

PARLIAMENT OF THE REPUBLIC OF FIJI



PARLIAMENTARY DEBATES

DAILY HANSARD

FRIDAY, 29TH JULY, 2022

[CORRECTED COPY]

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FRIDAY, 29TH JULY, 2022

The Parliament met at 9.47 a.m. pursuant to adjournment.

MR. SPEAKER took the Chair and read the Prayer.

PRESENT

All Members were present, except the honourable Minister for Women, Children and Poverty Alleviation; honourable Minister for Employment, Productivity, Industrial Relations and Youth and Sports; honourable S.V. Radrodro; honourable I. Kuridrani; honourable P.W. Vosanibola; honourable Lt. Col. P. Tikoduadua; and honourable Adi L. Qionibaravi.

MINUTES

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

That the Minutes of the sitting of Parliament held on Thursday, 28th July, 2022, as previously circulated, be taken as read and be confirmed.

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

Question put.

Motion agreed to.

COMMUNICATIONS FROM THE SPEAKER

I welcome all honourable Members to the final sitting day for this week. I also welcome those joining us in the gallery and those watching the live proceedings on television and the internet. Thank you for your continued interest in the workings of your Parliament. For those in the gallery, you are most welcome.

Honourable Members, I now call on the Attorney-General and Minister for Economy, Civil Service, Communications, Housing and Community Development to move his motion.

2022-2023 BUDGET CONSEQUENTIAL BILLS 2022

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, pursuant to the resolution of Parliament on Friday, 15th July, 2022, I move:

That the following Consequential Bills be debated, voted upon and be passed -

- (1) Tax Administration (Budget Amendment) (No. 2) Bill 2022 (Bill No. 28/2022);
- (2) Income Tax (Budget Amendment) (No. 2) Bill 2022 (Bill No. 29/2022);
- (3) Value Added Tax (Budget Amendment) (No. 3) Bill 2022 (Bill No. 30/2022);
- (4) Customs (Budget Amendment) (No. 2) Bill 2022 (Bill No. 31/2022);
- (5) Customs Tariff (Budget Amendment) (No. 3) Bill 2022 (Bill No. 32/2022);
- (6) Excise (Budget Amendment) Bill 2022 (Bill No. 33/2022);
- (7) Superyacht Charter (Budget Amendment) Bill 2022 (Bill No. 34/2022);
- (8) Tertiary Scholarships and Loans (Budget Amendment) Bill 2022 (Bill No. 35/2022);
- (9) Insurance (Budget Amendment) Bill 2022 (Bill No. 36/2022);
- (10) Veterinary Surgeons (Budget Amendment) Bill 2022 (Bill No. 37/2022); and

(11) Fisheries (Budget Amendment) Bill 2022 (Bill No. 38/2022).

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

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, I will be speaking on all the 11 Bills altogether.

In respect of the first Budget amendment – Bill No. 28/2022, before I do speak on the Bill itself, Sir, I would like to point out a typesetting error. If honourable Members could look at Clause 5 of the Bill and the heading is “*Sections 115A and 115B inserted*”. If you read Clause 5, it says, and I quote: “The principal Act is amended after section 115 by inserting the following new sections -”

You will see the next heading, “*Investigation or complaint by the Fiji Revenue and Customs Service*”. As the heading above suggests, you have ‘15A’ but it should be ‘115A’, so ‘1’ dropped off in the typesetting - apologies for the typesetting error.

Mr. Speaker, Sir, the Bill seeks to amend the Tax Administration Act 2009 to address budgetary policy changes. It:

1. Allows the CEO to pay into the Consolidated Fund any uncollected refund amount that has remained uncollected for five or more years from the date the refund has become due.
2. Empowers the Tax Agents Board to refer complaints to the Fiji Revenue and Customs Service (FRCS) to investigate those tax agents. The Board is also empowered to compound all offences under Part 4 of the Act.
3. Sets a time limit of 31st December, 2022 within which a claim for refund of Non-resident Withholding Tax paid for professional services by a resident person where the tax was collected contrary to the provision of any Double Taxation Agreement may be made.
4. Provides a general reference to the chairperson of the Board, that is, by removing the reference to the Auditor-General.
5. Removes reference to the Superyacht Charter Act 2010 as a tax law to align to the amendments made to the Superyacht Charter Act 2010 (which I will come to later on) and for the Superyacht Charter Act 2010 to be read together with the Customs Act 1986.

Sir, I will not specifically go into the Clauses itself because they are quite self-explanatory.

Mr. Speaker, Sir, of course, we had widespread consultations on this including representation that were made by the Superyacht Charter industry, in particular from the Fijian professionals who look after the superyachts.

Sir, in respect of Bill No. 29 of 2022, it seeks to amend the Income Tax Act to address the budgetary policy changes. The Bill provides for:

1. A new division on repurchase transactions or repo transactions, any gain made on the disposal of security under repo transaction would be exempted from Capital Gains Tax (CGT). The Bill also excludes a person under repo transaction from the requirement to file a CGT tax return.
2. Exempts resident individuals and Fijian citizens from CGT on the disposal of shares held before 1st May, 2011; and

3. Remove the concessionary rate of 17 percent for companies relocating the international regional headquarters to Fiji going up to 20 percent.

Sir, in respect of Bill No. 30 of 2022, again, Sir, just one type setting error I would say if the honourable Members look at the Bill itself you will see Clause 1 then you have Clause 2. Clause 2 should just have the heading “*Section 14 amended*”. Just to put it in perspective, if you turn the Bill over you will see, for example, Clause 3 says “*Section 21 amended*”, Clause 4 says “*Schedule 1 amended*”, back to the front page, Clause 2 should have a heading that says “*Section 14 amended*” which is already there in any case, but the heading got dropped off. There is no substantive change to the amendment itself just the heading needs to be there, Sir.

Mr. Speaker, Sir, the actual amendment seeks to amend the Value Added Tax Act to address the budgetary policy changes. Clause 1 of the Bill provides for the short title. Clause 2 amends section 14 of the Act to remove the 15 percent VAT which is applied on the importation of electric vehicles. You will see in Clause 2 all the various codes that applies to electric vehicles. Clause 3 of the Bill amends section 21 of the Act to ensure that VAT reverse charge is paid by a person who is registered for VAT for relevant services received by the person from anyone outside Fiji. Clause 4 of the Bill amends Schedule 1 to the Act to allow for the disposal of residential dwellings used to provide accommodation by way of hire to be exempted from VAT, regardless of whether input tax was claimed in relation to the residential dwelling or not, which will help a lot of ordinary Fijians, Sir.

Mr. Speaker, Sir, the next Bill is Bill No. 31 of 2022 which is the Customs (Budget Amendment) Bill. It seeks to address the customs announcement made in relation to the policy itself, changes through the Budget. Sir, Clause 1 of the Bill provides to the short title and commencement. Clause 2 of the Bill amends Section 2(1) of the Act to insert a definition for the term “approved form” and to extend the definition of “customs laws”. For the purposes of clarity, an “approved form” is a form approved by the Comptroller.

Mr. Speaker, Sir, Clause 3 amends section 64 of the Act to empower the Minister responsible for finance to prescribe offences for any breach of the customs prohibited imports and exports regulation including penalties for such offences not exceeding a fine of \$25,000, imprisonment of a term not exceeding 10 years. Clause 4 of the Bill amends section 148A of the Act to provide that any person who engages in the business of forwarding cargo on board an aircraft or ship without a licence under the section, commits an offence and is liable for conviction.

Sir, we have seen a lot of people now just ad hoc becoming agents - we need people to be licensed so we can have some clarity around those who can provide that particular service. We have people for example who use the services of organisations and then those organisations sort of disappear overnight and their goods get lost, et cetera, so this is to instil confidence in the business transactions. There is a transitional provision in relation to the licensing of freight forwarders whereby any person who, prior to 1st August, 2022, engages in the business of forwarding cargo on board an aircraft or ship, without a licence must obtain a licence on or before 31st August, 2022, so they are given a month to get that licence.

Mr. Speaker, Sir, also we want the CEO or the Comptroller of Customs to be able to publish and publicly make available all licenced freight forwarders. So any ordinary citizen who is importing things know exactly who to go to as opposed to just sort of finding their way around, so in this way we know that these people are actually licensed. The Act also provides for the review of the Comptroller’s decision under any of the Customs laws and again, the provision to empower the Minister to prescribe penalties not exceeding a fine of \$25,000 and imprisonment of 10 years or both.

Mr. Speaker, Sir, the next Bill No. 32 is the amendment to the Customs Tariff Act - Customs

Tariff (Budget Amendment) Bill. Clause 1 provides for the short title. Clause 2 is to provide for change in duty rate of passenger motor vehicles. And again, you will see that, Sir, in the Bills itself, the various codes are there in which you will be able to see the tariff codes. You can see in section 2, it is all listed here and these were all announced in the Budget itself.

Just by way of summary, an import of excise of 5 percent will now be imposed on importation of new diesel or petrol passenger motor cars. In addition, a fiscal duty rate of 5 percent will now apply on the importation of new hybrid passenger motor cars. Furthermore, on the specific rate of fiscal duty on used passenger vehicles (diesel, petrol and hybrid) will increase by \$1,000 per unit. Import VAT will not apply on the importation of pure electric powered buses, passenger motor cars and motor bikes to promote and support the use of green technologies. The concession 220 is applicable to persons taking up initial permanent residence in Fiji, persons on work permit in Fiji and returning residence.

Clause 3 of the Bill amends concession code 220 to provide that used motor vehicles imported under this concession, conform to the import licence conditions stipulated under Customs Regulation. Concession 247 is applicable to the prawn industry. Currently there are conditions on the importation of prawn larvae, prawn feed and lime through this concession. Such conditions include the imported goods being used directly for the prawn farming industry only. So it is again to assist the prawn farming industry.

Mr. Speaker, Sir, again Clause 3 of the Bill amends concession code 247 to delete such conditions and instead, provide that the only condition of such importation moving forward will be that the concession is reflected in the price of the goods at retail sale. This will facilitate the sale of these specialised goods to companies and other entities within the sector. This will also provide further support to small scale and developing companies and other entities that are not able to directly import supplies. Clause 3 of the Bill deletes concession code 270 on jet skis, given it is now a redundant concession as the duty rate on jet skis is free in any case, so you do not need that code, essentially we are cleaning up the law itself.

Excise Budget (Amendment) (Bill No. 33 of 2022), Clause 2 of the Bill amends section 2 of the Act by inserting a new definition for the term “Minister” responsible; Clause 3 amends the Act by inserting a new section 2A to provide that the Act must be read as one with the Customs Act 1986, as I have referred to earlier on; Clause 4 of the Bill amends the Act by inserting a new section 25A to provide for the amendment of assessments of excise duty by manufacturers; Clause 5 of the Bill amends the Act by inserting new sections 38A, 38B and 38C to provide for dealing with goods subject to lien and garnishee orders; and Clauses 6, 7, 8 and 9 of the Bill amends sections 52, 53, 54 and 58 of the Act respectively for consistency purposes.

The next Bill, (Bill No. 34 of 2022) which is the Superyacht Charter Act, as you know that this Act established a charter permit system to allow superyachts to charter in Fijian waters. The amendment Bill seeks to make Fiji competitive with other holiday destinations by amongst other things, extending the category of superyachts that may charter in Fijian waters. Moreover, the Bill seeks to amend the Act to provide for ease of administration in which the powers available under the Customs Act 1986 will now also apply to this particular Act. So there is unison between the actual laws themselves too.

Mr. Speaker, Sir, there are a number of clauses in respect to that. Some of the key ones is the definition of “Code of Conduct” by deleting the reference to “FIHTA subcommittee” and substituting “body responsible for overseeing of hotel and tourism”. We are amending the definition of “Environment and Climate Adaptation Levy” to delete the reference to the “Schedule” and deleting the definition of “FIHTA subcommittee” too.

Mr. Speaker, Sir, Clause 5 of the Bill which is important, section 7 of the Act to decrease the Charter Free from “\$USD55,000” to “\$USD30,000”, the rest of the Bill is in compliance with all of the submissions that have been made regarding that.

Mr. Speaker, Sir, the next Bill (Bill No. 35 of 2022) is the Tertiary Scholarships and Loans Act. In 2021 the Parliament enacted amendments to the Act to change all reference to “Tertiary Scholarships and Loans Board” to “Tertiary Scholarships and Loans Service”. This measure was undertaken to reflect the service-based approach that has been adopted by the Tertiary Scholarships and Loans Service.

Section 14 of the Act establishes the secretariat which comprises of the CEO and other staff as the Service deems necessary but does not provide for the specific functions of the Secretariat in relation to the Service and the Act. Of course, this particular organisation is growing and we need some rules around the functioning of this organisation. Therefore to remove an ambiguity, the Tertiary Scholarship and Loans (Budget Amendment) Bill seeks to amend the Act to remove the secretariat and provide for the appointment of the CEO.

The Bill also provide for the CEO’s responsibilities and allows the CEO to appoint employees of the Service. Further, the Bill provides for the exception from liability for the service and employees of the Service. Mr. Speaker, Sir, the Bill further provides for the change of name of the Act from the “Tertiary Scholarship and Loans Act” to “Tertiary Scholarship and Loans Service Act”. Those Clauses, Mr. Speaker, Sir, are reflected in the Bill amendment itself to give that level of transparent guidance and governance in that organisation itself.

Mr. Speaker, Sir, the Insurance (Budget Amendment) Bill 2022 (Bill No. 36 of 2022), the Act itself provides amongst other things the regulation of business of insurance and for the licensing and supervision of insurers and insurance intermediary or what we call “brokers”. Under section 42 of the Act. Sir, a person may apply to the Reserve Bank of Fiji for a licence in order to carry on a business as a broker or an agent for an insurer.

Mr. Speaker, Sir, the Insurance (Budget Amendment) Bill 2022 seeks to amend the Act to increase the licence term to a term not exceeding five years. This will not only help with the administration of licensing of insurance agents in the country, it will also help insurance agents in the business operations for a longer period. It gives them certainty, Sir.

Many people and I know many of you would know insurance agents whether they are selling life insurance or general insurance. I remember honourable Rasova did engage in that many years ago. But you would have had to get your insurance agent licence renewed every year and a lot of people actually earn a good living through this. So, you should not have to go and renew your licence every year, some of them have been doing it for the past 40 years or 50 years. So, this is making life easier for them.

In the same way, the *suki* and the cigarette sellers, they get a licence now for five years. This is basically in alignment with that, to make life a lot easier and of course they can get up to five years. Some may choose to get a licence only for three years, that is their choice, but you can now get it up to five years and we know most of them will get it for five years or will apply for five years.

Bill No. 37 of 2022, Mr. Speaker, Sir, Veterinary Surgeons Act 1956 provides a registration of Veterinary Surgeons in Fiji. Section 2 of the Act defines the Registrar as the Assistant Director Agriculture (Animal Health and Production) and it includes any person lawfully appointed to act for him or her.

Currently the position of Assistant Director Agriculture (Animal Health and Production) does not exist and in practice so far the Registrar's role has been carried out by the Permanent Secretary responsible for agriculture. The Veterinary Surgeons (Budget Amendment) Bill 2022, therefore, seeks to update the Act and to align current practices.

The Bill also seeks to amend the Act to provide for the registration of Veterinary Surgeons and the regulation making power of the Minister. The Bill further seeks to amend the Act to include the Fiji National University students under Schedule 2 of the Act.

Mr. Speaker, Sir, there are various amendments to that and as highlighted in the Budget, we will now have the ability to those people who can act, what we call as "para-vets". They are not full vets but they are para-vets. They can do certain things. Some of them can even setup their own businesses because at the moment for example, the Ministry of Agriculture will not allow farmers to administer antibiotics on the animals because you have to give the right levels. If you do not give the right levels for antibiotics, it is passed through the animal, the animals can die or when the human consumes that, the humans actually gets affected by that level of antibiotics.

There is a huge study being done in fact the former Executive Chair of BAF who has just completed his PhD in London just a couple of days ago. His entire thesis is built around that as to how antibiotics and antibodies pumped into animals, passes onto human beings. There has never been any such research done in Fiji. So, at the moment the Ministry of Agriculture does not allow the farmers to administer that. With para-vets, they can actually maybe go and setup their practices in Dreketi, Seaqaqa, Nadroga, Ba or wherever else it is where there are a lot of cattle and they can then administer them. So the Minister will be empowered to include these people within this particular framework and also it eases the burden on the Ministry of Agriculture because they have a limited number of people, they cannot be on every farm all the time, 24/7.

Mr. Speaker, Sir, the next amendment is Bill No. 38 of 2022. It provides for the requirement for a licence to be issued by licensing officer to take fish for trade or business. Licence issued under the Act terminates on 31st December each year. The Act also provides that a fishing vessel used for trade or business is to be registered and the registration is renewed annually. Moreover, under the Act, for a licence to be issued to fish in a registered customary fishing grounds, a permit issued by the commissioner of a Division is first required. In other words, the Commissioner has to be involved. The permit is granted for a period as the law currently provides for a period not exceeding three years but expires on 31st December each year.

The Commissioner will first consult the customary fishing owners before issuing the permit. However, the current practice is that the Commissioner issues the permit until 31st December the year the permit was applied for. A licence issued to take fish in a registered customary fishing ground is subject to the terms and conditions of the permit issued by the commissioner and of course the commissioner does that in consultation with the customary fishing owner rights.

The process of applying for a licence or permit every year and of the renewal of the registration of the fishing vessel annually can be time consuming and creates administrative and logistical difficulties. As a result, a fisher (man or woman) may not have a lot of opportunities to secure bank loans and to invest in the fishing business due to the short period of licence or permit granted. Sometimes they apply in January. By the time they get a licence, it may be April and they have only then a few months to fish. Sometimes they may get it in May, they only have four or five months to fish. As a result, even though the customary fishing owners may say yes, we give permit for this person to fish here for the next three years but the licence is only issued on a yearly basis. So, if the customary fishing owners, to put it in short, customary fishing owners agree that a person

can fish in that particular area for the next three years, we now with this amendment can actually issue the licence for three years.

Therefore, the amendment Bill seeks to amend the Act to give certainty and allow for more investment particularly in terms of securing bank loans and indeed many, we have had interest from many customary fishing owner rights people themselves who want to get a licence because they want to get into fishing themselves. They want to go and secure a boat, they want to go and buy a boat but they need longevity as far as the licence is concerned. Some of them have monies, they may want to get a loan from FDB but if they have a fishing licence for three years themselves and they are the customary fishing owners, FDB will be more readily be able to lend them the money. Sometimes they require only \$5,000 or \$10,000. So with a licence of three years, they can secure that loan and be able to get into business themselves as opposed to simply giving it out to other people who will come and fish in that area.

Mr. Speaker, Sir, again as my notes here this will also encourage the *iTaukei* people who have customary rights over the customary fishing ground to invest themselves in commercial fishing business as they now would have the ability to secure bank loans, et cetera and get into commercial fishing themselves.

The Bill also seeks to amend the Act to clarify that a permit granted to fish in a customary fishing ground will only be granted by the Commissioner and only upon consultation with the customary fishing owner rights and the owners themselves. The requirement for consent from the customary fishing owners further reinforces the current practices and strengthens and protects the rights of customary fishing owners themselves. So, Mr. Speaker, Sir, there are the bills that we have put in place by way of amendments and they are the introductory remarks for them.

MR. SPEAKER.- Honourable Members, the floor is now open for debate on the motion.

HON. V.R. GAVOKA.- Mr. Speaker, Sir, at the outset, let me again express my serious concern with the way these Bills are being brought into Parliament. We have had a week of debating the Budget and it is customary from tradition, from past practices that you also dedicate a week to debate the Bills. They are consequential and very much part of the Budget.

On Monday, Mr. Speaker, I spoke in my presentation about the many gaps the many opportunities in revenue for this country that have gone begging or have been repealed without this House without the Members fully understanding the magnitude of the losses to the income to this country. I quoted the case about Stamp Duty, an Act that has been there since 1936 or so it was repealed about a year or two ago in this manner, most of us not realising that \$80 million was removed, was denied our treasury.

And of course there are other measures that were repealed; withholding tax \$120 million came through the same way, company tax from 28 percent to 20 percent came through the same way, the branch profit tax \$70 million same way, Capital Gains Tax (CGT) \$74 million in the same way, so I could go on, Mr. Speaker and lament the fact that we, on most occasions, do this blindly and that is inexcusable, Mr. Speaker.

Did we know that when the honourable Minister said that we will repeal the Stamp Duty Act that we will be losing \$80 million? Did we know that? We did not.

HON. A. SAYED-KHAIYUM.- I talked about the revenue loss.

HON. V.R. GAVOKA.- We did not, Mr. Speaker.

HON. A. SAYED-KHAIYUM.- After the Budget last year.

HON. V.R. GAVOKA.- Mr. Speaker, and it is because we bring Bills in this manner and as a result there is short fall in revenue we end up borrowing. The deficit grows and we borrow.

And, of course, Mr. Speaker, I highlighted the cases where some revenue measures were legislated six years ago but not activated. Somebody is sleeping on the job and it is because of the manner they bring these Bills into Parliament. As we have said in the past it is legislation by ambush. We did not have enough time to study this.

The whole of this week we were going home late in the evening. We did not have time to study these Bills. We should have been given these Bills a week or two ago and dedicate the next following week for this debate, Mr. Speaker. The country loses out and as we in SODEPLA say the *lewenivanua* lose out.

I raised a number of issues and cases where a lady was sent home to die because she could no longer afford dialysis. I spoke about a young woman who is selling her body because she cannot repay her TELS loans. I talked about families of six that live in one room. All these are happening because there is perceived shortage lack of revenue. And yet the revenue goes begging because this Government is pandering to the interest of a select few at the cost of the people of this country.

Mr. Speaker, I mean the honourable Minister is saying “hogwash”. Hopefully this is done in Cabinet before you bring it to Parliament, do you do that? Obviously they do not have Cabinet meetings to discuss all these things.

Mr. Speaker, SODELPA the focus is on revenue and we have carried out an analysis of the revenue potential based on the figures we are given today, if implemented, if we bring back all that has been repealed the deficit will decrease from \$800,000,000 to \$300,000,000 and that is leaving the expenditures intact. If we work on the expenditure, there could be a surplus.

Mr. Speaker, Sir, and there are other tax measures to be legislated and they have not done it because if you are not collecting, you will end up borrowing. Everywhere we go in Fiji even our people who you thought do not understand economics are asking the question “What about all these *dinau*, who is going to pay?” The *dinau* will grow if you continue to ignore the revenue opportunities for this country.

Mr. Speaker, Sir, specifically on Bill No. 29, clause 3 states:

“Capital gain made by a resident person of Fijian citizen on the disposal of shares if the shares were held by the person before 1 May, 2011”.

Mr. Speaker, Sir, I make the point again, have you have time to discuss this? We would have highlighted the fact that Fiji’s citizen is not defined in the Income Tax Act 2015, only Fiji resident because a Fiji citizen can be living in Australia holding a Fiji passport. He would come to Fiji, dispose of his assets and take the money back to Australia with Fiji losing on income. We want to remove ‘Fiji citizen’ from this because it is not defined in the Income Tax Act.

And again Mr. Speaker, Sir, if it has come through a Committee, people would have picked this up, not in this manner. At least we have people now who are watching this and are advising us of these anomalies that you tend to slip in in the way you bring in Bills into this Parliament.

Mr. Speaker, Sir, we remove “Fiji citizen” and keep it at “Fiji residents”. Fiji residents are people, organisations, corporate bodies that is it, Fiji residents, the way it is defined in the Income Tax Act 2015. You bring in Fiji citizens, the potential loss is huge and we must avoid that.

Mr. Speaker, Sir, on this clause 138 which now increases the concessionary tax for company regional headquarters to Fiji from 17 to 20 percent. This was given some years ago with the belief that it will bring more companies to Fiji. You have the headquarters in Fiji and we believe there is only one company, ANZ that took advantage of this, but I believe the honourable Minister for Economy is saying there are two. We would like to know who the second one is. But all these years, this concession has not worked and we are now increasing the tax from 17 to 20 percent.

Of course Mr. Speaker, Sir, as I said on Monday in 2012, we used to collect 28 percent on Corporate Tax. We brought it down to 20 percent, we brought it down to 17 percent and some are paying 10 percent. I highlighted the case where in 2012 or 2013, we were collecting about \$421,000,000 from this and it has come down to \$121,000,000. That is the scale of the losses that we see by reducing these taxes without proper scrutiny by the people of this country; by Parliament and the Committees.

I have stated that SODELPA will take Corporate Tax back to 28 percent the way it was, so that this country can collect revenue that helps serve our people. That is the crux of the matter, we must look after our people. Every time you give away something, remember you are denying our people that revenue. Every time you do that, you are denying our people services. SODELPA will provide free tertiary education. SODELPA will forgive the TELS debts, we can do it because we will watch the revenue streams of this country. We will be careful that we look after our people and not, as I have said, pander to the interest of the few.

HON. GOVERNMENT MEMBER.- Stop campaigning!

HON. V.R. GAVOKA.- It is not campaigning, Mr. Speaker, I am trying to drive home a key message here, “Do not treat revenue measures in this cavalier manner.” I just hope, Mr. Speaker, that we were given more time to scrutinise these Bills, Sir.

In this Bill, Mr. Speaker, there was 150 percent tax concession given to these companies to relocate over here for their capital outlays. The amendment is silent on that. What is happening to the 150 percent tax concession, honourable Minister for Economy?

These are the sort of things, Mr. Speaker, that should come to the fore. It can be highlighted if we have time to deliberate on these Bills, not in the manner that is being done here today, Sir.

Mr. Speaker, the honourable Minister highlighted the case that SODELPA will introduce a resource tax to benefit the iTaukei and we have highlighted the number of companies that will be contributing to this.

HON. MEMBER.- And tax who?

HON. V.R. GAVOKA.- There is a list of companies that will be taxed – companies that impact on the environment, the resource owners, and the honourable Minister asked, “How are you going to spend it?”

This is what will happen, Mr. Speaker, we will collect this tax and we will spend it on upgrading the villages across the country - \$50,000 per village every year. That will be the money spent on villages to upgrade them.

Mr. Speaker, that is what you can do when you watch your revenue. But there is always this insinuation that it is racist or that it is only for a particular segment of the population.

(Honourable Member interjected)

MR. SPEAKER.- Order, order!

HON. V.R. GAVOKA.- But, Mr. Speaker, let us not forget that when we bring in free tertiary, it is for everyone. When we forgive TELs debt, it is for everyone

(Chorus of interjections)

MR. SPEAKER.- Order, order!

HON. V.R. GAVOKA.- ... let us stop all these indigenous issue. Our people, the resource owners, deserve to be uplifted. We have been saying that for quite some time and SODELPA is ready to do it with a tax at 5 percent on the companies that I have highlighted.

Mr. Speaker, again, I express my disappointment that it is done in this manner, that the 36 Bills or something came through this manner and I just wish, Mr. Speaker, that in the next Parliament when SODELPA is in charge, it will be done in a proper way ...

(Chorus of interjections)

MR. SPEAKER.- Order, order!

HON. V.R. GAVOKA.- ... not in the manner that it is being done to us today, Sir.

That is my contribution today, Mr. Speaker, and we are missing out a lot with the cavalier manner and the very casual manner that FijiFirst runs this Parliament and in particular, the way it looks after the revenue measures of this country.

HON. A.M. RADRODRO.- Mr. Speaker, I rise to make my contribution on the Consequential Bills this morning. First, I would like to state that the contents of the Bills seem to be devious and deceiving in terms of what is highlighted in the individual Bills.

I will start with the Fisheries (Budget Amendment) Bill 2022 (Bill No. 38/2022). I hope that the honourable Minister for Economy and the honourable Minister for Fisheries will provide some insights and clarity in the amendments that are before us.

Mr. Speaker, Sir, we note that the new amendments require the consent of the iTaukei people, whose fisheries rights may be affected, as given for any such period. I would like to request the honourable Minister to enlighten us, is there any certain threshold that needs to be obtained from the fisheries licence holder, like any Native land leases you need 60 percent that is clearly stated in here? Maybe, the honourable Minister can enlighten Parliament that there is a certain percentage which is not highlighted in this Act.

The other is that. we acknowledge the three year term that has been given to the licence holders. The issue here, there are certain fishing grounds that are covered under the marine protection areas. The monitoring of all these licence holders that is an issue that needs to be also clarified, especially when licence holders usually fish at night and they do not know whether the person fishing is the rightful licence

holder to that particular area. So these are some of the issues and concerns, Mr. Speaker, Sir, in relation to the amendments on the Fisheries Bill. We would like the honourable Minister to also enlighten this House.

Mr. Speaker, Sir, we welcome the Veterinary Surgeons Act, especially with those in the dairy industries. They need to be assisted in terms of tackling diseases like brucellosis and future disease that will come to the farming areas.

For the amendment of Insurance Act, Mr. Speaker, Sir, note that the Bill has now increase the term to five years but have recently passed the Fiji Institute of Chartered Accountants Act but the implementation of this Act is still to be done until this day. These are some of the things regarding these Consequential Bills when they are introduced in this House but for the actual implementation of these Bills that will become a question and concern, especially whether the relevant ministries and departments have the necessary resources and capacity to implement and monitor these suggestions.

Mr. Speaker, Sir, in terms of tax administration amendments. We question the intent of Clause 3 of the Bill where the Act to allow for future of uncollected refunds that have remained uncollected for five years, or more from the date of the refunds that are due by paying the uncollected amounts into the consolidated funds. If the honourable Minister could enlighten us, what is the amount involved that he needs to amend these particular clauses in the Income Tax Administration Bill.

Mr. Speaker, Sir, those are some of the concerns and issues that probably need clarification from the honourable Minister for Fisheries and also from the honourable Minister for Economy.

HON. RO F. TUISAWAU.- Mr. Speaker, Sir, I rise to contribute to the motion at hand on the Consequential Bills, particularly on the Income Tax Bill No. 29 of 2022, on the issue of Capital Gains Tax (CGT). I would like to state that the spot given by this Government to big businesses, specifically the financial institutions is immoral.

In grievous time such as this, the huge increase in fuel prices where ordinary struggle businesses are going to suffer terribly. Here we see this Government providing tax relief amounts to millions of dollars to the already rich banks and other approved financial institutions. This CGT exemptions is just one side of this despicable tirade this Government is giving a \$200 million as COVID-19 guarantee scheme at 0.25 percent to the same financial institutions and the same on land at the rate of 3.99 percent.

Out of nothing, this Government is giving these financial institutions the same group to be exempted from CGT, a whopping 1,500 percent mark-up. The qualifying 5,553 businesses that are supposedly to be assisted had been hoodwinked additionally to the huge fuel price increase this Government is charging them via this group, a mark-up of 1,500 percent. I urge this Government to scrap this on our poor and struggling businesses. We urge that this Government direct the financial institutions to charge only 0.25 percent to the 5,553 struggling businesses. In grievous times such as this, the huge fuel increases has already made a huge dent on the businesses.

(Honourable Members interject)

MR. SPEAKER.- Order, order!

HON. RO F. TUISAWAU.- Those are my suggestions on this particular area.

Mr. Speaker, Sir, on tertiary scholarships, Bill No. 35 of 2022. We note the debt of \$581 million and we are very concerned about the honourable Attorney-General's suggestion and arrangements being made to pass this on to the banks. We feel that this will be a further noose on our students, especially,

when you do that, you are black-marking them. The time is going up with the rules, regulations or conditions of banks and this will further dampen the enthusiasm of students and their commitment in trying to get into the workforce to start a life after they graduate. It will hinder their progress in terms of, for example, travel, getting further loans, may be some interest in property or even vehicles, not only for them as young students but if they want to start their families. These are hindrances to them and a burden. We urge that this, in terms of TELS, be re-looked at and that they remain as per the current arrangements.

MR. SPEAKER.- I have three other speakers on my list for this agenda item. Honourable Members, we will take a break for morning tea now and after that, we will take the first speaker the honourable Qereqeretabua. Make sure you are here on time.

We will break now for half-an-hour for morning tea.

The Parliament adjourned at 10.38 a.m.

The Parliament resumed at 11.12 a.m.

HON. L.S. QEREQERETABUA.- Mr. Speaker, Sir, *vinaka vakalevu* and good morning everyone, I am pretty sure we are all happy it is a Friday.

At the outset, Mr. Speaker, Sir, I wish to state categorically that this intervention of mine on Bill No. 38 of 2022, I just want to make sure that it is on the *Hansard*, I am not against fishermen or fisherwomen earning some money due to the temporary lifting of the ban on *dri* or *bech de mer* but I do wish to share some concerns.

I am afraid the honourable Attorney-General in his introductory remarks about Bill No. 38, kind of cherry-picked around the issues and it is quite sad but it actually quite predictable that Government tinkers with little elements of the Fisheries Act just to make them popular before the Elections, while the holistic overview of our Exclusive Economic Zone (EEZ) and the resources in our EEZ that the State is merely a custodian for, on behalf of us the taxpayers, who are also voters are largely ignored.

No specific stock assessment for the lucrative *dri* or *bech de mer* fishery has been tabled in Parliament that gives us some comfort that this so-called temporary lifting of the ban is based on good science that will ensure that the *bech de mer* are also allowed to carry out their core-function of keeping our reefs clean.

The Government, I am afraid, is probably only fixated on the quick returns when the *bech de mer* is landed in Hong Kong or China. It is all just a rush job for temporary relieve for the....

HON. CDR. S.T. KOROILAVESAU.- Bullshit

HON. L.S. QEREQERETABUA.- Wow!

HON. RO F. TUISAWAU.- Point of Order.

HON. RO F. TUISAWAU.- Mr. Speaker, Sir, if he can withdraw the word ‘bullshit’

HON. CDR. S.T. KOROILAVESAU.- Why?

HON. RO F. TUISAWAU.- Because it is unparliamentary language

HON. CDR. S.T. KOROILAVESAU.- No, that is a lie!

HON. RO F. TUISAWAU.- The “bullshit”, but you can change that to lie.

MR. SPEAKER.- Honourable Member, just mind your expressions in Parliament. You have the floor.

HON. L.S. QEREQERETABUA.- Thank you, Mr. Speaker, that was quite shocking!

Anyway, this Government is the least bit worried about Fiji’s blue ocean sovereign EEZ’s ability to provide fresh protein daily to the people. Instead this Bill distracts us with high value species within the inshore fishery while the sharks, the sharks - the two-legged sharks, are thrashing around enjoying our EEZ (full chow!) knowing we have major gaps and laxity in the protection of our Fiji offshore fishery.

The RFMF Navy has only \$50,000 budget allocation for Maritime Surveillance Centre operations as we were told this week. We know that under the *Vuvale* arrangement a new Maritime Essential

Services Centre valued at approximately FJ\$124 million in Lami, is supposed to be ready by 2024. But until that happens, Mr. Speaker, we still have our sovereign EEZ and fisheries to patrol and survey. How does this Bill suggest that the fisheries ministry do that in partnership with other border security agencies?

Just three days ago, the Police Commissioner was on FBC News saying that Fiji does not have enough manpower to fight hard drug dealers who are exploiting our EEZ to sell methamphetamine and cocaine, and that is coming from the head of police. Forget about fisheries then. Where in this Bill does it cater for fisheries to immediately cancel or impose fines or hard penalties like blacklisting with the Regional Fisheries Management Organisations or (RFMOs)? On fishing vessels such as the *Tiro II* longliner where a Fiji national died from that horrific beheading and for which to this day, the taxpayers, let alone their families, still have no idea about what happened.

Where in this Bill does it compel Fisheries to cooperate closely with the navy and get more vessels out in the water patrolling areas of interest that they can see on the Vessel Monitoring System (VMS) or through Automatic Identification Systems (AIS)? Where in this Bill does it suggest a sensible target like 300-days at sea patrol for fisheries enforcement and surveillance? Where does this Bill deal with IUU – Illegal, Unreported and Unregulated fishing? Where in this Bill does it compel Gen3 reports from fisheries observers to be scrutinised by the inter-agency taskforces? Where in this Bill does it protect our domestic, regional and international fisheries observers with proper employment contracts, insurance cover and compensation from injury or death?

This Bill is disappointing, Mr. Speaker, and should be withdrawn and brought back with tighter fisheries protection.

HON. F.S. KOYA.- Mr. Speaker, at the outset, if I may, I will only be speaking on two particular Bills that is Bill No. 38 and also Bill No. 34. I will continue on with the fisheries tone, Mr. Speaker.

With respect to Bill No. 38, I rise to support the Bill to amend the Fisheries Act. The amendment, specifically, will provide for longer tenure for fishing licence and the registration of a fishing vessel and the permit to fish on registered customary fishing grounds. This is actually done, Mr. Speaker, to encourage investment in the commercial fishing space. The current practice of applying for a renewal of licences or permits annually makes the process actually quite cumbersome and creates additional administrative and also logistical burdens on businesses, and also on our fisher-folk particularly MSMEs. This is something that we are actually trying to ease, so we have to look at it in that particular perspective, Sir. This results in the loss of opportunities for our fisher-folk as they may not be able to secure bank loans to invest in their fishing businesses, noting that banks and commercial firms would find such lending, risky due to the short period of that particular licence or permit granted. This actually causes a hindrance to fishers who operate their fishing business to actually earn their livelihood, Mr. Speaker.

Mr. Speaker, these amendments basically simplify all those particular processes. As we all know, the commercial fishing industry like any other industry has been severely affected by the COVID-19 pandemic, with ships anchored for months without business, and with a vision of sustainable fisheries for a bluer Fijian economy, we have to ensure that our businesses in the fishing industry are offered an inclusive environment to keep their businesses sustainable.

This amendment also, Mr. Speaker, will allow businesses to hold licences or permits for a period not exceeding three years and this is the Government's commitment to ensuring ease of doing business even for the smallest of businesses. This will not only streamline the process but it will give certainty to lenders, Mr. Speaker, to lend to these fisher-folk. Consequently, Sir, I wish to reiterate that the Bill ensures that the permit granted to fish in a customary fishing ground will only be granted by the Commissioner, in consultation with the customary fishing owners. I wanted to emphasise that there will be consultations and consent before the permit is granted. This, Mr. Speaker, Sir, further reinforces the

current practice and actually strengthens and reinforces the rights of customary fishing owners, because the FijiFirst Government has and always will protect our land and our sea.

Mr. Speaker, Sir, the FijiFirst Government continues to implement measures with respect to the ease of doing business to remove red tape and give relief and support to businesses. As such I support the Bill No. 38 to amend the Fisheries Act and this will augur well with the reforms undertaken with respect to the Investment Regulatory Framework as per the new Investment Act 2021. As at 1st August, 2022 a foreign investor in the fisheries sector needs to bring a minimum investment of \$1.5 million. This reflects the amendments to legal framework with respect to reforms and it is actually not done in isolation.

Just to add on to what was said earlier, Sir, with respect to the protection of our seas, et cetera, we have just come back from Geneva at the World Trade Organisation (WTO) negotiations and one of the major topics as part of the discussion was the protection of the sea and how subsidies are actually given to larger fishing nations, et cetera. There was a lot of discussions around that area in terms of rules and regulations that do happen and after 21 years we had an agreement on it, so I suggest to those that are interested to have a look and see the documents that are in place with respect to our protection.

Mr. Speaker, Sir, with respect to Bill No. 34 I also rise to support this Bill to amend the Superyacht Charters. One of our greatest priorities in the Fijian Tourism Industry is actually growing its value. Value, not only in revenue we receive but the jobs that we actually create and supporting industries that benefit and the communities that we are actually reach. We saw this for almost two years when our borders were closed to air travel and we introduced the Blue Lanes Initiative. Last year alone we received about 150 superyachts bringing in hundreds of people and it was because of these key niches such as yachting tourism that kept a lot of businesses open.

Mr. Speaker, Sir, for Fiji the yachting market is actually growing to be a lucrative source of income. It also fuels our competitiveness as a tourist destination and although yachting arrival numbers are modest in comparison to air or to cruise, their actual spend is often greater. So, of the 4,473 yachties that arrived in 2018 we recorded approximately \$34.9 million which was spent on fuel, maintenance, dockage, food provisioning, restaurants and other tourism activities, with economic benefits that were actually spread to a lot of the remote communities.

Last year, Mr. Speaker, we increased the duty concession period for vessels used solely for pleasure cruising from 24 months to 60 months, so the yachts coming in could actually stay longer and legally in Fijian waters or have the yachts berthed on our shores for up to two years. So, when they stay longer they actually spend more money in our economy, even if it is just on storage Sir.

Denarau alone (from what I understand) is expecting up to 40 superyacht this year with interest still coming in. That is fantastic news for us, Sir. The Superyacht Charter (Amendment) Bill, Sir, seeks to reduce the charter fee from US\$55,000 to US\$30,000 while reducing the minimum length requirement from 24 metres to 18 metres. This will definitely boost our already growing marine tourism. All things considered, I fully support the amendments to the actual Superyacht Charter (Amendment) Bill.

Mr. Speaker, Sir, quickly if I may just add on to what was discussed earlier on by honourable Viliame Gavoka in terms of taxes. Fiji is now being looked upon as a fantastic area to come and invest. One of the reasons why we put these taxes in place is so that we can invite investment. He does not understand Sir, if we had gone offshore and seen the interest in Fiji. Just one particular sector alone is the outsourcing sector with a massive interest in Fiji. Right around the world, it creates jobs and we are looking at about 5,000 jobs this year. The whole world is now looking at risk diversification.

HON. V.R. GAVOKA.- You are selling your soul!

HON. F.S. KOYA.- No one is selling anything, the only people that sold anything was you guys previously. We are not selling our souls, absolutely not selling our souls.

The whole world is now looking at Fiji as a risk diversification place. They got burnt in the Philippines, they got burnt in India, so now they are saying, where is the next place where we can actually do this? Even for example if we look at Australia, there are investors willing to come into Fiji, invest in Fiji, bring people here if they also need to, but at the same time, employ our own. All of these areas mean that we have to look at our taxation et cetera, and that is just one part of it.

We have created such a phenomenal investment climate in Fiji, that Fiji is looked at as a great place to come and invest. Go check the numbers honourable Gavoka. It is not about just revenue collection the way you are talking about it, it is talking about the volume of people that will come and invest in Fiji. The way that you are saying, they will turn around and go back and run away and take whatever they have with them. They will not come back, our taxes are competitive. We are looked on as a favourable destination, we are looked on by Australian companies as a near-shore place.

HON. V.R. GAVOKA.- Show me the money.

HON. F.S. KOYA.- He said, show me the money. Let me just give you a classic example. Sir, we went right through COVID-19, and every civil servant in this country was paid in full. You tell me that is the bad Government.

HON. PROF. B.C. PRASAD.- Mr. Speaker, Sir, the use of the word “bullshit” by honourable Semi Koroilavesau, Minister of Fisheries against honourable Lenora Qereqeretabua, is not only disgusting but shocking. In fact, he should be referred to the Privileges Committee.

Mr. Speaker, Sir, before I begin to highlight my concerns on some of the Consequential Bills, I would use a few minutes of my time to correct the blatant lie that I believe was deliberately uttered by honourable Sachida Nand yesterday during debate on Government Guarantee to Fiji Sugar Corporation (FSC).

Mr. Speaker, Sir, you yourself were involved in negotiation in your role as High Commissioner to London after 1987, 1988, 1989 with Tate & Lyle and you know the state of the Sugar Industry. For posterity’s sake Sir, we need to correct those lies because in future, people will be looking at our *Hansard*, looking at the data that we put out, so I want to use few minutes to correct that.

On Tuesday, you also remarked that I had a *saqamoli* sized brain. I do not mind being called names as in politics, we get used to it. But our role as honourable Members, Sir, is not to come and lie here despite the truth staring in our face. Honourable Nand said we should tell the truth about the decline of the sugar industry and that it started after 1987 and continued. We all know why he lied.

Mr. Speaker, the statistics speak for themselves. In 1987, despite a prolonged harvest boycott, 2.960 million tonnes of cane were harvested that produced 401,000 tonnes of sugar at a remarkable TCTS of 7.4 tonnes of cane required to make one tonne of sugar. A year later in 1988 - 22,127 cane growers produced 3.185 million tonnes of cane from which 363,000 tonnes of sugar was produced at a TCTS of 8.8, Sir.

HON. V. NATH.- Mr. Speaker, yesterday he was given the opportunity to speak on this topic. Today, we are on something else, Sir. He is beating around the bush.

(Chorus of interjections)

MR. SPEAKER.- Order, order!

HON. V. NATH.- There is nothing about sugar that we are debating today.

MR. SPEAKER.- Honourable Member, he is just dealing with his point and he will be coming around to the Bills. You have the floor, honourable Member.

HON. PROF. B.C. PRASAD.- Thank you, Sir, it is very important to correct the lies.

In 1989, crop production was 4.099 million tonnes and 401,000 tonnes of sugar was made at a TCTS of 8.9. In 1990, Sir, it was 4.016 million tonnes of cane and 408,000 tonnes of sugar at a TCTS of 9.8, despite another harvest boycott with growers demanding the sharing formula of sugar proceeds in the Denning Award to be retained in the Master Award.

In 1991, Sir, cane production was 3.380 million tonnes from which the four Mills produced 389,000 tonnes of sugar at a TCTS of 8.7, despite another harvest boycott demanding the scrapping of the proposed Labour Reforms. In 1992, Sir, it was 3.533 million tonnes, 426,000 tonnes of sugar at a TCTS of 8.3.

Mr. Speaker, in 1993, cane production was 3.704 million tonnes of sugar from which the four Mills made 442,000 tonnes of sugar at a TCTS of 8.4. This is despite the devastating effects of *TC Kina* that wreaked havoc, destroying the Ba and Sigatoka Bridges and causing widespread destruction.

In 1994, Sir, 23,254 growers produced 4.064 million tonnes of cane at a TCTS of 7.9. The four mills produced 517,000 tonnes of sugar. This is a record and a feat not surpassed for the last 28 years, and it all happened after 1988 and 1989.

(Chorus of interjections)

MR. SPEAKER.- Order, order!

HON. PROF. B.C. PRASAD.- Mr. Speaker, Sir, 1998 saw a prolonged drought, the worst in our history. Despite this, 2.098 million tonnes of cane was harvested, producing 256,000 tonnes of sugar at a TCTS of 8.2. So those are the facts, Sir, and that is why it is important to correct the lies that was told by the honourable Member when he spoke yesterday.

I also urge the honourable Attorney-General and Minister for Economy not to twist facts. The European Union grant, Sir, as you know very well of \$350 million was not only for the Alternative Livelihood Programme, it was for other facets of the industry. It was for the mills, particularly further growth of the industry with targeted assistance to growers to increase their yield by planting new crops and full consideration given to research, field expertise, et cetera. Sir, I was involved in the project documentation, so I know there were three aspects of it. Mr. Speaker, Sir, I sincerely hope that the truth is not distorted by honourable Government Ministers in the way that it has been.

Returning to the Bills, Sir, there are 11 Bills that we are discussing in this motion. Obviously, some are Consequential Bills, some are straightforward and some honourable Members have already spoken on the others. I will confine myself to one or two and the one that I want to point out, Mr. Speaker, Sir, is the Income Tax (Budget Amendment) Bill. Again, this Bill we have discussed in the

previous Parliament is a good example of a Bill that has come about through lobbying and currying flavour with the FijiFirst Government.

The Bill, Mr. Speaker, Sir, actually entrenches and legitimises erosion of tax funds. It has an extension of the amendments to tax legislation in August 2021 which we had opposed. That was applying the law retrospectively; no Government would do that, no Government would want to lose revenue especially when trying to reset its economic compass while trying to recover from the effects of the pandemic.

At that time, Sir, it was waving Capital Gains Tax (CGT) for sale of shares acquired before 1st April, 2011. For all intents and purposes, it was yet another piece of legislation that is born out of a cabal, the financiers and beneficiaries of the FijiFirst Party. As usual, the FijiFirst Government's (I call them the silent 25) do not want to accept this without fluttering an eye, even without remotely understanding the ramifications of the Bill. The question that arose in August 2021, Sir, as you would recall...

(Chorus of interjections)

MR. SPEAKER.- Order, order!

HON. PROF. B.C. PRASAD.- ... was, why go back 10 years before the CGT was promulgated into law through a Decree? Why was Government prepared to lose income when ordinary tax payers were struggling to put food on the table? That is the question we asked when we debated that Bill.

Now, Mr. Speaker, Sir, this latest amendment actually extends that exemption. All those who own shares before May 2011 are exempted from paying CGT if they sell it. It is a fundamental question that the Government is failing to answer. How many established businesses or privately-owned corporations, locally owned, of course, have been operating before May 2011 quite profitably each year, where sale of shares will attract CGT? No prizes for guessing their names but we know that most of their names appear on the donor list of the FijiFirst Party since 2014. It is true and it is a fact.

Mr. Speaker, Sir, how many taxpayers as individuals have stake in profitable companies who will benefit from this exemption? Not a lot, and we know that given the gap between the rich, middle income earners and those below the income tax threshold of \$30,000 per annum. So ordinary taxpayers who are citizens will not benefit from this change. So, why bring such legislation? And Government wants us to vote for this law and hope that no one notices because someone last year had asked for this law change. Mr. Speaker, Sir, we want to know who are these people? Perhaps then they will better understand what law the honourable Minister for Economy brought to the floor of Parliament, we want to know why Government suddenly chooses this time to give away money to rich people by exempting them from CGT. Why?

Mr. Speaker, Sir, the Government has suddenly decided that if people who owned shares before 2011 should not pay CGT when they sell them. Why has he decided now? Does the Government suddenly think that CGT is unfair? If so, Mr. Speaker, what about other capital assets? What about people who have invested in homes or flats that they rent to others? If these are sold, they must pay CGT, so why are they not being exempted? Why is it only shares that are being exempted? We all want to know, Mr. Speaker, Sir, is who benefits from these special clause. I am asking the honourable Minister for Economy this question, who are the people who are lobbying for this change? Why is he doing it? I do not see any economic logic, I do not see any tax logic.

Of course, Mr. Speaker, we know there are always people who lobby for law changes from time to time, that is fine, that is normal. But when they lobby for their own selfish gains, selfish reasons, to save tax money for themselves, why is the Government agreeing to this? Mr. Speaker, Sir, this is where we are now. We have a Government which cannot look after people's health, we have rising poverty, we have rising unemployment, but when very special people ask Government for very special laws, this Parliament is used to give them those very special tax benefits. This Income Tax (Budget Amendment) Bill really should be withdrawn and it should not have come to this Parliament again.

One the Tertiary Scholarships and Loans Bill, which, in my view, is another contentious piece of legislation is being renamed as a service and members of the service who are the CEO, employees are exempted from civil or criminal litigation. Why? I do not understand this. Why provide them with immunity for enforcing actions allowable under the TELS legislation? Will their actions be draconian? Will it hurt students, their parents and guardians? Will they closely work with FRCS to ensure those who owe TELS loans are not allowed to travel abroad without permission of both TELS and FRCS? Because of this immunity from civil or criminal litigation, it does not make sense when incentives have already been offered to their students to clear off their debt, and many will when they have meaningful and gainful employment.

We do not need laws of this nature. On one hand, the Government is providing exemptions, on the other hand it is snatching away the 10 percent Corporate Tax paid by firms listed on the South Pacific Stock Exchange. For example, the Fijian Holdings Limited where shareholders are indigenous Fijians, many of them hold ordinary shares and are ordinary citizens, will see their rates of return to investment going down. This is a very good example of laws not thought out properly, not consulted with people who understand this, perhaps better than those who actually work on this.

The final one, Mr. Speaker, Sir, is on the tax administration. The question I have for the honourable Minister for Economy is, he is talking about refunds going to the Consolidated Fund, but my understanding is, if a taxpayer, after doing the tax return files his or her tax return, and the assessment by FRCS shows that he or she or the company has a refund, then one would expect that refund to go to those who deserve their refunds. I cannot understand what sort of refund is sitting with FRCS for which we are making now laws that it should go to the Consolidated Fund. If FRCS is not refunding people, then that is a problem. I do not see a problem of refunds sitting with the organisation. So it does not make sense unless FRCS deliberately does not refund taxpayers when the assessment is that there is a refund. I know that there are many people who have complained to us about refunds not being made on time.

HON. S. ADIMAITOGA.- Name them!

HON. PROF. B.C. PRASAD.- Oh, come on.

MR. SPEAKER.- Order, order!

HON. PROF. B.C. PRASAD.- I know people who have showed the documentation and these are ordinary people. Sometimes ordinary people who expect refunds, the amount is just sitting there. So I do not understand what the intention of the Bill is when it is clear that the refund should go to those who deserve the refund after the assessment by FRCS.

HON. J. USAMATE.- Thank you Mr. Speaker, Sir, for the opportunity to talk to the various Bills. I think one of the things that I keep noticing is that, every time honourable Members of the National Federation Party stand up, they think of interpreting everything as a conspiracy against the people of this country, where there is nothing untoward. They will look under the mat, they will look

under whatever it is on the floor to find some sort of conspiracy and this is something that is happening all the time over and over again, every little thing. But as soon the honourable Minister for Economy and Attorney-General does his reply, he completely sheds light on the things that they are seeing in darkness. So wait for your reply, you will get it at the end of this.

One of the things that I wanted to talk about, Mr. Speaker, Sir, today are some of the comments that were made by the honourable Gavoka. He has questioned the taxation policies of Government. He is, sort of, interpreting everything that the Government has done in terms of the taxation policies that we have put in place as being detrimental to the people of this country.

But you will recall, a few years ago when we had high taxation rates in this country, one of the problems that we had in Fiji was that there was so much of our economy that was in the black economy, because our taxation rates were high, people were hiding their revenue. I remember as a former Minister for Employment, we used to walk into shops and these companies would have two sets of books for the wages. One that they show others and the others that they keep for themselves and this was happening across the board. So one of the things that Government did was reduce the taxation rates where people said, "Alright the taxation rates are so low, why do we not just show our true books?" That was what has happened. We have shed light to all these black economy that has sort of dissipated over the years and if you look at a lot of the countries around the world that are really growing, Singapore, Mauritius you will find that the company taxation rates are low.

It is not just the company taxation rates and profits but also taxation rates in other areas. The honourable Member has talked about a special resource tax focused on some companies. If you increase the taxation rates for all of the companies that come in this country, what happens to them? Will they come here? How do we get employment for our children?

Last night Mr. Speaker, Sir, I was talking to one of the Executives of Lyndhurst Group. I think they have a Business Process Outsourcing (BPO), they now have 300 seats in their outsourcing. Their target is to raise it to 15,000 seats and you know the kind of people that are getting into these jobs, these are young graduates who are not being able to get good jobs. These are the ones who are getting these jobs.

When you are looking at the taxation rate of a country, you do not just look at the amount of money that you collect from the direct taxation. If you attract a lot of more investment, people come in, more people get jobs. We do the taxation rates for regional headquarters coming to Fiji. True, the honourable Member said only or maybe two companies are coming in, but what happens when you reduce the taxation rates for the headquarters, the actual reduction in the amount of tax that is collected is miniscule, compared to the benefits that you get when these companies come here and they have so many expatriates, leasing buildings, leasing homes, the spending, the indirect benefits of what you get from that simple policy is much more than the reduction you get in the direct tax.

You see this is the holistic way of looking at our country's economy, we are not focusing just on the direct taxation, we have to look at the overall impact of everything that is happening. When you look at the economies...

(Hon. Professor B.C. Prasad interjected)

HON. J. USAMATE.- You see, honourable Professor Prasad knows this.

Let me explain something, if you have a shop and you are selling glasses, you can either put a 50 percent or 100 percent return on this glass, the number of glasses that you will sell is far less than the company that sells these glasses and puts a 5 percent return on it. You compromise volume

with your percentage return on each item. So if you are able to increase volume, there is more benefit - Simple, 101 Economics! By reducing the taxation rates you incur more investments, more jobs and it grows.

HON. V.R. GAVOKA.- Change the revenue ...

HON. J. USAMATE.- The revenue increases. How do you think we have been able to invest millions of dollars into the roads and electricity in this country? How do you think it has been possible for us to pay social pension of \$100 per month? It is through these taxation policies there has been continuous growth, continuous increase in the amount of revenue that Government has been able to generate and that, honourable Members, Mr. Speaker, Sir, is the increase in revenue is given out to all those who need it, not just for a select few. So this Government is looking at everything done holistically.

We are not myopic, we do not look at small little things. We look at the whole impact of our policies. It is having an impact. Nine years of continuous growth is not an easy thing to achieve. That is coming from the kind of policies that we have. And I think again, the issue that honourable Minister for Commerce, Trade, Tourism and Transport talked about. They are reducing the charge on the superyachts, the amount of fees \$50,000 to \$30,000 - think about that. Before every superyacht came, we charged them \$50,000, now \$50,000, maybe you get 100 yachts but maybe if you reduce it down to \$35,000, we might get 200 yachts. Can we see the logic? One plus one equals two – basic economics. Think big, think about the impact of everything that we do. I studied economics but I did not implement it but I just want to say - think about what you are talking about.

The last thing that I want to say, Mr. Speaker, Sir, the issues that we have in Bill No. 13 where we are talking about encouraging the use of importation of electric vehicles in this country is something I fully support. This is a big challenge for us to reduce greenhouse gas emissions, the fuel that we charge, the more that we are able to import electric vehicles in this country is going to impact our ability to reduce our greenhouse gas emissions in this country

The last one that I really welcome is Bill No. 31. One of the things in Bill No. 31 talks about licensing people that bring in goods into our country. I am sure everybody in this House has heard the bad stories of people paying money to freight forwarders and something nasty happens. The goods do not arrive, we know all about it, we all have relatives so I am very glad that this is in because it is going to help those people.

HON. DR. M. REDDY.- Mr. Speaker, Sir, I rise in support of all the bills that have been tabled in Parliament today, this morning. But I am going to speak, make a brief intervention on two of the bills that are directly relevant to the Ministry of Agriculture and Ministry of Environment respectively.

The first one is Bill 30, Mr. Speaker, Sir, which allows for the removal of 15 percent VAT on the importation of electric vehicle. Mr. Speaker, Sir, a few months back, I had the privilege of launching the electric vehicles that are being imported into the country by Palas Automart. Sir, from the Ministry of Environment's perspective this is a major breakthrough in terms of getting more vehicles serviced through electricity onto our roads.

Mr. Speaker, Sir, we note that road transport accounts for 30 percent of air pollution in towns and cities in particular. With the movement of more people from low income into middle income and high income bracket, basically we are now seeing more private vehicles on the road and therefore resulting in more emissions of hydrocarbons, carbon monoxide, nitrogen oxide, sulphur dioxide, which are harmful to humans in numerous ways. It is a major breakthrough if we are able to entice

people, motivate people through tax policies to own or substitute electric vehicles in place of other vehicles which are using particularly fossil fuels.

Mr. Speaker, Sir, on an economic point of view, we will, at the moment we are spending close to \$1.5 billion – 19 percent of our total import bill on the importation of fossil fuels. Of course, not all of this \$1.5 billion fuel goes to motor vehicles but also goes to industrial activity. Sir, a large portion of it is actually utilised by vehicles on the road. Now, we will not be able to get electric vehicles ownership overnight but progressively if you are able to entice, create awareness, motivate people and also hit their pocket in terms of not using the other vehicles which is consuming imported fuel.

Mr. Speaker, Sir, from the Ministry of Environment's point of view we are very happy to see this amendment to the VAT Act 1991 where we are basically seeing the removal of the 15 percent VAT on importation of electric vehicles which are more affordable and people can buy. Also during the launch, it was noted that through the single charge, you can drive the vehicle up to 263 kilometres basically meaning that you can dual charge the vehicle and you can take it to Nadi with the single charge and then you can charge it in the normal port (240 volts) switch and you can charge the vehicle then drive it back.

Mr. Speaker, Sir, with the Ministry of Environment, we wholeheartedly support and applaud this move to promote affordability of electric vehicles so that people can switch or buy these vehicle for ownership.

Mr. Speaker, Sir, on Bill No. 37, I thank the honourable Minister for Economy for bringing in these amendments as you know Veterinarians are a rare group of experts all around Fiji. Some time back, New Zealand had only two universities offering veterinary qualification - Massey University and Lincoln University. I think there are a few other universities now offering veterinary qualifications. It is very expensive to offer that particular programme and also it requires specialised veterinary hospital because we really want to graduate quality students graduated from this programme.

Unfortunately, this was not the case when the programmes started at FNU and students were enrolled and the university had to get them through and they tried their best to get the students out and get the actual practical exposure through the limited number of private veterinary outlets. Sir, close to 45 students have come out of this programme but there is a problem in terms of registering them as veterinarians.

First of all the problem is that, there are certain missing elements of these graduates which the current Veterinary Council was refusing to admit them. What the Ministry, in collaboration with the Fiji National University, have now established is a special six months intensive programme jointly with the University of Sydney which the fresh lot of graduates are now going through. Once they finish, they will then sit for a qualifying exam. Once they pass the qualifying exam, then the Permanent Secretary for Agriculture with the amendment now given to the existing Veterinary Surgeons Act, states the registrar (there is nothing called registrar now in the Ministry of Agriculture) so it is the Permanent Secretary for Agriculture with this amendment who will have the power to admit them after administering that particular qualifying exam. So Mr. Speaker, Sir, this is really a welcome move in terms of amending the Veterinary Surgeons Act 1956.

Also Mr. Speaker, Sir, the Act which came into being in 1956 did not allow any other university graduates to be admitted in Fiji so the Act is amended to allow FNU graduates and also allow the honourable Minister to make regulations and amend schedules so that we can allow other graduates from other countries, jurisdictions and other universities, as long as they pass their

qualifying exams set and administered by the Ministry of Agriculture in collaboration with other bodies to set up the exam and mark that particular exam.

Mr. Speaker, Sir, as the honourable Minister for Economy announced in his Budget Speech in the meantime we want to take and utilise these graduates who are out there to open up para-vet outlets and assist in providing service of basic administration of anaesthesia, basic castration, basic stitches to the owners of the animals throughout Fiji giving them the opportunity.

Mr. Speaker, Sir, on behalf of the Ministry of Agriculture, we are very happy to see this amendment to the Act so that we have established part of that outlet throughout Fiji and secondly, and that it gives a pathway for these graduates to be admitted as a full veterinarian and they can join private outlets or Ministry of Agriculture or establish their own veterinary outlet.

HON. T. WAQANIKA.- Mr. Speaker, Sir, this is my response in regards to Bill No. 28 the Tax Administration Act. I note that I understand when monies are uncollected over a period of time and we have seen it with BSP and FNPF, perhaps the honourable Attorney-General and also FRCS could consider advertising it and give layers of protection to the taxpayers because I know that the taxpayers has lodged and their families are not aware that there is a refund owing. Give them a lesser protection where they can still write in and also the five years is inconsistent with section 34 (2) (b).

As the honourable Attorney-General is aware, for seven years, taxpayers were not allowed to destroy tax or your financial documents. These are the accounts and records, you are supposed to keep that. So the inconsistency in unclaimed after five years you do not claim money, then it goes into the consolidated funds, then you have seven years where we cannot destroy records. Perhaps, they can look at making the time limit similar, seven years and seven years.

The other one, Mr. Speaker, Sir, was section 112 of the amendment, I note that they have removed the Auditor-General from its traditional role as an independent authority, now it has gone back to (there is a new amendment) the Chairperson. I believe the Chairperson will be appointed by the FRCS or by the Minister concerned.

The other one, Mr. Speaker, Sir, is section 115, Power of Tax Agents Board to compound offences. Section 59 of the Act actually empowers the CEO of FRCS to compound the offence. With this amendment, we are saying the Tax Board have also been given the right to amend, so you have the Tax Board and you have FRCS, CEO. It can become complicated, it can become an internal issue when two of them within that institution both have these powers. I request if the honourable Minister can look into that.

With the Income Tax, we have all heard about basically any capital gains, capital gains as we will know it is tax on profits. Any capital gains, this is the amendment they brought in of any shares that you sell first before 1st May, 2011, shares that were vote before those dates are exempted from CGT which is tax on your profits. I have heard what the honourable Opposition Members have said. Why is it limited only to shares? I retract that, it is 10 percent - my apologies. Thank you honourable Minister for Agriculture, Waterways and Environment. Why is it only shares? Why is it not on all other properties? Why are we discriminating other taxpayers as well who also want to sell their properties apart from shares, but then again a good law is one where it is for everyone.

Looking at this and the timing that it is brought in, I am just wondering and we are all wondering and we have heard it from this side of Parliament who benefits from this? But do not worry about it, when we get in, we will know and just to add, I cannot understand the rationale why we are giving out tax relief on this provision when we have a \$9.1 million debt. I do not understand. This is a tax relief. If anything, we need money, the nation needs money, but then we are giving tax relief. I mean, I heard the

honourable Minister for Health making comments, your Ministry of Health needs money. We need that, but you are giving tax relief.

On the Superyacht Charter (Budget Amendment) Bill 2022, Mr. Speaker, the principal Act was introduced in 2010. We appreciate the superyachts coming in, it is a good incentive. I have noted that charter fees has now reduced from \$55,000 to \$30,000. I heard the honourable Minister for Commerce, Trade and Tourism mentioned about the amount - \$34.8 million in 2018 and that is good, but I would like to hear 2019 and 2020 when COVID-19 came in. However, the fact that it is reduced, is that an indication that this scheme is not working?

HON. LT. COL. I.B. SERUIRATU.- Mr. Speaker, Sir, I will try to be brief. Let me just address some of the issues raised this morning while we are discussing the Bills, before I go into the specific 11 Bills before us.

We keep hearing from the other side this phrase, 'when we get in'. I want to ask my colleagues on the other side, who will get in; is it SODELPA and Unity Fiji, is it NFP and PAP? Mr. Speaker, they already know the results of the elections and that is why they are forming these marriages because NFP cannot do it on their own and SODELPA knows that they cannot do it on their own. So, who will get in, Mr. Speaker, Sir? We have not gone into elections but they already know the results. Bring it on, Mr. Speaker!

(Laughter)

Let me go back to the sugar industry. Honourable Professor Prasad, unfortunately, keeps talking about the good old days of the sugar industry. Look at all the statistics that he has been giving us. Well, let me add to your facts.

(Chorus of interjections)

MR. SPEAKER.- Order, order!

HON. LT. COL. I.B. SERUIRATU.- Mr. Speaker, Sir, this is why I have said, I was so disappointed with his contribution during the Budget debate and not only that, he is here in this Parliament as a politician. But outside Parliament, Sir, he is an academic, he is a so-called intellectual, who should have the critical and analytical thinking skills that, unfortunately, some honourable Members on the other side lack.

Mr. Speaker, Sir, the good old days of the sugar industry. All the figures that he quoted started from the 1980s, only as far as 2006 – deliberately and deliberately!

HON. PROF. B.C. PRASAD.- A point of order, Mr. Speaker.

HON. LT. COL. I.B. SERUIRATU.- Now, I got you!

(Laughter)

HON. PROF. B.C. PRASAD.- I think my honourable friend is actually misleading Parliament. All I said, Mr. Speaker, I was correcting the statistics for the period that was referred to by the honourable Member. That was all I said.

HON. A. SAYED-KHAIYUM.- Don't embarrass yourself any further.

MR. SPEAKER.- Order!

You have the floor, honourable Minister.

HON. LT. COL. I.B. SERUIRATU.- Thank you, Mr. Speaker, Sir, this is fun.

I keep referring to the good old days because when you look at the TCTS, when you look at the harvest, all were good because the leases were intact, and this is what he was not mentioning in his contribution, Mr. Speaker, Sir. This is why, unfortunately, the honourable Kuridrani (who is not here), I always refer to the petition politics of old override the common good and, unfortunately, it is the poor farmers who suffered. We all know the divisions in the sugar industry - Fiji Cane Growers Association, the National Farmers Union and we have the Unions too, Mr. Speaker, Sir.

HON. PROF. B.C. PRASAD.- They were good old days.

HON. LT. COL. I.B. SERUIRATU.- Good old days, in fact you are right. But, Mr. Speaker, Sir, I have said this and I will say it again, as we were approaching 1997, the bulk of the sugar leases were to expire from 1997 onwards. Look at the number of farmers after 1997 and again, I have also said this in this august House, five years from the expiry of leases - farmers were not investing in the farm because they do not know their future. They had the money in their pocket or they divested it elsewhere because the future of the Sugar Industry was not certain at that time. I have said it, they were focusing on the 1997 Constitution but they forgot the farmers.

Mr. Speaker, Sir, majority of the leases expired after 1996. This is the proof when the Labour Government came in after the Elections of 1999, they had the Sugar and Land Resettlement Unit established in the Ministry. Why a resettlement unit? Because of the petition politics. Go to Vakabalea and Raiwaqa in Navua, go to Jittu, these were the farmers that were not given lease renewals and they have to leave the farms, unfortunately. Go to Delaivuna in Taveuni, there were three estates: one was in Nadroga (I forgot the name) and two in Vanua Levu, including Valelawa. Under the Labour Government, they facilitated the farmers who have left the farm and that is where the alternative livelihoods came in as well, Mr. Speaker, Sir.

(Chorus of interjections)

MR. SPEAKER.- Order, order!

HON. LT. COL. I.B. SERUIRATU.- I know the history of the Sugar Industry because that led this decisive leader who cared about every Fijian to relook at the conditions of the lease so that it becomes a win-win situation for everyone. Unfortunately, we missed it, the honourable Aseri Radrodoro was asking about the CBUL allocation in the Ministry of Agriculture of \$6.9 million this year, Mr. Speaker, Sir.

To-date, Government through this leader has paid more than \$80 million to *iTaukei* just to top up the lease, Mr. Speaker, Sir, from where it was previously, and another \$6.9 million this year. So, it will be interesting when someone wants to talk about the Sugar Industry again. The land issue was the main contributing factor, apart from the condition of the Mills and so many other things. But that has to be factored into the current state of the Sugar Industry. It affected Vanua Levu significantly and that is why, again, through this leadership, the Northern Development Programme it was in the SDL Government but it was just all on paper, the Look North Policy until the honourable Prime Minister came in, in 2008 and started injecting millions into the Northern Division to revive the economy because of the exodus by the cane farmers when the land leases were not. So when we are talking about the Sugar Industry, let us factor into the discussions the issue about non-renewal of leases. Unfortunately, we are still recovering from this, but there has been some positive turnaround and we are optimistic, the Government is still optimistic.

They are talking about TCTS, because I also receive the results or the progress from the two Divisional Commissioners. As we speak today, they are both in Lautoka - the Commissioner West and Commissioner Northern. One positive aspect out of this year's harvest that is going on is the amount of, what we call, Pure Obtainable Cane Sugar (POCS) from an average of 9.9 percent in the few years, now it has gone up to almost 11 percent. That is a direct result of the amount of investment that Government is doing into the industry: farm mechanisation, land clearance, particularly on agro inputs so the quality of sugar has also improved. That is a positive. These are the things that need to be brought into this Parliament so that we all have a good understanding of the industry rather than just picking on what suits you best.

Mr. Speaker, Sir, I am not a tax expert but even without doing Economics, some of these issues are just common sense. It is good that we all have advisors, and I know that the honourable Gavoka probably would have been advised by a former tax employee. But then, we as national leaders, should have a conceptual level of understanding. We should learn to think critically and analytically and we should look at cost versus benefit. "Okay, we are losing this revenue, but what are the benefits out of the policies as a result of this, it is not only about losing revenue." The honourable Professor Prasad is listening and laughing because that is common sense, that is the conceptual level of understanding and that is critical thinking and asking beyond the obvious. Tell them they are losing revenue, but what does it mean? Who is benefiting?

We have talked about the black economy and I was the Commissioner Northern and this is still an ongoing issue. We have businesses operating out of residential areas and a lot of rezoning has taken place over the years. The Government's responsibility is to create the environment, there should be long term benefits and let us not be short sighted, let us be strategic in our thinking, and that is why some of these taxations were taken away because we are looking at the benefits already. We know, the benefits in the future may be not coming immediately, but let us create the environment, let us bring back the confidence and the trust so that the people can come. This is not only about loss of revenue, it is because of the supporters, this conspiracy theory and desperation that is coming from the other side of Parliament.

Mr. Speaker, Sir, on the Qoliqoli Bill, I appreciate the change and I am thankful. I used to do a lot of signing, thousands in a day in Vanua Levu, at the beginning of the year and again it expires in December. Some come around June, only a limited time and I am thankful for this change. I hope that we will all benefit from it. There are some challenges the honourable Radrodro talked about, whether it will mean re-arrangements. No, the customary law has not changed, but there are some governance issues that we need to look into. Of course, the Commissioners in the Ministry of Rural Development and the Ministry of iTaukei Affairs are looking at these issues, particularly, when it comes to the money that the applicants pay that goes to the resource owners. This needs to be accounted for and be transparent because the *qoliqoli* is something that we share in common. As we say in the iTaukei language, *i kanakana*, *i qoliqoli cokovata* - it is shared.

Unfortunately, only some benefit from it and that is why the iTaukei Affairs is keeping it now until the *i qoliqoli* owners form their own trusts. There are few *i qoliqoli* in Fiji, I know, *Turaga na Tui Cakau's i qoliqoli*, he has got his trust. Everything goes into the trust and everyone benefits but there are some *i qoliqoli* owners who have only one person benefiting. That is why we need to have this accountability system because there are security related issues that will come out of this. I know for a fact that there was a village in Bua that wanted to be registered to another *tikina*, despite the iTaukei Affairs Act, simply because of the *i qoliqoli* issue. These are the implications, if we are not careful Mr. Speaker, Sir.

I wish to support the amendments to the Veterinary Surgeons (Budget Amendment) Bill 2022, Bill No. 37 of 2022. We need it, I think I have stated it so many times when I was in Agriculture, unfortunately, there was no local Veterinarian in Fiji, we had two. Most of our laws were premised

around the Australia and New Zealand's standards, but we live in a globalized world. We have other very good competent institutions as well. Some of our people probably have gone through Los Banos University in the Philippines and so many others and this is why need these amendments because it is important for the services that we offer to the farmers.

That is my contribution and I fully support the Bills before the Parliament.

HON. CDR. S.T. KOROILAVESAU.- Mr. Speaker, Sir, most of the areas on *i qoliqoli* has been covered by honourable Seruiratu. I would just like to correct the statements that have been made by honourable Radrodro and honourable Qereqeretabua.

Mr. Speaker, Sir, to begin, I must thank all our officers who had worked overtime in the rural communities over the last six years since the Ministry of Fisheries was formed as a stand-alone ministry, since 2017 - their work and dedication is greatly appreciated. Mr. Speaker, Sir, as you know our ministry officials do not stick to time when they go out to the outer island or in isolated communities. They work during the day and then go through the night to be able to complete all the consultations that they have to carry out.

In response to honourable Aseri Radrodro, the consultations were undertaken with the support of the *Vanua* and it extended over a period of three years. As per the issuance of licence the mandatory procedure is to go through Commissioners' Office who consults with the *Vanua* for their approval. That covers the issue raised by him and that is the common practice that is being carried and this is the practice that was carried before.

Second, is the three years licence tenure against MPA and surveillance exercise. Mr. Speaker, Sir, licences are issued with conditions on what is allowed and what is not allowed even for night fishing. This is done with consideration of the *Vanua* which is listed in the condition. If a particular *Vanua* does not want any spear fishing or fishing at night, then these conditions will be stipulated in the licence itself. Mr. Speaker, Sir, it is nothing new, procedures and processes remain the same even with the fees, it is only licence tenure which is being proposed from one year to three years to assist with loans and business aspirations.

I would now like to go to honourable Qereqeretabua. I was quite astounded by the way the honourable Qereqeretabua stood up and just made a general comment on issues I had spent a whole half-an-hour with honourable Radrodro, explaining to him at morning tea what is on the ground and what we are carrying out. It is not an overnight exercise. It does not only take a short period of time. It has taken three years and two years have been shut down by COVID-19 and we are continuing to do consultation, hopefully in the last quarter we will complete the consultations. To address the comments raised by honourable Qereqeretabua, first, I would like to highlight the importance of understanding the different legislations that protect different areas of Fiji's fisheries waters.

Mr. Speaker, the Bill that is being proposed is specifically for tenure in the Inshore Fisheries Act. Honourable Qereqeretabua has gone on and talked about the EEZ and its protection and how it is not reflected in this Bill. Let me correct her, Mr. Speaker, by saying inshore coastal fisheries is legislated under the Fisheries Act which discusses the areas outside the internal waters including the archipelagic, territorial and the EEZ is covered under a different legislation which is the Offshore Fisheries Act of 2012 and its regulations of 2014.

Mr. Speaker, the honourable Member spoke about how effective our surveillance activity is, how we are ensuring that our EEZ is closely monitored, how we are ensuring biodiversity, what are the fines and prosecution and enabling legislation under observer protection. Let me remind the honourable Member that our offshore fisheries which he has spoken about is well-covered under the current

legislation. Let me give an example of what is covered in the Act without going into detail on what is covered under the offshore legislation.

Consolidation of Fiji's blue economy – part four – conservation, management and development cover the areas of concern raised by the honourable Member. Are we monitoring EEZ from the two-legged sharks? Part 5 and 6 – licences and authorisations and monitoring control and surveillance. Are there appropriate fines? Part 8 – 9 – jurisdiction and evidence and offshore fisheries have fixed penalties.

Mr. Speaker, these are just some of the many legislations that we have. Additionally, Mr. Speaker, the honourable Member should understand that we have Vessel Monitoring Systems (VMS) which is administered under the Forum Fisheries Agency (FFA), Fiji Navy and Ministry of Fisheries. This allows us to monitor all activities that occur in our waters. This, in addition to our aerial and surface patrols done by our Navy and ASNET providers such as Australia, New Zealand, France and the United States. Mr. Speaker, most of these assets should be known to the honourable Member herself and other Members when it is clearly covered in the media every week.

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sirr, just picking up, just some of the responses on what the honourable Minister for Fisheries was saying. Fundamentally what he said is that honourable Qereqeretabua as usual and this time in a monumental way got the wrong law.

We were talking about the Act – the Fisheries Act of 1941. She was talking about the Offshore Fisheries Act of 2012 and Sir, the Act is here for all Members rather than me regurgitating every single sentence of this particular Act, Sir. Section 13 of the Act says, and I quote:

“Notwithstanding anything contained in the Rivers and Streams Act 1880, it shall be an offence for any person to take fish on any reef or any *kai* (cockle) or other shellfish bed in any area in respect of which the rights of any *mataqali* or other division or subdivision of the iTaukei people that have been registered by the iTaukei Fisheries Commission in the Registrar of iTaukei Customary Fishing Rights unless he or she shall be a member of such *mataqali*, division or subdivision of iTaukei people who does not require a licence under section 5 to take such fish or shall first have obtained a permit to do so from the Commissioner of the Division in which such area is situated provided that – “

The one of relevance says, I quote:

“The grant of a permit shall be in the discretion of such Commissioner who shall consult the fisheries officer and the subdivision of the iTaukei people whose fishing rights may be affected thereby, prior to granting the same.”

Then it says again, I quote:

“A permit, under this may be granted for any period not exceeding 3 years (just in case you all go running off and trying to distort this), but every such permit shall expire on 31st December in any one of such years.”

So that is the impracticality.

Mr. Speaker, Sir, it is saying that the Divisional Commissioner can go to the iTaukei landowners or the customary fishing rights owners and say, “look, would you like to give a permit for up to three years, no more than three years but up to three years?” If they say, yes, or they say, no to or they say 18 months, then in practice when they come and give the fishing licence, they only give it for one year. All we are saying is that now we amend that to say that if the customary owners

say 18 months, the Ministry of Fisheries can give a permit up to 18 months. If they say three years, they can give a licence up to three years. That is all we are saying. Honourable Qereqeretabua went off offshore, completely wrong, Sir. So just to clarify that and the honourable Minister for Fisheries clarified that quite well.

Mr. Speaker, Sir, the other point that I think, honourable Professor Prasad and honourable Qereqeretabua expressed their indignation of what the honourable Minister had said, but yesterday I recall honourable Professor Prasad saying the word “crap” which essentially means the same thing. You said it, it is on record. You can say the word, I do want to say the word. But, Mr. Speaker, Sir, maybe because we are talking about VAT, maybe you should have said bovine manure, that could have been the same thing.

Mr. Speaker, Sir, just a couple of other issues, just on the superyachts, let us get the easy ones. The superyachts again, I do not think many people objected to that but essentially, this is a submission made by the superyacht industry and the people who look after the superyachts in Fiji, Sir, that there is a lot of competition now. Countries like Tonga and various other Pacific Island countries including those in South America, Australia and New Zealand are offering very lucrative taxation environment to lure the superyachts, because as we know that the superyacht industry, Sir, captures probably only about one or two percent of the world population and the rich. They do spend a lot of money, COVID or no COVID. They have a lot of wealth available at their disposal.

Before superyachts meant very large yachts. Now you have super-duper yachts. So, now before superyachts manned very large yachts, now you have super-duper yachts that are less than 24 metres. Now, it has gone down to 18 metres and this is a direct submission from them and we know we have already received a lot of positive response from those people.

Mr. Speaker, Sir, to correct honourable Aseri Radrodro, he said that the amendments to the law have been made but nothing else has happened is incorrect. In fact before the 50th celebrations of FIA or the anniversary they had recently, the day before that we had put in place the regulations which now gives what we call the “Limited Practising Certificates” to various accountants is now being made available. They can charge lower rates, lot more smaller businesses can go and get their cash flows done, their financial statements done, P&L done, et cetera. That is in conjunction, Sir, with Business Assistance Fiji (BAF). The Members have not mentioned this, in the Budget we have allocated them \$600,000.

Sir, if someone, a co-operative, a small person in a village who has got a small business, a small entrepreneur in the Suva-Nausori corridor, Nadi-Lautoka wants to apply for a loan from Fiji Development Bank, they can go to BAF and say, “please look I have made this much money, this is my bank account, I do not know how to put together all these accounts, can you please do it for me and then I can make a submission to FDB.” It will done for them for free; BAF does that now. So, these are the kind of synergies we drawing across the different organisations.

Mr. Speaker, Sir, the honourable Tuisawau again got it wrong, he said this \$200 million concession is only benefitting financial institutions, a lot of maybe bovine manure because essentially the \$200 million concessional facility is available to those banks that want to actually access that fund from the Reserve Bank of Fiji at 0.25 percent. They get that particular money, then they on-lend that at no more than 3.99 percent, so they take the risk but the interest rate is lower.

If we see, Sir, it is not forced upon those organisations and more so, Sir, if you see, most of the loans under this concessional loan (if he were to do his homework), he would see that bulk of it has been given by FDB, not by the commercial banks because as we said, there are already high levels of liquidity in the market, so they themselves have their own cash which they want to on-lend.

The interest rates for their loans have come down but now this concessional loan, Sir, in fact have also assisted people and most of them have actually gone to FDB to take advantage of it and FDB is the one that has given the bulk of it.

Forfeiture, just very quickly, Sir, this happens all the time. Honourable Waqanika said that maybe, they should advertise. Of course, they will advertise, that is part and parcel of the process. The same with the banks, when people do not have active bank accounts, they advertise. Many other organisations advertise, the whole process will be of course exhausted. Once we have been through that exhausted process, then they will forfeit those monies.

Also, she said it should be aligned to the seven-year record keeping. That has got nothing to do with record keeping, this is more to do with records that have already been assessed, they already now been said, “You are entitled to this much money, please collect this money.” And if they do not come forward, obviously that is nothing to do with their records. Those are two different matters. She is confusing herself and trying to confuse others.

If, for example, Mr. Speaker, Sir, say someone has got some money due, honourable Professor Prasad, maybe after the next elections may want to go and meditate on top of a mountain and may disappear for 10 years has got some money owed to him, if he comes down from the top of the mountain after suffering as to what will happen in the next elections, he may come down and say “hey, I have already been away for 10 years, but I have got this monies due to him”, we will give that money. Sir, FRCS will give that money to them. It is not like he has gone forever, if someone appears and disappears for five years, honourable Rasova and then pops up again, they will get that money. In the meantime, of course, it can go to the Consolidated Fund.

Mr. Speaker, Sir, the other point I wish to make is that the honourable Gavoka, unfortunately, I think has latched on to a few ex-FRCS staff who obviously are no longer there because their view of economics and finance was in fact very limited in the 21st century because those old tax people or officials had a very limited way of viewing tax and I will demonstrate that through figures. It took Fiji 34 years since Independence to reach \$1 billion in collection of tax revenue. He is now grunting.

HON. V.R. GAVOKA.- Indirect taxes.

HON. A. SAYED-KHAIYUM.- Listen!

Tax revenue of \$1 billion, it took 34 years, then it took 10 years to double it to \$2 billion. Sir, this is also within the supposed regime of low tax rates. The point being, Sir, is that high tax rates does not necessarily mean high revenue, everyone knows that. There is a World Bank Report 2006 – 2007 that said that one-third of the Fijian economy was in the black which basically meant a lot of businesses, because of high tax rate kept two books; one for FRCS and one was a true book for themselves. That is a fact!

There is a thing actually and it is interesting, it was referred to me, what they call the Laffer curve. The Laffer curve’s argument is that you will reach a point where the tax rates are so high, that we start to collect less compared to if your tax rates were low. There has to be a medium that you need to achieve, a balance you need to achieve to be able to ensure that when people pay taxes, they willingly pay taxes and you collect more. Everyone knows, honourable Professor Prasad, a lot of people would know this. Perhaps when he was in USP he did not know this, but maybe he does know now that are lot of people kept double books.

Everyone knew that. Honourable Waqanika will testify. She is shaking her head in agreement, she worked at FRCS before so the fact is, Sir, a lot of people kept double books because

they did not want to pay high taxes. In fact, Sir, after the taxes were lowered, they in fact then started paying the right tax. They said, “It is no point cheating the system, might as well pay the thing and get it over and done with” – that is what has happened. This is why, Sir, in a short period of time we are able to double the tax revenue and that is a fact. There are figures available.

Mr. Speaker, Sir, if the pandemic had not happened, our tax revenue would have gone up to \$3 million today. Unfortunately, of course our collection has decreased. Prior to the pandemic, Sir, tax revenue as collected was 24 percent of our GDP; 24 percent of our GDP came from tax revenue. A country like Sri Lanka, Sir, of course was 12 percent (they do not tell you that in their discussions), country like Australia is 28 percent, New Zealand is 30 percent, high levels of taxation, high tax rate but we are 24 percent (not that far behind), notwithstanding the fact that we have lower tax rates. Honourable Gavoka wants to slap on a 28 percent to all corporates, he wants to slap on a 33 percent to all foreign companies and then on top of that he wants to slap on a resource tax.

Mr. Speaker, Sir, this is a the kind myopic approach to tax revenue, not thinking about the consequences as highlighted by honourable Seruiratu and honourable Usamate; what are the consequences of having this high tax regime, enormous ramifications, in particular, in a country that has been dependent on large scale foreign investment. All the banks in Fiji until recently were foreign-owned. Of course, we had National Bank of Fiji which we lost but after that, all the banks were foreign-owned. Only now HFC is the only 100 percent Fijian-owned bank. Every other single bank, Sir, is foreign-owned.

Honourable Gavoka knows this, he worked at resorts that were all foreign-owned, and most of the island resorts in Fiji are foreign-owned. But he also knows that in that period since the tourism sector started in 1960s and let us talk about lobbying then, hotels had years of tax concession, did not pay corporate tax, they had things like SLIP, half a SLIP, et cetera. As soon as the tax period was about to expire, they do some renovation then they get another eight years of corporate tax holiday. That was what happened. No one is talking about that, he is not talking about that. After 1987, Sir, we had the Tax Free Kalabu Zone, a garment industry was built on the back of a 13-year tax free holiday, and they are not talking about that. Why are we not being intellectually honest?

Mr. Speaker, Sir, it is easy to come and pontificate about these things without having the facts. This is the historical basis of it. Today, as I highlighted in Parliament, we have for example incentives of people to invest in the BPO sector. Honourable Professor Prasad ran it down saying, “oh, we were given in 2009, not much has happened.” Of course, a lot has happened. It was the only sector that grew jobs and 3,000 job during the pandemic. Infrastructure actually grew. You have to come up to speed with those things.

So these things actually do take time but we have companies now who want to set up their operations in Fiji and saying, “Look, we do not want the tax holiday because under the OECD rules, we cannot get tax free holidays, we have to pay the 15 percent. So what else can you give us?” They will create 2,000 or 3,000 jobs, we are talking about young people. Honourable Waqanika does not want them to leave Fiji, she wants them to stay in Fiji. So, we said, “okay, you pay the 15 percent tax but we will give you some other incentive”. In the same way that Mind Pearl came to Fiji, we subsidised the wages they paid to our young people for three years. Today the ITC sectors has got a hold in Fiji. Again, Mr. Speaker, Sir, we need to put these things into perspective.

Mr. Speaker, Sir, the other point that I also wanted to make was that, I referred already to the Laffer curve. Sir, VAT refunds used to sit around about \$200 million, today VAT refunds stand at about \$100 million, in other words the refund of FRCS has greatly become a lot more efficient. So a lot more money goes into the system.

Mr. Speaker, Sir, the other point that, sticking on tax for a while that honourable Gavoka talked about and I think honourable Professor Prasad also may have mentioned this, about the Capital Gains Tax. Honourable Waqanika also mentioned this. Let me read this out because I do not think they have read to the law, this is under the CGT.

It says, “Section 67 exempt capital gains. The following capital gains are exempt capital gains.” In other words, if you make a capital gain, for those who may not know, put simply, capital gain is, if I have a house of \$50,000 worth today, I have not done any renovations and then when I sell that house, say for a \$100,000, that capital gain between \$50,000 and \$100,000, I have to pay 10 percent tax. However, if it is:

- (a) a capital gain made by a resident individual or Fijian citizen that does not exceed \$30,000 (I do not pay capital gains tax. In other words, I sold my house for \$65,000 I do not pay any CGT).
- (b) a capital gain made by a resident individual or a Fijian citizen on the first disposal of either the individual’s first residential property or principal place of residence; (So I got my first home, I sell it, I make a capital gain, I do not pay any CGT. They are saying where are the other capital gains, they are saying it is only on shares).
- (c) a capital gain made by a person on the disposal of shares listed on the South Pacific Stock Exchange.
- (d) a capital gain made on disposal of an asset that is used solely to derive exempt income, excluding the disposal of shares.
- (e) any gain made by a person on the disposal of an interest in a company within section 2(c) of the definition of “company”.
- (f) a capital gain made by a resident individual or a Fiji citizen on disposal of his or her interest in a family home (If you have three or four brothers or sisters who own the shares and they sell their family home, no capital gain tax), provided however that the disposal of the interest is by way of transfer to an existing joint tenant or tenant in common.) In other words, if my brother is selling me his share of the property, he does not pay capital gains.
- (g) Any gain made by a resident person from a capital asset, including from the sale of shares where a private or public company goes through re-organisation, restructure or amalgamation for the purposes of listing or as part of the listing process on the South Pacific Stock Exchange, provided that (In other words, if you have a family company listed on the South Pacific Stock Exchange so if there be any gains made, you do not pay any CGT):
 - (i) the private company is listed on the South Pacific Stock Exchange within 24 months from the date of commencement of re-organisation, re-structure or amalgamation;
 - (ii) where the private company is not listed with the South Pacific Stock Exchange in accordance with paragraph (1);
 - (iii) the gain from the re-organisation, restructure
- (h) a capital gain made by the trustee or beneficiary of a deceased estate on the disposal of an asset forming part of the estate that, if the gain had been made by the deceased on a disposal of the asset immediately before death, the gain would be an exempt capital gain to the deceased under this subsection, but only when the asset is disposed of by the trustee or

beneficiary within two years (In other words if someone dies who bequeaths the property to you, you sell it, you do not pay any capital gain).

- (i) a capital gain made by a person on the disposal of shares if the shares were held by the person before 1st May, 2011.

This seems to irk them. Mr. Speaker, Sir, if they look at the amendment, what we are making is that if you look at the wording, “a capital gain made by a person on the dispose of shares”, “a person” can also include a foreigner. What we are amending now it is just saying, it is only applicable to a resident person of Fijian citizen. In other words foreigners cannot get capital gains. So we are restricting the number of people. In other words you will collect more money and they went of on a tangent and said, “we will not get more money”.

The other point is that, they went on about the Corporate Tax, we did not approve the Corporate Tax reduction, Honourable Gavoka there was no Parliament then, it was done before 2014. So you had no say in that. Corporate Tax, Mr. Speaker, Sir, the listed companies used to pay normal tax. Fijian Holdings, honourable Professor Prasad wanted to put a slight twist to it, I know this is about bringing in Fijian Holdings, you did not talk about Harry (Hari) Punja’s Companies.

(Honourable Member interjects)

HON. A. SAYED-KHAIYUM.- Do not just talk about Fijian Holdings. Fijian Holdings used to pay Corporate Tax like everyone else, all companies and then we reduced it to 10 years. So for the past number of seven or 10 years, Fijian Holdings has been paying 10 percent. All we are saying now under the amendment that any company that is listed, if you are paying Corporate Tax of 10 percent, you can pay Corporate Tax for seven years, after that you pay the normal tax like everyone else, honourable Gavoka, same thing. So they have an objection to that. They do not know what they are talking about.

Mr. Speaker, Sir the other point that I wish to also make is, he went on about how much revenue we would have lost, even though we had all this Corporate Tax rate of 17 percent for regional, global head office. There are two companies:

1. ANZ Regional Headquarters, not ANZ Bank, please understand, not ANZ Bank, they pay normal Corporate Tax. The ANZ Regional Headquarters used to be in Melbourne. They came to Fiji. They are paying 17 percent; and
2. A company called National Insurance Company PTE Holdings.

That is when your tax advisor had left FRCS that is why he does not know about this company because this company came after that.

Mr. Speaker, Sir, but more importantly Sir, the revenue loss ...

(Honourable Members interject)

MR. SPEAKER.- Order, order!

HON. A. SAYED-KHAIYUM.- This is all done in-house, honourable Gavoka. We have got a lot of smart people in-house.

Mr. Speaker, Sir, the revenue loss that he is talking about being so momentous in fact was \$26,000. The difference between 17 percent and 20 percent, we have done the calculation and it is

only \$26,000. It goes to the point that honourable Seruiratu and honourable Usamate made that this was to try and attract businesses. We do not look at simply how much corporate tax rate they pay. When they come here they rent houses, they hire people, there are people come in and out. It lifts the profile of Fiji as a place to come and do business.

You see when you run a government, you cannot work in silo, you have to look at the big picture. It is all like a mosaic piece that comes together. You have to look at Brand Fiji and if they understood what we have been doing, we are talking about Film Fiji, we have Investment Fiji, we have Fiji Airways. All of these things Mr. Speaker, Sir, comes as a mosaic. Honourable Gavoka, please do not look at your watch, I have got some more to go.

Mr. Speaker, Sir, last two points, honourable Professor Prasad asked, why is this indemnity given to tertiary scholarships and loans services? It is nothing peculiar, if he bothered to look at all the other statutory organisations they all have the same course, this is the problem. He has got a problem with the CEO that is his problem because he is a former USP person, that is his problem, that is where he is coming from.

Mr. Speaker, Sir, if you look at the Acts, Mr. Speaker, Sir, the Act says on Accident Compensation Act 2017, Fiji Revenue and Customs Service Act 1998, Civil Aviation Authority of Fiji Act 1979, Fiji National Provident Fund Act 2011, Maritime Safety Authority Act 2009, Biosecurity Authority of Fiji Act 2008, Fiji Roads Authority Act 2012, Fiji Independence Commission Against Corruption Act 2007, Fiji Development Bank Act 1966, Water Authority of Fiji Act 2007.

All of them have some form of protection of liability for all the office holders and obviously you have to have that in the statutory organisation. So there is nothing sinister about that. We can move away from that way of thinking.

Mr. Speaker, Sir, last one I would like to make and honourable Professor Prasad and some of the others on the other side keep on harping on about it, saying that “we are doing all of these because of the people who have donated to FijiFirst”.

Mr. Speaker, Sir, if he were to look at some of the checks, changes we made in the past couple of years (please listen to this carefully), where duties have been reduced for a number of those manufacturing companies individuals who have interest in those companies have donated to FijiFirst in their own individual right. If we were looking after them as he seems to always suggest, we would not have done that.

Many of those companies have forgone their protection but we have done it because we look at the overall economic picture, we look at the overall economic integrity. There is a time all of them came, everyone makes submission right from all the organisations, some of them that they are very close to, they all made submissions.

But we have said, no, we have a particular philosophical commitment that if you have run a company for thirty-forty years and you have had all these protections all these time, it is about time you stood on your own two feet. Businesses cannot continue to get that level of protection because ultimately it affects the consumer, ultimately it affects the pricing for the consumers and it really saddens me that these people Mr. Speaker, Sir, ...

HON. PROF. B.C. PRASAD.- 10 years ...

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, and I have already explained that. I am talking about all the others. He knows about the dairy industry. Those people actually bought the debt. Today the farmers who were into dairy do not have any debt, they have a sitting debt hanging over their heads.

Mr. Speaker, Sir, but the point is this, we have electoral laws that are now very transparent, no business can give money. Only an individual can give money and no more than FJ\$10,000 in 12 months. Mr. Speaker, Sir, what is wrong with that?

The donor list put out on social media. These people, these citizens of Fiji or former citizens of Fiji have been harassed, have been berated, have been ostracised, have been trolled on social media, people like them have done it. Their supporters have done it. What is wrong with that, Sir? And what we are saying, Sir, is that that is their constitutional right to do so. You go to Australia, individuals donate money but none of the political parties go and harass them that way, Mr. Speaker, Sir.

But what we have a problem with, Mr. Speaker, Sir, is the lack of transparency demonstrated by other political parties. I cannot speak for SODELPA. I do not know about SODELPA but I definitely know about NFP. I definitely know about NFP. In their accounts, they had lamb curry nights whatever - \$19,000 - \$20,000, whatever it was, Mr. Speaker. *Goss phulia*, whatever it was but the point is that we do not do *lovo* nights or *goss phulia* nights.

HON. PROF. B.C. PRASAD.- I think the honourable Attorney-General is developing some kind of a god complex situation. I mean this man knows that those issues were dealt with by the independent Elections Office and he talks about harassment of political parties. It is the opposition parties in this country which are harassed every day, Mr. Speaker. Not his party and we know, we know the list of donors. He is talking about \$10,000 each. I mean you have one company – family including children giving \$10,000 and he is talking about transparency and accountability. Yes, I think he should refrain from talking about issues that have been dealt by an independent office.

HON. A. SAYED-KHAIYUM.- Sir, I only raised this matter because he did and I am not talking about the harassment of political parties. I am talking about the harassment of individual citizens who donated funds.

Honourable Professor Prasad, when he gets in a fluster like that, you know we have hit a raw nerve. He always does that. But, Sir, my point being is this, there is nothing wrong and this goes to the whole culture of the political party set-up. There is nothing wrong with an individual who has the gumption, who has the transparency to say, I am donating this much money to a political party. What is wrong with that? It is not from my business account. It is from my personal account. Why should we? Individuals have given their money, we do not go and harass them. We do not call out their names. We do not stand up in Parliament say hey because you have an association with these people, that is why you are saying this. We do not have anything to do with donors, Sir. We do not harass donors. Please keep quiet!

Mr. Speaker, Sir, the point is this, we do not actually harass donors nor should anybody else, Mr. Speaker, Sir. And therefore, what we have a problem with, Sir, are political parties holding events in which there is no accountability of who gave the funds and how they gained the funds and where the funds came from - that is the issue.

So, Mr. Speaker, Sir, if tomorrow 200 business people from their own personal account, Sir, decide to give money to SODELPA or PAP or NFP, that is fine, that is their prerogative. What we do have a problem with Sir, is that when people donate funds and we do not know where the money

is coming from, all political parties have an event in which, Sir, monies have come in but they do not have any accountability. Who gave the \$5 who gave the \$5,000 - that does not go towards transparency, Sir.

So Mr. Speaker, Sir, I just wanted to make that point because you know we have a problem with unnamed donors. I wish to Sir, through this particular forum, please urge all Fijians who want to donate to political parties, it is your choice. You want to give \$5, please do so and I also urge all the political parties, just because some individual has donated money to a particular political party, that is their right, let them do it. But do not come to this Parliament and use this again as a forum to harass them – we know who gave you the money.

(Laughter)

It is there, it is publically-listed we do not say it we know who gave you the money. What we do have a problem with, we have anecdotes about companies giving them money under the table, about people giving money through various events and we have obviously raised this issue. So, again, Mr. Speaker, Sir, all of these issues going back again, for example, to what honourable Qereqeretabua went on about a wrong Act. All of these seems to be clouded in some form of conspiratorial issue, theory that all of these we have done just to suit a handful of people.

Mr. Speaker, Sir, speaking on all of these Bills as highlighted by many Members, in particular from this side, go to the heart of what the Budget Announcement is about. It is about putting in place laws that streamlines our processes, that makes life easier for ordinary Fijians, that puts in place immediate issue to address that we have to mitigate inflation mitigation and puts in place of long term objectives of making Fiji a lot more strategic place to invest, a strategic place both for foreigners and locals to invest in and provide the economic and social stability for all Fijians.

MR. SPEAKER.- Honourable Members, Parliament will now vote.

Question put.

Votes cast:

Ayes	-	28
Nays	-	12
Not Voted	-	10

Motion agreed to.

[A Bill for an Act to amend the:

- (1) Tax Administration (Budget Amendment) (No. 2) Bill 2022 (Bill No. 28/2022);
- (12) Income Tax (Budget Amendment) (No. 2) Bill 2022 (Bill No. 29/2022);
- (13) Value Added Tax (Budget Amendment) (No. 3) Bill 2022 (Bill No. 30/2022);
- (14) Customs (Budget Amendment) (No. 2) Bill 2022 (Bill No. 31/2022);
- (15) Customs Tariff (Budget Amendment) (No. 3) Bill 2022 (Bill No. 32/2022);
- (16) Excise (Budget Amendment) Bill 2022 (Bill No. 33/2022);
- (17) Superyacht Charter (Budget Amendment) Bill 2022 (Bill No. 34/2022);
- (18) Tertiary Scholarships and Loans (Budget Amendment) Bill 2022 (Bill No. 35/2022);
- (19) Insurance (Budget Amendment) Bill 2022 (Bill No. 36/2022);
- (20) Veterinary Surgeons (Budget Amendment) Bill 2022 (Bill No. 37/2022); and
- (21) Fisheries (Budget Amendment) Bill 2022 (Bill No. 38/2022).

enacted by the Parliament of the Republic of Fiji. (Act Nos. of 2022)]

MR. SPEAKER.- Honourable Members, on that note, we will now take a break for an hour for lunch and we will resume after an hour's time.

The Parliament adjourned at 1.08 p.m.

The Parliament resumed at 2.33 p.m.

CONSIDERATION OF BILLS

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, pursuant to the resolution of Parliament on Monday, 25th July, 2022, I move:

That the following Bills be debated, voted upon and be passed:

- (1) Television (Cross-Carriage of Designated Events) (Repeal) Bill 2022 (Bill No. 39/2022);
- (2) Telecommunication (Budget Amendment) Bill 2022 (Bill No. 40/2022);
- (3) Illicit Drugs Control (Budget Amendment) Bill 2022 (Bill No. 41/2022);
- (4) Fiji National Provident Fund (Budget Amendment) Bill 2022 (Bill No. 42/2022);
- (5) Pharmacy Profession (Budget Amendment) Bill 2022 (Bill No. 43/2022); and
- (6) Medicinal Products (Budget Amendment) Bill 2022 (Bill No. 44/2022).

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

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, I would like to speak on all of the Bills before us which are the six.

The Television (Cross-Carriage of Designated Events) (Repeal) Bill, Sir, this is an Act that was commenced on 29th May, 2014, enacted, amongst other things, to ensure that designated events are broadcast on free-to-air television for the benefit of all Fijian viewers, enable and maintain fair market conduct and effective competition in the Fiji Broadcast Media Industry and ensure viability of comprehensive range of quality television services in Fiji.

The objective of the Acts, Sir, guarantee the availability of comprehensive range of high quality television services and provision of any effective means of upholding competitiveness and fair market practices in the broadcasting sector. Many Fijians, especially the marginalised did not have access to subscription television or channels from all the three free-to-air television broadcasters at that point in time and could only receive channels from one or two free-to-air television broadcasters depending where they lived or what kind of antenna they actually had. Therefore, the Act ensured that anyone who had accessed at least one of the channels from the free-to-air television broadcaster will be able to view coverage what we call that designated important events.

The list of designated events, Sir, were the General Elections results, the National Budget Address, Parliament proceedings, Question and Answer sessions, State funerals, Rugby League World Cup, FIFA World Cup, Netball World Cup, Olympic Games, Commonwealth Games, South Pacific Games, Mini South Pacific Games, Coca-Cola Games, Statement by the Chairperson of the Electoral Commission following the announcement of the Writ for the Election of Members of Parliament, Candidate Ball Draw, Statement by the Chairperson of the Electoral Commission and Supervisor of Elections, prior to the commence of pre-polling voting, all medium messages from the Fijian Elections Office for Election day, final announcement of the Election results by the Supervisor of Elections and allocation of seats by the Electoral Commission.

Mr. Speaker, Sir, however, with the implementation of the National Digital Television Platform - *Walesi*, in the mandatory analogue to digital switchover every free-to-air television broadcaster has at least 100 percent coverage throughout Fiji through territorial, satellite and over the top means. This means that Fijians can now view all the channels from all the free-to-air television stations using the *Walesi* platform.

The *Walesi* currently has nine free-to-air television channels which are as follows:

- (1) FBC;
- (2) Fiji One;
- (3) FBC Sports;
- (4) Mai TV;
- (5) Fiji One Channel 2;
- (6) FBC 2;
- (7) Parliament Channel;
- (8) Educational Channel; and
- (9) Hope Channel (Religious-based Channel).

As such, Sir, because now all these free-to-air television channels are available on the *Walesi* platform and we have tens of thousands of people who have now access to *Walesi* both on their phones and, of course, on the television set, Sir, there is no need now to have a specific requirement for what we call the cross-carriage of designated events because now you can watch it on the *Walesi* platform and it is available.

Accordingly, Mr. Speaker, Sir, we are asking for the Act to be repealed now as we no longer require that. If the Act is actually continued, then the television companies will need to continue to share whatever exclusive rights they may have. For example, if tomorrow Fiji One secures the right to an international event that is listed here, they do not have to go and share that with FBC or *Mai TV* or converse it with *Mai TV* as a particular programme because now you can watch it from anywhere in Fiji. Previously, there are certain parts of Fiji that only got Fiji One, only certain parts of Fiji that have got FBC, so that is why there is a need to share those important events with different television stations. So that is on the first Bill itself, Sir.

The second one, Sir, is the Telecommunication Act which provides for the regulation of telecommunication industry in Fiji. This is provided under section 24 of the Act, Sir. Telecommunication Authority of Fiji charges telecommunication service providers an annual revenue base licence fee. The percentage of this annual revenue base licence fee is to be put into an existing trust fund, set aside for the continuing development of Fiji Telecommunications Industry, allowing Fiji to further similar understanding as the information telecommunications hub of the Pacific.

Mr. Speaker, Sir, the Budget Amendment Bill seeks to amend section 24 of the Act to facilitate the payment of a percentage of the annual revenue base licence fee charge to service providers to the Telecommunication Development Trust Fund that was established under Regulation 4 of the Telecommunications Trust Fund Regulations.

Mr. Speaker, Sir, it is a minor amendment but essentially gives the authorisation. There are two clauses, one is Clause 1 which provides for the short title and the other one is actually amending section 24 to empower the Minister to prescribe a percentage of the charges and fees collected, which is to be paid to the Telecommunications Development Trust Fund. As we have highlighted earlier on, we use these funds also to connect remote schools, villages, et cetera, to the internet, and we also then use the funding from the Universal Service Funds to put up towers in areas like Kadavu and various other places that does not have connectivity, so people can get mobile phone connectivity and not just for voice but also for data.

The next Bill, Mr. Speaker, Sir, is Bill No. 41 of 2022, which is the Illicit Drugs Control (Budget Amendment) Bill. The Illicit Drugs Control Act 2004 was enacted in 2004 as the name suggests, to regulate and control the cultivation, manufacture, importation, exportation, sale, supply, possession and use of illicit drugs and controlled chemicals and for related matters. Part 2 of the Act prohibits the

importation, cultivation, manufacture and supply, et cetera, of these. Schedule 1 to the Act lists Cannabis and Cannabis resin, Cannabis fruit, Cannabis plant, Cannabis seed and Cannabis oil as illicit drugs.

The amendment before Parliament at this moment seeks to amend the Act to pave the way for the establishment of the industrial hemp industry in Fiji. As highlighted previously, industrial hemp is a lucrative and largely untapped resource in the global economy due to popular misconceptions linking it to marijuana. Indeed, some countries are benefiting from it quite significantly. Our law is not very sophisticated at this point in time because it actually does not distinguish between the different types of cannabis, so hemp and marijuana both derive from the *Cannabis sativa* plant, but they are cultivated differently, possess different chemical attributes and are used for different reasons. A defining difference between the two is the level of *Tetrahydrocannabinol* (THC) present in industrial hemp.

Mr. Speaker, Sir, THC is the psychoactive substance that produces what we call, the 'high' associated with smoking marijuana. Industrial hemp contains less than 1 percent of THC, you can smoke an entire field and you will not get high and as such, cannot be used as a recreational drug in the way the marijuana is used.

Industrial hemp is one of the most versatile crops with more than 50,000 uses, including food, nutrition - the seeds are used for food purposes, personal care, health and wellness, paper, textiles, building materials, medicines, pet bedding, plastic alternatives, bio fuels and energy. It has immense potential for the Fijian economy.

Last week, we understand there was a session at the Reserve Bank of Fiji, and I think it was the CEO of ANZ who actually said that they are quite excited about this particular new initiative by Government. The Bill seeks to amend Schedule 1 to the Act to remove industrial hemp and all of its extracts with no more than 1 percent of THC concentration from the list of illicit drugs to allow for the importation, possession, cultivation, sale and supply of industrial hemp. All other forms of Cannabis remain a Schedule 1 illicit drug.

Mr. Speaker, Sir, this is only the first step and it will be a very detailed and comprehensive framework for the growing, cultivation and harvesting of industrial hemp. This Bill just allows us to bring in the seeds and the plants and we need to start testing the soil and nutrient composition and verify the viability of industrial hemp market for Fiji. We are working very closely with the United Nations Office of Drugs and Crime to make sure everything checks out and obviously, we get their endorsement too and to establish a system that is workable and not easily exploited. We are also working with the Fiji National University to ensure, in particular the Agriculture School that we are able to test the cannabis plants and indeed the growing of the nursery at the Agriculture School in Koronivia.

Mr. Speaker, Sir, if the initial scoping work goes well and we find there is a real opportunity for Fiji, we will roll out the comprehensive licensing framework, which we will bring to Parliament through a standalone law. In the meantime, we need to be able to forge ahead with this and we need to start doing the testing. We have a team of people, I understand coming in about four to five weeks' time. They will be going around Fiji looking at various parts of Fiji which might be suitable, testing the soil, etcetera, to see how we can progress next. We are obviously talking to all the different agencies including the Fiji Police Force and various other agencies regarding illicit drugs.

The next Bill No. 42 of 2022 provides for, amongst other things, the continuation of Fiji National Provident Fund (FNPF) and its functions and duties in relation to overarching fiduciary duty as custodians of members' retirement funds. The Bill seeks to amend the Act to allow trustees to invest minors monies held in the trust for minors into FNPF and accordingly, allow for FNPF to admit such minors as FNPF members.

The Bill also seeks to amend the Act to increase the rates of mandated contributions by employers and employees from 6 percent to 7 percent with effect from 1st January, 2023 to 31st December, 2023. Mr. Speaker, Sir, as we know this was reduced as part of temporarily reliefs provided to employers and employees during the COVID-19 pandemic. The Bill further seeks to amend the Act to enable the closure of dormant accounts that have remained dormant for a period as determined by the FNPF board.

Mr. Speaker, Sir, lastly the Bill amends the Act to allow sole nominees of an FNPF member to continue with the members drawdown account. Mr. Speaker, Sir, the drawdown account is an account established by the FNPF board as a result of an option exercised by an FNPF member or nominee of the FNPF member, consequent on an entitlement event which provides for phased payment of the funds lodged in the account by the holder of the drawdown account.

The amendment provides that the sole nominee for the drawdown accounts can be a person who is no longer restricted to an FNPF member's spouse. Because before let us assume that you had a spouse but a lot of people may be unmarried and they may nominate for example their parents or some member of the family, so this allows for the drawdown account, that is after a person has gone on pension for them to actually continue to receive that. At the moment that is only for spouses.

Mr. Speaker, Sir, the next Bill is the Pharmacy Profession (Budget Amendment) Bill. The Pharmacy Profession Act 2011 provides for the protection of the health and safety of the public in relation to the practice of pharmacy. Pharmacies services include the supply, compounding or dispensation of medicines, and the provision of advice and counsel on the effective and safe use of medicines. The Act also regulates the operations of pharmacies, pharmacy businesses and the provision of pharmacy services in Fiji.

Mr. Speaker, Sir, however, many private pharmacy services are only available at limited times or are not available even in populated areas of Fiji. For example Sir, there are no pharmacies on any island except Viti Levu or Vanua Levu meaning that there are no pharmacies in Kadavu, Taveuni, Ovalau or even Rotuma for that matter. I am talking about private pharmacies. There is only one pharmacy in Vanua Levu outside Labasa, only one pharmacy exists between Nausori and Tavua, travelling on the Kings Road and only one pharmacy exists between Lami and Sigatoka travelling on the Queens Road. One of the lessons COVID-19 pandemic taught the world was how important it was to have adequate access to health care services including of course, medicines. Lock-downs were some of the necessary measures that were put in place during the pandemic but how do boundaries work with such geographical, clustered medical services.

Mr. Speaker, Sir, secondly, we had to relook at how and why pharmacy services are organised the way they are and here is what we found. Mr. Speaker, Sir, pharmacy services are regulated under two different laws, the Pharmacy Profession Act 2011 and the Medicinal Products Act 2011. These laws were promulgated together and were meant to establish the framework for pharmacy and medicine services in Fiji. Unfortunately, two aspects of the legal framework under these laws are anti-competitive. Firstly, Sir, our pharmacists are only allowed to open two pharmacy businesses, this is only possible for a pharmacist to own more than two pharmacies, if no other pharmacist is willing and able to own a pharmacy in that area. This is of course archaic and a very pointless rule in what has actually prevented the setting up of pharmacy in Rotuma.

Rotuma of course is a geographically isolated location and it is only viable as an investment option if the interested of pharmacist is able to sustain his or her business through pharmacists in other locations. However, because the Act limits the ownership to two or less than two pharmacies, the only eligible pharmacists in Fiji lack the resources to make a viable investment in Rotuma. This is the same for other geographically isolated locations. The rules do not make any sense for them Mr. Speaker, Sir. A pharmacist actually tried to setup a pharmacy in Rotuma but because of this rule, the application was

in fact unsuccessful - someone had gone and booked and said that they intended to open a pharmacy, therefore no one else was allowed to go in there.

Secondly, Mr. Speaker, Sir, the Fiji Pharmacy Profession Board currently regulates the business end for pharmacy practice as well as the professional end. It is illegal to operate a pharmacy without the authorisation from the Board under section 45, without an approval of the premises of the business from the Board itself. When making a decision whether to authorise or approve a pharmacy business or premises the board is able to request for any information or documents it requires in relation to the ownership of the business and the people who actually sit on the board are existing pharmacists themselves, so the board is also able to prescribe any condition they think appropriate for the approval of the premises.

Mr. Speaker, Sir, it is like saying, for example, that if I want to open up a pharmacy, say in Korovou tomorrow, the people who will decide whether I can open a pharmacy in Korovou would be my competitors. Other pharmacists sit on the Board and they will decide. In one particular case, Sir, the person wanted to open a pharmacy and they said that they wanted to see all his financials; they wanted to see how he made the medicine; they wanted to know the source of his medicine; where he bought it from; whether he bought in bulk; whether he bought it wholesale; and whether he bought it at retail. When he gave all the information, they wanted more information and yet these are the people who are directly his competitors.

In carrying out their roles, Sir, the Board thus has access to information concerning the operations of the pharmacy businesses and their ability to compete in the market and significant powers which impact how these businesses operate. This has resulted, Mr. Speaker, Sir, as I highlighted in at least one instance, where a member of the Board had access to the finances of one of his own competitors and used his position on the Board to continuously request for more information week after week, constantly delaying the application of his competitor.

The Framework under the Act allows for the Board to consist of at least two registered pharmacists who owned their own pharmacies. This means at any given time, the Board will consist of members competing in the market they are actually regulating, except that the Board members will have access to the confidential business information of their competitors and be able to directly impact the businesses of their competition. Furthermore, Sir, the quorum of the Board, section 14(5) is five members giving the sector members a significant say in meetings where the quorum is just only met. The anti-competitive nature of this Framework contributes to the limited services offered by pharmacies since it places amongst other things that decision-making for pharmacy business matters in the hands of a select group of competing pharmacists. It stifles competition and does not enable a level playing field for pharmacists in Fiji.

As such, Mr. Speaker, Sir, the Pharmacy Profession (Budget Amendment) Bill seeks to amend the Act to address the anti-competitive nature of the Act to ensure that pharmacy businesses are able to compete more effectively. It does this by firstly, increasing the number of pharmacies that registered pharmacists may own from two to five, to allow for registered pharmacists to expand his or her business where pharmacy services are needed. This is a significant step for pharmacies and will allow for expansion into areas previously unserved.

The Bill also seeks to transfer the Board's role in authorising the operations of pharmacy businesses and the premises and locations for these businesses to the Fijian Competition Consumer Commission (FCCC). Sir, FCCC is a third-party independent regulator established under Section 7 of the FCCC Act 2010 and FCCC possesses expertise in competition and market dynamics and is better placed to determine the business-related aspects of the pharmacy business market, as it does for example, should there be any mergers and acquisitions, they actually do the regulations for that. For example,

recently we had a major acquisition, regarding banks, regarding for example, telecommunication companies. The proposed amendments, Mr. Speaker, Sir, seeks to transfer only the business and market regulation from the Board to FCCC, to provide for accountability and transparency and to avoid any conflict of interest which may arise during the running of a pharmacy business in Fiji.

Mr. Speaker, Sir, the Board will continue to regulate the professional standards of the pharmacy. That is the Board's job. Every pharmacist will need to be registered with the Board, will still need to meet the qualifications and training required by the Board in order to practice and will still be subject to investigations and disciplinary proceedings where misconduct is alleged. The Board's role in regulating the profession will continue as it is the Board's mandate. It is only the business end that will be transferred to an independent regulator to ensure that conflicts of interest are minimised and that a small set of pharmacies do not have an undue advantage in the market.

The Bill also goes a few steps further. Apart from addressing the anti-competitive nature of the Act, Mr. Speaker, the Bill also proposes a proactive solution to limited pharmacy services in times of need. The Bill seeks to provide for a wider reach of medical and dental services to the public through the engagement of a general and dental practitioners practicing on their own account under PPP with the Government of the Republic of Fiji.

As a complement to the objectives of the PPP scheme, the Bill seeks to empower general and dental practitioners engaged under PPP scheme to supply and dispense medicines approved by the PS of Ministry of Health and Medical Services provided the nearest pharmacy is not operating. So, for example, if I get sick and assuming I am in Sigatoka and I go to the doctor and the doctor says look you need to start taking antibiotics immediately but the pharmacy is not open, so maybe I go to Zen's Medical near Natadola in the Maro area where there is some shops there, et cetera, but there is no pharmacy around, he said, "Look, you need to take the antibiotics now", but in order for you to start taking the medicine, he may give you the antibiotics for the next 24 hours which allows you to take the antibiotics immediately. Then in the next 24 hours, you can go to the nearest pharmacy and buy it. So, this Bill actually, Mr. Speaker, incorporates the ability of those doctors and dental practitioners who are in the PPP Scheme with Government to be able to dispense that medicine at least for the next 24 hours until you get to a pharmacy.

Of course, Mr. Speaker, Sir, the Bill seeks to extend the period of Authorisation Licence under Section 45(a) of the Act up to five years, so you get licence up to five years for that too. The doctors who dispense such medicine, for example, they cannot give it for a week. There is a fine for that. They can only do it for 24 hours or maybe up to 48 hours depending where they are or their unavailability. Mr. Speaker, Sir, that is part of that particular Bill (Bill No. 43 of 2022).

Mr. Speaker, Sir, the next one is the Medicinal Products (Budget Amendment) Bill. The Medicinal Products Act 2011 actually provides for the protection of the health and safety of the public by regulating the import, manufacture, export supplies, sale, advertising and promotion on medicinal products, devises, poisons and similar products. The Act seeks to ensure that such products and services are of acceptable, quality, safety and efficacy. The Act was promulgated together with the Pharmacy Profession Act 2011 and these two Acts worked in tandem to establish the regulatory framework for medicines and pharmacies.

Mr. Speaker, Sir, as explained, the anti-competitive nature of the pharmacy framework in relation to the Pharmacy Profession Bill, I will not repeat that here however in respect of the Medicinal Products (Budget Amendment) Bill, Sir, it also seeks to amend the Act to address the anti-competitive nature of the Act to ensure pharmacy businesses are able to compete more effectively and provide for wider reach of medical and dental services to the public through the engagement of General Practitioners and Dentists practising on their own account under the PPP Scheme. Under the

Act, no person may import, manufacture, export, store, distribute and sell any medicinal products without a licence from the Fiji Medicinal Products Board. Additionally, no person may manufacture, prepare, store or sell any products unless the premises are licensed by the Board.

Mr. Speaker, Sir, as these are the businesses with aspects of the pharmacy business and so should not be under the purview of the Board. The rationale here is the same as proposed under the Bill to amend the Pharmacy Act. As the Board consists of registered pharmacists operating their own pharmacies, by allowing the board to determine the medicinal stock as well as giving the Board access to the details of the operation of the pharmacy business, they can delve and find out what are you doing in your business and what is the set up.

The Act has created a system whereby some competing pharmacies have an unfair advantage over others. There are certain drugs, for example, you cannot simply put on the shelf, you need to have a storage facility and some of these pharmacists who want to sell these drugs, they are not being given the approval by the Board themselves.

With this systems which is conducive to fair and dynamic competition in this market, as such the Bill seeks to transfer the business and market control role of the Board to the Fijian Competition Consumer Commission (FCCC). As highlighted, it is a third party regulator, Sir. The proposed amendment seeks to transfer business and market regulation from the Board to FCCC to provide for accountability and transparency.

Mr. Speaker, Sir, this does not mean that drugs and medicinal products will be imported into the country with no input from the Board. The Board will still be responsible for registering all medicinal products, poisons and devices under Part 7 to Part 10 of the Act. It is illegal to import, manufacture, export, store, sell, distribute, transport offer for sale, exposed to sale or even advertise any medicinal product unless such product is registered with the Board.

Mr. Speaker, Sir, if a medicinal product has been registered by the Board, it can then be imported and dealt with. The Minister and the Board may then work together under Section 34 of the Act to prescribe the conditions for the importation, et cetera, of these products. This may include the special prescription and record keeping procedures to be followed. This role of the Board continues and we are not proposing that, that be changed at all. It is because we recognise that the Board has the expertise to vet what medicines and drugs can be imported and dealt with in Fiji and under what conditions.

However, once again the business end of this process, the licensing that follows after a product has been registered and the conditions have been prescribed does not have to be remain with the Board because the Board does the first part. In fact allowing the Board to also regulate the business end of this industry allows for exploitation and indeed unfair advantage. That is why the Bill seeks to transfer this aspect to the Board's functions to FCCC.

The Bill also seeks to broaden the availability of medical and dental services by as compliment to the objection of PPP Scheme empowering General Practitioners and dentists engaged under PPP Scheme to store and distribute medicinal products with devises approved by the Permanent Secretary for Health and Medical Services, provided that the nearest pharmacy is not in operation.

Mr. Speaker, Sir, those are some of the introductory remarks for the six Bills.

HON. RATU J.A.R. SENILOLI.- Mr. Speaker, Sir, I rise to make a short contribution with regards to Bill No. 40 of 2022 for an Act to amend the Telecommunication Act 2008, section 24

amendment is after subsection (3) by inserting the following subsection –

“(3A) Notwithstanding subsection (3), the Minister may prescribe a percentage of the charges and fees collected, which is to be paid to the Telecommunications Development Trust Fund.”

Mr. Speaker, Sir, the amendment gives the power to the honourable Minister to take a percentage of the fees to Telecommunications Development Trust Fund. Sir, I just want to ask for some clarifications. Who is going to be in control of the Trust Account? What are the terms of which this Trust Account will be governed and administered? Who is going to audit this Trust Account to ensure transparency and good governance?

HON. DR. RATU A.R. LALABALAVU.- Mr. Speaker, Sir, I just want to make a brief contribution to the debate on the motion before this august Parliament and I wish to speak on Bill Nos. 43 and 44, more so of seeking clarification from the honourable Minister with regards to some of the clauses within the Bill.

In Bill No. 43, Mr. Speaker, Sir, as rightly mentioned by the honourable Minister for Economy, the Bill seeks to address the indirect limits on the competition in the Act by removing of the Fiji Pharmacy Professions Board’s role in authorising the operations of pharmacy businesses and the premises and location of these businesses.

Mr. Speaker, Sir, allow me if I can mention the members of the Board. The components of the Fiji Pharmacy Profession Board is nine members appointed by the Minister:

1. Permanent Secretary of Health – Chairperson;
2. Chief Pharmacist - Deputy Chairperson
3. Two registered pharmacists appointed by the Fiji Pharmaceutical Society;
4. One registered pharmacist from the Society of Hospital Pharmacy;
5. One who shall be appointed as a representative from the Fiji School of Medicine; and
6. Three shall be appointed by the honourable Minister who have a role to play in expertise in law, medicine, health care and consumer affairs in the industry.

My point of concern or clarification to the honourable Minister is that, does the Act itself already have provisions for FCCC in it with regards to one of the three appointed by the honourable Minister?

The other one is to increase the number of pharmacists from two to five. At the moment with regards to General Practitioners (GPs), I am sure there are some GPs who have more than two or three GP clinics available mostly in this side of the country and with regard to pharmacy, personally I have to declare my interest as well. I do not see anything wrong with this, just except if FCCC is going to be issuing the okay for them to open the pharmacy, with regards to young pharmacists coming up and also if an area is condensed and full of pharmacists, will they be still allowed to operate their pharmacy within that area. That is another concern.

Like I said, I declare my interest with regards to the availability of GPs under PPP to dispense medication after hours, usually one or two doses at the most and thereafter they can get their full dose from the required pharmacy when needed. My only concern is that it is only with PPP doctors, not all patients are covered under PPP and how could they go about doing that if the need arises?

HON. PROF. B.C. PRASAD.- Mr. Speaker, Sir, I will essentially confine my remarks to the three Bills:

1. Fiji National Provident Fund (Budget Amendment) Bill 2022 (Bill No. 42/2022);
2. Pharmacy Profession (Budget Amendment) Bill 2022 (Bill No. 43/2022); and
3. Medicinal Products (Budget Amendment) Bill 2022 (Bill No. 44/2022);

Before that, Sir, I just wanted to respond to my friend, honourable Minister for Defence who is fond of describing the National Federation Party as the spider in the web because precisely that is the web in which he caught when he was talking about what happened after 1997. In fact five years after that, even before he mentioned, the number of farmers, the production actually went to \$4.6 million and we produced about 517,000 tonnes. So I just wanted to correct you on that, honourable Minister.

Mr. Speaker, Sir, on the Bills especially on the Pharmacy Profession (Budget Amendment) Bill and the Medicinal Products (Budget Amendment) Bill, there are a number of questions and perhaps doubts. Of course, the honourable Attorney-General will translate it as a conspiracy but these are important questions, important issues, it is about transparency, it is about accountability, it is about conflict of interest and these issues need to be raised in Parliament no matter how the Government feels about it.

The question I pose is, what medicinal products our pharmacies were dispensed with as well as doctors and dentists under the PPP scheme which is going to be regulated and determined by a body? As you are saying there will be a list with no real time, professional or medicinal expertise and the Fijian Competition and Consumer Commission (FCCC) will be looking at that.

Mr. Speaker, Sir, I think it is important for the Minister to clarify the fact that FCCC will also determine how many pharmacies can now operate or have interest in five pharmacy outlets.

HON. A. SAYED-KHAIYUM.- No more than five.

HON. PROF. B.C. PRASAD.- Yes, that is what I am saying - have interest in five pharmacy outlets.

Sir, FCCC will now relegate or eradicate the role of professionals as it is because the Medicinal Products Board and the Fiji Pharmaceuticals Board have professionals there. It does not make sense, Mr. Speaker, Sir, but before I proceed further, I think people on the Government side should declare their interest, in particular, honourable Maharaj because he is not only a pharmacy owner but also the Chairman of the Standing Committee on Justice, Law and Human Rights whose report, may I say, on the Code of Conduct Bill has still been gathering dust since April 2019.

(Chorus of interjections)

MR. SPEAKER.- Order, order!

HON. PROF. B.C. PRASAD.- Mr. Speaker, Sir, it is important to ask the question whether FCCC is in the best position to determine what is going to be imported and sold in our pharmacies in surgeries of doctors and dental practitioner clinics. These issues are not very clear. If it is about promoting competition and eradicating anti-competitive behaviour, then I am not sure what this Bill is intended to do. In fact, the Bills stand out like a sore thumb in relation to all the questions that we still have to ask. The Medicinal Products (Amendment) Bill totally takes away the powers of the Medicinal Products Board and gives it to FCCC - that is what is coming.

(Honourable Members interject)

HON. PROF. B.C. PRASAD.- Well you explain that.

HON. A. SAYED-KHAIYUM.- I have already explained it.

HON. PROF. B.C. PRASAD.- The Bill bases this so called conflict of interest because two out of twelve as pointed out by my honourable colleague, representatives from the total Board composition out from the private pharmaceutical sector, only two.

Two out of twelve, Mr. Speaker, Sir, is not about anti-competitive behaviour. I was listening to the honourable Attorney-General and I have seen this in the past as well that whenever there are incidences of organisations, Boards or processes not working and people actually deviating from that, we change the law. Changing the law always does not solve the problem, you have to look at what is the problem. Why is it not being done properly?

I think what is likely to happen is, these pharmacies, the bigger ones, can have complete monopoly over the pharmaceutical industry, effectively destroying any competition and the desire for would be pharmacist currently studying or completing or planning to venture into pharmacy businesses, because the Pharmacy Act now allows ownership of only five pharmacies instead of two and we know that it is for the big boys, the big boys will get in there.

HON. A. SAYED-KHAIYUM.- There are girls too. There are boys and girls.

HON. PROF. B.C. PRASAD.- Mr. Speaker, Sir, we know who these people are right now in this country and we know many of them are supporting FijiFirst and we know their names.

(Laughter)

HON. PROF. B.C. PRASAD.- Unlike on Wednesday when the honourable Attorney-General started naming names, I will not do what he did, I will not embarrass them and I will not abuse my parliamentary privilege.

Many pharmacists already operate multiple pharmacies. The pharmacy licences are under the names of pharmacists running the individual pharmacy. But two owners of such pharmacies, while not being pharmacists, their spouses have been closely linked to FijiFirst for the last eight years through financial donations and raising of substantial amounts of funds. Here we saw an act of a bit of drama by the honourable Attorney-General when he was questioning the method of fundraising.

I know, he even complaint to the Supervisor of Elections without actually providing a single thread of evidence against other political parties. I have in my possession, Mr. Speaker, Sir, in fact I have got documents that detail how two persons, I have mentioned who manage this pharmacy chain, and when I say financial donations and fundraising I am not making a wild and unsubstantiated allegation.

From financial records of FijiFirst, a sum of \$50,000 was receipted on 15th October, 2018. The names include the said businessman, his wife and three other family members. However, on 1st November, 2018, another sum of \$50,000 is receipted in the names of five pharmacists associated or employed with the businessman's pharmacy chain on a single day alone. The question we are asking is, have we ascertained the sources of funds for those donations? These are legitimate questions as the honourable Attorney-General is very keen always to tell others these are legitimate questions that need to be answered, because this report here establishes the direct link between the businessmen and the pharmacist, this report here, that I have in my possession, Mr. Speaker, Sir.

Under the pretext of deregulating the pharmaceutical industry, ownership per pharmacist has been extended from two to five and we now have a body which will have no medical knowledge, usurping the authority of medical professionals and determine how these industries should function. From Parliamentary records Mr. Speaker, Sir, the last Annual Report by FCCC to Parliament was the 2017-2018 Report and that is for the period 1st August, 2017 to 31st July, 2018 and we still have not seen the Annual Reports for 2018-2019, 2019-2020 or even 2020-2021 and we know the independence of this organisation and we have raised questions before Mr. Speaker, Sir.

It is important for us to understand that what this Bill is actually doing is destroying the future of pharmacists and those that are perhaps about to enter the industry for those who have chosen as their career path to eventually operate and own pharmacies. In fact the Bill Sir is crushing the aspirations of current students undertaking Pharmaceutical Programmes. These students are undoubtedly concerned at how the pharmaceutical industry in this country is going to be exploited by some and how this exploitation will be assisted by an agency funded by taxpayers.

Mr. Speaker, Sir, I just received this online petition and it says, there are 130 signatures already and what it says, this is ...

HON. A.A. MAHARAJ.- They are drinking party students.

(Honourable Members interject)

MR. SPEAKER.- Order!

HON. PROF. B.C. PRASAD.- We are not using any students, this is what someone has just send me now while I am speaking Mr. Speaker, Sir. It is on the *Facebook*, and I want to read this, it says, I quote:

“We the students, family and friends associated with the Bachelor of Pharmacy, Programme of the Fiji National University strongly believe that the proposed Bill 43 of 2022 which suggests amendments done to the Pharmacy Profession Act 2011 should not be passed. Our two main concerns include the increasing of the maximum number of pharmacies, a registered pharmacist can own from two to five and the changing of power of authorisation of pharmacy business in Fiji from the Pharmacy Professions Board to the Fijian Competition and Consumer Commission. We believe that we, as young pharmacists, should be given a fair chance to open our own businesses, become employers and not just employees and if the Bill is passed, we will not stand a chance with older pharmacists, with better financial backgrounds and buying powers. This would also mean that we would have to wait for these pharmacists to sell their businesses or wait until they pass before we can take over”.

This is from the students.

“With regards to the power of authorisation of pharmacy businesses we believe that the board which is comprised of different members including the Permanent Secretary for Health and not just pharmacists should retain its power. Pharmacists should be included in decision making regarding the profession itself and FCCC has no pharmaceutical interest therefore we vote against this amendment. Please we urge you to sign this petition in support of the concerns that are being raised now because prior consultation on the Bill was not made with important bodies including the Pharmacy Student Association”.

This is a petition floating on *Facebook* now, Mr. Speaker, Sir. So what we have said in the past quite legitimately that some of these laws should not be rushed. In fact this law is not a Consequential Bill, it could have gone to the Committees, it could have gone to people and I have received a lot of messages since the Bill was tabled in Parliament from pharmacists concerned about what is likely to happen, Mr. Speaker.

Mr. Speaker, we have talked about this before that the nature of law-making, the objective that is to be derived from a particular law, you know cannot be based on certain incidents or certain deviations from good practices that might have been there before. Laws need to be very carefully considered and consulted with.

On the FNPF, Mr. Speaker, in fact what this Bill should have done was to have or should have restored the contribution of eight and 10 percent, eight for the employees and 10 percent for the employers. In fact, we might be the only country in the world during the pandemic where the workers of this country subsidised the employers. The workers were helping the employers during the pandemic and they are still helping until we restore the full contribution of 8 percent to 10 percent.

The biggest beneficiary, Sir, of this policy was the Government, and the employees themselves, not only they were contributing, they were forgoing 5 percent and now they will still forgo 3 percent from the employers and 1 percent from their own salaries. Not only were they helping themselves by taking a 3 percent cut on their FNPF contribution but they were also taking a cut of 5 percent out of the 10 percent from the employers to help the employers and to help the Government which was the biggest beneficiary and if you extrapolate this, I mean we know Mr. Speaker, that a large majority of the workers in this country do not accumulate big balances by the time they reach 55 - a very small percentage.

Even if someone, Mr. Speaker, earns \$20,000, even now, if they are earning between \$15,000 to \$20,000, they could be losing \$600 to \$800 a year in their retirement funds. Forget about the interest that they would have lost on the contribution, so I am very surprised Mr. Speaker, why the Minister for Economy still thinks that you know after we are experiencing the so-called Bula Boom, you know we are projecting a 12.4 percent recovery in the economy. Why are we not restoring the full FNPF contribution from the employers? Why are we still asking employees to use one percent of their contribution?

Mr. Speaker, Sir, it is because many people in this country, and I know many people, many civil servants who retire at 55 do not accumulate the kind of savings that would be required to pay off their mortgage, some of them still have mortgages when turn 55. I met a school principal. He said, "I have two kids, both of them are not married. One is working, one is still studying." He has retired and the FNPF pension is probably not enough or if he withdraws the full amount, it is probably not enough to cater for his or her own sustainable living over the next several years, so I would urge the honourable Minister for Economy to, please, make the amendment now or we can make the amendment to restore 8 percent and 10 percent because it is not right now. I know they were arguing about helping the employers and all that but we were asking the employees to help our employers. They can argue at least, they had their jobs.

I mean, all those arguments we can understand, even at that time but why now? Why are we not restoring the full amount? So, I urge the Government to consider this seriously because the low income people with low wage earners families, Mr. Speaker that is their only source of savings that they probably rely on that they hope that would be there when they retire so this is not right. We need to restore the amount as soon as we can.

HON. DR. I. WAQAINABETE.- I fully support the motions before Parliament, specifically I will be talking about the two:

- (1) Pharmacy Profession (Amended) Bill; and
- (2) Medicinal Product (Amendment) Bill.

Sir, I would like to again read first on the two and then make comments in general about what this Government and the Government of the honourable Ratu Voreqe Bainimarama is wanting to do, as we move forward in our progression.

Sir, the Pharmacy Profession Act, as we have heard from the honourable Minister for Economy, the Bill seeks to transfer the role of approving pharmacy businesses and premises to conduct the business from the Fiji Pharmacy Profession Board to the Fijian Competition and Consumer Commission. Nothing to do with the regulations around their qualification, competency, the standards of a pharmacist nothing to do with that.

HON. A. SAYED-KHAIYUM.- There you go.

HON. DR. I. WAQAINABETE.- It just a business part of it. The Board at the moment decides when will the retail pharmacy opens and the member is anticipate to expedite the process for approving pharmacist and improving access to medicine by our customers and patients.

The honourable Minister for Economy has talked about how at the moment, there is no private pharmacy in small towns. There was a particular case and I want to bring it again the case in Rotuma. In Rotuma, a private pharmacy wanted to open but a board member booked that spot and by booking at that spot, that pharmacist was not able to open in Rotuma. We have Nabouwalu, Korovou, Rakiraki and many small towns, for example in Seaqaqa where pharmacist can actually open but because of the nature of gatekeeping that the board is doing at the moment, that is not going to happen.

There is also provision in the new amendment to allow General Practitioners and Dental Practitioners engaged under the Public Private Partnership Scheme to dispense a 24 hours supply of medicines to patients who visit that place at odd hours where the nearest pharmacy may be unable to provide the service.

The honourable Dr. Lalabalavu and again, he has a conflict of interest because he is a General Practitioner himself, so do not talk about honourable Alvick only. He also has it. He is a General Practitioner. He will actually benefit from this because the way it is at the moment, when you go to the Emergency Department in Nausori at 3.00 o'clock in the morning, the pharmacy is not open. If the Doctor looks after you and you are well, he gives you panadol and flucloxacillin from their cupboard to cover you until the pharmacy opens.

We are not doing something new. It is precedent and it is already been done. When you go, for example, to Korovisilou, someone gets an accident in the middle of the night with a small cut and they came there and had a stitch, the doctor gave them some panadol and antibiotics and told them "please go home and rest. Tomorrow morning, go to the nearest pharmacy and pick up your medicine". That is the way it is, it is happening in public practice, we are just aligning it into general practice. You know that, honourable Dr. Lalabalavu knows that.

Mr. Speaker, Sir, this improves the reach and access to medicines at any time a patient seeks medical or dental care, irrespective whether they are in the GP Subsidy Scheme with Government or not. If you go to a GP in the middle of the night, you need medicines, you are given medicines. You do not go home without a medicine because no pharmacy is opened. It happens in the health centres, hospitals

why should it not happen in general practice? The way the law is designed at the moment, it prohibits the general practitioner from giving medicines to them after hours. They do it (I am telling you this) because the patient needs it but it is illegal. We are trying to protect them also because they are doing something to save a patient's life in the middle of the night. That is what this is all about. There is nothing mysterious, no conspiracy, honourable Professor Prasad and the problem is, you are reading something that someone has written for you.

Sir, we have General Practitioners on the General Practitioners (GP) Subsidy Scheme and General Practitioners who are not on the Scheme, who will both benefit from it. If the honourable Dr. Lalabalavu is on the Scheme, he benefits, if he is not on the Scheme, he still benefits. I know for sure, he will give medicines in the middle of the night. Yes or no, see he is laughing, he gives medicines because patients need it, to be able to save their lives. Does he have to wait till the morning, of course not! It is a lifesaving medicine, this is to be able to protect that practice.

The Bill also seeks to allow a registered pharmacist to expand his or her service wherever pharmacy's service is needed by increasing the number of pharmacies. A pharmacist can own up to five pharmacies. This improves the reach, accessibility of medicines to the general public providing more options to access affordable medicines.

Mr. Speaker, Sir, on the Medicine Products (Amendment) Bill, the Bill seeks to transfer the role of licensing of importers, wholesalers and pharmacists which import, distribute or retail medicinal products from the Fiji Medicinal Products Board to the FCCC. It has nothing to do with the quality of the product, the quality and the regulatory part of the products still remain with the Board. All FCCC is doing is the business part of it.

Mr. Speaker, Sir, we have been working with FCCC throughout COVID-19. The COVID-19 safe measures that we were doing with the return to the new normal way where you had to go to the bank and you have to make sure that you mask up and you did physical distancing, where we had people coming in and making sure that your business was ready to be able to protect itself from COVID-19. That was being done for us by FCCC. Was it the doctors, health inspectors or nurses going to check the businesses? It was FCCC doing it for us, we worked very well with them.

They are not being asked to check if this is flucloxacillin or amoxicillin that is the part of the Board. They are not being asked to check whether this is a real pharmacist or not, that is the Board's function. That still remains the Board's function, just like the Fiji Medical and Dental Practitioners Act, their role is to make sure whether the doctor is a real doctor or is not a doctor that remains with them. Just like the Allied Health Councils Act, to see whether someone is a physiotherapist or health inspector that still remains with them. The only thing that is changing here is the business component of it because we want all Fijians to have access, whether you are in Nabouwalu or Seaqqa or in the middle of the night and you need medicine, you will get medicine. That is what this Government is trying to do.

HON. T. WAQANIKA.- Mr. Speaker, Sir, I have a very short contribution to Bill No. 41 on the amendment. On 32A, I note, Mr. Speaker, Sir, that the burden of proof of the concentration level, if it exceeds 1 percent, it moves to the person. This is what it says:

“That the plant is cannabis and that the *Tetrahydrocannabinol* concentration exceeds 1 percent until the contrary is proved by the person.”

Now, even if it is less than 1 percent, what we need clarity here is how the person is expected to prove that because the testing, I believe, is done here at Koronivia and at the Fiji Police Force. We know when cannabis gets confiscated, it is in the exhibit room. How then does the offender and the Legal Counsel have access to that for testing? Normally, all testing apparatus is regulated and approved, how

do we get access to that; so that we know when we are testing, it is tested on an apparatus that is also approved by the Court and also by law. How private citizens is expected to access a confiscated plant that is in the hands of the Police?

HON. A.A. MAHARAJ- Mr. Speaker, Sir, I rise to give my contribution towards Bills No. 43 and 44, especially the two Bills that are going to have a huge positive impact on the Pharmaceutical Industry.

Mr. Speaker, Sir, before I do, I would actually declare my interest, as I am a Pharmacist and a pharmacy owner as well. Just responding to honourable Professor Prasad, I would also like to declare my interest that when we amended the Bill back in 2018, the hospitals were allowed to open a pharmacy. I was the only pharmacy in Fiji that was going to be affected, still having Fiji at heart, I voted for that particular amendment.

Mr. Speaker, Sir, overnight, I lost at least a million dollars in revenue and this is what we say, what we have when we say we have Fiji at our hearts that is the declaration, Sir.

Mr. Speaker, Sir, for decades, registered pharmacists have been registered to own only two retail pharmacies. While Pharmaceutical Industry around the world has evolved to be the leading economic sector in Fiji, the Pharmaceutical Industry is still restricted to day to day dispensing of medication. The increase in the number of pharmacies that can be owned by registered pharmacists will not allow the pharmacists to expand their business.

Mr. Speaker, Sir, having allowed the Pharmacists to open new pharmacies will allow them to capture a larger market share, thus giving more buying powers. I do understand the sentiments of some pharmacists but the increase in the number will only allow a level playing field, Mr. Speaker, Sir. I have received numerous calls and messages from pharmacists around Fiji supporting the Bill and the new vision Government has for the pharmaceutical industry, Mr. Speaker, Sir.

Mr. Speaker, Sir, on the same note, I request pharmacists not to use pharmacist students as a tool to promote their own personal agenda.

HON. PROF. B.C. PRASAD.- A Point of Order, Mr. Speaker, Sir.

HON. A.A. MAHARAJ.- It is not about you.

HON. PROF. B.C. PRASAD.- The honourable Member is lying and saying that we are using the students.

HON. A.A. MAHARAJ.- I am not referring to you.

HON. PROF. B.C. PRASAD.- I said to him that I was reading a petition that is on circulation.

MR. SPEAKER.- Order, order!

HON. A.A. MAHARAJ.- Mr. Speaker, Sir, what I am saying, I can also hold my phone over here and read what Reshnika sent 27 minutes ago. It says "Hi there, the Pharmacy Students Association is collecting signatures against the Bill in Parliament". Yeah, so they are using pharmacist students. You people have messed USP using students. Please, do not enter FNU, keep the students out. Mr. Speaker, Sir, they should keep the students out, please, and I will be explaining in my speech what the Board has in store for these students once they are actually get registered.

Mr. Speaker, Sir, having pharmaceutical background and vested interest in the industry, I very well know what the issue is within the industry. The industry needs to unite and work together rather than being at the forefront in just objecting Government policies and also working against each other, Mr. Speaker. The industry has not been able to come together to discuss professional fee commonly known as “dispensing fee”. The industry still charges 49 cents VIP, compared to a flagfall of \$1.52 to \$2 when you are actually sitting in a taxi and get out.

We call ourselves professionals over here, charging 49 cents as professional fee, just because there is no unity within the industry. If a group of pharmacists are working together to open a chain of pharmacies it is not breaking the law - they are just working smartly. Had it been illegal, the Pharmacy Profession Board would have been able to close them down for breaching the law. They are just working smartly. A group of five pharmacies come together - I open two, the others open two and altogether we are operating 10 pharmacies like that - there is nothing illegal about it. The industry should have lobbied this way back, so that small players can have a level playing field. But certain people in authority in the industry instead of thinking about smaller operators and empowering them, they were continuously trying to crack down on the bigger operators.

There is a common saying that “If you are coming second in the race, we should focus on winning the race rather than focusing on how you can make the person who is leading, lose the race”. This is the common attitude within the industry that needs to be changed. The industry needs to think big and have a bigger vision. Government has already announced tax initiatives if pharmacies want to go into manufacturing through free tax zone. Unfortunately, the pharmacists are still involved in just counting the pills behind the counter and serving the patient on day-to-day basis.

The Pharmacy Board and the Fiji Pharmaceutical Society, the only recognised body to the pharmacy profession Act, needs to start working on a proactive approach rather than having a retrospective approach. In Ease of Doing Business we have been asking the Board to make it easy to do business in Fiji along with enhancing the profession, but it seems like it was falling on deaf ears.

The Board and the Society needs to needs to look into rescheduling of medication from Schedule 4 to Schedule 3, allowing pharmacies to prescribe certain medications and treating minor cases in Fiji, along with that, vaccinating people in the pharmacy. The pharmaceutical industry around the world is changing. Pharmacists are already prescribing certain antibiotics in Australia, England and New Zealand. Pharmaceutical industry and practice in Fiji needs to evolve as well. We need to start doing this in Fiji and get into preparatory programme offered by the Government to assist Fijians. This will remove the huge burden on the public hospital and health centres.

Mr. Speaker, Sir, we see that lots of pharmacists are the owners of the retail pharmacies and it is very important that FNU should review its pharmacy programme and incorporate business management units the pharmacy programme. A pharmacy graduate is not a business person. Knowing that majority pharmacists in Fiji are venturing into business, FNU should train pharmacists as to how to operate and manage a business. I know certain pharmacies that has taken them at least few generation to venture into five pharmacies. Without naming anyone, a father opened the first one years ago and then years later, the son became a registered a pharmacist and expanded into four pharmacies and then when the younger brother became a registered pharmacist, they ventured into another one. We all know that this is not smart way of doing business but, unfortunately, the law never allowed them to do so.

I am a pharmacy owner for a while. I started it 12 years ago, but could not open or venture into any more branches as law never allowed me to open more than two pharmacies, so, the growth was restricted. I also heard over the week that pharmacists who are not even business owners commenting that this Bill is here to just favour the bigger operators. Those bigger operators are already big, we need to empower the small operators to become big. Pharmacists who are commenting, trust me, the day when

you are an owner and face the hurdle to open more branches to increase your businesses and having a better buying power to compete with the bigger operators, you would realise how important this amendment is.

I would also like to share my personal experience, Mr. Speaker, Sir. There was a time when I was single operator in Suva City in between the bigger operators. I at first thought I would not be able to compete with the bigger operators, but I survived, having positive attitude towards doing business and I am still surviving and I am still running my pharmacies in Suva City. On that same note, there was an amendment made to allow pharmacists to open more pharmacies in areas where there is a need of a pharmacy. The problem with this was, if I have two pharmacies and I want to open a third one, for example, in Pacific Harbour. Once I have done my feasibility studies, arranged for the space and start paying rent to secure the place, I write to inform the Board that I want to open a new pharmacy in order to service the people as there is no pharmacy in that area. The irony with this is the Board will then advertise to see if there is anyone else who can express their interest to open a pharmacy in that same area.

I as an owner of two pharmacies, I am being victimised and someone else can just come and open a pharmacy. How is that justified, Mr. Speaker, Sir? I know for a fact that a pharmacy operator went through this when he or she wanted to open a pharmacy in Korovou. This is the very reason why Rotuma does not have a pharmacy today. I will give another example where certain guidelines were set by the Board that they would not allow young registered pharmacist to open a pharmacy for three years after getting registered Mr. Speaker, Sir. I know some members tried to justify this but the basic fact is pharmacist go through a rigorous internship programme and sit an Australian standard exam before getting their registration certificate to practice in retail pharmacy.

There is no mentorship programme after getting registered, this is a simple guideline stating that they need three years of experience to open a pharmacy. No rationale behind it. Mr. Speaker, Sir, this is how they are going to treat the students whom they are using to sign on this petition. Once they get registered, they will be told by the same people that they need to practice for another three years under someone else before they can open a pharmacy. In the pharmacy industry all ethical and legal binding is with the registered pharmacist on duty and not on the owner. So, our young registered pharmacists can be taken to task under the two Acts governing the pharmacy industry while he or she is working for someone but the same pharmacists cannot own his or her own pharmacy.

By having such condition, the Board was putting a huge question mark on the standard and integrity of its own internship programme Mr. Speaker, Sir, so why have such a bureaucratic process? Now, that the licence will be provided by FCCC all these bureaucratic processes and obstacles shall be removed. Having moved the licensing process to FCCC will give the Board more time to focus on enhancing pharmacy profession, ethical consideration and also work on improving the system with regards to the internship programme, as takes at least two to three years in certain cases for a pharmacist graduate to get registered. Once the students graduate from the university, it takes them three years to get registered. How is that justified, Mr. Speaker, Sir?

Again, I would like to reiterate to the young students who are signing this particular petition, the Board is independent, we cannot interfere with what they do but we have been asking the Board to work in line with the government policies and vision. We have actually told the board now and then Mr. Speaker, Sir, had we any control over the Board as the Opposition is claiming, we would have actually brought this change but the Board is independent we do not interfere with the Board.

That also brings me to another issue where some pharmacy owners who sit on the Board would request for financials from pharmacy owners. If I want to open a pharmacy, why should I be providing my financials to my competitor who is sitting on the board Mr. Speaker, Sir? Having access to business

financials can be abused. Interesting thing is, Sir, that these Board members would not even excuse themselves from the meeting while they make a decision on a competitor's application - again conflict of interest and breach of code of conduct. Why does the Board want to see a financial and decide if a pharmacy will survive? That risk is on the pharmacists willing to open a pharmacy.

HON. PROF. B.C. PRASAD.- That is the process.

HON. A.A. MAHARAJ.- No, that is not the process. That is the guideline that is set by the Board.

HON. PROF. B.C. PRASAD.- Change that.

HON. A.A. MAHARAJ.- It is not in the law, it is a guideline that is set by the members of the Board.

MR. SPEAKER.- Do not carry out a conversation.

HON. A.A. MAHARAJ.- Mr. Speaker, Sir, systematic change was needed whereby the Board looks into the professional and ethical aspect, while the independent agencies look into the issuance of licences to operate a pharmacy. Mr. Speaker, Sir, with these words, I fully support the Bill.

HON. F.S. KOYA.- Mr. Speaker, Sir, I will be very brief. First of all, let me say that I support all the Bills that have been put before us, Sir. Specifically I wanted to just talk about the amendment to the Pharmacy Profession Act. Mr. Speaker, Sir, the Pharmacy Profession Act actually protects the health and safety in relation to practices of pharmacies in Fiji. I think we have heard quite comprehensively from honourable Maharaj that as time progresses, new concepts, new ideas are actually introduced to make work safer and easier to undertake and there needs to be a shift in the manner in which the governments actually operate now, Mr. Speaker.

This, Mr. Speaker, includes changing the overall policies and regulatory framework that will improve these particular processes and procedures. So, there is a point in time when there was a need to regulate and restrict the number of pharmacies a registered pharmacist could operate, however, today, honourable Speaker, the regulation has led to restriction in the service that is provided to the people of Fiji. Therefore, an increase in the number of pharmacies that registered pharmacists can operate to five is allowing the pharmacy operators to reach out to areas which need a pharmacy.

As an investor, pharmacists are in a position to reinvest in different regions in Fiji, so whilst opening this segment, Mr. Speaker, we are also removing the power that certain pharmacy operators have in terms of limiting operating hours and services that they have actually provided to the people of Fiji. This is why we are ensuring that such practices and market power is monitored by the appropriate and rightly skilled organisation. The transfer of the business and the market regulation responsibility from that Pharmacy Profession Board to the FCCC is a timely and a correct move, Mr. Speaker.

The FCCC is the appropriate agency that regulates and monitors the anti-competitive behaviour of corporates and the amendments have created a clear demarcation, Mr. Speaker, of roles and removes any provisions that are irrelevant to maintaining standard of the services provided. FCCC through the respective provisions of the FCCC Act on restrictive trade practices and consumer protection will actually ensure accountability and transparency in the industry. By removing business-related aspects from the Board, it will allow the Board to focus on professional standards in the sector and concentrate on how to fill the current gap in the skills. There are currently 91 registered pharmacists and over 77 pharmacies operating in Fiji and for these pharmacies to operate extended hours, Fiji actually needs 154 registered pharmacists.

Mr. Speaker, Sir, the Skilled Professionals Evaluation Committee, under the Registration of Skilled Professionals Act 2016, has established over the years that there is a skills gap in the pharmaceutical sector especially of qualified pharmacists. We have been plugging this particular gap by allowing for temporary skills to enter and work in Fiji. However, this is not a long-term solution but is a solution which we are using to build some local capacity.

By allowing general and dental practitioners engaged under the PPP scheme to dispense only approved medicines, we are actually creating one-stop shop for our patients especially when they are visiting a doctor or a dentist in an area where there is no pharmacy or the pharmacy is not actually open. We want all Fijians to have access to the best services and by making these amendments to the Act, we are ensuring that the relevant regulatory agencies are focused on their specific responsibilities and are working to lift standards in the pharmacy sector, Sir. I fully support the Bill, Mr. Speaker, Sir.

HON. P.D. KUMAR.- Mr. Speaker, Sir, I support the five amendment Bills before the House and I will speak specifically on Bill 43 and 44 – both related to medicine. Before doing that I would like to share that recently (that is in 2020) when I was in Korovou having a public consultation with the community there, they specifically raised their concerns and requested for assistance and they requested for a pharmacy to be set up in Korovou as well as a private medical practice. This was reported by the media and when this information came out in the media, a pharmacist very much interested in opening a pharmacy in Korovou secured a place. She put in her application. Her application was rejected by the board. Till today, people of Korovou are denied having a pharmacy just because it was left to the board to make this decision and that is why these two legislations are so important.

These two amendment legislations are specifically from consumer perspective, giving choice to the people. We have also come across cases where people have to walk or drive place to place looking for a particular medicine. They are not able to find those medicines because there is no competition. It is a very restrictive business and by opening up and giving this regulatory aspect of the business to FCCC will definitely improve the availability of medicine and of course it will deal with anticompetitive behaviour.

We have seen, Mr. Speaker, Sir, the board is the judge jury and the executioner. They do all three roles. We need separation of powers and by putting FCCC to look at the anti-competitive behaviour that will definitely improve this particular profession. It is an essential service but currently it is not operating as an essential service. We have seen that mainly the small growth centres as mentioned earlier on like Rotuma, Korovou and other places, people of these areas are denied of essential service.

And coming back to honourable Professor Prasad, let me just say it is not about politics. It is about people. They need this service. We need to amend this legislation and you are not supporting this Bill. What you are trying to say is that the people of Korovou and Rotuma should never have a pharmacy. That is what you are saying whereas the Government here is trying to open up so that all these people can have a pharmacy and they can take care of their health. Mr. Speaker, Sir, and we support the Bill before us.

MR. SPEAKER.- Since the two speakers on my list are not present in the House, I give the floor to the honourable Attorney-General for his Right of Reply.

HON. A. SAYED-KHAIYUM.- I would just like to pick up on what the honourable Minister for Education said about honourable Professor Prasad. He did politicise it because he started to talk about who are pharmacists or the families that gave donation to FijiFirst, that is, politicising issue. It has got nothing to do with He got nothing to do with donations, it has actually to do with people, Sir. It has to do with creating a level playing field. It has to do with the fact they want to create a

competitive market and through competition we will be able to provide services to members of the public.

I wish to reiterate, Mr. Speaker, Sir, what I said earlier on in respect of the first Bill to do with pharmacies, it says and I said in my introduction that the board will continue to regulate the professional standards of pharmacies. Every pharmacy will need to be registered with the board, we will still need to meet the qualifications and training required by the board in order to practice and we will still be subject to investigations and discipline proceedings where misconduct is alleged. The board's role in regulating the profession will continue as it is the board's mandate.

It is only the business arm of it where there is anti-competitive behaviour, which we have already seen, demonstrated a number of times by the previous speakers, that will in fact move across to FCCC. Similarly, Sir, with the second Bill regarding the board itself, the board will still be responsible for registering all medicinal products, poisons and devices under Part 7 to Part 10 of the Act.

If a medicinal product has been registered by the board, it can be then imported and dealt with. The Minister which is the Minister for Health and the board may then work together under Section 34 of the Act to prescribe the conditions for the importation of these products. This will include the special prescription and record keeping procedures. This role of the board continues and we are not proposing that this be changed, this is because we recognise the board has the expertise to vet what medicines and drugs can be imported and dealt with and under what conditions can you keep in your pharmacies, there are certain medicines you have to keep in a separate box, not with the other drugs. When all those conditions have been set aside, then it becomes the business side of things and the business side of things then, Mr. Speaker, Sir, once those things are established then FCCC can do that. Because at the moment, that same Board is then saying to various pharmacies, no you cannot do it. They do not necessarily give a reason as honourable Minister for Education highlighted, it is very anti-competitive.

Mr. Speaker, Sir, the other point I just wanted to also highlight is that, we had in fact said it during the Budget and the honourable Minister for Health has already said what the list of medicines that the doctors can issue at night time are; amoxicillin capsules, flucloxacillin capsules, ibuprofen tablets, paracetamol, Oral Rehydration Salt (ORS). These are the ones that they can do so and the dentist also can issue, for example, pain killers, ibuprofen tablets and paracetamol; that is what is issued. The reason why I have got it under the PPP scheme is because we are actually paying for those medical services. If honourable Dr. Lalabalavu is not in the scheme, please, join the scheme because then you can also be able to issue these drugs and that is what this provision caters for in the particular Act.

The other issue I just wanted to highlight again and I echo the sentiments. I again want to publicly acknowledge that the previous amendment actually resulted and he was the only one who got affected - honourable Maharaj. He got booted out of Dr. De Asa's Surgery, which is where he was and then we allowed hospitals to have their own pharmacy setup, he lost his pharmacy there. He is the only one who suffered, but he still voted for the Bill. For others to think otherwise that we present these Bills and these amendments to the law, simply because we have individuals who we want to cater for is completely nonsensical. I actually acknowledge him for that, but he has persevered, he has got other business ventures now where he is doing distribution of medicine, et cetera.

Here we are, Mr. Speaker, Sir, where we have, for example, students are currently being used by these people and the lady's name has been highlighted, Reshnika. She is the one who has been going around doing this. These students do not know what they are signing up to. They are being

told, “You will not be able to set up business”, but the logic is this, if we have more pharmacies throughout Fiji, what does that mean? Those pharmacies need to be run by registered pharmacists, in other words, these students will have more jobs available for them.

If there are more pharmacies going to be in Kadavu, Rotuma, Lau, Ovalau and everywhere else in Taveuni, who will have to run them? Registered pharmacists. Where will the registered pharmacists come from? From the pharmacy school who are currently signing this petition because these people who are already in the business, are actually telling them to sign it. They are being given misinformation. My appeal to the students is, please do not listen to these people. Look at the long-term, what does this do for you? It actually gives you the opportunity to get a job or better opportunity to set up more businesses.

Mr. Speaker, Sir, the other point that I wish to make in this respect, the last point regarding pharmacies is that as honourable Minister for Education highlighted, currently you can go to a number of pharmacies in a day where they will not have certain drugs. They simply will not have it because there is not enough competition, they are not really interested in what the range of medicine products needs to be available so they restrict themselves and they do not do the actual business investments themselves.

Mr. Speaker, Sir, the honourable Seniloli raised the issue about the Telecommunications Development Trust Fund. It is actually established under Regulation (4) of the Telecommunications Trust Fund Regulations 2016, it gets audited that is why it is there, the account is held publicly.

Mr. Speaker, Sir, honourable Waqanika, I am glad that she corrected herself when I pointed out to here that the burden of proof is reversed when you claim that you have less than 1 percent. At the moment, the law is such, what the police actually does, they test the plants which is suspected to be cannabis, they do not have to say 1 percent, 10 percent, 15 percent or Tetrahydrocannabinol (THC), they simply have to prove that it is cannabis, that is all.

Now we are given an opportunity to a person who may be arrested for this particular offence that if you are saying that it is not actually cannabis, but is in fact industrial hemp, then you can go and prove it yourself, the burden of proof is on you. At the moment, the law is very simple, very archaic; cannabis in, you have committed an offence. But what we are saying now, if it is a THC level less than 1 percent, agriculture is available, police are available, it does not mean that they will not be able to access that, they can access that. They have lawyers, whether it is legal aid or any other lawyer.

So the burden of proof is changed in that perspective, it is the burden of proof of the prosecution to prove that you have actually committed an offence under this specific Act. But then now we have got an additional leg where it gives the person who is being arrested, or is being prosecuted I should say, to say “look, if you think that it is less than 1 percent, you prove it to us and then the burden of proof is on you and therefore in fact that is a defence now.” Previously, as you know, possession there is no defence. Mr. Speaker, Sir, those are the comments in respect of this amendment.

One last one, Mr. Speaker, Sir, honourable Professor Prasad, I do not know where he gets his logic from. He is saying that the employers are subsidizing their employees. They are not subsidizing, in fact, Mr. Speaker, Sir,

HON. PROF. B.C. PRASAD.- Employees are subsidizing the employers.

HON. A. SAYED-KHAIYUM.- Sorry, thank you for that. He said that the employees are subsidizing the employers. Does not make any logical sense?

In fact, Sir, during COVID-19 when we had about 110,000 Fijians who lost their jobs, a lot of people said, “We do not want to contribute 8 percent, we want more money”. In fact, a lot of submissions were received from members on the public saying, “do not deduct our FNPF at all, we want all the cash, we do not care about the savings at this point in time, we just want the cash now because we have live day to day. I used to work five days a week, now I am working only two days a week, I need more cash”. Some employers were also saying, “if you continue to give us this 10 percent deduction then we will find it very hard”.

He has to remember nearly 60 percent of the businesses in Fiji are MSMEs. They are not large, not everyone is a large employer - five people here, seven people there, three people there. Those businesses need to survive also. The tyre repair shop, someone has got a small canteen, small bread outlet, et cetera, they have to survive also. So we reached a compromise. We said, “okay, we will continue to do superannuation deduction or FNPF deduction; 5-5.” The employers wanted less deduction, the employees wanted less deduction. In that way a lot of people still had their jobs, they still were able to cling on to it. We reduced the cost of business, we put more dollars, whether it is a \$1.50, whether it is \$10 into the pockets of the employees. He forgets to think about that, Sir.

Mr. Speaker, Sir, and then of course, we increased it from 5 percent to 6 percent. Now, we are saying it is going to go 7 percent. He also forgets that this is the only Government that said that the employer deduction should be more than the employee deduction. Before it used to be 6-6 percent, 7-7 percent, 8-8 percent, 9-9 percent or whatever it was. We are the ones, Sir, who said “employees contribute 8 percent and employers contribute 10 percent.” When you go to other countries, you go to Singapore, the actual employers pay far less than the employees. I think in Singapore it is 18 percent or 10 percent; that is the combination. In fact the superannuation deduction in Singapore is more than 30 percent altogether combined. That is why there are very high levels of savings, they have done it since 1960s; very high level of deduction but the employees deduction is far more than the employers.

Mr. Speaker, Sir, I also wish to inform Parliament, there are already employers who are deducting 10 percent. If he wanted to be honest about it, if you see the law, Sir, in the previous Budget, we said that any employer that contributes more than the mandatory 5 percent or 6 percent and now 7 percent from January and pay up to 10 percent, we give them a tax deduction, we will help them; you pay 10 percent instead of the 7 percent from January, for that 3 percent we give you a tax deduction. A lot of employers are already paying 10 percent, in fact some of them are not even claiming the tax deduction. So again, if you go out and really talk to the right people and want to ascertain the correct information, you will know that a lot of people are already doing that, Sir.

Mr. Speaker, Sir, those are the points that I wanted to make in FNPF, I think they did not mention the other positive aspects about the sole nominee, et cetera is there to essentially protect them.

Mr. Speaker, Sir, those are the comments I have and also the responses in respect to the matters that have been raised by members from the other side.

MR. SPEAKER.- Honourable Members, Parliament will now vote. There are two Members voting by virtual means, the honourable Minister for Agriculture, Waterway and Environment and honourable Rohit Sharma. You both have the floor to vote now.

Question put.

Votes cast

Ayes	-	23
Nays	-	7
Not Voted	-	20

Motion agreed to.

[A Bill for an Act to amend the:

- (1) Television (Cross-Carriage of Designated Events) (Repeal) Bill 2022 (Bill No. 39/2022);
- (2) Telecommunication (Budget Amendment) Bill 2022 (Bill No. 40/2022);
- (3) Illicit Drugs Control (Budget Amendment) Bill 2022 (Bill No. 41/2022);
- (4) Fiji National Provident Fund (Budget Amendment) Bill 2022 (Bill No. 42/2022);
- (5) Pharmacy Profession (Budget Amendment) Bill 2022 (Bill No. 43/2022); and
- (6) Medicinal Products (Budget Amendment) Bill 2022 (Bill No. 44/2022)

enacted by the Parliament of the Republic of Fiji. (Act Nos. of 2022)]

MR. SPEAKER.- Honourable Members, I now call upon the honourable Attorney-General, Minister for Economy, Civil Service, Communication, Housing and Community Development to move his motion.

CONSIDERATION OF BILLS

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, pursuant to the resolution of Parliament on Tuesday, 26th July, 2022, I move:

That the following Bills be debated and voted upon and be passed -

- (1) Media Industry Development (Budget Amendment) Bill 2022 (Bill No. 45/2022); and
- (2) Water Authority of Fiji (Budget Amendment) Bill 2022 (Bill No. 46/2022).

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

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, firstly, on the first Bill which is Bill No. 45 of 2022 under the Media Industry Development Act (MIDA), it provides for amongst other things the regulation and registration of media organisations in Fiji. Under Section 33 of the Act, every media organisation that provides or intends to provide media services in Fiji must be registered under the Act. The media organisation is registered on the proprietors of the media organisation deposited with the Media Industry Development Authority duly sworn and sign affidavit or affidavits containing the required information as specified under the Act.

Section 38 of the Act, Mr. Speaker, Sir, provides that in the case of a company, all directors of the media organisations must be Fijian citizens, permanently residing in Fiji. In the case of any other legal entity, the person or persons with analogous power in the media organisation must also be Fijian citizens permanently residing in Fiji.

Section 38 of the Act Mr. Speaker, Sir, also provides the limits of beneficial ownership of shares in the company or any other interest in the nature of the ownership of the media organisation. Accordingly, up to 10 percent of the beneficial ownership or interest in the nature of ownership for

the media ownership is allowed for any foreign person holding such shares or interest while 90 percent of any beneficial ownership of shares or any other interest in the nature of ownership of the media organisations must be owned by Fijian citizens permanently residing in Fiji.

Mr. Speaker, Sir, the Media Industry Development (Budget Amendment) Bill 2022 seeks to amend the Act to ensure that those who are directly in charge of a media organisation and its operations are shielded from any outside influence that may, by a formal agreement or other arrangement, essentially take over or control the provision of services that deal with the day-to-day operations of the media organisation including its finances, staffing, productions or publications.

So, for example Mr. Speaker, Sir, a media organisation maybe in compliance with Section 38 of the Act which is the composition of ownership and being Fijians but may then circumvent this by essentially allowing a foreign company or any other person, foreigner to carry out its operations through a side arrangement or make decisions which can actually mean anything from what is being published, broadcast who is hired and who is financed. Which in fact Mr. Speaker, Sir, gives them the power to run the organisation and we understand that it is actually happening already with one organisation where they have a company, that is now deciding that media organisation, how many journalists they will hire, how much they will pay them.

One of them Mr. Speaker, Sir, had people where they are paying their taxes, they are just bringing in staff, getting them to fill in the weekend supplements. One of them was a pregnant lady just finished her maternity leave has been injured on site and these decisions are not being made by the media organisations or by the board of the organisation, are being made by another company, the directors of which does not reside in Fiji so they are actually circumventing the foreign ownership.

If I could remind honourable Members of this Parliament, in fact, people like Rupert Murdoch changed his citizenship and became an American so he could buy media organisations to be in compliant with American laws which says only Americans could own those media organisations. So it is not something peculiar to Fiji.

I remember when this law was changed, that only majority of the shareholding, at least 90 percent of the benefits of ownership should be Fijians and the moment some people raised heckles about this, we in fact reminded them to this particular story or incident and they all were quietened down. There is nothing wrong in requiring in particular in a developing country that your media organisation must be owned by Fijians. They have an interest in the organisation.

Media plays a very pivotal role of course in the development of any country, Sir, so essentially what this amendment seeks to do is to ensure that the actual day to day running of the organisation is not carried out by some other entity that is in fact not registered as a media organisation to circumvent the law, Sir.

The Bill also amends the Act to prohibit a media organisation from entering into any agreement which allows any other person from managing the affairs or operations of the media organisations without the prior approval of the Authority. This would ensure that control over media organisation remains with the media organisation. More importantly the proposed amendment, Mr. Speaker, Sir, would prevent a person from circumventing the safeguards of media organisations provided for under the Act.

Mr. Speaker, Sir, the Bill amends the Act to require media organisations to notify the Authority where any such agreement exists at this point in time and to provide those details of the agreement within the three days of the Act coming into force, Sir.

Mr. Speaker, Sir, the other amendment which is the Water Authority of Fiji (Budget Amendment) Bill 2022, Bill No. 46 of 2022, Water Authority of Fiji (WAF) was promulgated in 2007 to make provision for the effective management and administration of the water and wastewater systems in Fiji. In fact, the law was formulated in 2006 and promulgated in 2007.

Under Section 37 of the Act, Sir, the Authority may institute and conduct prosecutions in respect of offences alleged to have been committed against the Act itself subject to the powers of the Director of Public Prosecution (DPP), DPP does the prosecution.

Section 36 of the Act deals with offences of wilful destruction of assets of the Authority, obstruction, et cetera. With the increased cases of wilful destruction, people just going and tampering with water pipes, damaging water pipes, interference with the assets of the Authority and other related offences, the Authority seeks to immediately penalise the alleged offender by issuing infringement notices as opposed to going through the long process. It is like, if today you go and throw some litter out, there is a Litter Act and you get fined and in the same way for example, if I am speeding, I get what we call a Traffic Infringement Notice (TIN) and I have to pay the \$90 or \$40 or whatever the case is depending on how fast I am going.

In the same way if someone is going to go (honourable Seruiratu has got a water pipe and I go and sort of break it down, do a joinder and illegally take it into my property), WAF should be able to issue an infringement notice. Some of the examples of damaging and tampering, interfering with the assets of Authority are illegal connection to water and wastewater systems, storm water connection to the Authority's wastewater assets, water meter tampering.

Total cases from 2015 to June 2022 is 1,092 cases which costs the Authority approximately \$425,000 for detection and rectification works. Building over the Authority's assets, we have water pipes, main water pipes going, people go and put something on top of it and discharging rubbish into manholes - wastewater management, people lift up the manholes they put their rubbish inside there.

The inability of the Authority to expeditiously take action against the alleged offenders and to deter them from damaging its assets has resulted in the Authority incurring substantial costs in rectifying the damages to its assets and huge loss to its revenue. This costs approximately half-a-million dollars annually and include damages to water mains with varying sizes. Damages to water meters, damages to wastewater infrastructure such as manhole, major trunk mains, blockages to wastewater pipes or mains.

As such, Mr. Speaker, Sir, there is an urgent need to provide for more efficient regulatory framework which allows for the issuance of infringement notices for offences committed under the Act or any subsidiary legislation made under the Act, Sir. This streamlines enforcement measures. Additionally, Sir, instances of serious offences related to interfering Water Authority assets are mainly committed by companies. A lot of companies do damage, not necessarily individuals. The Bill seeks to provide for Director Office, office and liabilities for such offences.

Furthermore, Mr. Speaker, Section 42(3) of the Act, the honourable Minister responsible for infrastructure may make regulations to prescribe fines not exceeding \$2,000 or imprisonment for a term not exceeding 12 months.

Mr. Speaker, Sir, however, to ensure the Authority's assets are protected that there are severe penalties against the alleged offenders, it is pertinent through this Bill to amend the Act to allow the honourable Minister to make regulations prescribing fines in the case of a natural person not exceeding \$10,000 imprisonment, not exceeding two years or both, and in the case of a company, fines not exceeding \$100,000.

MR. SPEAKER.- Honourable Members, the floor is now open for debate on this motion.

HON. PROF. B.C. PRASAD.- I have no issues really with the Bill on the Water Authority but I am seriously concerned, Sir, with respect to the media by the amendment Bill. To me, it seems I was listening to the honourable Attorney-General very carefully as to the rationale and the objectives behind the Bill. It is sort of convinced me more what I have been thinking since the Bill was put before this Parliament. It is like adding salt to injury on top of the draconian Media Industry Development Act from a Decree to an Act, and we all know how that was done. I think every journalist in this country knows what this Bill is about. Let me try and share that.

I know the honourable Attorney-General will say that I am trying to politicise this but this has to be said. It seems to me that everything in Government is actually falling apart. This Bill suggests that even it is a 10 year romance with the owner of the *Fiji Sun*, C.J. Patel, even that is falling apart. For years, Sir, the *Fiji Sun* has been the FijiFirst Party's biggest fan. They call the honourable Prime Minister the messiah. They filled the pages with pictures of Government Ministers. They praised the Government for everything, even its mistakes. They talked about the FijiFirst Party and attacked the Opposition and we all know that they are a national joker. They know it.

In 2013, even the year before the formation of the FijiFirst Party, Sir, before the 2014 General Elections, I remembered one of the senior personnel within the *Fiji Sun*, during a panel discussion, I think it was World Media Freedom Day in May, declared that *Fiji Sun* actually supported the Government of the day at that time. It was the Bainimarama Government and later on and now under the 2013 Constitution, the FijiFirst Government. When the same Government retained power in the 2014 Elections, that support was consolidated and it reached phenomenal heights for the last eight years, it literally seems that the sun rises and sets upon the command of the FijiFirst Government, the honourable Prime Minister and the honourable Attorney-General and Minister for Economy.

We should not forget, Mr. Speaker, that for more than a decade, *Fiji Sun* has enjoyed exclusive newspaper advertising from Government and we have raised this before. Advertising with Ministries, statutory organisations, even independent bodies for a while were directed it seems to do so. Even now, some of them are exclusively advertised in *Fiji Sun*, I note that the Fijian Elections Office (FEO) does advertise in both newspapers. Until now, Government has not disclosed the dollar value of advertising with the *Fiji Sun* because it involves taxpayers' money.

Mr. Speaker, Sir, we know and I know that a lot of people out there know that the *Fiji Sun* has become an embarrassment to the owners themselves; C J Patel & Co. Ltd. I know they must be worried about the reputation of the *Fiji Sun* and its impact on the other businesses. Obviously, they would be worried about the change of government and we know that C J Patel & Co. Ltd is being rumoured around the place that he wants to sell *Fiji Sun* and they are really trying to disassociate with the paper being the owners.

What it seems to me from this Bill is that, they have decided to sideline someone in the *Fiji Sun*, maybe the Managing Editor News, whom everyone in Fiji knows is the FijiFirst Party's number one cheerleader in the news media when that Managing Editor is not happy

HON. S. ADIMAITOGA.- What about you, *Fiji Times*?

HON. PROF. B.C. PRASAD.- Obviously, they would be running to the Government and to the honourable Attorney-General.

I think the real motive behind this Bill (and I have the right to say that) is to ensure that some people who are running the *Fiji Sun*, including the Managing Editor News are shielded from any attempt

by the owners of the *Fiji Sun* to ask someone else, maybe an experienced person in the news media to manage the *Fiji Sun*. It seems to me for the Government that means losing control of the people in the *Fiji Sun* who do Government's propaganda there, using taxpayers' money. What does the Government do? They come to this Parliament and they want to pass the law.

Now, they are saying if a media organisation wants to make an agreement with the Manager or anyone else, then the Media Industry Development Authority must approve it. If you look at the commentary on the Bill, it is kind of laughable because I have just been reading a draft of the analysis of the Media Industry Development Act. I think when that Report comes out, it is actually going to be quite a devastating commentary on the state of the Media Industry in Fiji.

Paragraph 1.5, for example, in the commentary we were told its purpose is to shield the owners from any outside influence. What is the truth? The Bill is there to shield or protect one person or two people in the *Fiji Sun*? Under this law, when the *Fiji Sun*'s owners tried to contract with the new management company, they will have to go to the Media Industry Development Authority for approval and obviously, we all know the Media Industry Development Authority.

If you look at what is in the Act itself and the powers of the honourable Attorney-General, you can expect that if there is any hint, that those who might be contracted to manage *Fiji Sun* and if they are to have their own stance on what state of the media and what they want to do with Government advertising and Government propaganda, then obviously, they will not get the approval.

If you look at the law, Mr. Speaker, Sir, I feel that there is no need for this law change because it does not change the legal accountability of the owners of the media organisation. It does not matter who manages the media organisation, it is the owners who must be accountable if the Managers breach the law; the owners still have to face the consequences. If the Editor breaks the law or is deemed to have broken the law then the whole media organisation is responsible. It only make sense if you try and analyse this Bill that is it there to protect some people within the *Fiji Sun* or within that media organisation to equip that power within that group and be shielded from many attempt to change the stance they have right now with respect to how they deal with Government. I feel that is the law, Mr. Speaker, Sir, that is what it is about.

All I am saying, Mr. Speaker, Sir, is that, this law is not even a Budget Amendment and it is not a Consequential Bill. I think if there is an overwhelming need or objective right now to amend this and to make it even more draconian. Then what is it to the whole Media Industry Development Act? This is not good for media freedom and media independence in this country, Mr. Speaker.

We know that this law is really not about anyone, I think it is about the FijiFirst Party. How they want to control certain media organisations. This Bill, in my view, Sir, is unnecessary, is misplaced and in fact, it should be withdrawn and this Parliament should not entertain this Bill at all.

HON. S.R. RASOVA.- Thank you, Mr. Speaker, Sir, for giving me this opportunity. I just like to thank everyone who are here, it is about 4.30 p.m. and it is Friday and I would like to thank the honourable Minister for Economy for all the Bills. I think there are 18 Consequential Bills that are being discussed today.

Mr. Speaker, Sir, given the fact that we reflect back in the last four years, we had about six Budget Estimates, two are revised, given there are 18 Consequential Bills and we go over to the six we may have passed, given the average of 120 Consequential Bills and changes of law (it is amended). Even most them have not gone outside for consultation, honourable Khaiyum and that is what we are saying. I have asked honourable Naulumatua during midday today, "Are you going to speak?" She said "No, I have not

had the time to look into the Consequential Bills” so that is the problem we have on this side of the Opposition, Mr. Speaker, Sir.

I had complained over here a couple of days ago, in regards to the Bill on Water Authority. Thank you for the infringements. He talks more on infringements whereby a company infringes on this, he has a \$500,000 penalty and not exceeding 10 years. If a person infringes this, he has about \$20,000 penalty and a five years imprisonment. I think the people should know in the changes of this Water Authority of Fiji Act 2007. If we had consultation and it comes over here then the public are made aware prior to come in here.

Now, we are going to change this, it is going back to them for consultation. It seems to be reversed but anyway, Mr. Speaker, Sir, I stood up for Bill No. 45/2022. I think most of the Opposition Members have spoken on many of the Consequential Bills and they come to detail. Our input, Mr. Speaker, Sir, is a credible input, people always say, “when you want to build a house, you build it on a rainy day because you can see leaks and cracks in there.” That is why we are talking to you, there are cracks in things you are presenting here. It is not personal but that is our professional and credible input into all the Consequential Bills that have been placed in front of us.

Mr. Speaker, Sir, my contribution will be confined to Bill No. 45 of 2022 to amend the Media Industry Development Act 2010. What is its relevance to the Budget? I do not see any relevance of the Bill being part of the Consequential Bill and I therefore request the honourable Attorney-General to do the most honourable thing and consult with the stakeholders in the media industry. The Bill is a direct attack on media freedom in Fiji. How long will the FijiFirst Government continue to gag media freedom in Fiji? Stop being selfish and stooping low to make a personal vendetta.

Mr. Speaker, Sir, on 8th July, 2022, a decision by the Supervisor of Elections, Mr. Mohammed Saneem removed former honourable Nawaikula from the Voter Register on the grounds that he had not registered under the birth name. Former honourable Nawaikula was forced to vacate his seat but was reinstated in August by Fiji’s Chief Justice, who criticised the Supervisor of Elections for extending his authority. The honourable Attorney-General expressed frustration that the Government’s lawyers did not successfully defend the Supervisor of Election’s decision and the Solicitor-General was suspended and fired in November. Following the former honourable Nawaikula’s reinstatement, the FijiFirst Government passed an amendment to the Electoral Act in September requiring citizens to use the names specified on their birth certificate on the voter registry and this has disproportionately affected women voters whose birth names differ from their marital names.

MR. SPEAKER.- Honourable Member, we are on these two Bills and that has got nothing to do with what you are talking about.

HON. S.R. RASOVA.- Let us be cautious on some key findings...

MR. SPEAKER.- You strayed all over the place so stick to the Bills.

HON. S.R. RASOVA.- Let us be cautious on some key findings of media freedom which has been deteriorating around the world over for the past decade. In some of the most influential democracies in the world populous leaders have overseen concerted attempts to throttle the independence of the media sector. While the threats to global media freedom are real and concerning in their own right, they impact on the state of democracy and that is what makes them truly dangerous. Experience has shown, however, that press freedom can be bound from even lengthy stints of repression when given the opportunity. Honest and fact-based journalism can never be extinguished. Mr. Speaker, Sir, I am asking the honourable Attorney-General again to please undertake wide consultation with all stakeholders in the media industry. We reserve our support for this Bill and I thank you for your indulgence.

HON. J. USAMATE.- Mr. Speaker, Sir, I thank you for the opportunity, just to talk very briefly on the Bills. Firstly, I was just reading the definition here that was shown to me on paranoia. Paranoia is the feeling that you have been threatened in some way, such as people watching you or acting against you, even though there is no proof that that is true. This is something that we see every time, if something is proposed from this side of Parliament. There is this feeling that there is some huge conspiracy, paranoia and every time those sentiments have been expressed in this Parliament, they have been obliterated every time we have a response. That is what we are seeing today - paranoia. Get over it. If there is a conspiracy by this side of Parliament, it is the conspiracy to do the best for the people of this country. That is our conspiracy.

I was trying to understand the issue with this Media Industry Development Bill. I read this point there in the background (1.5) says that the Bill would ensure that those who are in charge of a media organisation and its operations are shielded from any outside influence that may, by formal agreement or other arrangement, essentially taking over control the provision of services that deals with the day-to-day operations of the media organisation, that is what we want. That is what this Bill tries to do to make sure that there is transparency and freedom. That is why I support Bill No. 45 of 2022.

Now, to get to the Bill that I wanted to talk about which is on the Water Authority of Fiji (WAF). I welcome this particular Bill Mr. Speaker, Sir. This year in my earlier address I talked about the WAF Budget, we have an increase in the WAF budget, there is a lot of good money that is being put into that WAF budget to address intermittent supply, to address the leakages and we have the \$60 million that is being allocated for the Rewa River Water Scheme to try to address a lot of the problems. But, one of the important things that we have while we are trying to address the problems with water, is to address these unnecessary issues which hamper the ability of Water Authority of Fiji to be able to supply water.

As the honourable Attorney-General has pointed out, there are a lot of things that go on that just hamper the ability of Water Authority of Fiji to carry out its role. Some specific examples have shown, for instance, there was damage to a trunk main in Solovi by one of the developers in 2019 when they were carrying out civil works for a new subdivision. The total damage was \$20,000, that means the \$20,000 that could have been used to help provide water, had to be used to address this particular problem. Mechanical faults to wastewater assets due to blocked pumps mostly caused by people littering into these pipes.

In 2021, in one year, there were approximately 650 incidents which cost the Authority approximately \$4,000 to identify and repair which comes to a total cost of \$2.6 million. When people do the wrong thing and they are not taken to task, these sorts of unnecessary thing means they take away the resources from the Water Authority of Fiji. Damage to wastewater assets are approximately 200 incidents annually and the cost for this is around \$2 million. Damaged air valves costing \$6,000 to \$7,000, directly disposing litter in the Authority's wastewater system, cleaning the sewers around \$2,000. There are approximately 680 cases of such offences in the Western Division alone and the cost of clearing of that is more than \$1.3 million.

These are the kinds of issues that come up and then you have the illegal water connections. In 2015 – 189 cases, 2016 – 136 cases, 2017 – 208 cases, 2018 – 139 cases, 2019 – 101 cases - total number of cases from 2015 to 2022 amounts to 1,092 cases which cost the Authority approximately \$425,000 for detection and rectification works. Damage to our water-mains in Foster Road in July 2022 cost the Authority \$29,000 - money that could have been spent to try and address water issues has to be taken out to address these sorts of things. Over and above this, as has been expressed in the past, Water Authority of Fiji is an organisation which costs about \$1.02 to get out a unit of water. To produce a unit of water and bring it to the customer and the lowest level at which we charge water is 0.15 cents per unit. So, it is \$1.02 here and it is charged this much. There is obviously a need for us to be making sure that the money

that has been given to the Water Authority of Fiji is used to distribute the water and to address the wastewater services.

So, we welcome this because it will make sure that it gives some more ammunition to Water Authority of Fiji to address these sorts of issues and hopefully to make sure that they can use the money that is given to Water Authority of Fiji to get water to people where it is needed, so I fully support this particular Bill.

HON. A. SAYED-KHAIYUM.- Mr. Speaker, Sir, unfortunately in my last presentation of the Bills, there were couple of things I missed out which I would just like to state for the records. Mr. Speaker, Sir, it is to do with the Bills itself, honourable Tuisawau had mentioned that the debt for students is placing enormous burden on them, honourable Gavoka went on about someone selling their body.

Mr. Speaker, Sir, just for the record Sir, no government prior to this government had offered free education from early childhood to Year 13. No government had offered the scope, the type and the number of scholarships for toppers. No government had offered in fact in a loan system. As a result of that, Sir, today ...

HON. PROF. B.C. PRASAD.- There was always a loan system.

HON. A. SAYED-KHAIYUM.- No, there was not.

HON. PROF. B.C. PRASAD.- No, PSC had loan there.

HON. A. SAYED-KHAIYUM.- That is PSC and it was only restricted under PSC. I talked about the extent and number of scholarships available.

Mr. Speaker, Sir, the point is that we are paying literally close to \$200 million a year in scholarships. There was never an amount to that amount, please, you know this. Sir, the point is that today we find more girls in schools and high schools than ever before. More females in universities than ever before. Unfortunately they had talked about forgiving all the debt but they do not talk about the future. Honourable Gavoka is saying we will forgive all the debt. Tuisawau said that. What about the future? So when people say we will forgive the debt, what they are trying to do is appeal to the voters. Those people who have debts, saying we will forgive your debt, just vote for us and I am talking about the future. There is no sustainability model that is being built into that, Sir.

The other point I just wanted to also clarify was the definition of resident. What is the definition of resident? The definition of “resident” under the Income Tax Act is someone who is domiciled in Fiji, whether a Fijian citizen or not, for a period of 183 days out of 12 months and that is when you are actually deemed to be a resident in Fiji, Sir. A capital gain made by a resident person or Fijian citizen on disposal of shares of course held by before 1 May, 2011 - that is caught under that.

Sir, in respect of the matters that have been raised now regarding these two bills, I just wanted to very quickly highlight that this particular Bill, again contrary to what honourable Prasad is suggesting, he always thinks that every single Bill we bring before Parliament, there is some hidden agenda. He never actually understands that there is a principled position taken and the principle in this is, as I highlighted Sir, about ensuring the principle that the ownership and control of the media organisation, is with Fijians. Simple! That is what it is all about and all we are saying is that, that could be circumvented by an organisation, by individuals who are not registered as a media organisation or who are indeed foreigners. That is all there is to it. It could be *Fiji Sun* tomorrow, it could be *Fiji Times* tomorrow, it could be *MaiTV*, it could be *FBC*, it could be anybody. It is a principled position, Mr. Speaker, Sir.

Mr. Speaker, Sir, again he got his facts wrong and obviously he is talking to some people from whichever organisations or other lawyers whatever, CJ Patel does not own *Fiji Sun*. CJ Patel is not a

shareholder of *Fiji Sun*. There are two individuals who own *Fiji Sun* - gentleman called Ashok Desai and a Mrs. Patel, who owns 85 percent. Not CJ Patel, so he got his facts wrong. The reason why he said CJ Patel, Sir, was because that was his narrative previously. That because CJ Patel got to buy Fiji Dairy, in fact it was not CJ Patel, it was Southern Cross Foods, they got to buy it and that is why we are giving them all the money – it is a big whole conspiracy theory that he has got, Sir. So he stands up on the floor of Parliament and says that CJ Patel is the owner of *Fiji Sun*. CJ Patel is not.

Sir, and honourable Rasova, you are a nice guy outside Parliament but your level of contribution, actually it is quite lacking, went on about the media decree, honourable Nawaikula, not honourable anymore, now Niko Nawaikula, nothing to do with this. Sir not a single journalist, has been prosecuted under MIDA. Not a single media organisation has been prosecuted under MIDA for supposedly having editorial problems - not a single one. Yet, the narrative by the Opposition in particular honourable Professor Prasad has been that this is a draconian Act. If it was draconian Act, I can tell you, Mr. Speaker, Sir, it would have been used to stop nearly every publication of *Fiji Times* and CFL on a daily basis because of the level of bias that has been demonstrated by them.

Mr. Speaker, Sir, if he had bothered to look at the Media Industry Development Act, the schedules, these schedules were borrowed directly from the Media Council that existed prior to MIDA that was made up of media organisations. Code of Ethics, let me read that out, Sir, and see how many people would agree that all media organisations actually follow this. It says and I quote:

“Any reference to media organisations should include reference to any journalist, editor, publisher, producer and employee, officer, servant or agent of any media organisation.”

This is borrowed verbatim from the Media Council. It says, and I quote:

“(1) Accuracy, balance and fairness

- (a) Newspapers and magazines, radio and television broadcasting organisations, websites and internet newsletters and journalists working for them shall report and interpret news and current affairs honestly. They shall aim to disclose all known relevant facts and shall take care and not to publish material which is inaccurate, misleading or distorted by wrong or improper emphasis or any other factor;
- (b) If a significantly inaccurate misleading or distorted statement is published or broadcasted, it must be corrected promptly with due prominence and where appropriate an apology must be published or broadcast;
- (c) Media organisations must distinguish clearly between the news, comment, conjecture, fact and paid advertising;
- (d) Media organisations have a duty to be balanced and fair in their treatment of news and current affairs and their dealings with members of the public;
- (e) Editorial comments in any medium should be clearly identified as such and kept separate from news reports;
- (f) Media organisations to report fairly the result of any legal action brought against them and have an obligation to publish or broadcast without diluting the finding any adjudication or by the Media Tribunal or complaint made against them.”

Mr. Speaker, Sir, all of these are all about how do you actually report children. They hear the standards about discrimination, victims in sexual cases; is this draconian? They have not even bothered to read it, about sexual relations and conduct, crime, payment for articles, innocent relatives, religion, strong language, grief and bereavement, advertising, personal interest and influence, financial journalism, taste and decency, impartiality imbalance, deceptive practices, interviews,

violence, distressing material, warning of disturbing offensive material, dangerous and anti-social detail, crime and disorder, hijacking and kidnapping, alarm, hypnotism and subliminal perception.

Mr. Speaker, Sir, all of these is General Code of Practice for advertisements, principles, legalities, spirit of the code and about portrayal, for example, advertisements must shall not portray individuals or groups in a manner likely to expose them to violence, exploitation, hatred, contempt, abused, denigration, ridicule and discrimination, sexual exploitation, threatening situations, how to deal with children, how do you portray children in advertisements, all of these standards are here and they are saying it is draconian.

Code for Advertising to Children; content, safety and presentation, How is this draconian? Parental Guidance Required (PGR), Adults Only criterion and General Provisions; how is this draconian?

See the media standards, Mr. Speaker, Sir. The Media Standards, Mr. Speaker, Sir, in the United Kingdom (UK), see the media standards set in New Zealand. He walked away from a radio interview and his mates in New Zealand

(Chorus of interjections)

HON. PROF. B.C. PRASAD.- That is the only comeback you have.

HON. A. SAYED-KHAIYUM.- No, no, there are many comebacks. His mates in New Zealand, Sir, lodged a complaint.

HON. PROF. B.C. PRASAD.- You are being selective.

HON. A. SAYED-KHAIYUM.- Listen to what I am saying.

His mates in New Zealand lodged a complaint with the media organisation. There is actually a media organisation there to deal with media complaints and they had their own findings. Every country has this, that is the point. We have mechanisms to lodging complaints.

Mr. Speaker, Sir, you see they are going about draconian penalties but not a single person has been charged. What draconian penalty? He cannot even point out to me what are the draconian penalties.

Mr. Speaker, Sir, initially, Sir, there was some amendments made to actually get rid of the culpability of journalists. That has all been removed. I do not know what report he writing, some joker is probably writing that because of the influence by him.

If you read the laws, Mr. Speaker, Sir, in countries like Samoa, there has been analysis. They are saying it is draconian, depending on who is reading it, depending on the context but the proof is in the eating of the pudding. And the proof is that since the introduction of this Act, not a single journalist has been convicted, let alone prosecuted. Let us move away from this narrative you have which is completely incorrect.

Mr. Speaker, Sir, I think the other point that I wanted to make is that honourable Professor Prasad seems to have an obsession over Jyoti Pratibha, that is who he is referring to. He first accused her of skirt journalism, he was berated for that and today he is now going on about. I think there seems to be some kind of unrequited affection for her. I do not know what this affection is, I really do not know.

(Laughter)

Mr. Speaker, Sir, my point is, he comes here, does all these metaphorical language and you know I know this person, someone told me this because you are doing this for one person.

Mr. Speaker, Sir, Jyoti Pratibha will actually may resign tomorrow or she may migrate tomorrow but this is an important piece of legislation. We do not make laws, in the same way honourable Maharaj, when we made the amendment to the Pharmacy Profession Act, we did not do it, “oh, he is a member of our group therefore let us not do it.” I know he was upset, but we did it for the good, on a principle basis.

In the same way, this is a principle approach. If anyone independently assess the amendment that we have made, Sir, it is to do with the control of the media organisation. They can do whatever they like. Frankly, the way that Communications Fiji Limited (CFL) and Fiji Times Limited reports, they just blatantly do not report anything that we say positive. The lead story will always start with them and they will come to us for comments just as the tick off on the box, we will make it right at the last paragraph, we are living with it. We have not reported them, we are just living with it.

Essentially, Sir, we respond to their questions. They are completely biased even the Editorial is biased, but we are living with it; let it be. But he comes here, talks about media freedom but openly says here, “I do not respond to *FBC*, I do not respond to *Fiji Sun*”. *Areh*, be a man! Respond, we respond to everyone, sometimes *Fiji Times* will send us something at 5.30 p.m. or 6 p.m. wanting a response and tick the box. We stood there the other day and responded to everyone.

Mr. Speaker, Sir, getting back to the amendment, the amendment itself is about ensuring that the media organisation that is registered is in fact sticks to the spirit of the law. The spirit of the law, Sir, is that the media organisation must be run by those people who are registered to run the organisation. It must not be run by any outside organisation that could not be registered as a media organisation or is foreign-based. That is all they are used to it.

Mr. Speaker, Sir, the other point about Water Authority of Fiji (WAF), I think honourable Usamate very succinctly summarised the issue and the point is, we need to protect WAF assets. One of the issues that we found also that companies are breaching a lot of these, not individuals *per se*, a lot of companies. Wastewater management is becoming a big issue in Fiji and we need to be able to ensure that for WAF to be able to carry out its job, in particular, wastewater, I mean we were in Nadi in fact the people from Narewa complained about the Navakai Wastewater Treatment Plant and how the smell comes around from the water treatment and these are real issues. We have to address these issues and wastewater management will become a lot more critical in particular when you have densely populated areas and when we have a lot more development, therefore the wastewater treatment systems of WAF needs to increase substantially.

We cannot have people dumping stuff in it that they should not be dumping stuff into. These provisions regarding the offences and indeed the penalties hopefully will become a deterrent, Sir.

MR. SPEAKER.- Honourable Members, we will vote on the motion. Two Members will be voting virtually - the honourable Minister for Agriculture, Waterways and Environment and the honourable Rohit Sharma.

Question put.

Votes cast:

Ayes - 23

Nays - 6

Not Voted - 21

Motion agreed to.

[A Bill for an Act to amend the:

- (1) Media Industry Development (Budget Amendment) Bill 2022 (Bill No. 45/2022); and
- (2) Water Authority of Fiji (Budget Amendment) Bill 2022 (Bill No. 46/2022;

enacted by the Parliament of the Republic of Fiji. (Act Nos. of 2022)]

PRESENTATION OF PAPERS AND CERTAIN DOCUMENTS

MR. SPEAKER.- Honourable Members, the following Reports were tabled by the Ministers in accordance with Standing Order 38(1) and referred to the relevant Standing Committees for deliberation, in accordance with Standing Orders 38(2):

Standing Committee on Justice, Law and Human Rights

1. Parliament of the Republic of Fiji – Annual Report 2017-2018 (*Parliamentary Paper No. 30/2022*); and
2. Electoral Commission – 2020&2021 Annual Reports(*Parliamentary Paper No. 77/2022*).

Standing Committee on Social Affairs

1. Civil Aviation Authority of Fiji – 2020 Annual Report (*Parliamentary Paper No. 103/2021*);
2. Ministry of Rural and Maritime Development and Disaster Management – Annual Report 2016-2018 (*Parliamentary Paper No. 48/2022*);
3. Land Transport Authority – 2014 Annual Report (*Parliamentary Paper No. 43/2022*);
4. Land Transport Authority – 2015 Annual Report (*Parliamentary Paper No. 44/2022*);
5. Land Transport Authority – 2016 Annual Report (*Parliamentary Paper No. 45/2022*); and
6. Land Transport Authority – 2016-2017 Annual Report (*Parliamentary Paper No. 46/2022*).

Standing Committee on Economic Affairs

1. Fiji Revenue and Customs Service – Annual Report 2018-2019 (*Parliamentary Paper No. 1/2022*);
2. Energy Fiji Limited – 2021 Annual Report (*Parliamentary Paper No. 70/2022*);
3. Fijian Competition and Consumer Commission – Annual Report 2018- 2019 (*Parliamentary Paper No. 258/2020*); and
4. Ministry of Industry, Trade and Tourism – Annual Report 2018-2019 (*Parliamentary Paper No. 65/2022*).

Standing Committee on Foreign Affairs and Defence

Ministry of Defence and National Security – 2017-2018 Annual Report (*Parliamentary Paper No. 53/2022*)

Standing Committee on Natural Resources

Ministry of Agriculture – Annual Report 2018-2019 (*Parliamentary Paper No. 99/2021*)

MR. SPEAKER.- Honourable Members, please, take note that the Third Quarter Appropriation Statement – Actual Expenditure 1 February 2022 – 30 April 2022 is for information only and will not be referred to any Standing Committee.

ADJOURNMENT

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

That Parliament adjourns until Monday, 29th August, 2022 at 9.30 a.m.

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

Question put.

Motion agreed to.

MR. SPEAKER.- Honourable Members, I just want you to note that there were two amendments that were given by the honourable Attorney-General today in the text of two Bills. These amendments will be done accordingly before they are taken up the hill for it to be signed by His Excellency and that will be done immediately after we rise.

Honourable Members, there was a mention of two weeks Consideration of Bills. The Bills were presented on 15th July, 2022, being considered on 29th July, 2022, and that is exactly two weeks. So, I do not know what the complaint is about. Sometimes, we have to burn the midnight oil, we burn the midnight oil.

Honourable Members, I just want to thank you for your contributions to the Budget Session and for passing the 2022-2023 National Budget this week. It has been a long week, we had long hours but we have come through.

Honourable Members, Parliament is now adjourned until Monday, 29th August, 2022 at 9.30 a.m.

The Parliament adjourned at 5.18 p.m.