

# **[VERBATIM REPORT]**

## **STANDING COMMITTEE ON JUSTICE, LAW AND HUMAN RIGHTS PUBLIC HEARING**

### **BILLS**

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



**SUBMITTEE: Residents of Savusavu**  
**VENUE: Savusavu Town Council Chambers,  
Savusavu.**  
**DATE: Tuesday, 22<sup>nd</sup> February, 2022.**



**VERBATIM REPORT OF THE PUBLIC HEARING OF THE STANDING COMMITTEE  
ON JUSTICE, LAW AND HUMAN RIGHTS HELD AT THE SAVUSAVU TOWN  
COUNCIL ON TUESDAY, 22<sup>ND</sup> FEBRUARY, 2022, AT 11.31 A.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  |

**Ministry of Education, Heritage and Arts**

- |    |                          |   |                                      |
|----|--------------------------|---|--------------------------------------|
| 1. | Mr. Collin Sowani Yabaki | - | Director Heritage and Arts           |
| 2. | Mr. Veniki Nalio         | - | Senior Policy and Convention Officer |

**Interviewee/Submittee: Residents of Savusavu**

**In Attendance:**

1. Mr. Naisa Tuinaceva
2. Mr. Talai Seli Jotame
3. Mr. Sarwan Singh
4. Mr. Saiasi Tamaideni
5. Mr. John Taoi
6. Mr. Anap Kumar
7. Adi Vika Sovia
8. Ms. Melania Tuisau
9. Ms. Peniana Nawici
10. Mr. M. Gani
11. Mr. Ravi Chhaganum
12. Mr. Shiu Chand
13. Ms. Seema Dutt
14. Mr. Jona Tovulea
15. Mr. Malodali
16. Ms. Susila
17. Mr. Shiu Prasad
18. Mr. Eroni

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MR. CHAIRMAN.- I will now call the meeting to order. Before we start, may I request honourable Bulitavu to lead us with a word of prayer.

(Prayer - Hon. M.D. Bulitavu)

MR. CHAIRMAN.- Thank you, honourable Bulitavu.

I, on behalf of the Standing Committee on Justice, Law and Human Rights, would like to welcome all the residents of Savusavu, the ratepayers and the business community who are present here to witness and do their submission with regards to the two Bills that are before us – the Heritage Bill 2021, Bill No. 3 of 2021 and Investment Fiji Bill 2022, Bill No. 5 of 2022.

Without further delay, we will get honourable Rohit Sharma to elaborate on the Heritage Bill 2021 that is before us.

HON. R.R. SHARMA.- I would like to welcome all the viewers who are viewing the livestream and also the submittees present here in Savusavu. [REDACTED]

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MR. CHAIRMAN.- Thank you. I will now give the floor to honourable Bulitavu to take us through the Investment Fiji Bill 2022.

HON. M.D. BULITAVU.- Mr. Chairman, honourable Members, members of the public who are present here this morning, first of all, we thank you for having an interest and availing yourselves to be part of the public consultation of the Parliament Standing Committee on Justice, Law and Human Rights.

The integral part of any Parliament is to make law. The Standing Committee on Justice, Law and Human Rights is specialised in Bills and that is why we do public consultations because the peoples' input in the law that will govern them is very important before it is passed in Parliament. This is the time where your views will be heard, considered or noted by the Committee for its deliberation and taken on board through consultation on the part of the Committee with the Solicitor-General's Office who are the drafters of the Bill.

The Investment Fiji Bill 2022 was tabled in Parliament by the honourable Attorney-General in the last sitting of Parliament and we are mandated to report back to Parliament in the next sitting of Parliament. I will go right into the Bill.

It was an Act in 1980, plus another amendment was done to the Bill. The gist of the Bill is trying to make Investment Fiji as a statutory body established under the law, to be specialised in promotional role. Before, they were doing regulatory role for the investors but now, that role will be carried on by the Ministry of Investment and Trade while the statutory body will only focus on their core function which is promoting investment in Fiji.

If you look at the objective of the Bill that is in Clause 6 (if you have the Bill in front of you), the roles that they will play is, they will be implementing investment support and promotional strategies, in collaboration with development agencies and relevant institutions and that is very important for investors to know. , there are sign boards coming to them and how they are referred to the relevant authorities. Given businesses nowadays, investors need real time in the approvals process and also data available.

One of the role too of Investment Fiji under this amendment is to provide information for the investors to make things readily available at a one stop shop or a single window for investors to make decisions on areas of interest they want to invest in, not only in information with regards to what the investor needs but also the local potential that is around in various parts of Fiji and sectors of the economy that will be of interest to earn for a new investor. That is the promotion of Fijian products and also capacity building for exporters.

There is also provision in this Bill on the aftercare of investors. When they come in, they register here in Fiji and they went through that promotion package, how they will survive and this Bill also gives protection to local investors.

There was a submission given in Labasa where the Labasa Chamber of Commerce have their view in terms of restrictive area in business, where it has to be reserved to local investors but given

to new investors and the competition. That view was taken on board by the Committee. So those are some of the things that we would like to hear from the business community on the business environment around here in Savusavu. The investment environment and how you are surviving, as well as development into the future.

It also establishes the Board and the function of the Board in this particular Bill. So that Board will then report to the responsible Minister for Commerce and Trade in terms of developing this statutory body, the Investment Fiji. Investment promotion will be one of their mandates, investment facilitation, export promotion, aftercare (which I have talked about), policy advocacy, plus image building.

When this Bill becomes an Act, it will give this particular organisation a new role and that is, to focus on promotion. The Ministry will do the regulatory part. The environment around here and also the various facilities that are available.

We have heard a lot too when we were conducting public consultations around Labasa area, other business people and in Taveuni on the things that local investors would like improvement on in times of delivery of products into the market - from here leaving your shores to Suva, then to overseas, as well as other things that probably happen around the business community here in Savusavu. Some of those experiences will help the Committee form its opinion in the final drafting of the Bill.

The main aim of the Bill is to get foreign investors so that Fiji is a friendly investment destination and also through the Bill, that climate and atmosphere of investment can be nurtured by this institution.

With that, I will not take much of your time but we would like to hear from you on your views on those objectives of the Bill and what the Bill proposes and the objective of the new institution that will be doing the promotional role in terms of investment in Fiji. *Vinaka vakalevu*, Mr. Chairman.

MR. CHAIRMAN.- *Vinaka*, honourable Bilitavu, for taking us through the Investment Fiji Bill 2022. As you have heard from the two speakers before me, we are here to collect submissions on the Heritage Bill 2021 and Investment Fiji Bill 2022.

The Investment Fiji Bill is in line with the Investment Act that was passed by Government in June 2021, so we need to set up an office in order to ensure the implementation of the Investment Act itself and the Office is going to facilitate the local investors, overseas investors and collaboration between the locals and the overseas investors as well, so that is very important.

That is why we need to bring in the Investment Fiji Office, decentralise it to other places in Fiji so that we can ensure that the implementation of the legislation is done in a very transparent and open manner. Now, I would like to open the floor for any comments or clarifications that you would like to seek with regards to those two Bills. I would just request that before you speak, please, mention your name and where you are from and then please ask the question.

MS. SUSILA.- Good morning, Mr. Chairman and honourable Members of the Committee. I would like to say something about investment. In Savusavu, we have a lot of agricultural producers and there are people with a lot of agricultural produce. They want to produce honey. It is a very good place to breed honey but we do not have a good market for it.

I am from Savusavu and I am vendor at Savusavu Market. I also have a fish, vegetables, et cetera, that I sell. I was buying honey to supply to the hotels but during COVID-19, they were all closed. Now, it started again but it is not much. We need markets for our agricultural produce.

How can Government help in the marketing of cassava, *dalo*? There are a lot of agricultural produce in Savusavu. I request if the Government can help us in this because people who used to produce and sell honey before, they now have all stopped because there is no good market for it. Retailing is very slow.

MR. CHAIRMAN.- Thank you, Madam, for those very fruitful comments. In terms of agriculture, I believe what you are basically talking about is that, we have Agro marketing. It needs to link up with potential investors who are looking for honey in other countries, for example, we need to find an importer from Australia or New Zealand, who can import our honey.

I believe the shortage of these markets was because we did not have any proper importer in Australia or New Zealand or even in the United States of America. That is why we are trying to bring in this Bill, so once it becomes an Act, Investment Fiji will be required to identify places where we can export our fresh produce also with regards to the honey.

The Investment Act itself is quite old and now, we are trying to modernise it. I think this Act was backdated to 1980. We need to ensure that we modify Investment Fiji - how they function and some of their functions are new. One of their important functions under the Bill is to promote and assist foreign investors to collaborate with domestic businesses by setting up an effective investment linkage programme, so that is something very important that we are trying to ensure.

We have seen in the past that foreign investors used to come, they borrow money from Fijian banks and then they invest in Fiji. Those are some of the things that we are trying to prevent. One thing that we are trying to promote is for foreign investors to have some kind of association or collaboration with our local investors and the businessmen.

In terms of what you are saying, it would save the farmers as well. Farmers can also start exporting products they produce directly to this overseas market. That is why this Bill is very important. So those are some of the things that we can capitalise on, once this Bill becomes an Act. I hope that clarifies, Madam.

Another example is that, in Government we sometimes receive calls from potential overseas investors. One thing that we do is direct them to Investment Fiji but sometimes when they are trying to communicate with us, what we have seen is the investor talks about millions of dollars of investment in Fiji. They will do this and they will do that. After half an hour of conversation, they will ask us, "Alright, we are bringing such a big investment in Fiji, is Government going to give some kind of grant?" If you are an investor you do not have to operate on grants. So those are some of bogus companies.

Those companies come, they lure landowning units and try to buy their products, et cetera. Now, we have to ensure that any foreign investor coming into Fiji needs to come through Investment Fiji. They need to have a proper certificate, their background would be checked and then they can come and invest.

As I have stated earlier, it is not that you come to Fiji, borrow money from here and then invest. If that is the case, some locals can do it because foreign investors need to bring in foreign



exchange into the country. So that is one of the major changes that we are trying to bring into the Investment Fiji Bill 2022. Are there any other questions?

MR. N. TUINACEVA.- *Bula*, Sir. I just want to go back to what you have just mentioned about this investment body. After this Bill, it will become an authority, is it?

MR. CHAIRMAN.- Yes.

MR. N. TUINACEVA.- I apologise, my name is Naisa Tuinaceva. I am a bus operator here in Savusavu and I am also a ginger farmer and the farm is in Naweni.

Sir, just on that notion where you have said about the control, what we are facing at the moment are the local dealers that deal with our ginger. How will this be controlled through this Bill? We are dealing with those who are coming from overseas but the people who are doing the deal with some of the farmers in terms of controlling of prices. We are selling our ginger at \$1 a kilogramme but the same dealers are buying our ginger and they sell it at AU\$18 to the other side. How does this workout benefit the local investors or, we, as farmers?

MR. CHAIRMAN.- As I have said, Investment Fiji is going to look for potential importers in Australia and New Zealand. What we are going to do is, we are going to link them with Agro Marketing because for one particular farmer, to meet that demand that is sent to Australia is insufficient, so we need a cluster of farmers. If we are able to find an importer who is willing to give a better price, we can link them with Agro Marketing and Agro Marketing can directly link with the farmers.

Even though Agro Marketing is mandate to facilitate exports, they are not there to make money. Sometimes what they do is, if they buy it for \$5 they will sell it at \$5 because one of Agro Marketing's mandate is to facilitate exports to rural farmers. So they need to go to the interior, work with clusters of farmers and tell them that that particular product has a market in overseas. For example, if you are not getting a good price in ginger and they find a potential importer for turmeric, they will come to those cluster of farmers and tell them, "We have a very good market for turmeric where you can make good money because Investment Fiji is searching for a potential importer." The farmers can switch from ginger to turmeric because there is always supply and demand. If the supply is too big, then the price will go down so we need to go for a newer commodity to invest in. I hope that clarifies, Sir.

MR. N. TUINACEVA.- It was a bit nosier, I could not get what honourable Bulitavu was saying. He mentioned something about the consultation in Labasa where business people are saying about reserving. Reserving is the kind of investment for our locals, is that part of this Bill also?

MR. CHAIRMAN.- Yes, the new mandate for Investment Fiji would be to facilitate both, the domestic or local investors and foreign investors.

The other thing is that, there is going to be a Board which is going to govern Investment Fiji. The directive is going to come from the Government, for example, the Government of the day would decide, "Alright, we need to promote Savusavu as an investment site and these are some of the industries that we want to develop." Another example is, the Government might want to develop the pharmaceutical industry in Savusavu. So that is the direction that is going to be given to Investment Fiji to look for potential investors overseas, who can come and invest in in the pharmaceutical industry in Savusavu, to be very specific.

The other thing is, it will be their responsibility to come and talk to the business people here if someone wants to collaborate with a particular investor in that particular industry. For example, if your bus company decides tomorrow that you want to invest in the pharmaceutical industry, they need to have the list of potential local investors, potential overseas investors they can collaborate with and then the venture can go on from there.

MR. N. TUINACEVA.- Thank you, Sir, for me, thumps up to these two Bills. *Vinaka vakalevu.*

MR. CHAIRMAN.-Thank you, Sir. Are there any other questions with regards to the Investment Fiji Bill 2022 or Heritage Bill 2021?

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MS. S. DUTT.- Thank you, Sir, this is noted.

MR. CHAIRMAN.- Are there any other questions?

The other thing is, this kind of example that Savusavu Town Council is doing, if you are able to just preserve that hot spring in Savusavu, then it can go to Tourism Fiji and it can be listed as one of the tourist destinations and Savusavu can be promoted through that particular destination as well.

MR. S. PRASAD.- Good morning to all of you, honourable Members. My name is Shiu Prasad and I am originally from Savusavu. I just retired two years ago. I was working with the Ministry of Agriculture for 30 years.

This public consultation is very important. It is important because when the public give their views and opinions, you are going to take their views and opinions to Parliament. Is Parliament going to accept it or are they going against our opinions?

The CEO just highlighted and said that the hot spring is just nearby. It has been there for so many years but now, if some people want to do some cooking if the Bill is passed, will the Council charge any fees to the public? My very important opinion as while you are here... [inaudible]

You can see that the Savusavu Town is a very, very small town. I was here before, I was born here in 1964 but now, you can see these big changes. Before, the buildings were wooden buildings and we can still see one, two, or three here in Savusavu. You can see a lot of businesses with new buildings and a lot of businesses are improving. People are getting their own products, they come and sell them in the market but the market is not in good condition. How will farmers bring their produce and whatever things from the farm and where are they going to sell it if there is lack of space in the market? When is the Council going to start their new market?

My second important issue is the public crossing. Public crossing is very important. Savusavu is a small town but other towns, they have got crossing lights. Why cannot they put the crossing like that in Savusavu? Population of Savusavu is increasing day by day and children are crossing anyhow and anyway. There are two crossings just in front of you. Drivers are confused, either to stop on that crossing or stop on this crossing. What will happen if someone gets an accident, who will be blamed? The public then blames the drivers, not the person crossing. So, please, take note of what I have said, take it to Parliament, not just take it there and leave it and forget about our public consultation. That is all. Thank you.

MR. CHAIRMAN.- As I have mentioned, this is a public consultation regarding the Heritage Bill 2021 and Investment Fiji Bill 2022. I do not see any linkage between the road crossing and the two Bills. But, Definitely. That is something that I am going to put forward to the line Ministry and FRA to look into. Small towns do not had any lights before but slowly under the FRA, with the new project, they are putting up streetlights for the convenience of the people to cross.

The other issue is in regards to whether there will be a fee charged for people to come and cook at the Savusavu hot spring, whatever the charge would be or there will not be any charge, is something entirely on the Savusavu Town Council. They have been having public consultations and that is something that I will leave to the Savusavu Town Council. The Committee has no mandate to look into that. At this point in time, our purpose for the visit here is entirely different. I believe those were the two major concerns.

As far as the third issue, yes, definitely, the Committee has the power to change the Bill. If we receive a particular submission on a clause of any of the Bills and the Committee did feel that it

needs to be changed, we have the powers to do so. So you might have seen that 90 per cent of the Bill that was passed by this Committee, I as a Chairman, had reported it back to Parliament. The changes are in megaton colour, so those were the changes that were brought by the Committee through the public consultations that we have had all around Fiji.

One hundred submissions might have come in but out of those, there might only be 10 that is related to a particular Bill itself and out of those 10, only five might have been of essence to change a particular clause. Sometimes the interpretation is different and the public came up with the submission, sometimes as you have illustrated that is a submission but not with regards to this Bill. So we are trying to filter all those and whatever changes, the Committee needs to ensure that it comes in the Bill before it is reported back to Parliament.

If you go to our website and you go to the draft Bill, that is reported back to Parliament and you will always see that. This particular clause and changes are in megaton colour. So that is the process. We do not forget about it other issues raised but anything that is not related to the Bill, they are passed on to the relevant authorities and agencies. We cannot be going around and talking about, for example, the road crossing in Parliament through this Committee. On a personal level, I can do so but as a Member of the Committee and Chairman, we are not obliged or we do not have the jurisdiction to do so. But one thing we can definitely do, as I have illustrated earlier and I need to repeat myself, we pass it on to the relevant agencies to have that as part of their project plan. I hope that clarifies, Sir. Thank you. Is there anything else?



MR. CHAIRMAN.- Sir, thank you very much for that particular comment. Does anyone else has any comment or query with regards to the two Bills that are before us?

Thank you. Since there is none, we will wrap up our session and I will give the time and opportunity to honourable Dr. Govind to thank everyone who is present here this morning and for taking your valuable time.

[Vote of Thanks – Hon. Dr. S.R. Govind]

The Committee adjourned at 12.27 p.m.