

# **PARLIAMENT OF THE REPUBLIC OF FIJI**



## **PARLIAMENTARY DEBATES**

### **DAILY HANSARD**

**FRIDAY, 14TH JULY, 2023**

**[CORRECTED COPY]**

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**FRIDAY, 14TH JULY, 2023**

The Parliament met at 10.09 a.m. pursuant to adjournment.

MR. SPEAKER took the Chair and read the Prayer.

**PRESENT**

All Members were present, except the honourable P.K. Bala

**ADMINISTRATION OF OATH/AFFIRMATION OF ALLEGIANCE**

Honourable Virendra Lal subscribed to the Administration of Oath/Affirmation of Allegiance and took his seat in Parliament.

MR. SPEAKER.- Congratulations, honourable Member. Welcome once more to Parliament and I wish you well in this term of Parliament as well, honourable Sachida Nand.

Honourable Members, I will now invite the honourable Sachida Nand to deliver his Maiden Speech and I remind honourable Members about the established protocols for maiden speeches and to show courtesy this morning.

Maiden Speech – Hon. Sachida Nand

HON. S. NAND.- Mr. Speaker, Sir, honourable Prime Minister, honourable Leader of the Opposition, honourable Members of Parliament and the people of Fiji. A very good morning to you all.

Firstly, I would like to thank the almighty Perumal for giving me a second opportunity to be part of this team. May His divine grace and blessings be on the proceedings on this august Parliament.

Secondly, I would like to thank my family for their continued support in my endeavours, my wife Sunita who is sitting in the gallery, son – Anirudh and daughter – Shaista have been my three main pillars on which my professional, personal and political aspirations have been based upon. They have always actively supported me and continue to support me through my ups and downs. I am very grateful for their support because without them, I would not have been where I am today. Thank you very much.

Thirdly, I would like to sincerely acknowledge and appreciate the support of my friends, well-wishers and my voters. They continue to believe in me, and their support never dwindled.

Mr. Speaker, Sir, I would like to thank all those who supported and voted for FijiFirst. There were some who got swayed by the \$5 per hour minimum wage and \$100 per tonne of cane. They are now realising that it was nothing but hot air. My sympathy to them, but do not worry, your time will come.

I would also like to congratulate my two friends, honourable Rayalu and honourable Tuisawau, on their ministerial appointments. These two are the glimmer of hope I see on the other side. I would also like to thank the Electoral Commission for their nomination and accepting their nomination. I think he was sworn in as a Member of Parliament.

It is an honour and a privilege to be given an opportunity to be in Parliament again. This will no doubt, give me an opportunity to serve the public at large and in particular, those who voted for me and FijiFirst being the largest single party in this Parliament. I am a person who had spent considerable time with the people, be it in the agriculture sector or in small and medium enterprises through my association with the other business as I am a businessman myself.

Mr. Speaker, Sir, as I have said before, Fiji traditionally has been eased and will continue to depend on agriculture as a source of livelihood. Whilst due credit is given to all other sectors, the agriculture sector is what keeps us especially the rural community ticking. The agriculture sector plays an important role in developing and supporting the economy. The countries which are not industrial countries have a major focus on the agriculture sector, Fiji is no exception. Increased productivity and output in the agriculture sector will contribute significantly to the overall economy and prosperity of the country.

Mr. Speaker, Sir, whilst the Coalition Government's allocation in the agriculture sector looks very nice from the outside, delivering what has been promised is another matter. It is nothing new for someone on the other side to make huge promises and fall short of delivery. Benjamin Franklin famously said, and I quote "Promises may get the friends, but non-performance will turn them into enemies."

I must congratulate the Coalition Government for making our ordinary citizen's life more miserable by increasing VAT to 15 percent. For members of the Coalition Government, all of whom are either Ministers or Assistant Ministers, 15 percent VAT may not matter, but it does to the ordinary citizens. A person who is on a minimum wage earns around \$160 to \$180 per week. For him, a 6 percent increase in VAT does matter and believe me, a lot of people fall into this category.

Mr. Speaker, Sir, the art of deflection works sometimes or in some cases most of the time, but will not work every time. It has become a habit of some honourable Members on the other side to keep deflecting issues raised with the previous government. Yes, you knew the debt was there. There was nothing hidden from you. You knew running the country was a mammoth task, yet you chose to do it, then stop complaining and get the work done. Every time someone raises an issue, do not jump up and down and blame the previous government, it has been over six months now, stop whinging, get on with the work. I know you have bitten more than what you can chew, but try, maybe you will get the work done.

Mr. Speaker, Sir, people do not have money to spend, people are struggling. Racial attacks are increasing and the social media is uncontrollable. Just recently, the Acting Commissioner of Police stated that the crime rate in the country has decreased. Really? Then why are we having so many grab and runs, places are being broken into, Eden Restaurant was recently robbed, and the protectors of law are being investigated for attempting to rape one of their own. To add salt, the American Embassy has issued a security alert that states and I quote:

"Several assaults and robberies have occurred in the bar and nightclub district of downtown Suva. Violent robberies and assault, reports of sexual assault against female tourists have increased."

Mr. Speaker, Sir, what is this? Is this Government not capable of creating a protective environment for its citizens? The laxity of this Government and lack of competency of some office holders will slide the country backwards and this will not only affect the safety and security of the citizens, but also drastically affect the tourism industry. I am sure the honourable Deputy Prime Minister and Minister for Tourism will agree with me.

His Excellency the President in his Address during the Opening of Parliament stated, and I quote:

“There must be a clear focus on the rule of law and the democratic processes, including transparency, accountability, respect for human rights and freedom and listening to the views of people through genuine consultations. The views of all members of the community must be heard and I urge the People’s Coalition Government to ensure all initiatives and draft legislations must undergo thorough consultation process for better outcomes to ensure inclusiveness and foster greater ownership.”

Mr. Speaker, Sir, is this happening? Have all the appointments made under this current Government gone through a transparent and democratic process? Have all the Bills passed in this august Parliament gone through what His Excellency had recommended? I do not think so. He also stated and I quote:

“Government must ensure that the draft laws are deliberated in consultation with relevant stakeholders particularly through the Standing Committee process.”

Mr. Speaker, Sir is this happening? Are we heeding to what he has said or have we totally disregarded the advice of His Excellency the President? If the Government is not willing to adhere to the advice of His Excellency the President, then will the ordinary citizens matter to them?

Mr. Speaker, Sir, my first communique from the Electoral Commission was received on 15th March, 2023 and my invitation to join this august Parliament came now. It took the Commission almost four months. Not only have I missed the Parliament sittings but have been deprived the opportunity to voice the concerns from my voters who voted for me. The reason for not appointing the members of the Electoral Commission which in turn delayed my appointment as a Member of Parliament is very obvious and well known to the honourable Prime Minister and I leave it at that.

It is time the Coalition Government needs to work with the biggest political party in Parliament in order to put our people of Fiji first. Remember, no government is permanent, governments do change, new ones come in, so be careful of how one behaves with the Opposition. Tables will change and you may sit in our seats. Let us have constructive discussions. Let us not argue for the sake of arguing. Let us not set up cheap political point scoring. Let us put our people first, let us put Fiji first and our country will prosper. Is that not what we all want?

I look forward to work in harmony with all present in this august Parliament for the people of our nation and to contribute meaningfully for the betterment of our nation. God bless Fiji and thank you very much.

(Acclamation)

## MINUTES

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

That the Minutes of the sitting of Parliament held on Thursday, 13th July, 2023 as previously circulated, be taken as read and be confirmed.

HON. A.V.B.C. BAINIVALU.- Mr. Speaker, Sir, I beg to second the motion.

Question put.

Motion agreed to.

## **COMMUNICATIONS FROM THE SPEAKER**

### Welcome

I welcome all honourable Members to the final sitting day for this week. I also welcome all those joining us in the gallery, if I am to single out some members in the gallery - Mrs. Nand, Mrs. Kamikamica and her friends. We welcome those who are watching the live proceedings on television and the internet. Thank you for your continued interest in the workings of your Parliament.

### Sustainable Development Goals and National Development Plans

Honourable Members, in one of our discussions at the Business Committee, the Government had agreed to provide an update to Parliament with respect to Fiji's ongoing commitment towards the Sustainable Development Goals and also the National Development Plans and I look forward to this at a later sitting of this year.

## **PRESENTATION OF PAPERS AND CERTAIN DOCUMENTS**

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

### Standing Committee on Justice, Law and Human Rights

- 1) Office of the Prime Minister and Fijian Immigration Department 2019-2020 Annual Report; (*Parliamentary Paper No. 99 of 2022*);
- 2) Office of the Prime Minister and Fijian Immigration Department 2020-2021 Annual Report (*Parliamentary Paper No. 107 of 2022*);
- 3) Parliament of the Republic of Fiji 2018-2019 Annual Report;
- 4) (*Parliamentary Paper No. 76 of 2023*)

### Standing Committee on Economic Affairs

- 1) Energy Fiji Limited 2022 Annual Report (*Parliamentary Paper No. 50 of 2023*);
- 2) Fiji Financial Intelligence Unit 2022 Annual Report (*Parliamentary Paper No. 20 of 2023*);
- 3) Fiji Development Bank Annual Report 2022 (*Parliamentary Paper No. 69 of 2023*).

### Standing Committee on Public Accounts

- 1) Report of the Auditor-General of the Republic of Fiji – 2020 and 2021 Audit Report on General Administration Sector (*Parliamentary Paper No. 54 of 2023*);
- 2) Report of the Auditor-General of the Republic of Fiji – 2020 and 2021 Audit Report on Social Services Sector (*Parliamentary Paper No. 55 of 2023*);
- 3) Report of the Auditor-General of the Republic of Fiji – 2020 and 2021 Audit Report on Economic Services Sector (*Parliamentary Paper No. 56 of 2023*);
- 4) Report of the Auditor-General of the Republic of Fiji – 2021 and 2022 Audit Report on Infrastructure Sector (*Parliamentary Paper No. 57 of 2023*);
- 5) Report of the Auditor-General of the Republic of Fiji – 2021-2022 Audit Report on Municipal Councils (*Parliamentary Paper No. 19 of 2023*);

Standing Committee on Economic Affairs

- 1) Fiji Financial Intelligence Unit 2022 Annual Report (*Parliamentary Paper No. 20 of 2023*);
- 2) Fiji Development Bank Annual Report 2022 (*Parliamentary Paper No. 69 of 2023*);

Standing Committee on Foreign Affairs and Defence

- 1) Ministry of Defence National Security and Policing 2018-19 Annual Report (*Parliamentary Paper No. 08 of 2023*);
- 2) Fiji Police Force Annual Report 2017/2018 (*Parliamentary Paper No. 124 of 2018*); and
- 3) Fiji Police Force Annual Report August 2019 - July 2020 (*Parliamentary Paper No. 262 of 2020*).

Standing Committee on Social Affairs

- 1) Fiji National Sports Commission Annual Report, August 2021 - July 2022 (*Parliamentary Paper No. 4 of 2023*);
- 2) Fiji Association of Sports and National Olympic Committee Annual Report 2022 (*Parliamentary Paper No. 65 of 2023*);
- 3) Nadi Town Council Annual Report for the Year 2016 (*Parliamentary Paper No. 267 of 2020*);
- 4) Rakiraki Town Council Annual Report for the Year Ended 2019 (*Parliamentary Paper No. 56 of 2022*);
- 5) Fiji National University 2022 Annual Report (*Parliamentary Paper No. 52 of 2023*).

Standing Committee on Natural Resources

- 1) Ministry of Fisheries Annual Report 2021-2022 (*Parliamentary Paper No. 23 of 2023*)

MR. SPEAKER.- Honourable Members, please note that Third Quarter Appropriation Statement for 1st February, 2023 to 30th April, 2023 is for information only and will not be referred to any Standing Committee.

**2023-2024 BUDGET CONSEQUENTIAL BILLS 2023**

HON. PROF. B.C. PRASAD.- Mr. Speaker, Sir, pursuant to the resolution of Parliament on Friday, 30th June, 2023 and Wednesday, 12<sup>th</sup> July, 2023, I move that the following Consequential Bills be debated, voted upon and be passed:

- (1) Tax Administration (Budget Amendment) Bill 2023 (Bill No. 4 of 2023);
- (2) Income Tax (Budget Amendment) Bill 2023 (Bill No. 5 of 2023);
- (3) Value Added Tax (Budget Amendment) Bill 2023 (Bill No. 6 of 2023);
- (4) Customs (Budget Amendment) Bill 2023 (Bill No. 7 of 2023);
- (5) Customs Tariff (Budget Amendment) Bill 2023 (Bill No. 8 of 2023);
- (6) Excise (Budget Amendment) Bill 2023 (Bill No. 9 of 2023);
- (7) Airport Departure Tax (Budget Amendment) Bill 2023 (Bill No. 10 of 2023);
- (8) Water Resource Tax (Budget Amendment) Bill 2023 (Bill No. 11 of 2023);
- (9) Fiji Revenue and Customs Service (Budget Amendment) Bill 2023 (Bill No. 12 of 2023);
- (10) Fiji National Provident Fund (Budget Amendment) Bill 2023 (Bill No. 13 of 2023);
- (11) Tertiary Scholarships and Loans Service (Budget Amendment) Bill 2023 (Bill No. 14 of 2023);
- (12) Land Sales (Budget Amendment) Bill 2023 (Bill No. 15 of 2023).

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

MR. SPEAKER.- Honourable Members, before we proceed with the motion. I wish to remind the august Parliament that pursuant to the resolution of Parliament, this motion to debate all the 12 Consequential Bills will be limited to one hour only and this will be facilitated accordingly.

HON. PROF. B.C. PRASAD.- Mr. Speaker, Sir, I will now speak on the 12 Consequential Bills together and as is convention, the Consequential Bills seek to amend relevant laws to address budgetary policy changes. Just before I go into the Bills, for the information of Parliament, consultations on the Consequential Bills as usual were held with the Fiji Revenue and Customs Service, Ministry of Finance, Ministry of Lands and Mineral Resources, Ministry of Education, Tertiary Scholarship and Loan Service, Fiji National Provident Fund and of course the Office of the Solicitor-General.

The first Bill, Tax Administration (Budget Amendment) Bill, Mr. Speaker, Sir, in relation to Bill No. 4 of 2023 seeks to amend the Tax Administration Act 2009. I will just go through the clauses of the Bill.

Clause 1 of the Bill provides for the short title and commencement. If passed by Parliament, the amending legislation will come into force on 1st August, 2023.

Clause 2 of the Bill amends Section 2 of the Act by inserting the definition for alternative dispute resolution.

Clause 3 of the Bill amends the Act by inserting Section 16(a) to allow a person dissatisfied with an objection decision to request for that matter to be resolved through alternative dispute resolution.

Clause 4 of the Bill amends Section 17(1) of the Act to allow a person to apply to the tax tribunal for a review of an objection where attempts to resolve the matter through alternative dispute resolution Mr. Speaker, Sir, have been unsuccessful.

Clause 5 of the Bill amends Section 31 of the Act to provide clarity on the grounds that allow the Chief Executive Officer to order a person who has not fully discharged the tax liability be issued a departure prohibition order.

Clause 6 of the Bill inserts Section 31(a) to allow the CEO to place a person who has not fully discharged the tax liability on arrival alert.

Clause 7 of the Bill amends Section 113 of the Act to allow the tax agents board to set the necessary fee for an application made as well as the minimum requirements or standards for the Board to refer to an assessing an application for a person to be registered as a tax agent. Clause 7 of the Bill also provides that the board must verify an application and this includes verification of references, qualification or any other verification that the board thinks fit in order to assess the application.

Second is the Income Tax (Budget Amendment) Bill 2023, Mr. Speaker, Sir, seeks to amend the Income Tax Act of 2015.

Clause 1 of the Bill provides for the short title and commencement. If passed by Parliament, the amending legislation will come into force on 1st August, 2023 except Section 7 which will be



deemed to have come into force on 1st July, 2023 as is the Convention and Sections 2, 3, 5, 6 and 8 to 11 which will come into force on 1st January, 2024.

Clause 2 of the Bill amends Section 2 of Act to update the reference to the Fiji Institute of Chartered Accountants Act 2021 contained in the definition of “general accepted accounting principles”. Clause 2 of the Bill also amends Section 2 of the Act by deleting the definition of “Social Responsibility Tax”.

Clause 3 of the Bill amends Section 8 of the Act by deleting the references to Social Responsibility Tax in the computation of income tax. As I had explained, Mr. Speaker, Sir, in my budget response the rationale for changing the structure of the Social Responsibility Tax or removing the reference to Social Responsibility Tax.

Clause 4 of the Bill amends Section 10 of the Act to remove the computation of Non-resident Withholding Tax for any recharge of a fee or rental by a non-residential associate for professional or independent services or lease of equipment by a non-resident associate of a recipient.

Clause 5 of the Bill amends Section 22(1) of the Act by removing reference to Social Responsibility Tax in relation to taxes for which no deductions are allowed.

Clause 6 of the Bill amends sub-clause 8 of the Act by removing reference to Social Responsibility Tax from the definition of Fiji Income Tax.

Clause 7 of the Bill amends Section 67 of the Act by removing capital gain made by resident of Fiji or Fiji citizen on the disposal of shares being shares that were held by that person before 1st May, 2011 as an exempt capital gain.

Clause 7 of the Bill also expands the scope of ownership of first residential property the disposal of which would be exempt from capital gains. Clause 7 of the Bill further amends, Mr. Speaker, Sir, Section 67 of the Act by including a provision for de facto spouses as defined in the Family Law Act of 2003. Additionally, clause 7 of the Bill deletes amendment made in 2021 through the Income Tax (Amendment) (No. 2) Act 2021 which exempted those liable to pay Capital Gains Tax on the disposal of shares held before 1<sup>st</sup> May, 2011 and I explained that earlier.

Clause 8 of the Bill amends division 2 of part 9 of the Act by removing reference to Social Responsibility Tax.

Clause 9 of the Bill amends Section 108 by removing reference to Social Responsibility Tax.

Clause 10 of the Bill amends Section 110 of the Act by removing Social Responsibility Tax in the meaning of income tax.

Clause 11 of the Bill amends Section 111 of the Act by removing Social Responsibility Tax in the meaning of tax applicable to employment income.

Clause 12 consequentially amends the environment and Climate Adaptation Levy Act of 2015 to remove all references to Social Responsibility Tax.

The Value Added Tax (Budget Amendment) Bill, Mr. Speaker, Sir, again, clause 1 of the Bill provides for the short title. The 1<sup>st</sup> August is when the legislation will come into force.

Clause 2 of the Bill amends Section 14 of the Act by removing the VAT rate of 9 percent and substituting the new VAT rate of 15 percent which is to be levied, collected and paid in accordance with the Act for Goods Imported to Fiji.

Clause 3 of the Bill amends Section 15 of the Act by removing the VAT rate of 9 percent and substituting the new VAT rate of 15 percent which is to be charged in accordance with the Act on the supply in Fiji of goods and services by a registered person in the course or furtherance of a taxable activity.

Clause 4 amends the Act by deleting Part 4(a) which was inserted in 2022 to provide for the imposition of VAT at a rate of 15 percent on prescribed services.

Mr. Speaker, Sir, as I have said earlier, we had three rates of VAT; zero, 9 and 15. This Act removes the 9 and brings only two; 0 and 15.

Clause 5 of the Bill amends Schedule 2 to the Act to provide prescription medicine and prescription drugs as a zero-rated supply. Apart from the 21 items that were already zero rated, we have added prescribed medicine and prescribed drugs, so 22 items are now zero rated.

Clause 6 of the Bill amends the Act by deleting Schedule 2(a) to the Act which listed prescribed services for which VAT at a rate of 15 percent was charged.

Customs (Budget Amendment) Bill, again the legislation will come into force on 1<sup>st</sup> August, 2023.

Clause 2 of the Bill amends Section 2 of the Act by inserting new definitions of alternative dispute resolution - cargo reporter, person and post office.

Clause 3 of the Bill amends Section 6 of the Act to include post offices where customs officers are to be accommodated for the purpose of administering and enforcing customs laws. There are some very difficult problems identified in terms of how customs officers could do the job.

Clause 4 of the Bill amends the Act by inserting a new Section (11b) to provide for the requirement of cargo reporters to produce the advanced cargo information on cargoes prior to the ship or aircraft arriving in Fiji.

Clause 5 of the Bill amends Section 52(2) of the Act to provide for the warehousing period for items such as machinery and mechanical appliances and motor vehicle for only one year and no further extension allowed while other goods are warehoused for one year with further extension of six months.

Clause 6 of the Bill amends Section 92 of the Act to remove the provision for deferral or payment of import Value Added Tax for gold card taxpayers.

Clause 7 of the Bill amends Section 111 of the Act to provide that the Comptroller made for the purposes of administering any custom law collect, accounts, documents, records of information stored in electronic data.

Clause 8 of the Bill amends Section 143 (c) of the Act to insert the issuance of arrival alerts and orders in addition to Departure Prohibition Orders for a person who owes duty or outstanding fines and penalties under customs laws.

Clause 9 of the Bill amends Section 159 of the Act by deleting provisions where the Minister may drag goods seized and liable to be forfeited under the provisions of the Act or be sold or reserved for the civil service.

Clause 10 of the Bill amends Section 73(b) of the Act in relation to appeals where a person dissatisfied with an objection, decision or upon successful resolution under Section 173(c) of the Act, in relation to rectification of mistakes made within 20 working days, service a notice to the Court of Review or to a Court of Competent Jurisdiction.

Clause 11 of the Bill amends the Act by inserting a new Section 173 (c) of the Act to provide for the rectification of mistakes where it is apparent from the record that the mistake does not involve a dispute, the Comptroller may for the purpose of rectifying the mistake, amend the mistake accordingly.

Clause 2 of the Bill amends the Act by inserting a new part, 22(b) in relation to alternative dispute resolution.

Clause 3 of the Bill amends the Act by inserting new sections, 180(a) and 180(b) to provide the Court of Review may remit decisions to the Comptroller for reconsideration and provide for general provisions in relation to objections and appeals in applications for review by the Court of Review or appeal to the High Court.

All these, Mr. Speaker, Sir, is intended to simplify the administration of tax and ensure proper compliance.

Customs Tariff (Budget Amendment) Bill (Bill No. 8 of 2023), again, Mr. Speaker, Sir, clause 1 of the Bill provides for the short title and commencement. It will come into force on 30<sup>th</sup> June, 2023 except for clause 6 which comes into force on 1<sup>st</sup> August, 2023 and clauses 2(c), (d) and (e) and 5 which will come into force on 1<sup>st</sup> January, 2024.

Clause 2 of the Bill amends Part 1 of Schedule 2 to the Act to provide for the following changes:

- i) Fiscal duty on food items such as beef products, lamb, sheep, prawns, ducks, corned meat, lamb, sheep, corned beef, canned Mackerel, canned tomatoes and chicken portions;
- ii) Increasing import excise duty on alcohol and tobacco, increasing port excise duty on new and old passenger motor vehicles, amending tariff description after sub-heading 3.06 and setting a new tariff item for snacks and non-alcoholic wine and deleting tariff items in relation to electronic cars and inserting new tariff item to rectify anomalies.

Clause 3 of the Bill amends Part 2 of Schedule 2 to the Act by deleting concession quotes for concessions which will no longer be provided. I have explained some of those concessions in my Budget Address.

Clause 4 of the Bill amends Part 3 of Schedule 2 to the Act to increase the fiscal duty on items under Concession Codes 231, 231(a), 231(b), 235, 235(a), 236, 236(a) and 236(b) and to delete Concession Codes 272 and 302.

Clause 5 of the Bill amends Part 1 of Schedule 2 to the Act by imposing import excise duty on unhealthy snacks and drinks such as sweet biscuits, juice, ice creams, snacks obtained by roasting, frying and baking or swelling and sugar confectionaries.

Clause 6 of the Bill amends the Act by increasing the Value Added Tax (VAT) from 9 percent to 15 percent.

The Excise (Budget Amendment) Bill, Mr. Speaker, Sir, again comes into force on 30<sup>th</sup> June, 2020 except for clauses 3 and 4(c) for the amending legislation which will come into force on 1<sup>st</sup> January, 2024.

Clause 2 of the Bill amends Section 41 of the Act to provide that a proper officer under the Act may require information including electronic data to excisable goods or materials while accessing an excise factory on an excise warehouse. Again clause 2 of the Bill also amends Section 41 of the Act to insert a new subsection to provide that electronic data required by the proper officer will be dealt with in accordance with Section 111(a) of the Customs Act 1986.

Clause 3 of the Bill amends Schedule 1 to the Act to insert new items in the list of goods which will be subject to excise duty. These new items are sweet biscuits, waffles, wafers, ice cream and other edible ice frozen confectionary, snack food and sugar confectioneries.

Clause 4 of the Bill amends Schedule 2 to the Act to indicate that in addition to the Gay Lussac Hydrometer an approved apparatus may also be an authorised instrument for the measurement of alcohol. Clause 4 of the Bill also amends Schedule 2 to the Act to reflect the increase in the rate of excise duty on alcohol, tobacco, sugar, sweetened beverages, sweet biscuits, juice, ice cream, snacks obtained by roasting, frying, baking or swelling and sugar confectionaries.

Airport Departure Tax (Budget Amendment) Bill, again, we are changing the departure tax. The amending legislation will come into force on 1st August, 2023 where the departure tax will go from \$100 to \$125 and then \$140 from 1st January, 2024. Mr. Speaker, Sir, the proposed rates are still less than the departure tax rates in 2012 and 2014 which were \$150 and \$200 respectively. What we have done is, we have consulted with the tourism industry, we are staging it first, it is a \$25 increase and we are giving another six months before we take it to \$140.

Water Resource Tax, Mr. Speaker, Sir, there has been a lot of debate and comments. I have clearly laid this down in my response, but the amendment is in connection with the proposed income tax Water Structured Industry Incentive Regulation 2023. The Bill will come into force on 1st August, 2023. Essentially Clause 2 of the Bill amends the Act by limiting its application to persons or businesses that are engaged in water extraction and bottling business as defined in Clause 2 of the Bill. Taxpayers that are not engaged in a water extraction and bottling business shall not be subject to the Act.

Clause 3 of the Bill clarifies that the Water Resource Tax applies to all water extracted by taxpayers engaged in water extraction and bottling business regardless of its use.

The Fiji Revenue and Customs Service (Budget Amendment) Bill, Mr. Speaker, Sir, again, this Bill will come into force on a date that will be appointed by the Minister by notice in the Gazette.

Clause 2 of the Bill amends the Act by inserting 26(a) which empowers or allows the service to establish a panel of valuers of other panels to allow the service to administer its functions as provided for under Section 22 of the Act. It also amends Section 27 of the Act, sub-section (3) to remove the requirement to appoint an Acting CEO as the CEO is temporarily out of the country. Just a simple administrative change, Mr. Speaker, Sir, there.

The Fiji National Provident Fund (Budget Amendment) Bill, Mr. Speaker, Sir, this is in light of the volume of movement of Fijian labourers to work in Australia and New Zealand under Labour

Mobility Schemes in recent years and the opportunity of Fijian labourers workers to have access to the Fiji National Provident Fund would benefit these people. Essentially, Mr. Speaker, Sir, the Bill provides legal basis for the FNPF to expand its membership by setting up a fund overseas. So amendments to clauses 2, 3, 4 and 5 of the Bill gives effect into that and this will allow FNPF to provide those services to those workers who are in Australia and New Zealand.

The second last Bill is on the Tertiary Scholarship and Loan Service (Budget Amendment) Bill. Mr. Speaker, Sir, we have had very good discussions on this Bill and basically the Bill amends the Act by inserting a new section 16(b) to provide for the cancellation of loan repayment under loan agreement for a student or a former student who was under a loan scheme prior to 1st August, 2023. All loan agreements as we have said will be converted to bond agreements with Board conditions determined by the Fiji Revenue and Customs Service. The cancellation of loan repayment under loan agreements, however, will not apply to a student or a former student who was under a loan scheme prior to 1st August, 2023 while working in the private sector. Mr. Speaker, Sir, this Bill is to effect that amendment and the policy that has been announced by the Government and the budget for it approved already.

Final one, Mr. Speaker, Sir, is the Land Sales (Amendment) Act. Again, in 2014, the Act was amended to specify limitations on the sale, transfer or lease of State land or freehold land to non-resident for residential purposes within town or city boundaries. While the amendment did not prohibit the sale, the transfer or lease leads to a non-resident beyond the boundary of any town or city declared or extended under the Local Government Act 1972. This was only on the condition that the non-resident commences construction of a new residential dwelling within 24 months of the date of the sale and transfer of the lease. We have had discussions with the Ministry of Lands and Mineral Resources. We found that this was a very problematic law in terms of the time. So, what the Bill does, Mr. Speaker, Sir, is to amend to extend that 24-month period to five years. That is a reasonable time, Mr. Speaker, Sir, for any investor leasing State land or buying freehold land and trying to invest. So that amendment is effect that.

Mr. Speaker, Sir, thank you and I will be happy to respond after the debate.

MR. SPEAKER.- Honourable Members, before I open the floor to debate on the motion. I just wish to remind us that it is only one hour on both sides to make your contribution on these Consequential Bills. For the information of Parliament, I have two honourable Members from the Government who are going to be speaking and that is the honourable Deputy Prime Minister Kamikamica and the second one is honourable Deputy Prime Minister Gavoka. For the Opposition, the list that has been submitted are honourable Koya, honourable Usamate, honourable Premila Kumar, honourable Kirpal and honourable Sharma.

I will try and see how best we can cut the coat according to the cloth available. I will try and give five minutes each and if the list has still got balance of speakers and the time has run out, I will therefore stop the continuation of participating in the debate because the last 20 minutes will again be given to the honourable Minister for his Right of Reply.

Thank you, the floor is now open for debate on the motion and I offer the floor first to the members on the Opposition.

HON. P.D. KUMAR.- Mr. Speaker, Sir, I rise to speak on Bill No. 11 of 2023. Water bottling companies are actually getting away in two ways. Removal of Corporate Tax, none of these companies will pay 25 percent Corporate Tax, absolutely nothing on their profits that they will be earning and an increase in threshold of water extraction from 3.5 million litres per month to 10 million litres per month. What will change with the passing of this Bill? One, companies extracting up to

3.5 million litres per month that paid one cent per litre will pay nothing, zero absolutely. Bigger companies like Fiji Water, owned by billionaires who paid 18 cents per litre for water extracted over 3.5 million litres, now will pay 19.5 cents per litre if they extract more than 10 million litres per month. So further revenue loss because of the threshold change. Also, they will not pay 25 percent Corporate Tax. Mr. Speaker, Sir, how is this a revenue gain for Fiji?

Honourable Prime Minister, in his justification recently through his press statement, I must say, the arguments presented by the honourable Prime Minister was not sound and not valid. He did speak about new companies coming in and how they will benefit, but the question is established companies who have already enjoyed all these concessions and then it will end up in revenue loss. While we hear, e, revenue is so important for this country. Let consumers pay 15 percent, let MSME pay 25 percent Corporate Tax, but let bigger companies, like Fiji Water, get away. How is this fair? Above all, the most disappointing component was that unfortunately the honourable Minister of Finance did not see fit to include Fiji Water as part of his speech. I do not support this.

HON. V.R. GAVOKA.- Mr. Speaker, Sir, I will speak primarily on the Water Resource Tax (Budget Amendment) Bill 2023. It makes good sound by it to talk about tax holiday and name a conglomerate like Fiji Water, but the reality is that, the country is earning more income out of this, and it is 20 percent more than what we are currently collecting. I would just ask the other side not to engage in cheap politics, it makes good sound by it, holidays and conglomerates and big names like that. It does not give confidence to our potential investors when we attract them in this manner.

Fiji Water is our very own and we need to protect it. It gives Fiji a profile in the world that we need to protect, Mr. Speaker, Sir. I was in Doha in Qatar where Fiji Water is a premium water, and they were saying, “You know this American water called Fiji Water?” That is what the world is saying today. It is our very own and we need to protect it. I just wish to reassure my colleague from Ra, who spoke very passionately about Ra, I can just say to him in the Nadroga dialect, “you ain’t seen nothing yet.” We are engaging with Fiji Water in a manner that has not been there in the previous administration. We know what they plan for Fiji and my colleague will be sharing that with us over the next couple of weeks or months, but we are engaging with them in a big way, and we will see a lot more from this conglomerate in what they will do for the country.

Mr. Speaker, Sir, for the other side, you have portrayed Fiji in a very negative vein over the last couple of days. It is like you are living in another planet. Just few days ago, in Australia, Expedia which is one of the biggest consolidators of travel in the world has rated that Fiji has become the place where people want to go; only two days ago. If Expedia says this, Mr. Speaker, that we are number one in terms of destination for people, it must be saying something about the change that has happened in Fiji over the last couple of months.

(Chorus of interjections)

HON. V.R. GAVOKA.- As we speak, you cannot find a room anywhere in Fiji, you cannot get a seat on the airlines coming to Fiji and the way they are talking is opposite to what is the reality on the ground. As we say, the proof is in the pudding and people like this country and what is happening in this country. I would just ask our guys in there, just cool down and support our investors as this side is doing in a big way. For example, when we came into power, when we came into the administration, there was this hangar in Nadi, that was built in Nadi, and somewhere along the line someone put a stop work to it, someone from FijiFirst. We asked, what was the stop work? No one could give an answer. They had spent \$9 million. We said, “go for it, open it.” That is the attitude today from the Coalition. Look after investors. Mr. Speaker, Sir, I would urge us all to support this Water Tax, it means a lot more for Fiji than what the other side is trying to portray.

HON. J. USAMATE.- Mr. Speaker, Sir, never heard such a huge brunch of dribble before. Under Income Tax (Budget Amendment) Bill, Bill No. 6 of 2023, Social Responsibility Tax to be reduced. The tax paid by the highest people who pay tax in this country will be reduced and by the same token under VAT, there will be an increase in VAT by 6 percent, people on the other side said that people who earn the lowest income, do not pay or buy much of the stuff that is outside of the ambit of the zero VAT. That is absolute hogwash! People also want to go to McDonald's, they want to go to the movies and they want to do all of these things. So they are reducing the income tax for the highest paid people in the country and increasing the cost of goods. That is pro-rich and anti-poor. That is the hallmark of this particular Budget.

There is one thing that I do agree with, I do agree with some of the things that we are saying in some of these legislations, Bill No. 4 on Tax Administration and also for the Customs Act bringing in alternative dispute resolution. I think this is great move. This is something that we have been talking about a long time. We practiced it in the Ministry of Employment over many years in the settlement of industrial disputes. It reduces the amount of time, it reduces the cost and takes a bit of money away from lawyers, but I think it is very advantageous to us also. I am also glad to see that FNPF is being brought in for our people who are working offshore.

One of the things that I am bit worried about is about the Land Sales Act, where you are increasing the number of years, yet you give people to build a house from two years to five years. One of the problems that we have in this country now is the speculation on land. Land prices are going up because a lot of people are speculating. They buy land, they do not build anything and then after a few years they sell. So, obviously, if you are going to open this up from two years to five years, you increase the possibility of speculation. So, I think that is an area that I have a lot of concern for.

Now going back to Bill No. 11 of 2023 which is on Water Resource Tax (Budget Amendment) Bill 2023. Mr. Speaker, Sir, a few years ago, the Water Resource Tax came into account I think around 2008. It was instituted as a result of what happened in 2009. Water was being extracted not much money was coming.

If I am not mistaken, I may stand to be corrected, it was at around 1.1 cents for any amount of water extracted up to 4.9 million litres and then from the 5 million litres to 9.9 million litres, it went up to 22 cents. Above that it was 33 cents and then it reduced to 1 cent Water Resource Tax for every litre above 9.9 million and above 10 million litres it came up to 18 cents. Then it changed again so that up to 10 million litres it was 1 cent and then from 10 million litres up, it moved up to 18 cents but that included every litre from 0 to 10 million litres. This new one is going to say, "once you reach 10 million litres then you start paying that extra tax, all the water above the 10 million threshold." The current one, no! All from zero up to 10, so we are losing income in that space.

At the same time, there is no income tax being paid for this particular sector. That means the water resource tax and the income tax is being lost. I have talked at length in my addresses this week about our struggling entities in this country. Medium-sized enterprises that will be hit by the VAT increases, the increases in company tax and the increase in duty they will be hit by all of these of things. Some of these companies are almost about to die and if you add on this extra cost ....

(Inaudible interjection)

HON. J. USAMATE.- It is not a laughing matter, Assistant Minister of Finance.

Fijian citizens are employed in this companies. It is no laughing matter, we have to look after our medium and small micro enterprises. We must help them grow, if we are going give tax break to

large, multi-national companies that earn millions of dollars, what are we doing about the small companies, the ones that we want to grow that are going to be the real engine of growth in this country?

We need to grow the micro to become small, the medium to become large. We need to be able to create an environment where they can grow and flourish. This Budget is talking about giving advantages to those who are already well-off and not helping our struggling small, micro, medium enterprises that are employing people where you will find a lot of innovation that will drive us and will drive your trade agenda forward Deputy Prime Minister. Those are the ones that you have to work on, in helping and for you too, honourable Attorney-General to make sure that you can flourish.

HON. M.S.N. KAMIKAMICA.- Allow me to setup Mr. Speaker, Sir. Mr. Speaker, Sir, I rise to support the accompanying Bills to the Budget Bill and just before I do that, just allow me in a couple of seconds reflect on what happened yesterday, Mr. Speaker, Sir. Yesterday was a historic day for Fiji and Fiji saw the New Fiji yesterday - 29 Members on this side of Parliament voted for a New Fiji.

HON. GOVERNMENT MEMBERS.- Hear, hear!

HON. M.S.N. KAMIKAMICA.- So, I thought I just share that. Secondly, Mr. Speaker, Sir, being a collegian, honourable Tikoduadua is such a gentleman and he said something to me yesterday that I thought I just share. He said, "You know the Opposition kept us honest all the way. They stayed with us right till the end asking and questioning." I thought I would just thank the Opposition for their contributions as well yesterday. They have had 16 years of experience, Mr. Speaker, Sir, and I am sure in over the next few years, we certainly will be able to benefit as well from their experience.

What I will be doing in this Parliament Mr. Speaker, Sir, if I can, I will correct us in Parliament so that we do not misinform the people of Fiji. The travel advisory was not issued by the US Embassy, it was issued by AIG which is an insurance company. This was only issued for Suva and so I urge this Parliament, please let us not be inflammatory if we can because the people of Fiji are watching, the world is watching us. All of us want our economy to grow, we want stability in our country and so we must inform the world correctly.

Mr. Speaker, Sir, I have just a few contributions to make, if I can on the supplementary Bills. Firstly, Mr. Speaker, Sir, on the Airport Departure Tax, there were some suggestions that it would actually slow down tourism. It is a stepped arrangement and again we consulted widely with the tourism industry as the honourable Gavoka will know and it is widely accepted because we have consulted widely.

On the FNPF Act, Sir, this is not a small point and I would like the people of Fiji to understand this. This is a first step in developing a strategy for our diaspora. They are sending a billion dollars into this country and we have an unique opportunity to capture that money, not as consumption but turn it to investments and grow this country. So, the setting up of the Fund in Australia or around the world will be a great opportunity for this country and I congratulate the honourable Minister of Finance and also FNPF for their decision to start setting up offshore.

In terms of TELS, there is not much else to say, Mr. Speaker, Sir. The children of Fiji will benefit from this wise decision. A lot of us on this side of Parliament, we actually benefitted from the same methodology.

HON. GOVERNMENT MEMBERS.- Yes.



HON. M.S.N. KAMIKAMICA.- We went offshore or stayed in Fiji, did our studies, came back and we are here, we are still here. What is happening to our children at the moment is that they running offshore so they are saying that they are running away. No, they are running away because of their decision.

HON. GOVERNMENT MEMBERS.- Yes.

HON. M.S.N. KAMIKAMICA.- This is also the problem Mr. Speaker, Sir, when I went during the campaign, I went to Australia and I met with about five of the groupings in various parts of New South Wales and what they said was, “we have never got a visa from the government, ever; never ever.” I was the first politician to actually go and visit. Mr. Speaker, Sir, I would like to sort of just mention that and please know that the children of Fiji will benefit from that decision.

In terms of the Land Sales Tax, Mr. Speaker, Sir,....

HON. S. NAND.- Point of Order!

MR. SPEAKER.- Yes, honourable Sachida.

HON. S. NAND.- Mr. Speaker, Sir, the Member is misleading Parliament. The travel alert is by US Embassy, Suva and it is there on their website. You are deliberately misleading Parliament.

MR. SPEAKER.- Honourable Member, please quote the Standing Order that you are rising on.

HON. S. NAND.- Standing Order 74, the honourable Member is deliberately misleading Parliament. The alert is from the US Embassy in Suva, it is on their website. He is deliberately trying to mislead Parliament. It is on their website.

HON. J. USAMATE.- Very poor.

HON. M.S.N. KAMIKAMICA.- Mr. Speaker, Sir, as of yesterday when we saw the travel advisory it was coming from AIG which is an insurance company.

(Chorus of interjections)

MR. SPEAKER.- Order!

HON. M.S.N. KAMIKAMICA.- Can I continue, Sir?

MR. SPEAKER.- Yes.

HON. M.S.N. KAMIKAMICA.- Thank you. Mr. Speaker, Sir, just on the Land Sales Tax, just a few things to note.

(Chorus of interjections)

MR. SPEAKER.- Order!

HON. M.S.N. KAMIKAMICA.- This amendment, Sir, has a wider reaching ramification, I take the point from honourable Usamate about potential increase in real estate, but this decision actually, Mr. Speaker, Sir, killed the real estate market for retirees offshore who wanted to come to

Fiji; it destroyed it. So, this piece of legislation amendment will actually grow the economy, we will have retirees coming to Fiji who genuinely want to settle in Fiji, they will time to actually build in Fiji, two years was not enough. This is a practical way of growing the economy. I hope the Members on the other side keep it in mind.

Finally, Mr. Speaker, Sir, on the Water Resource Tax. I just like to share some very basic arithmetic so that you understand. Firstly, there is no impact on the coffers of Fiji - zero. Basically what is happening is, through a restructure of the Water Resource Tax, the increase in the Water Resource Tax from 18 cents to 19.5 cents per litre actually means that it covers whatever tax liabilities we have ever paid. It applies to all companies across Fiji so it applies to not only Fiji Water, it applies to Aqua Pacific or VaiWai, the suppliers, a company in Nadi, Frezco Beverages; it applies to all of them. So, stop saying that it is only Fiji Water. One of the companies is owned by Fijian Holdings and FNPF, so it is benefitting the people of Fiji.

(Chorus of interjections)

HON. M.S.N. KAMIKAMICA.- Please, please let us be accurate in what we say.

Mr. Speaker, Sir, the other thing that I would like to say is, one of the things that the previous government did not do well is pay respect to big investors. Fiji Water was wanting to invest more in this country and for some reason, they ignored them. Like honourable Gavoka said, just watch this space Mr. Speaker, Sir, when you treat your big private sector with respect, you will get benefits across the board.

(Chorus of interjections)

HON. M.S.N. KAMIKAMICA.- The whole of the private sector is very thankful that this side of Parliament has delivered a Budget that is good for Fiji and good for the economy. So with those few words Sir, thank you for this time.

MR. SPEAKER.- Honourable Members, time has caught up with us and I now have to invite the honourable Minister of Finance to make his Right of Reply. Sorry about that, honourable Members.

HON. PROF. B.C. PRASAD.- Mr. Speaker, Sir, just to pick on after explaining so well, after putting out the actual figures, after explaining the rationale behind the Water Resource Tax, I am really disappointed that the Opposition still thinks that there is some kind of conspiracy or some sinister motive and some outside of Parliament started by saying, “just because the Prime Minister met the owners, there is something going on.” I want to repeat what I said.

HON. S.D. TURAGA.- Cheap shot.

HON. PROF. B.C. PRASAD.- The submissions made to the Ministry of Finance were from the water bottling industry as a whole. Their figures are all wrong, honourable Kumar was saying that extraction for the top tier was increased from 3.5 million litres to 10 million litres. It was always 10 million litres.

As I explained to them, Mr. Speaker, Sir, there is absolutely no revenue loss for Government in what we have done. In fact, what we have done is going to get us more revenue. As I said by 2024 – 2025 from \$80 million that we collect now, we could be up to \$100 million and the Corporate Tax that we are getting now is just about \$5 million and we are increasing the Water Resource Tax from 18 percent to 19.5 percent. We are actually going to increase the revenue that the Government

will earn and in the process, Mr. Speaker, what we have done in terms of the actual wording of the law is to allow companies like Fiji Water which is the largest corporate taxpayer in the country....

(Honourable I.B. Seruiratu interjects)

HON. PROF. B.C. PRASAD.- We have not taken it away. The honourable Leader of the Opposition did not get it. I said the total Corporate Tax that we collect from the water bottling industry is only \$5 million. The Water Resource Tax is what gets the revenue and we are increasing Water Resource Tax from 18 percent to 19.5 percent. I do not know what they want. In the last two days...

(Chorus of interjections)

MR. SPEAKER.- Order!

HON. PROF. B.C. PRASAD.- ...Mr. Speaker, Sir, they were moving motions on the other side. First in the debate, they came out and complained, they said, "this is a very high spending Budget, you are not cutting expenditure." Then in the last two days, they were all moving motions to increase the Budget.

(Chorus of interjections)

HON. PROF. B.C. PRASAD.-. When I added that, it comes to more than \$150 million increase that they wanted in the last two days. If we had taken that or if we listened to them, our expenditure will increase from \$4.3 billion to \$4.5 billion. That is the voodoo economics that they practised over the last so many years.

(Chorus of interjections)

MR. SPEAKER.- Order!

HON. PROF. B.C. PRASAD.- I was hoping, Mr. Speaker, Sir, that they would break away from that Stockholm syndrome and as a new Opposition party with a new honourable Leader of the Opposition (my friend and his a very good man) that they would all change. They would start looking at something different and break away from the past, but they do not seem to. I think honourable Kamikamica said that they have 16 years of experience, some of them have eight years of experience in government, but I think they will need some time to fit in the experience of being a good Opposition. So, we will give them the time.

The other point that I want to make, Mr. Speaker, Sir, with respect to the Social Responsibility Tax, they are saying that we reduce the tax from the rich. That was a bad policy brought by the previous government to target certain groups and what happened? First when they brought it, people who were slightly below \$270,000 and someone who was earning \$280,000, the Social Responsibility Tax for the person who was earning \$280,000 would take away more in tax than the person who was earning \$60,000. So, the net effect of that was, that if you were earning \$280,000 and if you were earning about \$220,000, the person with \$280,000 will at the end of the day get less take home pay than the person who was earning \$220,000 or \$230,000. That is how stupid the policy was.

What happened, Mr. Speaker, Sir? What happened when people complained? When people complained, they changed it to marginal income instead of the total income. So what happened was, some of those people who realised that they were paying more Social Responsibility Tax changed

tax. They formed companies, they got dividends paid. So they were avoiding, in fact, we lost tax as a result of that. So what we have done, Mr. Speaker, Sir, is to correct that and now it is a more progressive tax system that we have created and it is fair and is simple. It is not complicated for tax administration.

Honourable Usamate is good in statistics I know because he used to sit in my class in statistics....

(Chorus of interjections)

HON. PROF. B.C. PRASAD.- You were in my tutorial class.

HON. J. USAMATE.- Mr. Speaker, Sir, Point of Order, Standing Order 74, he is telling lies, I was never his student.

(Chorus of interjections)

HON. J. USAMATE.- I was never your student, you never taught me anything. He has to withdraw that statement because he has lied to you, Sir, he has lied to Parliament, he has lied to the people of Fiji. I was never your student.

HON. PROF. B.C. PRASAD.- He used to be in my tutorial class, Mr. Speaker, Sir.

(Chorus of interjections)

HON. J. USAMATE.- A tutorial class?

HON. PROF. B.C. PRASAD.- I cannot understand the difference.

Let me come back to the point, Mr. Speaker. Honourable Usamate understands what SRT was doing and we have corrected that.

The final point that I want to make, Mr. Speaker, is on the Land Sales Act. Again that law was kind of brought because some people went and complained about foreign investors buying land and they brought this legislation to say, "you have to buy a freehold land in Savusavu and you have to build in two years." A lot of investors were scared away by that. It was very stringent and given the ease of getting everything completed, two years was not enough and so what we have done is a very practical thing; increase the time. We have given them five years, they still have to invest and it is a reasonable proposition, Sir.

Sir, in conclusion, what I want to say is that, as I said earlier, this is a budget that we passed yesterday, it was a well thought out budget, it addresses a number of fundamental problems in the economy and it has provided so much certainty confidence to our investors. I think there is a sense of exuberant, there is a sense of confidence, there is a sense of freedom, not only amongst the people but amongst the investors and we have been told every day from institutions, from the surveys we do and meetings we have that we are poised for a very strong not only economic growth but also a path line of investment that will be good for this country. Thank you, Mr. Speaker, and I hope honourable Members will support the Consequential Bills and I thank them for their contributions and the debate over the last three days.

MR. SPEAKER.- Parliament will now vote.

Question put.

Votes cast:

Ayes - 29

Nays - 23

Not voted - 2

Motion agreed to.

A Bill for an Act to amend the:

- (1) Tax Administration (Budget Amendment) Bill 2023 (Bill No. 4 of 2023);
- (2) Income Tax (Budget Amendment) Bill 2023 (Bill No. 5 of 2023);
- (3) Value Added Tax (Budget Amendment) Bill 2023 (Bill No. 6 of 2023);
- (4) Customs (Budget Amendment) Bill 2023 (Bill No. 7 of 2023);
- (5) Customs Tariff (Budget Amendment) Bill 2023 (Bill No. 8 of 2023);
- (6) Excise (Budget Amendment) Bill 2023 (Bill No. 9 of 2023);
- (7) Airport Departure Tax (Budget Amendment) Bill 2023 (Bill No. 10 of 2023);
- (8) Water Resource Tax (Budget Amendment) Bill 2023 (Bill No. 11 of 2023);
- (9) Fiji Revenue and Customs Service (Budget Amendment) Bill 2023 (Bill 12 of 2023);
- (10) Fiji National Provident Fund (Budget Amendment) Bill 2023 (Bill No. 13 of 2023);
- (11) Tertiary Scholarships and Loans Service (Budget Amendment) Bill 2023 (Bill No. 14 of 2023);
- (12) Land Sales (Budget Amendment) Bill 2023 (Bill No. 15 of 2023).

enacted by the Parliament of the Republic of Fiji. (Act Nos. .... of 2023)

MR. SPEAKER.- Honourable Members, as the motion is carried, therefore the Bill have been passed. I intend to adjourn Parliament now for a break and we will resume when the bell is sounded.

The Parliament adjourned at 11.49 a.m.

The Parliament resumed at 12.58 p.m.

### **LIQUOR (AMENDMENT) BILL 2023**

HON. S.D. TURAGA.- Mr. Speaker, Sir, pursuant to the resolution of Parliament on Tuesday, 11<sup>th</sup> July, 2023, I move that:

The Liquor (Amendment) Bill 2023 (Bill No. 16/2023), be debated, voted upon and be passed.

HON. L.D. TABUYA.- Mr. Speaker, I beg to second the motion.

HON. S.D. TURAGA.- Mr. Speaker, Sir, I rise to contribute to the debate on the Liquor (Amendment) Bill 2023 which I will refer to as the Bill which was tabled in Parliament on Tuesday, 11<sup>th</sup> July, 2023.

Mr. Speaker, Sir, consultations in relation to Bill were held with the Ministry of Home Affairs, the Fiji Police Force, the Office of the Attorney-General in particular, the Speaker. Public consultation in relation to the opening of nightclub hours was also held in Suva, Labasa, Nadi, Lautoka, Beqa, Vanua Levu, the Lomaiviti Group, namely, Nairai Gau and Batiki, and the communities in the Central Division. Particularly, the members of the Wasewase o Lomaiviti – Lomaiviti Divisional and communities in the Central Division.

This morning, Mr. Speaker, Sir, we heard from our new Member the need for consultation. Of course, we all know that most of the laws that are now enacted never went through the consultation process. We said from the very beginning that when we are in Government, we are going to listen and we are going to consult. That is precisely what we did. People in glasshouses should not throw stones. *Leuta mada mai na malamala mai na matamu.*

Mr. Speaker, Sir the Liquor Act 2006 provides for inter alia the regulation of liquor licensing and permitted hours for the sale of liquor and has generally had a direct link to the opening hours of various venues which sell liquor.

Clause 1 of the Bill provides for the short title and commencement. If passed by Parliament, the amending legislation will come into force on a date appointed by the Minister by notice in the Gazette.

Clause 2 of the Bill amends the Schedule to the Act to remove the special zones. Mr. Speaker, Sir, special zones under the Act, as I have mentioned on Tuesday, 11<sup>th</sup> July, 2023, are areas in Nadi and Suva, where liquor can be sold beyond the permitted hours. For the clarification of the Opposition, the permitted hours under the Act are as follows::

- For Taverns, it is from 11.00 a.m. to 1.00 a.m. daily and from 7.00 a.m. to 3.00 a.m. in special zones;
- Permitted hours for the sale of liquor in restaurants is from 11.00 a.m. to 12 midnight daily, and from 7.00 a.m. to 3.00 a.m. in special zones; and
- Permitted hours for the sale of liquor in nightclubs is from 5.00 p.m. to 1.00 a.m. daily, and from 5.00 p.m. to 5.00 a.m. in special zones.

Mr. Speaker, Sir, the amendments in the Bill intends to remove the special zones in the Act. Hence, permitted hours for the sale of liquor will be as follows:

- For taverns, from 11.00 a.m. to 1.00 a.m.;
- For restaurants, it will be from 1.00 a.m. to 12 midnight daily; and
- For nightclubs, from 5.00 p.m. to 1.00 a.m. daily.

The Coalition Government, in its concern with the numerous reports of brawls, robberies and attacks in areas around nightclubs and in special zones in the early hours, intends to reduce the opening of nightclubs and other drinking venues.

Moreover, Government in its effort to respond to the social issues related to the long opening hours of nightclubs, intent to reduce the opening hours for nightclubs and drinking venues. In actual fact, Mr. Speaker, Sir, what we have now is more a consistent law. Before, some nightclubs close at 12.00 a.m. or 1.00 a.m., some at 5.00 a.m., now nightclubs, taverns and restaurants will close at the same time.

Mr. Speaker, Sir, I would like to highlight an article published in *The Fiji Times* on 14<sup>th</sup> August, 2016, titled, 'Dagger in a Bottle'. This article highlighted the story of a person who suffered from an injury which left him paralysed from the neck down in 2006. In his own words, and I quote:

“It was three days of big drinking and I had drunk myself to the oblivion. I do not remember anything that happened afterwards. My friends later told me that I was sitting on a stool which was placed on the table and I was trying to tie my shoe lace. The stool suddenly flicked and I fell badly on the concrete floor hitting my neck. All I remember was waking up like this.”

He further highlighted the use of alcohol and substance abuse, and if it is not too late, I thank him for sharing his story with us.

Mr. Speaker, Sir, it is evident that alcohol and substance abuse is not an issue which came overnight. We do not intend to interfere with the people's right to consume what they want. But our intention is to reduce the hours of alcohol that can be sold in venues intentionally decide to create an atmosphere which encourage patrons to consume alcohol for hours on end. This leads to problematic behaviour in that moment itself and other long term effects on their health, which they can only realise when it is too late.

It is no secret that the consumption of alcohol is known to have adverse effects on physical and mental health. It can be enjoyed as long as you drink responsibly. But that is the challenge - drinking responsibly. Unfortunately, our people including our youth, indulge in the excessive consumption of alcohol. This is a long standing issue which has led to various social issues arising in the society and those social issues are becoming more apparent by the day. It is our responsibility as a Government to address these issues urgently before society is harmed further.

Mr. Speaker, Sir, the friendly nature of our people in Fiji is our pride. It saddens me that a young man lost his life due to being assaulted offside a nightclub in Suva, as reported in the media in March this year. Would a man who drank responsibly decide to assault an innocent man until he was motionless? Unfortunately, this was not the first case and I dare say, it will not be the last if this issue is not addressed.

I have a very informative report here. It is the Global Status Report on Alcohol and Health 2018, by the World Health Organization (WHO). I will highlight an important paragraph from the Report, and I quote:

“The harmful use of alcohol is one of the leading risk factors for population health worldwide and has a direct impact on the many health-related targets of the Sustainable Development Goals (SDGs), including those for maternal and child health, infectious diseases (HIV, viral hepatitis, tuberculosis), noncommunicable diseases and mental health, injuries and poisonings. Alcohol production and consumption is highly relevant to many other goals and targets of the 2030 Agenda for Sustainable Development.

Alcohol per capita consumption per year in litres of pure alcohol is one of two indicators of SDG health Target 3.5 – “Strengthen the prevention and treatment of substance abuse, including narcotic drug abuse and harmful use of alcohol.”

Mr. Speaker, Sir, allow me to dissect this paragraph in Fiji’s context. I have witnessed many a times people regretting after a night out and swearing they will never consume alcohol again when they have a hangover. Well, let me tell you, Sir, a hangover will be the least of their problems when they realise what other health issues excessive consumption of alcohol leads to.

In recent times there have been numerous reports in the media in relation to Non-Communicable Diseases (NCDs). On 14<sup>th</sup> February, this year, the FBC reported that according to the Ministry of Health and Medical Services, 80 percent of deaths in Fiji are caused by NCDs. This is, of course, one of the reasons why we are increasing duty on unhealthy snacks and juice in this Budget, as highlighted by the honourable Minister of Finance, but not only unhealthy snacks and juice are causing NCDs. People consume excessive alcohol and smoking tobacco are also part of the 80 percent, as consumption of alcohol can cause high blood pressure, heart disease, diabetes and high cholesterol.

Mr. Speaker, Sir, it does not end with NCD. Another risk associated with alcohol misuse is the practice of unsafe sex, which can lead to infectious diseases, such as HIV and viral hepatitis. It is critical for me to highlight this point as earlier this week, we heard from the honourable Minister for Health that Fiji recorded 46 HIV-related deaths last year, which was the highest ever for Fiji and in the region. The WHO Report also highlighted, and I quote:

“The growing evidence of a contributing role of harmful use of alcohol to the disease burden of infectious diseases such as HIV, tuberculosis, viral hepatitis and sexually transmitted infections has not yet been sufficiently recognized and addressed in the relevant global strategies and action plans.”

It is time we recognise and address what role alcohol is playing in the increase of HIV cases in Fiji, and this Bill will help us to do exactly that. We do not want to collect tax at the expense of our people. We want to find solutions, thus we need to change things to see what impact it will have.

Our Ministries cannot work in isolation. We cannot have our laws allowing the sale of liquor until hours as late as 5.00 a.m. while our health workers and health system is burdened with the increasing cases of NCDs and HIV.

While on the topic of tourism and point raised on how the reductions in permitted hours for the sale of liquor will affect our tourism sector, let me highlight the issue people are facing on the ground.

During the consultation in Suva, it was brought to our attention by members of the public that in Nadi, the first few things tourists arriving into the country through Nadi International Airport witnessed are club patrons urinating in the public and the pub, people fighting and people passed out on the streets. The first impression is not the positive one for our tourism sector. It was also revealed



during the consultation in Lautoka that intoxicated parents spend the night at the Lautoka Bus Stand and urinate where produce is sold the next day.

Mr. Speaker, Sir, I ask our people, especially our youth, what is attractive about untimely deaths and health problems that we tend to drink such excessive amounts of alcohol? What is attractive about getting so drunk that we end up harming ourselves and others?

It is for these reasons that we are proposing to permit the sale of liquor in drinking venues until 1.00 a.m. We know this will not completely solve the issue but it will definitely help bring a change we desperately need in our society. It will help our people evaluate the relationship they have with alcohol and sort out their priorities.

We know our people need to enjoy, relax and we want for them as well but getting drunk to a point where you put yourself in danger and cannot make it home safely is not what our people should be aspiring for.

Mr. Speaker, Sir, there is no joy finding out that 80 percent of our deaths in our country are due to NCDs and that we are leading the region in terms of HIV-related deaths. There is no joy in finding out that a young man has lost his life due to a brawl starting in a nightclub, a place where he should have been enjoying himself. There is no joy in finding out that people are getting robbed and assaulted after coming out of nightclubs.

Mr. Speaker, Sir, our Government's priority and, that is, the Coalition Government, is our people. People first and the reduction of hours for the sale of alcohol will help us address the social and health problems we are facing as a nation today. Let me end with this, "health is wealth".

MR. SPEAKER.- Before I offer the floor for the debate to begin, just for housekeeping purposes, I humbly ask you, honourable Members if we could all try and make it orderly, as just of now you may have noticed we are doing sign language from here to the Whips.

I have now received a list of speakers for this particular Bill and there are three from each side. The first speaker will be the Opposition, honourable Faiyaz Koya is the one listed here and then honourable Aliko Bia and honourable Iowane Naivalurua. Alternately, the first one from the Government side will be the honourable Deputy Prime Minister and Minister for Trade, Co-operatives and Small and Medium Enterprises and Communications; the honourable Minister for iTaukei Affairs and Culture, Heritage and Arts; and then it will be the honourable Minister for Home Affairs and Immigration.

There is a consensus on the length of time for each speaker which is five minutes and that has been agreed. Whilst we take care of this particular Bill that is now before us, I, again, urge both Whips to, please, you do your conversing with your Members and tidy up for the next few Bills that is going to be coming after this so that, at least, Members and those in the gallery will quickly understand the duration of each speaker and how much time we are going to devote on this. That is all I ask for now.

I will ask honourable Koya, as usual, to begin the debate, after which will be Deputy Prime Minister Kamikamica, so five minutes each.

HON. F.S. KOYA.- Mr. Speaker, Sir, I have five minutes and I will try to be as brief as possible. The Bill presented by the honourable Attorney-General, in effect, is just one thing and he is seeking to amend the Act to remove the special zones that exist in Nadi and in Suva.

Mr. Speaker, Sir, one of the things that we must realise is, these particular zones were created for a purpose, and these are tourism zones. There was a considerable amount of money that was spent by a lot of operators in Nadi, and I am sure the honourable Deputy Prime Minister and Minister for Trade, Co-operatives and Small and Medium Enterprises and Communications is aware of this. A lot of the operators moves out of Nadi Town into that particular zone and they moved their entire nightclubs at some considerable expense.

Let me just go back a short period of time. During COVID-19, please, remember, Mr. Speaker, that all of these nightclubs were closed - zero income, absolutely nothing! We were one of the first countries in the world, off the block, to open our tourism doors and that was the main basis of that particular zone being there in Suva and in Nadi, to accommodate the tourists, not just overseas tourists, our local tourists as well. People going somewhere, young people wanting to enjoy themselves. You cannot isolate these things and say, "A couple of incidents", and we shut it down completely.

Mr. Speaker, Sir, there are quite a few anomalies and I want to quote one nightclub owner, who actually messaged, and said, "if you close the nightclubs at 1.00 a.m., we will only be operating for four to five hours every night which is actually quite a loss for us." They have got 45 odd staff that they have to cater for. Right now, they are opening from 9.00 p.m. and closing at 4.30 a.m. with those 45 staff.

In terms of the Police, Mr. Speaker Sir, it is better for them to monitor in a concentrated area, then all around the place, and I will explain why. I am a resident of the West - born and bred. At the moment, I have been living in Suva now for the last eight years, but I know what happens there, Sir. The minute you close it early, Mr. Speaker, Wailoaloa Beach is the first place they end up with the rest of the alcohol. And guess what? You have suddenly opened up a black market for booze.

The black markets will start selling alcohol after they shut off the nightclubs. So, is it not better served if you actually do it in a concentrated area where the honourable Minister for Home Affairs can keep his police people there to make sure that there is no nonsense. Of course, there is going to be incidents, you cannot blame alcohol for everything.

People have to be responsible, Sir. This is the lifeline for many people in Nadi. I know that there are hotel workers that turn up to the clubs after a whole day of hard work and they go to the nightclub because it is open until 5.00 a.m. and they enjoy themselves and they go back home, but they do not create problems.

There is a whole economy that runs and guess what, Mr. Speaker, one of the most important things that we have within our economy is our Micro, Small and Medium Enterprises (MSMEs). You go outside the nightclubs here in Suva, you have got thriving businesses there that create enough income - \$900 to \$1,000 a night, which they earned from those people who drink. We all know what it is like - you get hungry after you have had a few drinks. They all eat there. They are all going to lose business. You have just cut-off that particular business even more so after the hike and everything else that you put up.

My point is, Mr. Speaker, and it does not actually correlate this. Again, the reason why we had objected to this coming via Standing Order 51, it would have been great if we had it before a Committee - we could have consulted with everyone - the general public, and then come back with a report.

Mr. Speaker, I want to ask the honourable Attorney-General a question, is there a nightclub in Nairai? Is there a tavern in Nairai?

HON. PROF. B.C. PRASAD.- It is invalid.

HON. F.S. KOYA.- It is a valid question. Why is it that the consultation went there?

From what I understand, the nightclub owners came to you and said, “No, this is not going to work.” They have just gone through COVID-19, Mr. Speaker. It is going to be absolutely devastating. This is an activity that every single person sitting here has been involved in - visiting nightclubs. I am sure, Sir, I can guarantee everyone’s been there. No one is saying, “no”. As a matter of fact, I know that the honourable Minister for Home Affairs with his thumbs up, I know where he used to go because I used to go to the same place. Is that correct, Sir?

(Hon. P. Tikoduadua interjects)

HON. F.S. KOYA.-Yes.

(Laughter)

HON. F.S. KOYA.- Mr. Speaker, Sir, tourism had just been hit, and I do not want the numbers to go down. Tourism is just been hit and we are actually giving it another hit.

Mr. Speaker, I have a whole lot more to say but at the end the day, I do not think, honourable Attorney-General, that this a well thought-out exercise. I can tell you this much - that the nightclub owners in Suva and in Nadi and with those particularly within those zones, are saying, “How much revenue are we going to lose, we do not know.”

Mr. Speaker, the worst part about all of this is, I know in Nadi, suddenly all these black markets, and I can see the honourable Minister for Multi-Ethnic Affairs nodding his head, he knows too what happens in Labasa. He is an expert in alcohol.

(Laughter)

HON. F.S. KOYA.- He knows that, Sir, but it is not the alcohol, it is the people. We just need to ensure that we actually nurture it. Now, we have got a great Police Force, he can send more people out there.

MR. SPEAKER.- He is an expert in making alcohol or drinking?

(Laughter)

HON. F.S. KOYA.- He will tell you about this. I am not going to make anything, but I know he is an expert, Sir.

MR. SPEAKER.- Alright, good. Are you rounding off, Sir?

HON. F.S. KOYA.- I am just rounding off, Sir.

Mr. Speaker, one of the most important things that is actually quite hurtful to me as a former Minister for Trade, Transport, Tourism, et cetera, is that tourism is going to be affected and worst of all or most of all, what is most hurtful is those small businesses that exist outside these particular zones that make substantial a lot of money. I urge and I plead, “Please, do not do this. It is counterproductive to what all of our citizens actually like seeing around our country.”

HON. M.S.N. KAMIKAMICA.- Mr. Speaker, just a few contributions from this side of the House, Sir. I am glad that the former Minister for Tourism and Trade actually mentioned Standing Order 51. I thought I would just share some statistics with him.

During the time of the previous Government, Mr. Speaker, Sir, they passed 318 Bills and out of that, 298 Bills came under Standing Order 51 - 93.7 percent.

HON. OPPOSITION MEMBERS.- Oh!

MR. SPEAKER.- Order, order!

HON. M.S.N. KAMIKAMICA.- So, just to re-echo what the honourable Attorney-General had said, Mr. Speaker, Sir,....

HON. A.A. MAHARAJ.- Point of Order, Mr. Speaker.

HON. M.S.N. KAMIKAMICA.- What is your Point of Order?

HON. A.A. MAHARAJ.- Mr. Speaker, my Point of Order is on relevance.

MR. SPEAKER.- What Point of Order are you rising?

HON. A.A. MAHARAJ.- Standing Order 74 on relevance.

MR. SPEAKER.- So, you make up your mind, honourable Member. If not, then you call for another order again. Can I allow the Deputy Prime Minister to continue?

HON. A.A. MAHARAJ.- Yes, I have decided, Standing Order 64 on relevance.

MR. SPEAKER.- No, you have just decided whilst you are standing there. When someone calls for a Point of Order, please, quote the Standing Order number that you are raising so that will help me understand where we are going and what you are bringing to the floor. That is all I ask, honourable Maharaj. You are a veteran politician.

HON. M.S.N. KAMIKAMICA.- So, Mr. Speaker, Sir, just to allow me to return to that percentage, 93.7 percent of the legislations that, that side of the House passed was actually done under Standing Order 51. So, going back to the point that the honourable Attorney-General made, *leuta mada mai na malamala mai na matamu*. I will move along.

Secondly, I think one of the things that happened with the FijiFirst Party is that, they have actually lost touch with reality. Let me explain.

Sir, in the last 16 years, there has been a breakdown of society - asocial breakdown of society. Every Member in this Parliament, including those in the Chamber, will totally agree with me that there has been a social breakdown. What are the reasons? It is what we are debating here today - the hours of nightclubs.

Sir, I just want to say something else before I just assure Parliament and other honourable Members that we did consult widely. Apart from the consultations that the honourable Attorney-General made, we actually did our own consultations which I will share.

However, before I do that, Sir, I will just remind the other side of the House, this is another point about this former Government. We have been talking about glue sniffing and ills. The Bill that was supposed to prevent glue sniffing was actually tabled in their Cabinet in 2010 called the Volatile Substance Abuse Bill. No political will, Mr. Speaker, Sir, absolutely, no political will!

Mr. Speaker, Sir, apart from the problems in the economy being at the feet of the former Prime Minister and the former Attorney-General, I place the social breakdown as well at their feet, Sir. Absolute ignorance and absolute no care!

So, Mr. Speaker, Sir, allow me just to finally contribute on the Bill. We did consult widely. We actually did our own survey and I will just read out the statistics. We did actually do a night base survey in May and the night survey was undertaken in Lami, Suva City, Laucala Bay, Nabua to Centrepont and covered all the food operators, BBQ stalls, market vendors, subway stalls, restaurants, kava bars, taverns, service stations, taxi operators, shop operators and others. About 98 percent responded altogether, 66 percent were male and 34 percent were female.

Mr. Speaker, Sir, 57 percent agreed that the club hours need to be shortened; 64 percent responded and agreed that it should not be shortened between 12.00 a.m. and 1.00 a.m.

So, Mr. Speaker, Sir, unlike that side of Parliament, we believe that we have consulted widely. The Churches are with us. We are doing this not because we are trying to repress the economy, we are doing this because a government not only does make popular decisions, they have to make social decisions, hard decisions in the interest of the people of Fiji. This Government that will lead the new Fiji, Sir, is actually on the right path, I think, in changing the hours of club trading.

HON. A. BIA.- Mr. Speaker, I rise to make my contribution on the Bill that is before Parliament and, in this case, the provisions of the Act which is the opening hours of the nightclub. Mr. Speaker, Sir, as much as we want to solve some of the pressing social issues we are currently facing as a country, I am sorry to say and inform the honourable Attorney-General that you cannot solve or decrease the crime rate by reducing the opening hours of the nightclub.

In terms of consultations, we also do consultations not only for the sake of doing it but to gather the information and views of the people and those who are impacted by the Bill that is before Parliament. Not that you do consultations, you have already had a motive in doing consultations but I guess the onus is in this Parliament, if we do consultations, we listen to all the parties that is involved with the Bill that is currently in front of us.

Mr. Speaker, Sir, just two aspects of those who are badly impacted by the Bill, just on the nightclub owners and families. I have had a chance to *talanoa* with a nightclub owner just a few days ago, and he said, "In the consultations that they had with the honourable Attorney-General", all the nightclub owners disagreed with the Bill that is in front of us. They were saying, "Just as we were recovering after COVID-19 and we were about to get on our feet, now this comes back in."

For this nightclub owner, he had to sell three of his properties. His family was also made to suffer but just as they were about to recover the revenue that was lost during COVID-19, the Bill comes in again.

Mr. Speaker, Sir, the other aspect of my contribution today was on the families who do rely on the nightlife industry, especially in the cities. There are families who have food stalls, they do rely on this nightlife to earn income.

We have just passed the National Budget and all the honourable Members on the other side knows that VAT has been increased to 15 percent. With the families that will be impacted, is this the right way treat them? Guess, the amount of people that do rely on these operations in order to earn income and support their families back at home?

Also, there are employees of these nightclubs that do rely on their jobs everyday. According to some of the nightclub owners, if this Bill goes ahead, some people will lose their work and not only their work, there are also families back at home who rely on them who will greatly suffer. Thank you, Mr. Speaker.

HON. J. USAMATE.- Shame!

HON. I. VASU.- Mr. Speaker, Sir, please, allow me to share my contribution with regards to the Bill in the *iTaukei* language.

*Turaga na Sipika, au kila ni veisau ena kauta mai na vinaka ena, kauta talega mai eso na dredre. E dau vinaka ni caka e dua na veisau, e dau vinakati me da veitalanoa sara vakalevu me da raica na veika e kauta mai na veika eda vinakata me na veisau.*

*E dua na veitalanoa ni veisau ena Bill ka da mai veitalanoa kina nikua, e levu na gauna au lako kina na Bose ni Yasana vakabibi mai Ba, Nadroga kei ratou mai Naitasiri, era sa tukuna mai vakalevu na dredre ni veika era sa sotava, vakabibi ena nodra sa saga me ra vakavinakataka na bula vakavanua ena dredre ni nodra tovolea mera tuberi ira na i tabagone era sa donumaka na gauna oqo.*

*Na vanua e caka tiko kina na veisau koya eda veisautaka tiko oqo, era tiko talega kina na vei korokoro. Na ka era sotava vakalevu ni ra vinakata me ra qarava na nodra ituvatuva, e levu na gauna e sega ni rawata me ra cakava nodra i tuvatuva baleta ni levu na nodra goneyalewa kei na cauravou era sa qai suka talega yani kina ena gauna oya mera lai vakacegu.*

*Au kila ni dua e vinakata me yacova na bula sautu, ena vinakata me dua tiko na nona bula vakaituvatuva - na gauna me na yadra kina kei na gauna me na moce kina. Ia, ena veika sa mai yaco oqo, ena bula vakoro, esa lai yavalata vakalevu, baleta ni dodonu me ra tekivu vakamataka koya kei ira era vakanuinui kina me ra tiko talega kina sa sega baleta era se qai lai moce ena gauna oya. Koya oya, e kauta mai na vakadredretaka na veiliutaki vakavanua, vakabibi vei ratou na nodatou vei korokoro ka tiko volekata na vei tauni me vakataki Nadi, Kalabu, Suvavou, era sotava na dredre ena kena sagai na veiliutaki vakoro.*

*Au vinakataka talega meu vakaraitaka ni sega walega ni o keda na tiko wavoki oqo e tarai keda na revurevu ni lawa oqo, e tarai ira talega vakalevu o ira na noda ni ra lako mai ki Suva, se o ira na noda era tiko mai na Yasayasa Vakara ni ra gole mai Nadi, ni sa dolavi vei ira na veika kece sara me ra vakayagataka.*

*O keda, eda vulica me da veisautaka na veika kece sara, ena qai rawa ni o sotava na veika kece sara ni veisautaki vakatotolo. Me vaka au sa vakaraitaka oti mai liu, na veisau ena tiko na kena Vinaka, e tiko talega na kena ca.*

*Mai na Bill o koya eda veitalanoataka oqo baleta na kena dola na vale ni gunu kei na vale ni danisi, eda sa cakacaka tu mai me yacova na dua na kaloko. Sa da qai mai nanuma me da vakamuria beka eso na vei Matanitu lelevu o koya era sa yacova sara tiko na mataka. Io, o kedatou ena nodatou veikoro, me vaka au sa tukuna oti, e ravita sara tu ga na veivanua kece oqo. Eso na kena revurevu e tauri keda sara vakalevu.*

*Na kenai karua au via vakaraitaka talega sa i koya na bula kei Viti ni mataka ena vakatau vei ira na i taba gonetagane kei na i taba goneyalewa era tiko ena gauna ogo. O ira ogo koya e tarai ira tiko vakalevu na veika edatou veitalanoa tiko kina ena siga vinaka e daidai. Ke da maroroi ira 'qo, eda na qai rawa ni raica e dua na Viti vinaka ena veisiga ni mataka.*

*Vei keda beka na dau ni bisinisini ena sotavi keda vakalailai na dredre. Au nanuma me'u vakaraitaka vei ira, ni da cakava e dua na ka, ena tiko eso na ka meda na raica vakararaba na kena vinaka vei keda, vata na kena vinaka talega vei ira era mai vakayagataka na ka eda volitaka.*

*Au nuitaka na Bill ni veisau ogo era se na bula tikoga, ia me ra nanumi talega o ira na noda kawa ena veisiga ni mataka vata kei na kena revurevu eda sa raica tu ena gauna ogo. Sa da yacova oti tu ga na dua na kaloko e dau sogo kina e liu, da raica tu mai na veika kece sa yaco kina, eda sa yalo vakacegu. Ka'u nanuma ni kena veisautaki ogo, e se rawata toka ga o ira na dau ni bisinisi na ka era rawata, da maroroi ira toka ga na noda cauravou kei na goneyalewa kei ira era dau vakayagataka na vale ni danisi kei na valenikana na veika era rawa ni rawata. Vinaka saka vakalevu.*

HON. I. NAIVALURUA.- Mr. Speaker, Sir, this is not an easy debate because the matter at hand is something that we all know about. Liquor, during our early days, and most of us are still enjoying that particular path of the journey.

As I listened to remarks by the honourable Attorney-General, I have decided to label his presentation as a 'righteous approach versus the right approach'. Once again, Mr. Speaker, Sir, 'a righteous approach versus the right approach'. This particular issue at hand demands or calls for the right approach and the right interventions, the right approach, because as the honourable Minister of Finance has schooled us about in his opening remarks is that everything is related or connected to everything.

This touches the hearts and the souls of the tourism sector, it touches the hearts and souls of the livelihood of many, it also touches the hearts and the souls of our young people, it curtails the fundamentals of rights and freedoms, and many others. So it is a very sensitive issue and a very difficult matter to debate about, and I am just wondering whether we have spent enough time on the consultation processes.

This particular issue is not really about liquor, it is just a very small element of it; it is not about just closing the special zones; it is deeply rooted in our society, in our lives and in our families, especially for mum and dads who sleep on their job at home; the communities are not working together to intervene in the journey of the young people, community-organised bodies, the churches and so forth. I am calling for an intervention that is right, not a righteous intervention.

Mr. Speaker, Sir, I as the former Commissioner of Police and Corrections, I have served in a role that I have seen and as my mission demanded of me to keep the community or the public on track, that is, the Police role. On the other side as the Commissioner of Corrections, inside the walls, was to bring back on track the lives of those who have gone off track.

I wish to share with you, listening to young people who end up on the other side or even hearing of stories of those who have gone off track out here, and those who are inside the walls, not everything is related to liquor. It is deeply rooted on other issues and on other matters, Mr. Speaker, Sir. So, I am calling for, on behalf of my colleagues on this side of Parliament, that we should be very sensitive and careful as we address this particular Bill, that we consider the other factors associated with it. There are other alternatives.

This particular Act when it was enacted was done specifically for specific reasons - for economic, social and above all from the security aspects of things, to control drinking spots, stop bootleggers or black markets, so are we prepared to when we make a tick on this one here, to see more drinking spots out there? Are we prepared to have more black markets out there? Are we prepared to see more unsafe neighbourhood and community spots out there? These are the questions we ask ourselves, Mr. Speaker, Sir. So I am strongly, on behalf of this side, we need to reconsider before we say, 'aye' to this particular Bill.

HON. P. TIKODUADUA.- Mr. Speaker, Sir, I will make a short contribution. From the perspective of my portfolio as the Minister for Home Affairs, particularly with regards to the Police and the maintenance of law and order, and I appreciate the comments that have already been shared in Parliament, particularly the comments raised by former Police Commissioner and Commissioner of Corrections, some of the experiences related to excessive alcohol consumption.

Some of us come around Sunday morning along the Suva Bus Station, it is a pitiful sight around 7 o'clock and 8 o'clock when we witness our young people coming back after the nightclub closes at these hours. In the day, we witness them because we see things that they do and how they affect other people's lives whom they meet along the way. The least I can say is that it is not quite a good experience. So this has been happening quite a while from when these laws were passed to allow nightclubs to operate for long hours. Obviously, for the reasons for this was created and I must add also because one of the reasons that was given at the time was because of tourism, to allow our tourists to enjoy, particularly in Nadi not so much in Suva.

But the last time the honourable Koya and I, I think it was Saturday when we walked, but roundabout 1 o'clock in the morning, there were no tourist in the nightclub. Obviously, they go to their places, so it was just the youth. It is a matter of choice. However, when people make choices, sometimes things go out of hand. And when it takes into account law and order, it is a big problem for the Police, and honourable Naivalurua will agree with me. Of course he was the Commissioner of Corrections, he would not realise, but there are lots of crime that are caused or related to alcohol consumption against our children and women, in particular. Much of the brawl are about men but most of the victims are our children and women. It is not going to stop it and you are right, but it is definitely, Mr. Speaker, an important decision to be able to reduce the amount of oxygen that starts the fire. That is what we are trying to do here.

I can assure you, Mr. Speaker, Sir, and the honourable Members of this Parliament, assure all of our people, that one thing we consider and value are the lives of the people who become victims of excessive consumption of alcohol. That is what we are trying to prevent.

I understand there are other sequences. Of course, every decision has a benefit and the cost, but let us look at our children. During my time on the other side, I have always advocated for this because I see no social value. They may be beneficial to our operators, may be in terms of revenue, but in terms of the long term costs, it has definitely impacted the social cost of this and the Police because of their already stressed resources, it is very hard to consistently effect this, but we will do our best.

I recognise the point raised by honourable Naivalurua and that was a concern. But whether it stops at five or stops at one, they still go back to their own homes. So I suggest that may be, if people want to drink alcohol, to up to 5 o'clock just go home peacefully and that is the best way to have it - under the supervision of your parents, and have a good time, because I am sure those who consume alcohol, as I had in the past till 5 o'clock, there is only one cost, it empties my pocket and Alipate Vosaicake knows that, if he is listening. That is the only reason. But, we will, obviously, going to assist the Police, Mr. Speaker, and I support the amendment Bill that we have.



HON. S.D. TURAGA.- Mr. Chairman, I thank the views expressed - frank, accurate, but may not reveal the truth. Highest sound in language is good, but what is needed here is action.

Mr. Speaker, Sir, the problem here is, if I refer to honourable Naivalurua, we cannot legislate how good parents will teach their children, how the church should conduct their faiths, but what we can control here is what actions we will take to solve the problem that we face. Let just refer to some of the views expressed by members of the community.

Nadi is like a Beirut. We all know Beirut. That is the sentiment expressed by the owner of McDonalds, Mark McGregor. Another comment; residents see more drunkards than animals lying on the roadside in Nadi.

I live in Nadi too. I go to Martintar to buy food and the problem, Mr. Speaker, Sir, is this, the Act was aimed at tourists but really, it is locals and the use of locals is what has been expressed by the honourable Minister for iTaukei Affairs and Culture, Heritage and Arts.

One particular ethnic group is being affected here, and this is a social problem. We are not going to touch on that because the Ministry of Home Affairs has highlighted what action they will take. The Ministry of iTaukei have steps. The question here is, as parliamentarians, as leaders, the measurement of our leadership is the strong position we take and that is the reason we have taken it.

We have not taken away the right for someone to go and enjoy themselves. They can drink until 1.00 a.m. We have not taken away the right for small businesses to operate, but what we have provided is an enabling environment that people can go home, the streets are free at 5.00 a.m. so that the people of Nadi who walk in the morning can enjoy their safety. That is the crux of the issue here, nothing else!

(Chorus of interjections)

MR. SPEAKER.- Order!

HON. S.D. TURAGA.- We want to resolve that problem, and that is the legacy we want to leave behind in July 2023...

(Chorus of interjections)

HON. S.D. TURAGA.- ...restrict the hours, safety to the people of Fiji.

(Chorus of interjections)

MR. SPEAKER.- Order, order!

HON. S.D. TURAGA.- If I may just resort briefly in a vernacular, *sa rauta mada. Rauta, sa rauta, na mateni. O Nadi me lesu tale ki na vanua ko a kilai kina.* From Fiji Airways in Nasoso, then come down, it is totally different. I guess most of the Opposition Members do not live in Nadi but honourable Koya knows very well what it is like.

HON. S.D. TURAGA.- Mr. Speaker, Sir, I sit as a Magistrate in Nadi and this is one thing that I want to share - straight from Martintar, to the cell, to court, and to prison. The abuse, violence against women, children are neglected, those are the issues embedded here.

(Hon. Opposition Members interject)

HON. S.D. TURAGA.- Listen, listen!

Mr. Speaker, Sir, I commend the Bill before this Parliament.

MR. SPEAKER.- Parliament will now vote.

Question put.

Votes cast:

Ayes - 29

Nays - 23

Not voted - 2

Motion agreed to.

[A Bill for an Act to amend the Liquor Act 2006 (Bill No. 16/2023) moved under Standing Order 51 passed and enacted by the Parliament of the Republic of Fiji. (Act No. .... of 2023)]

### IMMIGRATION (AMENDMENT) BILL 2023

HON. S.D. TURAGA.- Mr. Speaker, Sir, pursuant to the resolution of Parliament on Tuesday 11<sup>th</sup> July, 2023, I move:

That the Immigration (Amendment) Bill 2023 (Bill No. 17/2023) be debated, voted upon and be passed.

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

HON. S.D. TURAGA.- Mr. Speaker, Sir, I rise to contribute to the debate on the Immigration (Amendment) Bill 2023 (Bill No. 17/2023), which was tabled in Parliament on Tuesday, 11<sup>th</sup> July, 2023.

The Bill seeks to amend the Immigration Act 2003 to allow persons who are not citizens but whose name is registered in the Vola ni Kawa Bula (VKB) to be permitted to enter, to reside and work in Fiji without having to obtain a permit or visa.

Mr. Speaker, Sir, the VKB which is a register of *iTaukei* determines membership into a *yavusa* or *mataqali*. It verifies an access to *mataqali* owner land and is also an avenue that justifies title holders within *iTaukei* communities.

Mr. Speaker, Sir, by virtue of the registration in the VKB, an *iTaukei* person is considered a member of a landowning unit in Fiji. Therefore, it defeats the purpose of being registered in the VKB when the process of return is bureaucratic and non-convenient.

If I may say, Mr. Speaker, Sir, I have been advised by the Ministry of iTaukei Affairs that the total number of *yavusa* in Fiji is 1,390, total number of *mataqali* in Fiji is 5,280, total number of the *i tokatoka* is 9,979. The total live members of *iTaukei* registered in the VKB as todate is 541,540.

As I had mentioned on Tuesday, when the Act was first passed by Parliament in 2003, there was a provision that allowed for a non-Fiji citizen who is registered in the VKB to enter and reside or work in Fiji without having to apply for a permit. However, in 2007, this provision was repealed

by the Immigration (Amendment Promulgation) 2007 and in doing so, was removed at a time when Parliament was not convened with no Opposition to question such removal. Now, given the manner in which the provision was removed, it is only right that this be corrected, and also democratically as we are doing now.

Mr. Speaker, Sir, *iTaukei* people have intimate, social, cultural, spiritual and economic ties with Fiji and these has shaped their identity, even when they are not living in Fiji. By allowing them to return without having to obtain permits or visas, by extension, we are also allowing them to fulfill their traditional obligations to their *vanua*.

Mr. Speaker, Sir, I do acknowledge your traditional role as the *Turaga na Tui Cakau*, one of the paramount chiefs of Fiji. I am sure the honourable Members of the Opposition will acknowledge your traditional role and the role to the people under the *Tui Cakau* wherever they may be in – in Beirut, Norway, USA, China or India, they have that special relationship when they arrive in Fiji.

Mr. Speaker, Sir, we have heard that Fiji is and has been suffering from the issue of brain drain with many of our skilled workers having to leave our shores to find better employment opportunities overseas. This week, we have heard the Opposition saying that because we have changed the Government, people are leaving. That is far from the truth. By allowing non-Fiji citizens who are registered in the VKB to go and work in Fiji without obtaining a permit, it is hoped that this will be one of the measures by which we are able to address the issue of brain drain.

If I may just share this to the honourable Members of Parliament, on my recent trip to Washington D.C. I had an audience with the members of Fiji diaspora. I met this young lady, who is probably 23 years old, comes from a single parent and went on a scholarship after Form 7 at St. Joseph Secondary School. She graduated with a Bachelor and a Masters and enrolled with the US Army.

She shared with me, Mr. Speaker, Sir, and said that she deals with millions in terms of the purchase of military equipment. She shares the vision, along with the other members of the Fijian diaspora there, that they want to come back and work in Fiji.

We have heard, Mr. Speaker, Sir, this is also providing a schedule to allow for non-Fijians who are registered in the VKB to use those skills, experience and network that they have learned in the big world so that that can be used right here in Fiji.

Mr. Speaker, Sir, at this juncture, I would like to highlight a very important point. The exemption from having to apply for a permit will also be provided to the descendants of Fiji citizens of all other ethnic groups in Fiji. Let me repeat that, the exemption from having to apply for a permit will also be provided to the descendants of Fiji citizens of all other ethnic groups in Fiji.

Just look back at the celebration of the *Girmitiyas* that this Government hosted. A spirit of reconciliation is moving in Fiji. Being a responsible Government, we have taken a step, a step that the 16 years of the FijiFirst Government never looked at.

Following the extensive public consultations conducted and based on the submissions received verbal and written, Cabinet also endorsed that the Minister responsible for Immigration by way of order in the gazette....

HON. J. USAMATE.- A Point of Order. It would seem, Mr. Speaker, Sir, that the honourable Attorney-General is talking about something that is not in this Bill. He is saying this is going to happen. We are here to debate this particular Bill. If you make that change, then you bring it to

Parliament. We are here to talk about something.

MR. SPEAKER.- Honourable Usamate, you rose on a Point of Order and you began your response by saying 'it seems'. You are not sure of what you are about to say.

I have always informed Parliament that when you rise on a Point of Order, state the Order that you are rising so we can also look and participate in the Point of Order that you have raised.

Honourable Attorney-General, you may continue.

HON. S.D. TURAGA.- Apologise for honourable Usamate jumping the gun there. What he does not realise is that the policy belongs to this Government, not them. I am in the process of explaining the policy.

(Hon. J. Usamate interjects)

HON. S.D. TURAGA.- Alright, listen, listen! I am going to say it again.

(Hon. Opposition Member interjects)

HON. S.D. TURAGA.- Listen, you may learn something!

MR. SPEAKER.- Honourable Attorney-General, that is my role to say. Just continue where you left off.

(Laughter)

HON. S.D. TURAGA.- Thank you, Sir.

Cabinet also endorsed the Minister responsible for Immigration by way of order in the gazette, will exempt descendants of Fiji citizens of all other ethnic groups from the requirement to obtain permit under section 8(3) of the Act.

Exemptions will be provided to recognise the historical linkages to Fiji and to show this Government's commitment to ensure that no matter which part of the world you may be in, as long as you have a link to Fiji, you will always find home here.

HON. GOVERNMENT MEMBERS.- Hear, hear!

HON. S.D. TURAGA.- Mr. Speaker, Sir, the Government is currently working with Kioa and Banaban people to undertake the process of citizenship by naturalisation to regularise their status as Fiji citizens. Following this, descendants of Kioa and Banaban people, along with other ethnic groups in Fiji who are non-Fiji citizens, will also be illegible to enter Fiji without a permit.

I would like to reiterate, Mr. Speaker, that the Bill, in no way, intends to discriminate against other ethnic groups in Fiji. As a sign of good-faith to all our people, the amending legislation, if passed by Parliament, will commence on the same date as the Order so that whether you are non-Fiji citizen registered in the VKB or are descendants or Fiji citizens, the exemption to enter Fiji without a permit will be applicable on the same date.

Mr. Speaker, Sir, necessarily, this means that whether you are not Fiji citizen, descendants of Indo-Fijian, Rotuman, Rabi, Kioa or any other ethnic group in Fiji, you too will be allowed to enter

Fiji without a permit. The only qualifying element is that, those non-Fijians are descendants of Fiji citizens and those are administrative issues. These are yet to be operationalised by the Department between the Solicitor-General's Office and Ministry of Home Affairs before it comes and it will commence on the date the Act also commences.

Mr. Speaker, Sir, we understand that question will also be raised as to why the exemption to VKB registered person is provided for in the Bill, while the exemption of other ethnic groups is catered for by way of an Order from the Minister. The answer to this is very simple because the only qualifying factor for non-Fiji citizens of *iTaukei* descent is their registration in the VKB.

It is easier to determine the categories of people who would be exempted from applying for a permit or visa when entering Fiji. For other ethnic groups such as those that belong to the Indo-Fijian, Kioa, Banaban groups, et cetera, active and committed efforts are being undertaken to define the specific categories within these ethnic groups that would qualify for an exemption. However, I will emphasise this again, the same exemptions given to non-Fijian citizens registered in the VKB will also be given to descendants of Fiji citizens of all other ethnic groups in Fiji.

On 14<sup>th</sup> June, 2023, His Excellency the President, Ratu Wiliame Katonivere, informed the 111<sup>th</sup> Session of the International Labour Conference in Geneva of Cabinet's decision for Fiji to adopt an official position support of the United Nations Declaration on the Rights of the Indigenous Peoples (UNDRIP). In recent times, the UNDRIP has been considered as the most comprehensive international instrument on the rights of indigenous people.

In providing proposed exemptions to non-Fiji citizens registered in the VKB, we are also upholding the principles contained in the UNDRIP and, therefore, comply with international norms towards the protection of the rights and interests of indigenous people.

Mr. Speaker, Sir, we note that under Section 5(4) of our Constitution says, and I quote: "Citizens of Fiji may hold multiple citizenship", however, this is subject to the laws of the foreign country. For instance, if a Fiji citizen would like to obtain citizenship in China, because of China's legal requirements, they would have to revoke their Fiji citizenship.

While the proposed exemption is not a pathway to Fijian citizenship, it is hoped that it will provide for an easier entrance process into Fiji to those whom the proposed exemption is to apply to.

In conclusion, as with most, if not, all Bills that are brought before this Parliament, we anticipate a healthy debate and contributions from Opposition on the merits of the Bill.

Before this, I would like to pose the following for deliberation by the honourable Members of the Opposition. In disagreeing with the Bill, what are your motivations for doing so? Let me say it, again, what is your motivation of disagreeing with this Bill, honourable Usamate?

(Chorus of interjections)

HON. S.D. TURAGA.- If they are based on a well-balanced and well thought out constructive criticisms, we welcome that. As a matter of fact, it would be disservice to the principle of democracy and the people of Fiji if we did not consider the Opposition's contributions.

However, if the motivations for debate are based on petty dislike for the Coalition Government which they said last week and the like, is this the reason enough to deprive our people who are living overseas? The opportunity to return to Fiji without having to be subject to the process of applying for permits and visa. How wonderful it is!

Mr. Speaker, Sir, in conclusion, the Bill seeks to recognise the connection our Fijian diaspora have with us, regardless of their current place of residence and status of citizenship. Accordingly, Mr. Speaker, Sir, I commend the Bill to Parliament.

MR. SPEAKER.- Before offering the floor to the list of speakers submitted to me by the honourable Whips, perhaps I should read them out. Two speakers have been identified by the Opposition - honourable Naupoto and after that, it will be honourable Bulitavu.

From the Government's side, the speakers are honourable Kiran, honourable Vakalalabure and then rounded off by the honourable Minister for Home Affairs and Immigration.

Each speaker will speak for five minutes as agreed, and the floor is now open for debate on the motion.

HON. V. NAUPOTO.- Mr. Speaker, Sir, let me put things into context, and I hope that those who are registered in the VKB will be listening. What we are asking in this Bill is to allow the VKB as a requirement for immigration, that is the bottom line. We are asking that the VKB be brought in as a requirement for immigration, like you do with the birth certificate for a passport.

Let us allow the VKB as a requirement for immigration for someone who is not a Fiji citizen to come in, enter and reside in Fiji without a visa and a permit and work, which is what someone does when you have a blue passport. Now, please listen, what is the VKB?

The VKB is the most sacred document for the *iTaukei*. Not anyone can access it completely, I can only see what has to do with my family. If you are not registered in the VKB, you cannot go and see, and the aim of the VKB if you look at the history, is to connect the person who is registered in there to the ownership of the land. That is the reason for VKB, not for immigration purposes.

I was watching one of the presentations by the iTaukei Affairs in *iTaukei*, and it says, *E dua ga na i naki ni Vola ni Kawa Bula, sa i koya me semati koya ka volai kina ki na qele e taukena*.

Now, what you are trying to do is to use that very restricted document that I can only see what belongs to me and open it up where anyone can access. Once you enter it into the immigration system, someone even a non-VKB guy is going to punch into the system and see, "Oh, this person is in the VKB or not".

You have just opened up what was a very restricted system. Please, listen because I will tell you. I know the honourable Prime Minister is listening because I will tell you every system. Immigration decisions are life changing decisions and I will tell you that every system that produces a requirement for you to use for immigration is corrupt. I will tell you a story.

Someone came to the Immigration with a birth certificate so that is Births, Deaths and Marriage (BDM) because it is a requirement to get a Fiji citizenship. That birth certificate was not even fake. It was the birth certificate of someone who still does not have a passport and the age group was only one year difference, the month - September was the same and the date was different.

That person took that birth certificate and had a driving licence done at LTA. Also, we have seen the joint cards being used - fake. So, every system that produces requirements for immigration is open to corruption and what you are doing is now opening this very sacred system or document that belongs to the indigenous people that links them to their land ownership, to corruption.

Now, there is a simple way to do this and I will tell you. If you are a man, the requirement to be a Fiji citizen, amend it. Under registration, there are three categories:

- 1) If you are former Fiji citizen, you can apply to be a Fiji citizen.
- 2) If you are a child of a Fiji citizen, either parent is a Fiji citizen, you can. Now, if you amend that for it to say, “a person whose either parent is or was a Fiji citizen”, then you cover everyone. You are leaving the VKB aside, but now you cover everyone. You cover the person, who is registered in the VKB and who is now maybe a citizen of another country or the child of someone who is registered in the VKB of a different citizenship and you are covered.
- 3) But, please, do not pull in this very sacred and allow it to be opened, do not! Because you can do it in other ways. I will tell you, Mr. Speaker, I know this because I was the one and I thought I did a favour by removing it and keeping it safe ....

(Chorus of interjections)

HON. V. NAUPOTO.- I was the Director of Immigration and I did it because when I went there I saw that every system that had to produce requirements for immigration were very open to corruption. I mentioned that story and that person who got a Fijian Passport was trying to set up a jewellery business in Levuka. This person came from another country and he went through all those systems.

All I am saying is that, there are other ways. This is not anti-*iTaukei*, it was really done to protect that system and keep it apart. Do not allow it to be corrupted because someone is going to sit at Immigration and punch it in and say, “Alright, just to check this person whether you are in or not.”

I have sounded the alarm here, Mr. Speaker, Sir, you have just reconvened the Great Council of Chiefs (GCC) and now you are bringing that VKB and open it up? Do not give that risk for someone to corrupt it, because you can do it in other ways!

HON. S. KIRAN.- The honourable Prime Minister, honourable Deputy Prime Ministers, honourable Cabinet Ministers and honourable Members of this august Parliament; what a beautiful day it is! A day when my heart explodes with emotions that all those who have been born in Fiji and their descendants no matter where they live, are welcomed to their home.

HON. GOVERNMENT MEMBERS.- Hear, hear!

HON. S. KIRAN.- I wish to take this time to humbly express my gratitude to the honourable Prime Minister for leading this nation with the vision, for recognising that for people who came to Fiji during indenture period or as free migrants for them and their descendants, this is the only home they know.

For descendants of Melanesians, Kioans, and Rabi Islanders, stories that have nurtured their upbringing are rooted in Fiji and they feel rooted in Fiji. A general perception is that we operate in silos, have stereotypes, and each ethnic group may have their own narrative of suffering of their own people. But all the influences of people around us and this nation becomes core of who we really are.

The reality is that in their past century and a half, we have worked together, lived together, celebrated together and cried together, whether we see tragedy, a natural disaster or a win in Rio or when Drua plays, we all come together. The entire diaspora laughs with us in our celebrations and cries with us in our tragedies, and this was well reflected in the remittances during the pandemic and

after.

My grandfather came during the indenture system. My elders are in their 90s and 80s, and I have been very blessed that their stories of how our people were adopted in this land has kept me grounded in Fiji, in my own history.

The values they have imparted have made me who I am. I can see these values passed down by cousins to their children and grandchildren living abroad. Actually, what I see with some of my nieces and nephews around the globe, they hold our culture even dearer as their parents have tried to hold on to Fiji in their hearts in the way they live, the way they cook, the way they relate to each other. *Lovo*, *yaqona*, mats, *masi*, are part of the way our people live abroad.

I was told my cousin that there are 140 *Ramayan Mandalis* run by our diaspora in Sacramento alone. This is the case wherever people have settled. Our people remained different from others of Indian origin because of the influence by the people of the land and its experiences we have all grown with.

Sir, I grew up in the West and deeply connected to the chiefs of Ba. When we presented our *veisa* to the chiefs of Ba in 2017 at Ba Provincial Council event, the chiefs presented their *kamunaga* or *tabua* for their love and protection of our people. We have had the acceptance in the *vanua* of Rewa by the *Gone Marama Bale na Roko Tui Dreketi* and the chiefs of Rewa.

I met others like me, Mr. Speaker, who feel they belong to the *vanua* after we were given the *i cavuti* by the *Turaga Na Tui Noco*, the late Ratu Isoa Damudamu who has given us a sense of belonging to the *veiwekani* or relationships in this *vanua*.

I have been guided by my elders and have been very blessed to have the guidance of elders of other communities I have grown with, Mr. Speaker, including our chiefs, who continuously have helped me shape my journey. This is how it has been for people of all origins in Fiji. Our people who have lived here and have left have deep-rooted connections to Fiji.

Today, through this Bill, the Coalition Government recognises all our people. If those who have left or their descendants wish to come back home, come and live here in the West. They can by showing proof that their ancestors were born here, even if it is just one of their ancestors come back.

People of all ethnicities, people of Chinese origin, Kioans, Rabi Islanders and Melanesians born in Fiji, you and your descendants are welcome to Fiji. This is the *loloma* being sent to all of you by the Coalition Government.

However, I would like to caution those intending to come as well. While everyone is very welcome, it is important that we protect our nation from crime, drugs and other unwanted elements that could add to our social challenges. I know there will be requirements for things like police clearance for those wanting to leave or invest in Fiji, and I call upon our diaspora to, please, help us keep Fiji clean and use this opportunity responsibly.

I am grateful for this Bill, Mr. Speaker, Sir, that recognises all descendants of ethnic groups from Fiji, a great step towards not only reconciliation, but recognising all of our people. Welcome home to all who have been from Fiji - their children, their grandchildren who can take a precedence - buy land, start up a business or just a holiday like a Fiji citizen. With that I applaud and fully support the Bill.



HON. M.D. BULITAVU.- Mr. Speaker, Sir, I rise to make my contribution to the Bill that is before Parliament, Bill No. 17 of 2023, to amend the Immigration Act 2003.

Mr. Speaker, Sir, let me start by saying that if I were the Attorney-General, I would withdraw this Bill because it is not completely drafted. The way he presented it today, the background of the Bill or the Clauses that this particular Bill needs to amend, only talks about the additional list that will (g) to section 8.

This Bill talks about the powers of the Permanent Secretary of Immigration to grant a permit. What is not in the list are those VKB members who reside overseas, not Fiji citizens, for them to be allowed to enter and reside and work in Fiji and they should not be given a visa and a permit.

The only amendment that comes in for them or VKB registered members to be added into the list that are already there in section 8. There are only two sections in section 8 of the Immigration Act, section 8 (1) and section 8 (2) talks about the powers of the Permanent Secretary in reviewing the permit and I think that is also subject to section 3 of the Immigration Act - the discretionary power of the Permanent Secretary that is delegated by the line Minister to the Permanent Secretary.

At the end of his speech, the honourable Attorney-General talked about the descendants of the *Girmitiyas*, plus the descendants of Banabans and also other *Vasu ni* Melanesia and also *Vasu ni* Tonga, who are here and will also be part of this, but there is no mention of that in this particular Bill, honourable Kiran.

The honourable Attorney-General should withdraw the Bill, take it back and try to tidy it up by adding, at least, another list there that should guarantee or also take care of the other communities that should also be part of this particular Bill or this broad acceptance.

HON. J. USAMATE.- What a fuss, very poor!

HON. M.D. BULITAVU.- It is half-cooked, half-done, and I urge the honourable Attorney-General to withdraw it, take it back and do a good drafting on how this particular legislation.

What the honourable Attorney-General will do is this, you will pass this, then you will come back to the Parliament to amend this and to try and insert another subsection 3 to include that. If this Bill was given to the Committee, it would have gone around with this background to try and tell people what this Bill is about, it will be without the provisions that honourable Kiran is talking about. That is one of my concerns that could help improve in drafting the Bill, so honourable Attorney-General, in future, once you pass the Bill to the Parliament.

The second part of my contribution is what the honourable Naupoto has talked about and I think we have been talking about not only the usage of VKB as a requirement. I urge that the requirement too that will be used for the descendants of *Girmitiyas* should also be used for us the *iTaukei* and our VKB should not be used as a requirement because our digitized records will be put online.

We have grave concerns, Sir. When we were first Members of Parliament in 2014, leading before that 2018, concerns was when our VKB was first digitized because our records going online by a company in India as you know and also some records were subject to error too and there are still some error in some of the entries that are there with iTLTB.

Most of the VKB members who want to go and open their accounts, still do not have the correct name because of the incorrect entry that was done by those who digitized this.

Those are few of our concerns that I urge Government to look into very seriously. If another requirement can be used, the requirement of VKB should not be used, another requirement similar to the other communities and also proper drafting can be done so that the things that the honourable Attorney-General has said in his speech is properly reflected in the Bill.

HON. P. TIKODUADUA.- Mr. Speaker, Sir, I rise just to add to the remarks by the honourable Attorney-General when moving this amendment of this Bill. In terms of the responsibility that Cabinet has now entrusted upon my Office to ensure the element of equality in terms of how we value all of our people.

I just want to assure this Parliament and also all of our people that we, as Fijians, recognise and we value those that have come before us and have left their mark for the development of our great nation and many of their descendants are abroad but because by virtue of their citizenship, they would have to go through these additional steps to be able to get a work permit.

So, we have started with iTaukei as what this Bill is proposing. Obviously, in the past, the last Government had approved the dual citizenship, so that makes it easier for anyone to bypass this process through the same way, but this makes it even easier.

It is not so much about the permit issue, it is about recognition of dedication of how this nation of ours recognises the investment, the effort. People who lived here, built this country, have gone and their descendants can also enjoy these benefits.

The process have to be worked out, so at the end of the day, the Minister has the powers under the Act, honourable Bulitavu, to institute and make these changes according to law. But I would just like to address some concerns initially raised by the honourable Naupoto and my good friend, honourable Bulitavu.

The records of the VKB is not going to be opened. Those processes as you have informed Parliament on, honourable Naupoto, in terms of protecting it - the VKB from the birth certificate or immigration at that time, follows a similar process. So, it is already being used as a pre-condition for iTaukei to go to the VKB, get the record of their VKB listing and take it as a requirement to buy shares at the Fijian Holdings. It is not open to anyone else. It will be along the same lines.

So if someone can prove that they have descendants from my tribe which there are many, they do not necessarily look dark like me anymore, so they have to come with their parents or whoever and prove that I am a descendant of the great, great, great records is in the book, take that slip, use the law and apply for this permit as someone.

Obviously, prior citizenship can be easily traced because we have records. So, I just wanted to assure you that VKB records are secret, as you have said, and we intend to make it secret. But we would like to use it also (those records) for the benefit of our descendants of iTaukei who now live abroad. So, like I said, the current law does not allow anyone to go and dig up the books, that is up to the people who can go, they have the right to do it and check it and come out with green slips.

So, that is, essentially, what I would like just to assure that by doing this, as the honourable Attorney-General and honourable Kiran had alluded, is we value our people. We value our citizens, we value our *Fijianas*. I was just writing a comment in my book because in some of the partnerships we do, we call them our *vuvale*, *na lewe ni noda vuvale*, those who are not from here but we treat them as our *vuvale* and we deal with them on a Government basis. These are truly our relatives and our people who came from here, parents lived here, had gone away, so we want to give them this

benefit and this privilege. Of course, it benefits them and it will benefit Fiji and our people going forward. I endorse the amendment, Mr. Speaker, Sir.

HON. S.D. TURAGA.- Mr. Speaker, Sir, I will refer to two issues, The first is honourable Naupoto. Sir, honourable Naupoto and the Immigration have forgotten that it was an act that came into force in 2003.

You may have recalled Sir, when you were member of SDL, I was the Legal Officer working for the Ministry of Home Affairs and Immigration. I was once involved in presenting this in the Senate after I was endorsed by Parliament.

In the Senate at that time, they were members of the Great Council of Chiefs. It was approved. It is in 2007 when they removed this specific issue so the issue of VKB access is basically a non-issue. What we have done now, we are reverting to the *status quo*. They took it out, they are putting it back, so that is a non-issue.

The second issue I would like to resort to, honourable Bulitavu, it is very fundamental. The specifications are covered in the regulation not covered in the Act. The authority to permit someone is under the Permanent Secretary and the Director, not the Minister because you appeal to the Minister. That is why it is not covered here. Rest assured.

May I assure the Members of the Opposition that the interest of other ethnic groups will be catered for once the matter goes to Cabinet, then the Minister will sign an order and they will commence on the same day as the Act is enacted. Like every other Acts that have been passed by Parliament, some have not commenced for the simple reason because the regulation has not been drafted. There are two different issues - Act and Regulations. That is the simple explanation. I support the Bill.

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

Question put.

Votes cast:

Ayes	-	28
Nays	-	21
Not voted	-	5

Motion agreed to.

[A Bill for Act to amend the Immigration Act 2003 (Bill No. 17/2023) moved under Standing Order 51 passed and enacted by Parliament of the Republic of Fiji (Act No. .... 2023)].

HON. A.A. MAHARAJ.- Point of Order Nos. 61 and 74. I would like to bring to the attention of this august Parliament that there is a case before the courts. You might be aware that there were seven women who filed a Constitutional redress against the Electoral (Registration of Voters) (Amendment) Act and Interpretation (Amendment) Act which we are actually going to be debating today. One of them was the former General-Secretary of National Federation Party.

Mr. Speaker, this case has been represented by Jon Apted in court.

(Chorus of interjections)

HON. A.A. MAHARAJ.- If we continue with this debate, we will be directly interfering with a court case which is still pending before the Courts. We would like to have a ruling from you, after that, we can decide to either take part or not in this particular debate.

MR. SPEAKER.- Thank you, honourable Whip. Honourable Members, I think we have gone through this in a similar case as well when we were addressing Bill No. 17. I will ask the honourable Attorney-General to give his reply to the concern that you have raised, honourable Whip.

HON. S.D. TURAGA.- Yes, it was raised as an objection, Bill No. 17 then became an Act No. 22 of 2021. I, again, for the information of the Members of the Opposition, look at your Constitution, Chapter 3, Part A on the Legislative Authority states and I quote:

“46(1) The authority and power to make laws for the state is vested in Parliament consisting of the members of Parliament and the President, and is exercised through the enactment of Bills passed by Parliament and assented to by the President;

(2) No person or body other than Parliament has authority to make any law in Fiji, except under authority conferred by this Constitution or by a written law.”

Section 47(1) of the Constitution also states, and I quote:

“Any member of Parliament may introduce a Bill in Parliament, but only the Minister responsible for finance, or another Minister authorised by Cabinet, may introduce a Money Bill, as it described in subsection (4).”

In essence, it basically says that this is the reason why we are here in Parliament, we introduce Bills.

If that was the intention of the Constitution, it would have stated here that it cannot introduce a Bill if there is a matter pending in Court. What has happened is this – this is the law that you made, the challenge is here and we are waiting for a decision. We are repealing the Act. So, this is still a live issue before Courts.

HON. S.D. TURAGA.- I am sorry for the distraction.

### **INTERPRETATION (AMENDMENT) BILL 2023**

Mr. Speaker, pursuant to the resolution of Parliament on Tuesday, 11<sup>th</sup> July, 2023, I move:

That the Interpretation (Amendment) Bill 2023 (Bill No. 18/2023) be debated, voted upon and be passed.

MR. SPEAKER.- Before I complete that process, I just want to break the ice here. This is politics. Sometimes you need to derail the train of thought a lot by coming up with issues that prompt you to reply and then you forget where you are.

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

HON. S.D. TURAGA.- Mr. Speaker, Sir, the Electoral (Registration of Voters) Act, 2020 provides *inter alia* for the registration of voters for the General Elections.

HON. F.S. KOYA.- We are looking at the Interpretation or Electoral?

HON. S.D. TURAGA.- Sorry.

(Chorus of interjections)

HON. S.D. TURAGA.- They are linked.

The Interpretation Act of 1967 sets out the principles and rules for the interpretation of written laws and public documents in Fiji.

Mr. Speaker, Sir, before I proceed, may I just thank the women who are sitting in the gallery; strong minded women who fought for their right. Whilst they were waiting for a decision, this Government found the courage to change this law.

The Interpretation (Amendment) Act 2021 otherwise known Act No. 42 of 2021 amended the Act to create a rule to provide where any written law authorises or requires a person to provide his or her name, the person must provide his or her name as specified on his or her birth certificate. Where any written law authorises or requires a person to provide any form of identification of himself or herself, the person must provide such form of identification which accurately reflect his or her name as specified on his or her birth certificate.

The Act of 2021 was seen to disadvantage people namely women who chose to use their spouse's surname when providing their name under any written law. For example, a woman using her spouse's surname on her identity documents such as passport, voters card, driver's license, FNPF or FRCS joint card, certificate of naturalisation, practicing certificate for lawyers, accountants and doctors. The rule created by the Interpretation Act of 2021 which was enacted by FijiFirst Party also cost \$5 million to the Ministry of Justice in the Births, Deaths and Marriages Office which catered for the free service provided for the application of the name change for birth certificates and death certificates. As we have said throughout this week, Mr. Speaker, Sir, this could have been Government revenue and used efficiently elsewhere such as upgrading of roads and our water system.

Mr. Speaker, Sir, the rule created by the 2021 law was seen to be a voter suppression. It was reported by the *Fiji Sun* on 2<sup>nd</sup> May, 2023 and I quote:

“The Fiji Women's Crisis Centre have evidence that women were beaten up because they decided to change their names on their identify documents and let go of their spouse's surname in order to retain their married name as per Birth Certificate.”

Mr. Speaker, Sir, that is ridiculous for women to take their spouse's name and inserts them in their birth certificate which takes away their family's maiden name.

Mr. Speaker, Sir, the Interpretation (Amendment) Bill 2023 seeks to amend the Act to remove the rule which was created by Act 42 of 2021 and allow a person to use his or her spouse's surname when providing their name under any written law. The Bill must be considered by Parliament urgently as amendments by the Interpretation Act 2021 set out the rules that a person must use his or her name as specified on the birth certificate when providing his or her name under any written law. Given that we are now removing the rule from the Interpretation Act 1967, we have also tabled a Bill that will amend the Electoral (Registration Voters) Act 2012 to remove the requirement that a person can only vote with the names specified on his or her birth certificate.

Mr. Speaker, Sir, again on consultation, it had extensive, it was held at the Office of the Prime Minister, Ministry of Finance and the Office of the Solicitor-General. The stakeholders that were consulted were:

- Fiji Women's Crisis Centre (some of the members are sitting in the gallery);
- Fiji Women's Rights Movement;
- Fiji Council of Churches;
- iTaukei Land Trust Board;
- Fijian Elections Office;
- Fiji National Provident Fund;
- Fiji Revenue and Customs Service;
- Land Transport Authority; and
- Ministry of Home Affairs and Immigration.

There were also public consultations in Suva, Labasa, Lautoka, Nadi and outer islands including Lomaiviti – Gau, Nairai and Batiki.

Clause 1 of the Bill provides for the short title and commencement. If passed by Parliament there amending legislation will come into force on a date appointed by the Minister by Notice in the Gazette.

Clause 2 of the Bill amends section 2 of the Act to allow a married person to use her spouse's surname under any written law.

As we promised the people of Fiji, Mr. Speaker, Sir, we are going to go away with the wrong law, bad law. Accordingly, I commend this Bill to Parliament.

MR. SPEAKER.- Before I offer the floor, I would like to inform you, honourable Members that I have list here and there are only two speakers who have been identified – honourable Alitia Bainivalu and on the Opposition will be honourable Usamate. So we will continue and now I offer the floor to the honourable Usamate to begin the batting and he will be speaking for five minutes.

HON. J. USAMATE.- Mr. Speaker, Sir, thank you for the opportunity to speak on the Interpretation Bill. It has been quite amusing sitting here listening to some of the comments, maybe if I have time, I will got back to it. Let us be clear what was the purpose of this Bill all along.

(Chorus of interjections)

HON. J. USAMATE.- Let us be clear what the purpose was.

(Chorus of interjections)

MR. SPEAKER.- Order, order!

HON. J. USAMATE.- Mr. Speaker, Sir, in one of the previous Elections that we had in Fiji, one of our honourable Members of Parliament on this side was one of the people that was at that election. It was held in Silana in Dawasamu. There was a complaint that was registered to one of our MPs and the complaint was this.

(Chorus of interjections)

MR. SPEAKER.- Order!

HON. J. USAMATE.- That married women were having difficulties opening bank accounts because the name on their Voter IDs was different from the one on their birth certificate.

HON. L.D. TABUYA.- How many women?

HON. J. USAMATE.- Because of this, they couldn't open bank accounts. The problem was people having different names on different identity documents. So when you have different names on different identity documents, honourable Deputy Prime Minister, it creates problems for those two different sets of documents when they go to places.

HON. GOVERNMENT MEMBERS.- Hogwash!

MR. SPEAKER.- Order, order!

HON. J. USAMATE.- It makes it easier for people to misrepresent themselves as someone else. I realised that all kinds of difficulties can arise as a result of this.

HON. P.K. BALA.- Very poor.

HON. J. USAMATE.- There was also a lady that was in Fiji, her name was Premila Kumar. When she got her passport...

(Laughter)

HON. J. USAMATE.- This is a different Premila Kumar.

(Laughter)

HON. J. USAMATE.- It was issued under her married name which was Premila Prasad.

HON. PROF. B.C. PRASAD.- Jone and Premila.

HON. J. USAMATE.- Yes, Jone and Premila, we are both on this side. Don't worry.

She went to the United States of America, she came back using her married name on the passport, when she had to go back to the United States of America, she had to get vaccinated. But in Fiji, you will need to use your birth certificate when you are to get vaccination. The names were different. So, you see this is what happens when you have different sets of identification systems. When you have different sets of identification systems those are problems that arise.

While here this morning, I looked at the requirements in Australia for you to get a passport, it requires you to have your name on your birth certificate. My wife calls herself Cagi Usamate but her birth certificate's name is Vakacagicagi Veikaukila (a very Lauan name and a name I am very proud of) but people call her different names, sometimes because you have these two different sets of identity documents it creates problem.

(Chorus of interjections)

HON. J. USAMATE.- I understand that a lot of women have had this problem, I heard them complaining to me but at the end of day you have to weigh the balance between the difficulties that some face and the need to be able to maintain the integrity of your identification systems. That was the purpose of this. You create all these kind of hogwash statements about ....

(Chorus of interjections)

HON. J. USAMATE.- Stop washing the hog. Mr. Speaker, Sir, if you are going to change this, be prepared for the kind of problems that will follow.

(Chorus of interjections)

HON. J. USAMATE.- You will solve one problem and create other problems. There are always unintended consequences.

Mr. Speaker, Sir, since my time is coming up, I just wanted to mention a few things. The honourable Attorney-General likes to say this thing flew in so it is a fly out.

(Chorus of interjections)

HON. J. USAMATE.- Do you know where it flew into? It flew into Parliament. When you denigrate that, you are denigrating Parliament and the seat of the Speaker of Parliament. When you say fly in, fly out, you are denigrating Parliament. You are a Member of Parliament, pay your respect to Parliament, pay your respect to the Leader of Parliament, to the Speaker. Honourable Pio Tikoduadua said the Australians and New Zealanders are not our *vuvale*.

HON. P. TIKODUADUA.- No, I did not say that.

HON. J. USAMATE.- Yes, you did. You did some inference. You said why are you treating them like this, when you treat everyone else like this. Do you know that in the Pacific we are all related. If you say *dua*, *rua*, *tolu*, *va*, *lima*, you go to Tonga, Samoa and everywhere it is almost the same. At the end of the day, we are all *vuvale*.

The last thing I would like to say, this week we have heard the learned honourable Attorney-General liking to quote this verse in the *Bible*, Matthew 5:7. That is a Bible verse you never quote, because every time you quote it, you indict yourself. When you quoted that verse, I said, “do not use it as a spear, use it as a mirror.” I do not support this Bill.

HON. A.V.B.C. BAINIVALU.- Mr. Speaker, Sir, before I make my brief contribution, may I please highlight that this Bill and the Electoral (Registration of Voters) Bill have undergone extensive public consultation and there is no need for it to be referred to the Standing Committee, as it meets the criteria to be fast tracked through Standing Order 51. The Standing Committees as it is already have a huge backlog of work of annual reports to review so this process is democratic because the views of the people have already been heard.

A very good afternoon to you, Mr. Speaker, Sir. The Interpretation Act of 1967 sets out the principles and rules for the interpretation of written laws and public documents in Fiji. The amendment made in 2021 requires a person to provide his or her name as specified in his or her birth certificate as a form of identification. This change has disadvantaged a lot of people, especially the women who choose to their use their spouse’s surname, but were required to add a name in their birth certificate in order to be registered using their spouse’s surname.

Mr. Speaker, Sir, women residing in rural areas were most affected as a result of this draconian law. Those who had registered under their married name in the electoral roll were required to change their names to be consistent with their birth certificate, otherwise they would need to include their married name in their birth certificate.

Mr. Speaker, Sir, why change something that is not broken? Women in rural areas and communities have to take time away from their families to travel to town centres if they can afford to have the necessary changes rectified. Those who were not able to do this because of geographical location, financially deprived and have their little ones to attend to, were unfortunate in the process.



Mr. Speaker, Sir, most women lost the right to vote because of this ridiculous process. I know this because I lost some votes during the general elections from my relatives residing in the interior villages of Ra. I know now that we are going to amend this Bill, they have assured me that I have their votes come 2026 General Elections. I think this has also contributed to the lower voter participation rate of 68.3 percent in the 2022 General Elections compared to the 72 percent voter participation rate in the 2018 General Election.

As the honourable Tuisawau alluded to earlier this week, this Bill was brought because of the case of Mr. Niko Nawaikula, having a different name on his birth certificate and a different one on his National Register of Voters. As the former Chief Justice ruled, he was not legally required to provide his name on his birth certificate in order to be registered as a voter.

Mr. Speaker, Sir, women residing out of Fiji also have to go through the inconvenience of changing their names on their passports, property titles, driver's licence et cetera because it became a mandatory requirement. Again, why change something that is not broken? What happened to the old convenient and practical ways of having to change names through the use of marriage certificate documents, where one can proudly use their married name on any form of identification if they choose to? Why does names on forms of identification only have to be reflective of the names on your birth certificate? I say this because I was one of those who had to make this change to be eligible to vote in the last General Election.

Mr. Speaker, Sir, having said that, I wholeheartedly support the Bill before Parliament.

HON. S.D. TURAGA.- Mr. Speaker, Sir, it is the legacy of the FijiFirst Government that over the last 16 years, they made laws based on one or two incidents to solve problems by law, instead of addressing the administrative issues.

(Chorus of interjections)

HON. S.D. TURAGA.- We all know that the law that we are amending arose from one single incident, because they cannot allow for one moment especially my predecessor for Niko Nawaikula, the champion from Buca to win. That is the essence! Nothing more nothing less! That is the gist. We are committed to right the wrongs. We listen and consult. Look at the gallery, it is full of members of the public. Why? Ask yourself, why?

(Chorus of interjections)

HON. S.D. TURAGA.- Today in my maiden speech I said this, we are going to bring restoration, we will create freedom and that is exactly what we are doing today. I stand proud because in my trips overseas, this is what was expressed to me by the women, "We will not change our passports until Mr. AG you change that law." For these women, if they comply with all of these, they will be forced to change their identity.

*Ke ra dau vosa na vatu, era vosa e daidai. Sa rauta mada FijiFirst, sa rauta.* Let us move on. Mr. Speaker, Sir, I endorse the Bill.

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

(Chorus of interjections)

MR. SPEAKER.- Order, order! Let us try and complete this.

Question put.

Motion agreed to.

[A Bill for an Act to amend the Interpretation Act 1967 (Bill No. 18/2023) moved under Standing Order 51 passed and enacted by the Parliament of the Republic of Fiji (Act No. .... 2023)].

### **ELECTORAL (REGISTRATION OF VOTERS) (AMENDMENT) BILL 2023**

HON. S.D. TURAGA.- Mr. Speaker, Sir, pursuant to the resolution of Parliament on Tuesday 11th July, 2023, I move:

That the Electoral (Registration of Voters) (Amendment) Bill 2023 (Bill No. 19/2023) be debated, voted upon and be passed.

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

HON. S.D. TURAGA.- Mr. Speaker, Sir, the Electoral (Registration of Voters) Act 2012 provides *inter alia* for the registration of voters for General Elections. By way of background, Mr. Speaker, Sir, in 2021 the case of the Supervisor of Elections and Niko Nawaikula, HBM 58/2021, the Court of Disputed Returns held that, and I quote:

“Based on the current law, Niko Nawaikula was not legally required to provide his name on his birth certificate to be registered as a voter.”

The Court also held and I quote:

“It is the duty of the Supervisor of Elections to implement the law, not to enact it. The law does not require the use of birth certificates name and allow use of names other than the birth certificate names.”

The court further held that the Supervisor of Elections’ actions in removing Niko Nawaikula’s name from the register of voters was unlawful and wrongful. Following the results of the case in September 2021, the Parliament of the Republic of Fiji enacted the Electoral (Registration of Voters)\_(Amendment) (No. 2) of 2021 to provide amongst other things that a person must use his birth certificate name for the purpose of voter registration. That commenced on 6th October, 2021.

The Electoral (Registration of Voters) (Amendment) (No. 2) of 2021 provided that a person’s application for registration as a voter must state his or her full name as specified on his or her birth certificate and the application must also be accompanied by the person’s birth certificate. The Act was seen to disadvantage people especially women who chose to use their spouse’s surname when registering to be a voter. In a nutshell, the Act of 2021 takes away the right of women to choose or infringe on their freedom of choice which name they wish to register for the purpose of voting.

Mr. Speaker, Sir, some women changed their birth certificates to reflect their spouse’s surname on the birth certificate in order for their identity documents to remain valid. This is unacceptable. A person had to change their name which was given at birth in order to continue using the spouse’s name on identity documents.

Names have meanings, Mr. Speaker, Sir, it is an identity that is given to a person at birth. The name change policy discriminated women and violated the women’s constitutional right to vote. This

came as an obstacle to the people especially married women as they were required to amend their birth certificate name to their married name for voting and identification purposes.

Mr. Speaker, Sir, the name change policy was also seen as an insult to the names given at birth and defeated the whole point and purpose of having a birth certificate. The purpose of a birth certificate is that the certificate contains details pertaining to person's birth. You are not born with your husband's name, FijiFirst.

This is why we have a marriage certificate by virtue of which a married woman can use her spouse's surname when registering to be a voter. Mr. Speaker, Sir, the 2021 laws breached the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) and human rights instruments norms. Fiji is a party to the Convention on all the Elimination of all Forms of Discrimination against Women which was ratified in 1995. This means that the Fiji Government recognises that women have been historically and systematically disadvantaged in all spheres compared to men including legal rights and political life. It imposes obligations on State to take measures to eradicate that historical inequality.

The 2021 law breaches the right to privacy for married women by mandating them to choose one name and go through the burdensome administrative and costly process to record their choice of name. The State has the duty to promote women's participation in elections and enjoying of rights, however, Act 40 of 2021 does the opposite.

Mr. Speaker, Sir, therefore the Electoral (Registration of Voters) (Amendment) Bill 2023 or this Bill seeks to amend the Act to remove the amendment made to Section 4 of the Electoral (Registration of Voters) 2012 by Act 40 of 2021 to allow a person to use their spouse's surname when registering to be a voter. A person who wants to use his or spouse's surname when registering as a voter would need to provide his or her marriage certificate as part of his or her application for registration as a voter.

The Bill must be considered urgently to address the concerns raised by women who want their birth certificates to be changed to reflect their maiden names as they had previously changed their birth certificates to reflect their spouse's surname for election purposes only. The longer we delay the Bill, the longer individuals are being denied their right to vote as women who wish to vote under the married and other official documents such as passport, driving license, et cetera.

Further, Mr. Speaker, Sir, the Ministry of Justice will be making an announcement in the coming days which will provide guidelines to cater for these people who are affected by the name change policy and amend their birth certificate. Consultations were held with the Office of the Prime Minister, the Ministry of Finance and the Office of the Solicitor-General. Consultations were also held with the same stakeholders as far as the amendment of the Interpretation Act. Public consultation were also extensively carried out. Mr. Speaker, Sir, during consultations, the Office of the Attorney-General received a lot of submissions from people who strongly opposed the 2021 laws.

Clause 1 of the Bill provides for the short title and commencement. If passed by Parliament, the amending legislation will come into force on a date appointed by the Minister by notice in the gazette.

Clause 2 of the Bill amends Section 4(2) of the Act to allow a person to use their spouse's surname when registering to be a voter. The application for registration as a voter must be accompanied by a marriage certificate and other particulars as may be approved and published by the Supervisor of Elections. Accordingly, I commend this Bill to Parliament.

MR. SPEAKER.- Honourable Members, for this particular Bill, I have received the list showing the speakers that have identified themselves and confirmed by the two honourable Whips. For the Government speakers, it will be Honourable Prime Minister followed by the honourable Minister for Women and then for the Opposition it will be honourable Bulitavu and each will speak for five minutes. As such I am now offering the floor to honourable Bulitavu to lead the batting.

HON. M.D. BULITAVU.- Mr. Speaker, Sir, I think this side of the House, this particular amendment on the Electoral law is a consequence of the Interpretation Act so we do not have anything on that given that it will be amended anyway as a consequence of it.

HON. L.D. TABUYA.- So just support it.

HON. M.D. BULITAVU.- The only thing is, I urge the honourable Attorney-General as Minister responsible for Elections is the guideline by the Supervisor of Elections that will be issued by the Fijian Elections Office that should somehow prevent those cases where people can be registered twice as a vote. Those are things that probably will come in the guideline that we look forward that we should not have those cases where people are registered wise.

The other thing that the various identities that people can use to register as a voter, those official documents can be used to register as a voter. We also urge people whether it is in this case or another case, our job as legislature is to drive voter registration so people can come to vote where we have a credible elections and urging more people to vote and that is voter turnout and whatever the issues that come in that will affect many people who are confused about what we are talking about here is just to urge many of our people to register as voters so that they can cast the valid vote. Those are our take from this side of the House. As I have said earlier, it is just a consequence from the previous Bill that was passed, that is, the Interpretation Bill.

HON. S.L. RABUKA.- I thank the honourable and learned Attorney-General for bringing this Bill forward. Mr Speaker, Sir, in response to what our supporters had asked us to do when we came to the House. I am sure the honourable Bulitavu would agree because a few years ago while we were having our internal struggles within SODELPA, his middle name came up under a lot of scrutiny and I am sure he would not want to have his middle name used.

Sir, my great grandfather was one of the first Christians in our tribe. He was baptised or christened on 25<sup>th</sup> November, 1860. His tribal name was Vakadranu. He was given a Christian name, Aisea, they all had to take on Christian names. When their son was born, he was given another name to reflect on the exploits of one in the line who had participated in the *i valu mai Kaba*. So, he was called Rabuka and that name was given to my grandfather. So, as the honourable and learned Attorney-General had alluded to, our names mean something. Sometimes we live to the character of the name and sometime we have the opportunity to change. This Bill is a very useful one and I am glad the honourable and the loyal Opposition is not really going to oppose this because it shows that we are moving forward.

When my grandfather died in November of 1921, a youngest son was born in February the following year but he took on the name of his late father or my grandfather and the Rabuka name had by the time been used as our surname according to English laws. I am proud to be using that name. I know that there are Vakadranu's all over Fiji. I know honourable Naivalurua has a close relatives also named Vakadranu and in other tribes the name Vakadranu was used to signify a kill in the first battle. So, Mr. Speaker, Sir, I support this Bill and commend it, not only to the House but to the people of Fiji.

HON. L.D. TABUYA.- Mr. Speaker, we have heard from the honourable Attorney-General the reason behind bringing this law and it was a law that disrespected the decision of a High Court and affected Mr. Niko Nawaikula to the point where he was out of Parliament for some time. But, Mr. Speaker, I want to speak with another angle about this law and what it was designed for. I do not think the Members on the other side quite realise this but this is the shrewdness of the former lawmaker and I will tell you why.

This law, Mr. Speaker, was designed to disenfranchise women voters and I will tell the reason why and the statistics will not lie and I will outline that for you.

HON. GOVERNMENT MEMBER.- Tell them.

HON. L.D. TABUYA.- So, why would he bring this law, Mr. Speaker? What was the purpose? Quite apart from honourable Niko Nawaikula's case, let me shed some light on the statistics of our elections.

In 2018 there were a total of 637,500 registered voters. Mr. Speaker, Sir, 49.6 percent were women, 50.4 percent were men but the actual voter turnout by gender, the total number of females 223,439 and total number of males 220,016. So, more women voted than men by a total of 3,423 votes. What was the effect of that? Does everyone remember the numbers difference between the FijiFirst votes and the rest of the parties in 2018? Anyone remember that? Sir, 147 votes between FijiFirst and all the other parties that did not vote for FijiFirst; only 147 votes. The overall result of those elections, FijiFirst lost six seats to the Opposition at that time.

Mr. Speaker, from these statistics we can already deduce that more women voted in 2018 and more seats were lost from FijiFirst. Therefore, is it quite possible that more women voted for the Opposition and the mere difference that reflected was only 147. So, what does that previous lawmaker do? Quite apart from disrespecting the decision of the Court, he sees another opportunity. He writes a law to require all married women, and these were hundreds of thousand married women, registered at that time who were carrying their married name to have to choose either or, their married name or their maiden name as we have heard.

The honourable Bulitavu mentions about fraud, yes, it is always a concern. I remembered when we were debating that year in 2021 and we were asking why is this law and how is it justified. I remember that the Supervisor of Elections went in the media and said, "because fraud is committed". We asked how many people committed fraud in the previous elections to justify this law. Sir, 76 versus the 100,000 married women who would be affected by this. Were they thinking about that? Did they consult to find this out? No. , they were so hell-bent on disrespecting a Court decision and of course this was also an opportunity to disenfranchise the married women. So this law to require that all those who use the name other than what is on their birth certificate was designed to falls close to a 100,000 of those women to choose between their names. I mean what kind of arrogance, what kind of stupidity, what kind of disrespect does a person have?

Mr. Speaker, Sir, this blue book that they flaunt all the time, they flaunt this, the Constitution you got to respect it. This is the same one they flaunt, Section 26(3)(a), you do not discriminate based on gender or marital status; read it again Members. Given that in 2018 the difference between men and women voters was a whopping 3,000 plus votes and the difference between FijiFirst and the Opposition parties was only 147 votes. They know they were on a trajectory to lose. The former lawmaker knew that they were on a trajectory to lose, so this would be a way to cull or discourage women voters.

Well, Mr. Speaker, Sir, guess what! Despite them trying to do that, they are still sitting on that side. What does that say? They lost the elections. I have requested the voter list analysis for this past Elections 2022 and the Fijian Elections Office are working on it and the results will be out by the end of this month. But I can bet every dollar, it would reveal as to how the women voted, that they do not even realise this, that their own women voters voted against them. That is why they lost because it was already a trajectory based on 2018, they lost. You know what, thank goodness that lawmaker is gone. Just like honourable Lal's word that he used *tuba*, that lawmaker is gone *tuba*. This law has to go *tuba*.

HON. S.D. TURAGA.- Mr. Speaker, Sir, may I just read two of the comments from women. "You are killing it today *turaga* AG. *Vakadua* - thank you." What about this one, "Parliament is cracking today, Opposition is cracking today."

Mr. Speaker, Sir, I thank the Opposition for supporting the change in this law, give the freedom to the women, they readily deserve it.

MR. SPEAKER.- Honourable Members, I am a bit emotional today because of the experience we went through. Here, some of us, like you honourable Members want to serve, yet some suffer under the consequences of different interpretations and different applications of rules of law that they brought in.

The mention of honourable Nawaikula really affects me and I must apologise. I have another few colleagues who are still going through this process. Some of them are sitting in the gallery, but again, we just have to take on the challenge and offer the challenge as well. I thank you for listening and sitting during the debate that has been going on. I just want to share this view of mine for it really badly affects me.

Honourable Members, Parliament will now vote.

Question put.

Motion agreed.

[A Bill for an Act to amend the Electoral (Registration of Voters) Act 2012 (Bill No. 19/2023) moved under Standing Order 51 passed and enacted by the Parliament of the Republic of Fiji. (Act No. ....2023)]

MR. SPEAKER.- Honourable Members, I hope you will bear with us just for a few more minutes to ensure that we fully cover what we have in the Order for today's sitting.

## **PRESENTATION OF REPORTS OF COMMITTEES**

### Review Report of the Convention on Cybercrime

HON. V. NAUPOTO.- Mr. Speaker, Sir, this Report is a Review of the Convention on Cybercrime also known as the Budapest Convention that was tabled in Parliament on the 1st September, 2022 and recommended that Fiji ratify the Convention without reservation.

The Review Report was still at the Committee deliberation phase when Parliament was dissolved on 30th October, 2022. The previous Committee had received 18 submissions both oral and written and had begun formulating the review report. This pending Report on the Convention on Cybercrime was reinstated in this new term of Parliament.

The Standing Committee on Foreign Affairs and Defence reviewed the verbatim reports from the last Committee's deliberations and called three other submissions and received a second oral submission from the Ministry of Home Affairs and Immigration which was in addition to their written submission that was submitted to the previous Committee. The submissions were from a wide range of backgrounds including government agencies, regional bodies, Non-Government Organisations, private ICT companies, private individuals, universities, commercial banks, UN agencies, a Treaty Specialist, the Fiji Financial Intelligence Unit, legal practitioners and law enforcement. I thank them for their submissions and the Committee is grateful for their contribution towards the completion of this review Report.

The Committee has also included in this Report some consequential actions that need to be taken after Fiji ratifies the Convention as recommended by some of the submissions, which are mostly amendments to some existing legislation and the recommendation from the Ministry of Home Affairs to reassign the Cybercrime Act from the Ministry of Communications to the Ministry's portfolio.

The Committee understands that these recommendations are beyond its Cyber Crime Convention review mandate as they deal with national legislations, however, the Committee has highlighted them in this Report to reflect the views and concerns of agencies that have a role to play in dealing with cybercrime. Suffice to say, that there were overwhelming support for the ratification of the Convention, given the opportunity it provides to build capacity and to cooperate with countries that are leading the fight against the cybercrime. Because of the cross-border nature of cybercrime, cooperation between States and private industry is critical.

Therefore, Fiji's accession to the Convention will greatly contribute to the overall development of cyber security for Fiji. As such, the Committee recommends to Parliament that Fiji ratifies the Convention without reservations, and that Parliament take note of the Committee's comments under other recommendations.

Mr. Speaker, Sir, I take this opportunity to thank the honourable Members of the current and previous Standing Committee on Foreign Affairs and Defence. On behalf of the Standing Committee on Foreign Affairs and Defence, I submit this Report to Parliament.

(Report handed to the Secretary-General)

MR. SPEAKER.- Honourable Members, pursuant to Standing Orders 121(1)(b) and 130(4)(a), the Standing Committee has now reported back and Parliament will now await further notification from the honourable Attorney-General.

#### Consolidated Review Report - Annual Report of the Ministry of Fisheries for 2018-2021

HON. RATU I. TUIWAILEVU.- Mr. Speaker, Sir, I am pleased to present this Consolidated Report of the Standing Committee on Natural Resources, which covers the Annual Report of the Ministry of Fisheries for 2018-2019, 2019-2020 and 2020-2021.

In accordance with the established Annual Report review process, the Committee examines Annual Reports of agencies to investigate, inquire into, and make recommendations relating to the agencies' administration, legislative or proposed legislative programme, budget, rationalisation, restructuring, functions, structure and policy formulation.

As part of this process, the Committee formulated questions and received the written responses from the Ministry of Fisheries for additional information. This review was made in

accordance with Standing Order 109(2)(c) which mandate the Committee to look into issues related to forestry, agriculture, mining, environment, fisheries, water and marine services. The review looked at the Ministry's administration structure, budgetary allocation, programmes and activities, policies, challenges and achievements of the years under review.

First and foremost, the Committee commended the overall performance and achievements of the Ministry of Fisheries during the review period. In addition to the achievements in 2018 to 2021 years, one of the highlights of the Ministry was that it had cleared all its outstanding audit issues of previous years and obtained unqualified audit for its last two financial reports from the Auditor-General.

The Review Committee noted the Ministry of Fisheries had established the Coastal Fisheries Management Division with nine staff to assist in the inshore fisheries policy and inshore operation in compliance management. This new Division was funded by the New Zealand Ministry of Foreign Affairs and Trade (NZ/MFAT).

It was also noted that the Ministry of Fisheries undertook reforms in 2019 whereby it revised and improved its vision, mission, strategies and core values. It also identified its 10 Critical Success Factors. The Committee noted the diligent performance of the staff despite the challenges, and that the Ministry is working towards achieving goals for quick economic recovery.

I wish to extend my appreciation to the Permanent Secretary, Mrs. Atelaite Rokosuka and staff of the Ministry of Fisheries, and the relevant stakeholders for their timely contributions in the final compilation of this Report.

I wish to acknowledge the valuable contribution of the Committee Members namely, our Chairman the honourable Inia Seruiratu, honourable Iliesa Vanawalu, honourable Tomasi Tunabuna and the alternate Members honourable Jone Usamate, honourable Joseph Nand, honourable Sakiusa Tubuna and honourable Alitia Bainivalu. I thank the Secretariat for their endless contribution.

(Report handed to the Secretary-General)

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

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

HON. J.N. NAND.- I beg to second the motion.

MR. SPEAKER.- Parliament will now vote.

Question put.

Motion agreed to.

#### Review Report - Ministry of Defence and National Security 2017-2018 Annual Report

HON. V. NAUPOTO.- Mr. Speaker, Sir, I am pleased to present the Review Report of the Standing Committee on Foreign Affairs and Defence on the Ministry of Defence and National Security 2017-2018 Annual Report. This Annual Report was tabled on 29th July, 2022 in the previous Parliament term and was reinstated in this new Parliament term.



The previous Standing Committee on Foreign Affairs and Defence received a written and verbal submission from the Ministry of Defence and National Security and had commenced deliberation and formulating this review Report. This Committee did not receive nor ask for new submissions but continued from where the previous Committee left off. However, the Committee requested for an update on the pending papers highlighted in the Annual Report.

The Committee reviewed both the Annual Report and the verbatim from the submissions made to the previous Committee in the process of finalising this Report. The recommendations in this Report are made as applicable to the reporting period of the Annual Report. I make this point to underscore the fact that a lot has been done by the Ministry up to now and there has been announcements made by the current honourable Minister along the vein of some of the recommendations.

The Committee commends the good work of the organisation in progressing this Annual Report. While applauding the achievements of the Ministry, the Committee had identified some opportunities for improvements, and these are outlined in the Report.

The Committee wishes to congratulate the Ministry on the gender representation chart reflected in the Report and recommends that it takes note of the recommendation on this matter in this Report. I take this opportunity to thank the honourable Minister, the Permanent Secretary and all staff including their families for a job well done and their dedication to securing the nation for all Fijians and all visitors that come to our shores.

I take this opportunity to also thank the previous and current members of the Standing Committee on Foreign Affairs and Defence for compiling this bipartisan Report. On behalf of the Standing on Foreign Affairs and Defence, I submit this Report to Parliament.

(Report handed to the Secretary-General)

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

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

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

Question put.

Motion agreed to.

#### Review Report - Ministry of Civil Service Annual Reports 2016-2019

HON. RATU R.S.S. VAKALALABURE.- Mr. Speaker, Sir, pursuant to Standing Order 32(2) of the Standing Orders of Parliament, the Standing Committee on Justice, Law and Human Rights was referred the Ministry of Civil Service Annual Report on 2nd December, 2021. This Annual Report, Mr. Speaker, Sir, were the Ministry of Civil Service Annual Reports from 2016 to 2019.

Mr. Speaker, Sir, the Committee of the previous term was mandated to review the Annual Reports and tabled its findings back to Parliament. However, it could not do so due to the dissolution of Parliament in which the former Committee had to suspend its work without completing the review.

The Annual Reports were re-instated in the current Parliamentary term of 2022 to 2026 and with your instructions, Sir, these Reports were then referred to the current Standing Committee on Monday, 13th February, for review. With anticipation, Mr. Speaker, Sir, the Committee inherited the mandate of the previous Committee and took on the responsibility of completing the review.

By way of a brief background, Mr. Speaker, Sir, the Ministry of Civil Service was established in the year 2016 following the abolishment of the Public Service Commission in December 2015. As it was intentionally designed, the Ministry of Civil Service was to support Government ministries in carrying out their constitutional functions whilst maintaining its central coordination of key areas to ensure consistency across the Civil Service.

The Report, Mr. Speaker, Sir, captures the review findings and recommendations of the Committee with respect to pertinent issues noted from the contents of the Ministry of Civil Service Annual Report from 2016 to 2019.

Mr. Speaker, Sir, if I may highlight some of the main key findings that have been identified during the review in which the Committee noted, the Ministry has -

- 1) re-strategised its efforts to address unresolved complaints from the public;
- 2) also introduced strategical methods of reducing its cost of operations by realigning its human resource and financial system;
- 3) put emphasis on improving staff work related capabilities by increasing capacity building programmes;
- 4) made significant strides in accomplishing its goals towards SDG5 and SDG16 with the introduction of certain policies; and
- 5) made a notable transition from the Public Service Commission to the Ministry of Civil Service by continuing the core functions of PSC in issuing standard guidelines across Government Ministries.

In relation to the OMRS system, the Ministry has made significant strides in its effort towards gender equality by achieving 59 percent of female representation.

At the conclusion of the review, the Committee believes that the majority of the issues identified have been adequately addressed and it would only be proper that I acknowledge the previous Committee members for the tremendous work done and also the Ministry of Civil Service for collaborating efficiently on matters that were required by the current Committee to pursue its review process. A big thank you to the Permanent Secretary and his staff on their consultation.

Therefore, Mr. Speaker, Sir, the Committee believes that it would be prudent also to compliment the findings that were identified and provide the following recommendations for consideration of the Ministry of Civil Service as well as for this august Parliament to take note.

Mr. Speaker, Sir, the recommendations noted by the Committee are as follows. The Committee recommends that the Ministry of Civil Service -

- 1) provides a timely submission of its Annual Report to Parliament for effective and efficient review by Standing Committees;
- 2) responds to the issues raised by the Committee which it believes specifies the improvements and progress made and be noted in the Ministry's next Annual Report;
- 3) continues to build its human resource capacity with an area focused on the gap between new incoming civil servants and civil servant retirees;
- 4) implements a policy that should bond graduates to Civil Service to serve within Fiji;

- 5) works with the National Employment Centre to retain experienced staff;
- 6) strengthens the communication, sharing of information and data across Ministries to uplift civil servants in all Ministries;
- 7) ensures that there be certain trainings to boost performance and upskilling of civil servants;
- 8) incentivises and provides benefits to civil servants to prevent mass turnover of staff;
- 9) adopts the private sector strategy by working with the universities to align graduates to various employment needs required by relevant ministries, that is, attachment programmes; and
- 10) ensures that there be an overall review of the OMRS system across government ministries;

Mr. Speaker, Sir, these were the ten recommendations that the Committee had sought following its review and at this juncture, I would like to acknowledge the honourable Members of the Justice, Law and Human Rights Committee namely honourable Iliesa Vanawalu, honourable Lenora Qereqeretabua, honourable Faiyaz Koya and honourable Mosese Bulitavu.

Mr. Speaker, Sir, I on behalf of the Committee commend the Committee's Consolidated Report on the Ministry of Civil Service Annual Report 2016 to 2019 to Parliament and seek support of all its Members to take note of the recommendations by the Committee.

(Report handed to the Secretary-General)

HON. RATU R.S.S. VAKALALABURE.- Mr. Speaker, Sir, pursuant to Standing Order 121(5), I hereby move:

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

HON. M.D. BULITAVU.- Mr. Speaker, Sir, I beg to second the motion.

MR. SPEAKER.- Parliament will now vote.

Question put.

Motion agreed to.

#### Review Report - Fiji Revenue and Customs Service 2018-2019 Annual Report

HON. S. TUBUNA.- Mr. Speaker, Sir, the Standing Committee on Economic Affairs is pleased to submit to Parliament the Review Report of the Fiji Revenue and Customs Service 2018-2019 Annual Report. Mr. Speaker, Sir, before going into the Report, I would like to pay tribute to Mr. Luke Ratuva. Mr. Luke Ratuva passed away last Monday in Lautoka and will be laid to rest at his village tomorrow.

Mr. Luke Ratuva attended the Navuso Agricultural School and studied Agriculture Science at Bangalore University in India. He came back and rose through the ranks of the Ministry of Agriculture to be the Permanent Secretary and later on to be the Ambassador to China. He served this country diligently and contributed significantly to the development of the agriculture sector. We offer our warm condolences to the *Vanua o Drola* and the *Turaga na Tui Drola*, his wife Bulou Asenaca Volavola Ratuva and his children – Ratu Jone Ratuva, Laite Ratuva and Taquele Nayaravoro. May he rest in peace and rise in glory.

While deliberating on the Report, the Committee noted the benefits of the CEO's forum held by FRCS annually and recommended for forums of such nature to be held at least on a bi-annual basis to further strengthen engagement with stakeholders. The FRCS plays a significant role, so it is important to maintain a strong relationship with its stakeholders.

The Committee noted the fourteen (14) Memorandums of Understanding signed during the period under review and recommended that these stakeholders work in collaboration to ensure compliance at all levels.

The Committee noted with concern the significant increase in debtors, due to outstanding fees and charges as well as a significant increase in outstanding VAT refunds. The Committee recommended that more practical measures be pursued to alleviate these matters. Furthermore, the Committee noted the various services and programmes introduced by FRCS such as Tax Talk which appear in newspaper articles and Border Control TV Shows and recommends that continuous awareness sessions be conducted so that people are able to understand the compliance requirements.

Finally, I would like to thank the Committee Members who were part of the team that produced this Report – honourable Veena Bhatnagar (Deputy Chairperson), honourable Sachida Nand, honourable Inosi Kuridrani and honourable Ro F. Tuisawau. I also take this opportunity to acknowledge and thank the Parliamentary staff who have given us invaluable support.

On behalf of the Standing Committee on Economic Affairs, I commend the Review of the Fiji Revenue and Customs Service 2018-2019 Annual Report to Parliament.

(Report handed to the Secretary-General)

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

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

HON. T.N. TUNABUNA.- Mr. Speaker, I second the motion.

Question put.

Motion agreed to.

#### Consolidated Review Report - Fiji Development Bank 2020-2021 Annual Report

HON. S. TUBUNA.- The Standing Committee on Economic Affairs is pleased to submit to Parliament a Consolidated Review Report of the Fiji Development Bank 2020-2021 Annual Report.

The Committee noted that the Fiji Development Bank achieved a net profit of \$0.99 million in comparison to \$1.14 million in the 2020 financial year. Furthermore, the lending portfolio recorded profits for both years - \$541.88 million in 2020 and it grew to \$618.81 million in 2021 despite COVID-19.

The Bank witnessed the impacts of the novel Coronavirus pandemic, tropical cyclones and subsequent floods. The Bank then implemented strategies that prioritized business continuity and resilience.

The Committee received submissions from the Chief Executive Office of Fiji Development Bank, Government Ministries and other relevant institutions such as Fiji Crop and Livestock Council and Business Assistance Fiji to understand the assistance they provide to FDB customers.

The Committee identified the gaps and duplications amongst stakeholders and recognized the need for collaborative effort between Government Ministries and other stakeholders to assist applicants and customers of Fiji Development Bank to succeed in their business venture.

The Committee was also updated on the Agrophotovoltaic project in Levuka, and noted the delays in implementation and request an urgent action by the Government to expedite the commencement of the project.

The Committee commends the Bank in assisting several customers with working capital loans during the pandemic by borrowing from the Reserve Bank of Fiji through its Disaster Recovery and Containment Facility.

I would like to take this opportunity to extend our appreciation to the Chief Executive Officer of Fiji Development Bank and his team for being prompt in answering the various queries and questions raised by the Committee.

Finally, I would like to thank our Committee Members who were part of the team that produced this report, honourable Sashi Kiran (Deputy Chairperson), honourable Tomasi Tunabuna, honourable Premila Kumar and honourable Semi Koroilavesau.

On behalf of the Standing Committee on Economic Affairs, I submit the Consolidated Review Report of the Fiji Development Bank 2020-2021 Annual Report to Parliament.

(Report handed to the Secretary-General)

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

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

HON. T.N. TUNABUNA.- Mr. Speaker, I second the motion.

Question put.

Motion agreed to.

#### Review Report - Ministry of Industry, Trade and Tourism 2018-2019 Annual Report

HON. S. TUBUNA.- The Standing Committee on Economic Affairs is pleased to submit to Parliament the Review Report of the Ministry of Industry, Trade and Tourism 2018-2019 Annual Report. The Ministry represents some of Fiji's most important sectors that impacts the socio-economic development.

The tourism industry contributes significantly to Fiji's economy as the country's largest foreign exchange earner. The Committee was informed of the importance of the International Visitors Survey to improve their services. Furthermore, the Committee noted the significant impact of Cruise Tourism and the need to engage with municipal councils and other stakeholders to improve and market their unique cultural activities in the different centers and geographical locations in Fiji.

The Committee, in its deliberations, identified the Ministry's achievements in the implementation of their activities. However, these were not reported against their set targets.

The Committee noted the significance of Micro, Small and Medium Enterprises (MSMEs), and strongly recommends that MSME Fiji needs to engage with all stakeholders to further develop the sector. In addition, the Committee received contributions from Fiji Development Bank, Ministry of Agriculture, Business Assistance Fiji and the Fiji Crop and Livestock Council.

The Committee commends the Ministry on the launch of bizFiji portal and looks forward to positive results on future Annual Reports.

I would like to take this opportunity to extend our appreciation to the Permanent Secretary of Trade and his team and the many entities that appeared before the Committee for being prompt in responding to our queries.

Finally, I would like to thank the Committee Members who were part of the team that produced this Report – honourable Sashi Kiran (Deputy Chairperson), honourable Tomasi Tunabuna, honourable Premila Kumar and honourable Semi Koroilavesau.

On behalf of the Standing Committee on Economic Affairs, I submit the Review Report of the Ministry of Industry Trade and Tourism 2018-2019 Annual Report to Parliament.

(Report handed to the Secretary-General)

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

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

HON. T.N. TUNABUNA.- Mr. Speaker, I second the motion.

Question put.

Motion agreed to.

## ADJOURNMENT

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

That Parliament adjourns until Monday, 11th September, 2023 at 9.30 a.m.

HON. A.V.B.C. BAINIVALU.- Mr. Speaker, I beg to second the motion.

Question.

Motion agreed to.

MR. SPEAKER.- Honourable Members, at this juncture I wish to thank you for your contribution to the Budget process and the passing of the 2023-2024 National Budget this week. I also wish to congratulate the honourable Deputy Prime Minister and Minister of Finance, Strategic Planning, National Development and Statistics and his team at the Ministry of Finance for the passing of the National Budget last night.

Before I conclude, I want to share this with you, honourable Members, as I would certainly be making preparation as to how I could prepare a paper for your decision honourable Members as to how we are going to be sitting and addressing this long sitting. I fully understand it is quite tiring when we go right to the early hours of the morning but I must apologise because the Secretariat and its hardworking team have tried to fit in everything as approved by the Business Committee.

Honourable Members, I am kind of informing you in advance now because we would like to see how best we can address this and bring it to your attention for our approval and decision as well. Do we extend the sitting, so we finish early because honourable Ministers have to carry out their duties as well as well as you honourable Members and most importantly the hardworking staff of Parliament.

Honourable Members, Parliament is now adjourned until Monday, 11th September, 2023 at 9.30 a.m.

The Parliament adjourned at 4.14 p.m.