him to welcome each and everyone who are present this evening.

MR. A. KUMAR.- Good evening everyone. On behalf of the members of Siberia Raising Star Youth Club in the Siberia community, I would like to formally welcome the Parliament Team who are here with us this evening. I will formally introduce the honourable Members of the Standing Committee on Justice, Law and Human Rights.

(Introduction of Committee Members)

Sir, thank you very much for your time this evening. All the way from Suva and you are at Siberia, Labasa, and the members of Siberia Community and Siberia Youth Club are very happy to meet you. Also, I would like to welcome the Committee Secretariat who are here with the honourable Committee Members.

This evening, we will have the presentation from the honourable Minister and his team on Investment Fiji Bill 2022, No. 5 of 2022 and Heritage Bill 2021, Bill No. 3 of 2021. Very shortly, we will have a brief those two Bill. They are very important and this is the consultation process for the year.

We are thankful that we have Parliament Members here in Labasa to do consultation with our local people. So, without taking much of our time, I shall give the floor to the team.

MR. CHAIRMAN.- Thank you, Sir, for that wonderful introduction. On behalf of the Standing Committee on Justice, Law and Human Rights, I would also welcome the community of Siberia and Youth Club that have organised this meeting. I believe this must be the first time that a Parliamentary Committee is visiting the Siberia Community, especially with regards to the Bills that are before us.

As mentioned by Mr. Kumar, we are here to collect submissions on the two Bills which are the:

1. [REDACTED]
2. Investment Fiji Bill, No. 5 of 2022.

Those Bills were presented to the Committee, to gather public submissions and gather opinions of the general public. We have one month to report back to Parliament whereby they are going to be debated and voted upon. Then they will become Act.

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The next Bill that we are going to about this evening is the Investment Fiji Bill 2022. As you might be aware, there was an Investment Bill that was enacted by Government in June 2021, and that was known as the Investment Act 2021. From that, we had to come up with this Investment Fiji Bill so that we can set up a secretariat that is going to manage the Investment Act. In June, 2021 the Investment Act 2021 which was the outcome of the review of the Foreign Investment Act 1999 was enacted by Parliament of the Republic of Fiji.

The Investment Act:

- repealed the 1999 Act;
- established legal social economic principles for the development of investment activity in Fiji;
- defines the right duties and responsibilities of domestic and foreign investors;
- provide equity for the investment with transparent, reliable and efficient and fair rules and procedures within the framework of the International Treaties and Agreements to which Fiji is party;
- remove the issuance of foreign investment registration certificate by Investment Fiji; and
- remove the power of Investment Fiji to conduct investigation and inspection necessary for the purpose of regulating foreign investors.

Those are some of the things that the Investment Act did and in order to fully implement the Act had to be reviewed itself. This is in line with the Investment Fiji Act that we are trying to review so that the Investment Fiji Act 1980 is in line with the new and the current Act which is the Investment Act itself. That is what the Bill is all about.

I will go over the objective of the Bill now. It is good to see that the youth are present here this evening because investment is something that is going to definitely affect the future of the youth. If you are having a very good in investment, that means the future of the youth are going to be very bright, and if we do not have good investment done in the country that means the future looks bleak. That is why we have modernised our Investment Act last year and we need to have a very good secretariat to ensure that we promote Fiji in such a way that investment comes to Fiji.

The objective of the Bill is to set out the mandate and function of Investment Fiji for the implementation of investment and export promotion strategies in close collaboration with the Ministry, which are aimed at increasing domestic and foreign investment in Fiji and increasing exports for Fiji's development.

People might have actually heard a lot about Investment Fiji, like this name always appear here and there. You would have been hearing the Minister speaking in Parliament and always mentioning about Investment Fiji because this is one of the very important offices in terms of

development in Fiji because through this Office, we bring in investors and then they, in turn, bring a lot of foreign exchange to Fiji because they are coming in with capital to do investment. That is very healthy for Fiji if money is coming in. Then it also allows a lot of exports to go out because when we actually start exporting, a lot of foreign exchange comes in as well. So that is also very important.

In a nutshell, that is all about the Bill itself.

We will now open the floor for any particular submission or if you want to ask any question or seek clarification, you can do so. Please, bear in mind that whenever you are speaking, under the Parliamentary Privileges Act, everything is recorded. So when you are speaking, please, ensure that you do not swear or do not start pinpointing anyone without any facts or figures. You can raise your hand if you want to ask any questions and then we will pass on the microphone.

MR. R. R. ANAND.- Sir, my name is Rajneel Rajit Anand, I am from Siberia, Labasa. My question is, how will this Bill impact the youth in Fiji?

MR. CHAIRMAN.- Are we basically talking about the Investment Fiji Bill 2022?

MR. R.R. ANAND.- Yes, Sir.

MR. CHAIRMAN.- I believe the question is regarding the Investment Fiji Bill. It is good see youth present here. What the Investment Fiji Bill will do is, it is going to form a secretariat which is going to promote Fiji as an investment hub. We are going to promote Fiji to overseas countries and to see that they come to our shores. Once that happens and if the investors are coming to Fiji, they will come with investment and capital which is in terms of money. This is what we want.

If we want to develop Fiji, we need foreign investors, we need foreign currency to flow into the country. That is why I have said before that export is very important. You have seen in the tourism sector, there are a lot of foreign investors. That was why the tourism industry was booming before COVID-19 came to our shores. After two years or so, we have opened our border, so people are coming back. The tourists are coming back. Why? It is because there were investments done in Fiji.

That is very important, to ensure that investment comes to Fiji and it is going to promote Fiji. There will be more job opportunities for our youth. They are going to be employed in a particular studying field, such as business management, et cetera, depending on where investments are coming from. If they are coming in to build a particular resort, our tradesmen - youth are technically trained in fields such as tile laying, carpentry, plumbing, electrical which means increase there is increase in job opportunity and employment and unemployment rate would go down. This is basically how this Bill and the secretariat are going to work towards the betterment of Fiji and the betterment of our youth. I hope that answers your question. Are there any other questions?

MR. N. KUMAR.- My name is Nikitt Kumar. My question on the Bill; what is the difference between Investment Fiji Bill and the Investment Act?

MR. CHAIRMAN.- For the Investment Act, its objective is to set up processes and procedures on how one can come and invest in Fiji. The rules and regulations are prescribed in the Investment Act itself. For example, for someone staying in Australia, if he wants to come and invest in Fiji, the Investment Act prescribes how it can be done, where you need to go, what you need to obtain, which certificates you need to get, before you come and invest in Fiji.

What Investment Fiji is going to do is, it is going to be the secretariat. In a very simple term, it is going to be the office, manage how we are going to promote investment in Fiji in other countries, like Australia, New Zealand and United States of America. So, that is the responsibility of the Investment Fiji Office that is going to be set up under the Investment Fiji Act once it is passed in Parliament, and that is very important.

Someone needs to ensure that whatever is prescribed in the Investment Act is followed. That is the responsibility of the Investment Fiji because there is going to be a Board, CEO, office staff and they would be the ones who are responsible of ensuring how we are going to promote Fiji to other countries. That is similar to what Tourism Fiji does.

Tourism Fiji basically promotes Fiji as a tourist destination overseas. So, Investment Fiji is going to promote Fiji as an investment site in overseas as well. If we have a potential investor in Australia, he/she cannot be coming and going out to each and every agency in Fiji. Investment Fiji is going to ensure that we provide the right platform with the right information - what needs to be done, what needs to be provided because the last thing we want is for our investors to be running here and there, which can take them six months to get an approval. So, Investment Fiji is supposed to facilitate all those things on behalf of the investor. I hope that clarifies.

MR. R. SHARMA.- My name is Rajiv Sharma. My question is on the Investment Fiji Bill 2022. Does the Government give grant to people who are willing to invest in Fiji?

MR. CHAIRMAN.- Grant is given to citizens of Fiji. It is a policy decision that whenever Government give grants, we see the particular sector in Fiji that requires assistance. For example, in the agriculture sector, we need to provide grants to the sugar industry. If an investor is coming to Fiji and expecting to get a grant from Government to invest here, that is not an investment. So, we do not give grants to investors coming to invest in Fiji.

Investors need to come with their money to Fiji. That is what I mean when I say that we need foreign exchange. They come in with their money and invest in Fiji. Once they invest in Fiji, there are opportunities for our citizens. But if an investor is expecting to come to Fiji and invest by getting some kind of grant from Government, that is not the policy and we do not do that.

None of the other Governments did that nor does our Government. No Government in the world operates in such a way - an investor coming in and then requesting for grants. What we do is try to facilitate them. I understand that Investment Fiji is supposed to facilitate the Ease of Doing Business in Fiji. So, if you need to get registered with FRCS or if you need to obtain a Foreign Investment Certificate, then you need to get registered with FNPF. All those things are facilitated by Investment Fiji, but in terms of grant, no. Are there any other questions?

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Once it is tabled in Parliament, what honourable Speaker basically does is to give that annual report to one of the Standing Committees in Parliament. We have six Standing Committees. Most likely that annual report will go to the Standing Committee on Social Affairs. The six Standing Committees are:

1. Standing Committee on Social Affairs;
2. Standing Committee on Economic Affairs;
3. Standing Committee on Natural Resources;
4. Standing Committee on Foreign Affairs and Defence;
5. Standing Committee on Justice, Law and Human Rights; and
6. Standing Committee on Public Accounts.

The Standing Committee on Public Accounts looks at all the audits that are carried out for Government agencies - how money is spent by Ministries and Government agencies which is scrutinised by the Public Accounts Committee. If the Auditor-General audits a particular office, their audit report will go to the Public Accounts Committee for them to scrutinise. The Auditor-General will come up with recommendations and report to Parliament. That is one way of doing it. The other one would be that the annual report will go to the Standing Committee on Social Affairs, who will then scrutinise and present a report back to Parliament. That is how transparent it is going to be. Thank you. Are there any other questions?

MR. M. SHANIL.- With your respect, my name is Mohammed Shanil, I am working with the Labasa District Youth Council as Chairperson. I would like to thank the Government of the day (FijiFirst Party) for giving this opportunity to conduct a public consultation.

Sir, for the Investment Fiji Bill 2022, as you have mentioned, this will be a good opportunity for the youth. Who will Government invest in Fiji in, is it the various youth clubs or individual youths or CSOs or NGOs,? Is there more focus on youth clubs where the Government can invest in?

MR. CHAIRMAN.- As I have said before, with youth clubs, we have other programmes for them. Currently, the Ministry of Youth is working with youth clubs in trying to come up income generating projects so that our youth clubs can start generating income. That does not fall under the Investment Act or under Investment Fiji Bill 2022.

The Investment Bill is going to look after foreign investors. Now, if the foreign investors decide to have a local partner, that is something totally between the foreign investor and the local partner. So, the Government has nothing to do with that because investors are basically going to be private companies. So, we will leave that on the investors to decide whom they want to invest with. If they want to have a local partner or if they want to come as 100 percent foreign investor, that is, again, on them. But we cannot be mixing what Ministry of Youth and Sports is doing with youth clubs and what this Bill has prescribed.

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MR. M. SHANIL.- Thank you, Sir. Can the address be given so that we can send our submission?

MR. CHAIRMAN.- Yes, definitely, we will give the secretariat's email address and you can send in your written submission. Thank you.

Since there are no other questions or clarifications sought, I will hand over to honourable Bulitavu to wrap up today's session.

(Vote of Thanks by Hon. M.D. Bulitavu)

MR. CHAIRMAN.- We shall now adjourn the meeting until tomorrow morning when we get to meet again. Thank you very much.

The Committee adjourned at 8.02 p.m.